

# BIA-HAWAII

## BUILDING INDUSTRY ASSOCIATION

*"Building Better Communities"*

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Castle & Cooke Homes Hawaii, Inc.

## Testimony to the House Committee on Public Safety

Wednesday, March 13, 2013

9:30 a.m.

State Capitol - Conference Room 309

**RE: S.B. 212, S.D. 1, RELATING TO THE STATE BUILDING CODE**

Chair Aquino, Vice-Chair Ing, and members of the committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, affiliated with the National Association of Home Builders.

BIA-Hawaii **supports** S.B. 212, S.D. 1, which allows the counties three years to adopt their amendments to the state building code and permits the counties to apply their most recently adopted building code until the new amendments are adopted; the state building code may be used as a reference during this time frame.

Currently, under Chapter 107-28, counties are required to adopt their amendments to the model code two years after the State Building Code Council adopts the State Building Code. With new code books coming out every three years, the counties are continually making amendments to keep up with the current codes.

As an example, the State adopted the 2006 State Building Code, on April 16, 2010. According to the law, the City and County of Honolulu should have adopted their amendments to the International Building and Residential Codes by April 16, 2012. However, these amendments were not adopted until October 2012.

The next code in the cycle is the 2009 IRC/IBC. However, the Department of Permitting and Planning has announced it will skip the 2009 codes and go directly to reviewing the 2012 codes. National codes are still updated every three years, which allows the industry to continue to monitor and prepare for changes at the local level well in advance.

In January of 2012, Michigan passed a law to move to a 6-year cycle, as the original version of S.B. 212 proposed. Two states skipped a code cycle, and five other states are engaged in discussions to move to a 6-year cycle. One state passing a law does not constitute a trend. However, five states following suit in their discussions is the start of a trend.

Thank you for the opportunity to express to you our views.

**William P. Kenoi**  
Mayor



**Darren J. Rosario**  
Fire Chief

**Renwick J. Victorino**  
Deputy Fire Chief

**County of Hawai'i**  
**HAWAII FIRE DEPARTMENT**  
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720  
(808) 932-2900 • Fax (808) 932-2928

March 13, 2013

The Honorable Henry Aquino, Chair  
Committee on Public Safety  
House of Representatives  
State Capitol, Room 419  
Honolulu, Hawai'i 96813

Dear Chair Aquino:

Subject: S.B. 212, S.D. 1 Relating to the State Building Code

I am Darren J. Rosario, member of the State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department (HFD). The SFC and the HFD opposes S.B. 212, S.D. 1, which seeks to allow the counties three years to adopt their amendments to the state building code and permit the counties to apply their previously adopted building code until the new amendments are adopted.

The SFC believes this bill does not assist the State Building Code Council (SBCC) in meeting its mandated responsibility, as delineated in Hawai'i Revised Statutes (HRS) Section 107-24, which is to adopt the latest editions of nationally recognized building codes and standards for the state and the counties. By proposing to extend the deadline to adopt county building code ordinances from two to three years after the adoption of the state building code, essentially prolongs the adoption process. In addition, the proposal to allow the counties to continue to use the existing county building code when the deadline is not adhered to is contrary to the intent and purposes of the SBCC. Previous to its creation, each county adopted ordinances that comprised of building codes and standards for its jurisdiction. Consequently, each county had different editions of the building codes that created challenges for designers and builders. This bill would propose to revert back to the difficulties encountered by designers and builders having to apply different editions of codes and standards for each county.



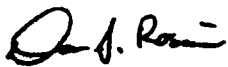
The Honorable Henry Aquino, Chair  
March 13, 2013  
Page 2

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services. The SFC supports the concept authorizing the SBCC to recommend any necessary or desirable state amendments to the model codes defined in Section 107-25, and assign the staggering of adoption of the codes that shall be adopted, amended, and updated at a frequency of not later than every six years in accordance with Section 107-28. This would streamline the state approval process by eliminating the need for administrative rules, but allowing more time for review at the state level. The SFC also supports the concept authorizing the SBCC to review and bi-annually disseminate an itemized report of the substantially uniform code amendments utilized by all four counties. By allowing the SBCC to disseminate substantially uniform codes amendments by all four counties, would also expedite the county building code approval process, thereby creating a uniform set of building codes for each county. Since national codes and standards are revised and updated every three years, giving more time to the counties would only increase the likelihood that each county would be on different editions of the national codes and standards. These concepts are currently proposed in House Bill 763 and were unanimously approved by the SBCC membership.

