

SB 2696

RELATING TO THE STATE BUILDING CODE

Description:

Abolishes the State Building Code Council, provides for a transition from the current to the new proposed law, and requires the counties to adopt building codes with their revisions or opt out of adoption.

NEIL ABERCROMBIE
GOVERNOR



Dean H. Seki
Acting Comptroller

Jan S. Gouveia
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

TESTIMONY
OF
DEAN H. SEKI, ACTING COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE SENATE
COMMITTEE
ON
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
ON
February 14, 2012

S.B. 2696

RELATING TO THE STATE BUILDING CODE

Chair Espero and members of the Committee, thank you for the opportunity to testify on S.B. 2696. The Department of Accounting and General Services strongly supports this bill.

The purpose of Act 82, SLH 2007 (the Act) which created the State Building Code Council (the Council) was to adopt model statewide building codes no later than 18 months from the publication date of the model building codes. The counties then had two years from the effective date of the state building codes to adopt the state codes. If the counties did not adopt the state codes within the two year period, the state codes became the county codes. The Act was created as the building codes used by the counties ranged from versions published in the early 1990's through 2003. The intent of the Act was to ensure the same and current building codes were being adopted by all counties and the State for public health and safety purposes.

Nearly five years later, the Act is not meeting its original purpose. With no funding and staff, the Council is unable to adopt the model building codes within 18 months of publication as there are no resources to draft the administrative rules required for adoption and no administrative support to handle Council matters, including travel. The Council currently is in process of adopting the 2006 International Residential Code, 2009 International Building Code, 2009 International Energy Conservation Code, and 2011 National Electrical Code. Aside from the 2011 National Electrical Code, the others are well beyond the 18 month adoption period. The progress the Council has made to date is a result of donated services provided by private entities.

At the county level, the State Fire Code (adopted by the State in January 2010) has not been adopted by the counties and is beyond the two year adoption period. There is no State agency designated in the Act to determine if the counties are complying with the Act. The State Building Code (based on the 2006 International Building Code and adopted by the Council in April 2010) still has not been adopted by the counties with only three months remaining. The respective county councils face challenges in passing ordinances as in the case of the County of Hawaii where there is opposition to adoption of the State Building Code and the Hawaii County Council has struggled for months for passage with no success. The County of Hawaii is using a building code from the early 1990's.

The proposed revision identifies the state building codes and adopts them as published, eliminating the 18 month adoption period by the Council. It eliminates the effort at the State level to review and adopt model building codes which will be duplicated at the county level. More importantly, the review and revision responsibility should be with the counties as they are responsible for the administrative functions of permitting and enforcement of the building codes.

The proposed revision also provides the counties the opportunity to make their own revisions within the two-year period currently provided for in section 107-28, Hawaii Revised Statutes or opt out of adopting the state building codes. Another proposed revision shortens the model building code adoption period by almost half the time (18 months) and reduces bureaucracy by eliminating the State Building Code Council. In our current environment of limited financial and personnel resources, duplication of work by State employees and volunteers (members of the Council) for county responsibilities should be halted.

We would also like to request a revision on page 8, by deleting lines 3 and 4 and replacing it with the following: "For any state building code as established under §107-25, starting on July 1, 2012 and thereafter:"

Thank you for the opportunity to testify on this bill.

BIA-HAWAII
BUILDING INDUSTRY ASSOCIATION

**Testimony to Senate Committee on Public Safety, Government Operations, and
Military Affairs**

Tuesday, February 14, 2012

3:15 p.m.

Capitol Room 224

RE: S.B. 2696, Relating to the State Building Code

Good morning Chair Espero, Vice-Chair Kidani, and members of the Committee:

My name is Gladys Quinto Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii is opposed to S.B. 2696, which proposes to abolish the State Building Code Council, provides for a transition from the current to the new proposed law, and requires counties to adopt building codes with their revisions or opt out of adoption.

BIA-Hawaii supports the continuation of the State Building Code Council (SBCC). The State Building Code prescribes standards for all State construction, and enables Hawaii to obtain matching federal funds for construction projects.

The SBCC needs time to work since it is a relatively new entity. Since its formation, the SBCC has completed a lot of work, with what little they have, to get to where they are now. To abolish the SBCC at this point would squander all the resources and expertise that have been contributed thus far.

