

# **SB 212**

**Report Title:**

RELATING TO THE STATE BUILDING CODE

**Measure Title:**

Allows the counties six 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.



## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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GOVERNOR  
RICHARD C. LIM  
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### OFFICE OF PLANNING

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Statement of

**JESSE K. SOUKI**

Director, Office of Planning

Department of Business, Economic Development, and Tourism  
before the

**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS**

Thursday, February 7, 2013

3:00 PM

State Capitol, Conference Room 224

in consideration of

**SB 212**

**RELATING TO THE STATE BUILDING CODE.**

Chair Espero and Vice Chair Baker, and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs.

The Office of Planning (OP) offers the following comments on Senate Bill 212, which allows the counties six years to adopt their amendments to the State Building Code and permits the counties to apply their most recently adopted building code until their new amendments are adopted.

OP administers Hawaii Revised Statutes (HRS) Chapter 205A (Coastal Zone Management). An objective of HRS Chapter 205A is to reduce the loss of life and property from coastal hazards. The purpose of building codes is to establish minimum acceptable standards necessary for preserving the public health, safety, and welfare, and to protect property. Thus, building codes and the quality of design and construction of structures play a direct role in protection of life and property in a natural disaster.

OP recommends that in lieu of the timelines set forth in this bill, the code adoption process and periodicity of code updates as set forth in Senate Bill 999 be adopted. The Administration's Senate Bill 999 provides a more efficient and practical adoption process.

Thank you for the opportunity to provide written comments on this measure.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 212  
A BILL RELATING TO THE BUILDING CODE

PRESENTATION TO THE  
COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,  
AND MILITARY AFFAIRS

BY

MAJOR GENERAL DARRYLL D. M. WONG  
ADJUTANT GENERAL

February 6, 2013

Chair Espero, Vice Chair Baker, Committee members:

I am Major General Darryll Wong, Director of Civil Defense, State Department of Defense. I am providing written testimony in opposition to Senate Bill 212.

Senate Bill 212, as written, is a proposition that could result in significant loss of life during disasters. Act 82, Session Laws of Hawaii 2007 established the adoption of a uniform set of statewide building codes to apply consistent standards for the design and construction of all state buildings. The act also established that the counties would have two years from the adoption of the state building code to adopt their own amendments. Senate Bill 212, allows the counties six years to adopt their amendments to the state building code and permits the counties to apply their most recently adopted building code until their new amendments are adopted.

Senate Bill 212, if passed, would degrade the implementation of consistent design and construction standards statewide that appropriately reflect Hawaii's environmental conditions. By extending the deadline, the counties would then become nine years behind the latest code, and at least six years or two versions behind the state building code. Within the proposed six year county deadline, various counties may choose

vastly different adoption dates, resulting in different versions of the state building code being utilized by the jurisdictions. This is directly counter to HRS 107 Part II - to establish a "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." The development and updating of appropriate uniform building codes that can withstand the unique threats and hazards of Hawaii are critical in protecting our citizens.

We support modernizing Hawaii Revised Statutes (HRS) 107 part II, State Building Code and Design Standards as proposed in SB 999, which was unanimously approved and authored by the Building Council, the Department of Accounting and General Services (DAGS) and submitted as part of the Governor's Administrative Package. SB 999 provides for the lengthening of the adoption cycle within the State Building Code process, so that the synchronization of codes can still be accomplished while reducing the frequency of new code provisions to those deemed significant to Hawaii. This lessens the frequency of changes, is workable, and does not introduce diversions from a common standard.

Thank you for the opportunity to provide written testimony that opposes Senate Bill 212.

NEIL ABERCROMBIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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February 5, 2013

The Honorable Will Espero, Chair  
Committee on Public Safety, Intergovernmental, and Military Affairs  
The State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 212 Relating to Public Improvements

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, which seeks to allow the counties six years to adopt their amendments to the state building code and permit the counties to apply their most recently adopted building code until the new amendments are adopted.