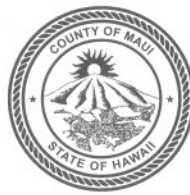
The SFC and the HFD urge your committee's deferral of S.B. 212, S.D. 1, as this measure would not meet the intent and purpose of why the SBCC was created.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,



DARREN J. ROSARIO  
Fire Chief  
SFC Member



**COUNTY OF MAUI**  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919  
EMAIL: fire.dept@mauicounty.gov  
March 13, 2013

The Honorable Henry Aquino, Chair  
Committee on Public Safety  
House of Representatives  
State Capitol, Room 419  
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: S.B. 212, S.D. 1 Relating to the State Building Code

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC opposes S.B. 212, S.D. 1, which seeks to allow the counties three years to adopt their amendments to the state building code and permit the counties to apply their previously adopted building code until the new amendments are adopted.

The SFC believes this bill does not assist the State Building Code Council (SBCC) in meeting its mandated responsibility, as delineated in Hawaii Revised Statutes (HRS) Section 107-24, which is to adopt the latest editions of nationally recognized building codes and standards for the state and the counties. By proposing to extend the deadline to adopt county building code ordinances from two to three years after the adoption of the state building code, essentially prolongs the adoption process. In addition, the proposal to allow the counties to continue to use the existing county building code when the deadline is not adhered to is contrary to the intent and purposes of the SBCC. Previous to its creation, each county adopted ordinances that comprised of building codes and standards for its jurisdiction. Consequently, each county had different editions of the building codes that created challenges for designers and builders. This bill would propose to revert back to the difficulties encountered by designers and builders having to apply different editions of codes and standards for each county.

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services. The SFC supports the concept authorizing the SBCC to recommend any

The Honorable Henry Aquino, Chair  
Page 2  
March 13, 2013

necessary or desirable state amendments to the model codes defined in Section 107-25, and assign the staggering of adoption of the codes that shall be adopted, amended, and updated at a frequency of not later than every six years in accordance with Section 107-28. This would streamline the state approval process by eliminating the need for administrative rules, but allowing more time for review at the state level. The SFC also supports the concept authorizing the SBCC to review and bi-annually disseminate an itemized report of the substantially uniform code amendments utilized by all four counties. By allowing the SBCC to disseminate substantially uniform codes amendments by all four counties, would also expedite the county building code approval process, thereby creating a uniform set of building codes for each county. Since national codes and standards are revised and updated every three years, giving more time to the counties would only increase the likelihood that each county would be on different editions of the national codes and standards. These concepts are currently proposed in House Bill 763 and were unanimously approved by the SBCC membership.

The MFD and the SFC urge your committee's deferral of S.B. 212, S.D. 1, as this measure would not meet the intent and purpose of why the SBCC was created.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,



JEFFREY A. MURRAY  
Fire Chief



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

March 13, 2013

TO: The House  
Committee on Public Safety FAX 586-8529  
Rep. Henry J.C. Aquino, Chair; Rep. Kaniela Ing, Vice Chair

SUBJECT: **Senate Bill 212\_SD1 Relating to the State Building Code**  
Hearing March 14, 2013 9:30 am Conference Room 309

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. Per Act 82, the intent of HRS 107 Part II to establish an "uniform set of statewide building codes applicable to one and two family dwellings, all other residential uses, and commercial and industrial buildings, and state buildings would make it possible for building owners, designers, contractors, and code enforcers within the State to apply consistent standards".

In 2007, HRS 107 Part II, State Building Code and Design Standards, established a process in which the State Building Code Council's primary duty is to develop the codes for state government projects. The local county codes applicable to private and county construction are adopted separately. In Hawaii, we allow the counties to amend the State Building Code when it is adopted within a two-year period without needing approval of the State Building Code Council. However, given that all four county building officials must unanimously agree to any provisions in the Hawaii State Building Code, the county building officials already have at least three years of notification of the approval the State Code Council has given to any new code provision.