The key to reasonable building codes is the composition of the SBCC. BIA-Hawaii supports the reconfigured SBCC as outlined in H.B. 2358 HD1, which ensures that all stakeholders, including contractors, are represented as written in act HRS § 107-24(d): "The council shall consult with general building contractor associations and building trade associations to gather information and recommendations on construction practices and training relevant to building codes and standards." (emphasis added).

BIA-Hawaii supports a time frame of three to six years, from the date that a state code is adopted, for counties to amend the model ICC codes for their county code.

BIA-Hawaii is opposed to S.B. 2696. Thank you for the opportunity to share with you our views.

PLUMBING & MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII



Via Website

February 9, 2012

TELEPHONE: (808) 597-1216
FAX: (808) 597-1409
1314 S. King Street, Suite 961
Honolulu, Hawaii 96814

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice-Chair
Committee on Public Safety, Government Operations and Military Affairs

GREGG S. SERIKAKU
EXECUTIVE DIRECTOR

Dear Chair Espero, Vice Chair Kidani and Members of the Committee:

SUBJECT: SB2696 Relating to the State Building Code

My name is Gregg Serikaku. I am the Executive Director of the Plumbing and Mechanical Contractors Association of Hawaii. Our Association represents over 40 major plumbing and mechanical contractors who employ over 1,000 mechanics, technicians, managerial staff, and administrative personnel here in Hawaii.

The Association for which I speak submits the following comments on SB2696:

We propose that section 107-25 (2) be revised by adding the underlined and italicized language as follows:

[+]§107-25[+] **State building code; requirements.** There is established a state building code applicable to all construction in the State of Hawaii. The state building code shall include:

(2) The latest edition of the Uniform Plumbing Code, *Uniform Mechanical Code, and the Green Plumbing and Mechanical Code Supplement*, as copyrighted and published by the International Association of Plumbing and Mechanical Officials, including its appendices;

This additional language will help to align the state's building code requirements for plumbing and mechanical work with both the state's contractor's license exam requirements and with the training curriculum utilized by the state's largest registered mechanical apprenticeship program, each of which currently utilize the Uniform Plumbing Code and Uniform Mechanical Code. Furthermore, the Green Plumbing and Mechanical Code Supplement will provide the state with an integrated code to pursue water and energy efficiency standards.

Thank you for allowing us to submit our comments.

Respectfully yours,

Gregg S. Serikaku
Executive Director



STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII
P.O. Box 3348, Honolulu, Hawaii 96801

January 30, 2012

TO: The Senate
Committee on Public Safety, Government Operations, and Military Affairs FAX 586-6659
Senator Will Espero, Chair; Senator Michelle N. Kidani, Vice Chair

SUBJECT: **Senate Bill 2696 Relating to the State Building Code**
Hearing February 14, 2012 3:15 pm Conference Room 224

Honorable Members of the Committee:

The Structural Engineers Association of Hawaii (SEAOH) is the local chapter of the National Council of Structural Engineering Associations (NCSEA), and we have over 200 active members in Hawaii. SEAOH has a historic role spanning several decades in assisting Hawaii with the development of the technical portions of the building codes, especially as it relates to hurricane and seismic resistance of buildings.

In 2007, HRS 107 Part II, State Building Code and Design Standards, established a process that incorporates consideration of the environmental and natural hazards of Hawaii. Local state amendments to the building code have been developed within the Hawaii State Building Code Council as prescribed by State Law HRS 107 Part II. As a result, verified Hawaii maps of flood, earthquake, hurricane wind effects incorporating Hawaii topography, and local rainfall intensity, are all incorporated in the Hawaii State Building Code.

The existing law permits the counties to make modifications to design and construction requirements in the local county building code. However, by requiring the Hawaii State Building Code to be the basis for the local code, and given that all four county building officials must unanimously agree to any provisions in the Hawaii State Building Code, unnecessary divergences between the building code adopted by the counties are avoided.