**We oppose Senate Bill 212 SD1 and recommend that it be held in committee:**

1. SB212 SD1 would make the adoption of an updated code optional in Section 2107-28 (b) since it allows the counties to defer adoption indefinitely past the deadline, in which case the state code only becomes an advisory reference. Advisory references are not enforceable by building officials. Then there is no longer a building code that has any requirements and we no longer have consistent standards. So this bill is a measure that is totally contrary to Act 82 of the 2007 Legislature and constitutes making an exemption loophole.
2. We support modernizing HRS 107 part II, State Building Code and Design Standards as proposed in HB763, which was unanimously authored and approved by the Council, the Department of Accounting and General Services, and submitted by the Governor. In this bill, we provide the lengthening of the adoption cycle directly within the State Building Code Council process itself, so that the synchronization of codes can still be accomplished while reducing the frequency of new code provisions to those deemed significant to Hawaii, but updated not later than every 6 years by the Council. This is the most and consistent means to lessen the frequency of changes without introducing diversion from a common state standard.

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

SEAOH Legislative Committee



**STATE OF HAWAII**  
**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321  
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March 13, 2013

The Honorable Henry Aquino, Chair  
Committee on Public Safety  
House of Representatives  
State Capitol, Room 419  
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: S.B. 212, S.D. 1 Relating to the State Building Code

I am Robert Westerman, Vice Chair of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD opposes S.B. 212, S.D. 1, which seeks to allow the counties three years to adopt their amendments to the state building code and permit the counties to apply their previously adopted building code until the new amendments are adopted.

The SFC believes this bill does not assist the State Building Code Council (SBCC) in meeting its mandated responsibility, as delineated in Hawaii Revised Statutes (HRS) Section 107-24, which is to adopt the latest editions of nationally recognized building codes and standards for the state and the counties. By proposing to extend the deadline to adopt county building code ordinances from two to three years after the adoption of the state building code, essentially prolongs the adoption process. In addition, the proposal to allow the counties to continue to use the existing county building code when the deadline is not adhered to is contrary to the intent and purposes of the SBCC. Previous to its creation, each county adopted ordinances that comprised of building codes and standards for its jurisdiction. Consequently, each county had different editions of the building codes that created challenges for designers and builders. This bill would propose to revert back to the difficulties encountered by designers and builders having to apply different editions of codes and standards for each county.

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services. The SFC supports the concept authorizing the SBCC to recommend any necessary or desirable state amendments to the model codes defined in Section 107-25, and assign the staggering of adoption of the codes that shall be adopted, amended,

The Honorable Henry Aquino, Chair  
Page 2  
March 13, 2013

and updated at a frequency of not later than every six years in accordance with Section 107-28. This would streamline the state approval process by eliminating the need for administrative rules, but allowing more time for review at the state level. The SFC also supports the concept authorizing the SBCC to review and bi-annually disseminate an itemized report of the substantially uniform code amendments utilized by all four counties. By allowing the SBCC to disseminate substantially uniform codes amendments by all four counties, would also expedite the county building code approval process, thereby creating a uniform set of building codes for each county. Since national codes and standards are revised and updated every three years, giving more time to the counties would only increase the likelihood that each county would be on different editions of the national codes and standards. These concepts are currently proposed in House Bill 763 and were unanimously approved by the SBCC membership.

The SFC and the KFD urge your committee's deferral of S.B. 212, S.D. 1, as this measure would not meet the intent and purpose of why the SBCC was created.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

Sincerely,


ROBERT WESTERMAN  
Vice Chair

RW/LR



# AMERICAN INSTITUTE OF ARCHITECTS

Public Safety  
9:30am

March 14, 2013

Honorable Henry J.C. Aquino, Chair  
House Committee on Public Safety

Re: **Senate Bill 212 SD1**  
**Relating to the State Building Code**

Dear Chair Aquino and Members of the Committee,

My name is Daniel Chun, President of the American Institute of Architects (AIA) Hawaii State Council. AIA sends **COMMENTS** on SB 212 SD1 that allows more time for counties to amend the state building code.

## **More time is needed ... but at the state level of code adoptions**

AIA has been a faithful voting member of the State Building Code Council SBCC since its inception. Even though this legislature so directed in passage of the original statute, the SBCC has **failed to be funded** by both the past and current state administrations. Instead the SBCC has operated on the cooperation of the DAGS and the good will of the four counties and private industry. This has adversely affected the intent of the original legislation.

In response to this very unacceptable neglect by state administrations, the SBCC put forth SB 999 that revises the code adoption process and has some housekeeping language. SB 999 allows the SBCC more time "up front" and allows the council to stagger adoptions of newly published codes if the council finds it prudent.