We must oppose Senate Bill 2696 and recommend that it be held in committee pending resolution of the following 10 significant flaws:

1. This bill would eliminate the State Building Code Council entirely and not provide the means for establishing consistent design and construction standards statewide that reflect Hawaii environmental conditions. Thus this bill opposes the legislative intent of Act 82 in which the 2007 Legislature found that "The health and safety considerations related to the codes are of statewide interest, especially relating to emergency disaster preparedness. The purpose of this Act is to require the department of accounting and general services to establish and implement a state building code." The department of accounting and general services would no longer be involved in the state building code or any statewide construction standards; that would appear to be contradictory to its intended purpose.
2. This bill would eliminate the requirement for the counties to adopt the Hawaii State Building Code since they may take no action and "opt out". Therefore, no uniformity of design and construction statewide would result. Actually, by sanctioning the do nothing "opt out" allowance, the State would be at fault for detrimentally impeding progress towards keeping county building codes in step with modern codes.
3. Under this bill, the Hawaii State Energy Conservation Code would be repealed. This bill would instead apply IECC energy standards developed for mainland conditions rather than tropical conditions. However, the 2009 report by the U.S. Department of Energy, Building Energy Codes Program, specifically states, "The IECC is not particularly well suited for tropical climates." Nevertheless, the Hawaii State Energy Conservation Code required by Hawaii Revised Statutes Chapter 46 Section 19.5 that is maintained and updated by the Dept. of

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII

P.O. Box 3348, Honolulu, Hawaii 96801

Business, Economic Development and Tourism since 1993 would be abandoned. That would really be a step backwards and totally at odds with the Hawaii Energy Strategy program

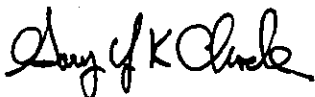
4. Because the Hawaii State Building Code applicable to state construction would not have any state amendments, the state would not have an appropriate building code at all. For example, housing built by the state would lack termite protection and would conflict with existing Department of Health regulations and the State Fire Code.
5. The 2005 and 2007 State Legislature mandated the development of hurricane resistive criteria for construction statewide, and the State Building Code Council has produced Hawaii-specific hurricane wind maps that have been recognized nationally and was awarded the Outstanding Civil Engineering Achievement of 2010 by the American Society of Civil Engineers Hawaii Chapter. This bill would negate hurricane resistance in the Hawaii building codes and furthermore, impact the safety of hurricane shelters that use these criteria.
6. Without the state amendments, the International Residential Code adopted under this bill is actually technically prohibited by the International Code Council, since Hawaii exceeds the maximum windspeed limit of the IRC.
7. Flood, tsunami, and fire standards would not be binding on state construction under this bill.
8. Since there would be no local input due process into the state building code, this bill would jeopardize currently awarded FEMA grants and NOAA funding of scientific and engineering research in support of the State Building Code Council process that has incorporated such work with national recognition.
9. If future national building codes have additional features inappropriate or economically undesirable to the state, there would be no means for addressing these problems because the national code would be adopted with no Hawaii revisions. For an example right now, this bill would effectively require the installation of fire sprinklers in all housing utilizing state funds as of July 2, 2012.
10. The above flaws in Senate Bill 2696 illustrate why it is very dangerous to take a blind eye towards building design and construction standards and deliberately ignore the need to carefully consider Hawaii conditions in the implementation of building codes.

The present State Building Code Council takes on the role of a panel of knowledgeable experts that review and coordinate a myriad of technical requirements into a code that is practical and applicable statewide. We support keeping Hawaii Revised Statutes HRS 107 part II, State Building Code and Design Standards the same as the statute now exists without further modification, except to now provide a funding appropriation of \$50,000 for its annual operation. It promotes public safety and construction efficiency by adopting modern building codes with local amendments for Hawaii. These are now resulting in code updates by the counties to create more uniform design and construction standards statewide.

Gary Chock, S.E.

Ian Robertson, Ph.D., S.E.

SEAOH Legislative Committee





February 13, 2012

Senator Will Espero
Chair, Committee on Public Safety, Government Operations, and Military Affairs
415 South Beretania Street
Room 231
Honolulu, HI 96813

RE: S.B. 2696 Updating State Building Code

Dear Chair Espero:

The Coalition for Fair Energy Codes (CFEC) and the American Wood Council (AWC) appreciate the opportunity to comment on S.B. 2696, sponsored by Senate President Tsutsui, which would mandate adoption of the latest version of the International Energy Conservation Code (IECC) as part of the Hawaii State Building Code. The latest version is the 2012 IECC, which includes measures that discriminate against the use of wood products. CFEC and AWC oppose S.B. 2696 as introduced. **We ask that the committee amend S.B. 2696 to remove these controversial and unnecessary measures.**

CFEC is a group of building product manufacturers and associations, including AWC, the home building industry, and other parties seeking fair, science-based and impartial treatment for all performance-qualified building products, including wood products, in energy codes. We support state and local energy codes that provide design flexibility without compromising performance.