## **AIA proposes revised language for SB 212 [attachment]**

AIA reviewed the administration bill SB 999 and finds some merit in revising the periodicity of code updates at the state level. However, AIA still supports a unified state building code "up front" instead of the "after the fact" concept presented in SB 999. AIA still supports the "super subcommittee" of the four county building officials (HRS 107-24(b) having a strong influence in the amendment of codes. The "super subcommittee" will be even more important should this legislature pass bills like SB 213 SD2 that adds so many construction organizations that may lack technical knowledge on code issues. Thank you for this opportunity to present **COMMENTS**.

**SB 212 SD1 Relating to the state building code (proposed HD1)  
Incorporates some amendments proposed in HB 763 / SB 999.**

Sections 107-24, 107-25, 107-26, 107-27 and 107-28 Hawaii Revised Statutes, are amended to read as follows:

[§107-24] Authority and duties of the council. (a) Any law to the contrary notwithstanding, the council shall establish a comprehensive state building code.

(b) The council shall appoint a subcommittee comprised of the four council members representing county building officials, whose duty shall be to recommend any necessary or desirable state amendments to the model codes. Any recommended state amendments shall require the unanimous agreement of the subcommittee. **The subcommittee shall recommend any staggering of the adoption of codes identified in section 107-25 to be adopted, amended, and updated. Any recommended staggering of adoptions shall require the unanimous consent of the subcommittee.**

(c) The council may appoint other investigative, technical expertise committees, which may include council members.

(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.

(e) The council shall review, **amend**, and adopt, as appropriate, new model building codes **pursuant to section 107-24(b)** ~~within eighteen months of the official publication date.~~ **at a frequency of no later than every six years in accordance with section 107-29.**

(f) The council may make expenditures for technical references, equipment and supplies, and other operating expenses, and may contract for the conduct of research studies and other technical services.

(g) The council shall provide education and technical training and administrative assistance in the form of services or grants at the state and county levels relating to the implementation and enforcement of the state building code adopted pursuant to this part. [L 2007, c 82, pt of §2]

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

(1) ~~The latest edition of the state fire code as adopted by the state fire council;~~

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

(3) The latest edition of the International Building Code, the International Residential Code, and the International Energy Conservation Code, as published by the International Code Council;

(4) The National Electrical Code, as published by the National Fire Protection Association.

~~[(4)]~~ (5) Hawaii design standards implementing the criteria pursuant to Act 5, Special Session Laws of Hawaii, 2005, as applicable to:

(A) Emergency shelters built to comply with hurricane resistant criteria, including enhanced hurricane protection areas capable of withstanding a five hundred-year hurricane event as well as other storms and natural hazards; and

(B) Essential government facilities requiring continuity of operations; and

~~[(5)]~~ (6) Code provisions based on nationally published codes or standards that include, but are not limited to, residential and hurricane resistive standards for residential construction, [fire], elevator, [electrical, plumbing,] mechanical, flood and tsunami, **and** existing buildings, [and energy conservation standards for building design and construction, and onsite sewage disposal.] [L 2007, c 82, pt of §2]

[§107-26] State building code; prohibitions. In adopting a **Hawaii** state building code, the council shall not adopt provisions that:

(1) Relate to administrative, permitting, or enforcement and inspection procedures of each county; or

(2) Conflict with chapters **444, 448E, and 464**.

[§107-27] Exemptions. (a) Upon adoption of rules under this chapter, the design of all state building construction shall be in compliance with the state building code within one year of its effective date, and state building construction shall be allowed to be exempted from:

(1) County **building** codes [that have not adopted the state building code];

(2) Any county code amendments that are inconsistent with the minimum performance objectives of the state building code or the objectives enumerated in this part; or

(3) Any county code amendments that are contrary to code amendments adopted by another county.

(b) Exemptions shall include county ordinances allowing the exercise of indigenous Hawaiian architecture adopted in accordance with section 46-1.55

[§107-28] County building code authority to amend **and adopt** the state model building code without state approval. (a) The governing body of each county shall amend, **adopt and update** the state building code as it applies within its respective jurisdiction, in accordance with section 46-1.5(13), without approval of the council. Each county shall [use] **amend and adopt** the model **state** codes and standards listed in section 107-25, as the referenced model building codes and standards for its respective county building code ordinance, no later than two years after the adoption of [~~the state building code~~] **each of the amended codes by the council pursuant to section 107-24.**

(b) If a county does not amend the statewide model code within the two-year time frame, the **Hawaii** state building code shall become applicable as an interim county building code until the county adopts [the] **its** amendments.

[§107-29] Rules. The department shall adopt rules pursuant to chapter 91 necessary for the purposes of this part