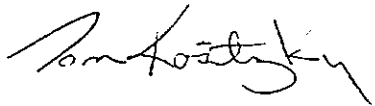
We have concerns with the 2012 version of the IECC. The 2012 IECC included measures purporting to achieve the U.S. Department of Energy's (DOE) goal of improving code requirements that provide 30% higher energy efficiency in new homes and commercial buildings than was required under the 2006 version of the IECC. While we support the increased energy efficiency goal, the approved measures give preferential treatment to one product -- foam wall sheathing -- despite the existence of wood and other structural products and systems capable of providing equivalent thermal performance. Mandatory adoption of the 2012 IECC threatens financial harm to manufacturers, lost manufacturing jobs, and negative consequences to local wood product manufacturing economies.

As an alternative measure, we encourage Hawaii to increase the energy efficiency of its State Building Code by adopting the 2009 IECC, which would achieve an increase in energy efficiency in a cost-effective and technically accurate manner.

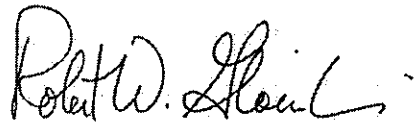
Senator Will Espero
February 13, 2012
Page 2

Thank you for your thoughtful consideration. If you have any questions, please do not hesitate to contact Terry Webber, AWC Manager of Government Affairs, at 202-463-2732 or twebber@awc.org.

Respectfully,



Tom Kositzky
Executive Director
Coalition for Fair Energy Codes



Robert Glowinski
President
American Wood Council

Cc: Senator Michelle Kidani, Vice Chair
Senator Rosalyn Baker
Senator Sam Slom
Senator Pohai Ryan
Senator Shan Tsutsui, Senate President

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Testimony to the Senate Committee on Public Safety, Government Operations, and Military Affairs
Tuesday, February 14, 2012
3:15 p.m.
State Capitol, Room 224

RE: S.B. 2696, Relating to the State Building Code

Chair Espero, Vice-Chair Kidani, and Members of the Committee:

Hawaii Steel Alliance, Inc.

P. O. Box 2880

Aiea, HI 96701

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www.hawaiisteel.com

Info@hawaiisteel.com

I am Tim Waite, President of the Hawaii Steel Alliance (HSA) a 501(c)(6) nonprofit organization established in May 1997 to encourage and promote the widespread, practical and economic use of cold-formed steel framing for residential and light commercial construction in the Pacific Rim. Our membership comprises the majority of the builders, engineers, suppliers, and framing contractors responsible for over 70 percent of residential construction in Hawaii.

The Hawaii Steel Alliance is opposed to SB 2696 which proposes to abolish the State Building Code Council. The HSA supports the continuation of the SBCC, using nationally recognized model building codes (such as the I-Codes) that are important to secure grants, provide insurance, and allow financial institutions to provide construction loans. The HSA has been allowed to actively participate in the SBCC Task Group meetings, specifically the Task Group on the IECC. Because of the input we were allowed to give, we were able to work out a series of amendments that will help keep residential steel framed housing cost competitive in Hawaii. The key here is participation by the construction community. There should be more builder representation on the Council so that affordability can be considered when new codes are amended and subsequently adopted.

While not perfect, and not sufficiently funded, the SBCC has completed a lot of work and has added many amendments to the I-Codes as directed in Act HRS 107-24 (d). This is a testament to the dedication of the State and County members and volunteers that comprise this committee. Rather than cut the legs off from the council that is doing the job this Act asked them to do, the HSA recommends improving the Council by giving them more time to do their work in the best interest of our entire building community in Hawaii and the homeowners we represent.

In summary, the Hawaii Steel Alliance is opposed to SB 2696.

Best Regards,

Timothy J. Waite, P.E.
President

cc: mtorres

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2012 1:35 PM
To: PGM Testimony
Cc: dsengupta@consultingstructuralhawaii.com
Subject: Testimony for SB2696 on 2/14/2012 3:15:00 PM

Testimony for PGM 2/14/2012 3:15:00 PM SB2696

Conference room: 224
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dipankar Sengupta
Organization: Individual
E-mail: dsengupta@consultingstructuralhawaii.com
Submitted on: 2/13/2012

Comments:
I agree with SEAOH testimony opposing the bill