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 and whose duties include establishing a comprehensive suite of the most current national codes and standards for the statewide application of the built environment. Previous to its creation, each county adopted ordinances that comprised of codes and standards for its jurisdiction. Consequently, each county had different editions of the building codes that created challenges for designers and builders.

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

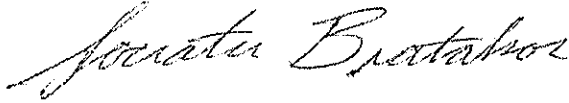
The Honorable Will Espero, Chair  
Page 2  
February 5, 2013

increase the likelihood that each county would be on different editions of the national codes and standards.

The SFC and the KFD urge your committee's deferral of S.B. 212, 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  
Chair

RW/LR

ALAN M. ARAKAWA  
MAYOR



JEFFREY A. MURRAY  
CHIEF

ROBERT M. SHIMADA  
DEPUTY CHIEF

**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

February 5, 2013

The Honorable Will Espero, Chair  
Committee on Public Safety, Intergovernmental, and Military Affairs  
The State Senate  
State Capitol, Room 231  
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 212 Relating to Public Improvements

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, which seeks to allow the counties six years to adopt their amendments to the state building code and permit the counties to apply their most recently adopted building code until the new amendments are adopted.

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 and whose duties include establishing a comprehensive suite of the most current national codes and standards for the statewide application of the built environment. Previous to its creation, each county adopted ordinances that comprised of codes and standards for its jurisdiction. Consequently, each county had different editions of the building codes that created challenges for designers and builders.

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. 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. This would streamline the state approval process by eliminating the need for administrative rules, but allowing more time for review at the state level. By



The Honorable Will Espero, Chair  
Page 2  
February 5, 2013

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.

The MFD and the SFC urge your committee's deferral of S.B. 212, 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.

Sincerely,



JEFFREY A. MURRAY  
Fire Chief

# BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

*"Building Better Communities"*

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**Testimony to the Senate Committee on Public Safety, Intergovernmental and Military Affairs**  
**Thursday, February 7, 2013**  
**3:00 p.m.**  
**State Capitol - Conference Room 224**

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

Chair Espero, Vice-Chair Baker, 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, which allows the counties six 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, it is our understanding that the Department of Permitting and Planning 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 S.B. 212 proposes. Two states skipped a code cycle, and five other states are engaged in discussions to move to a 6-year cycle.

Mailing address: P.O. Box 970967, Waipahu, HI 96797 Street address: 94-487 Akoki St., Waipahu, HI 96797-0967;  
Telephone: (808) 847-4666 Fax: (808) 440-1198 E-mail: info@biahawaii.org; www.biahawaii.org

Senator Will Espero, Chair  
Committee on Public Safety, Intergovernmental and Military Affairs  
Thursday, February 7, 2013  
S.B. 212

Based on the foregoing reasons, BIA-Hawaii **supports** S.B. 212.

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

# PLUMBING & MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII



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

GREGG S. SERIKAKU  
EXECUTIVE DIRECTOR

Via Email

February 1, 2013

Senator Will Espero, Chair  
Senator Rosalyn H. Baker, Vice Chair  
Committee on Public Safety, Intergovernmental and Military Affairs  
The Twenty-Seventh Legislature, Regular Session of 2013

Chair Espero, Vice Chair Baker, and Members of the Committee:

## **SUBJECT: SB212 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. We oppose SB212.

In 2007, Act 82 established the adoption and mandatory update of a uniform set of statewide building codes to apply consistent standards for the design and construction of all state buildings. This act was intended to address several problems that plagued the construction industry:

1. The insurance companies were concerned about outdated building codes that jeopardized insurance coverage for home owners and business owners whose plans for construction were not up to current nationally recognized code standards.
2. Architects, developers and contractors wanted a uniform set of codes that were consistently applied and transferable from project to project regardless of the county in which the construction took place.
3. New construction technology and materials were not allowed unless they were granted a special exemption.

Act 82 has brought the state and all four counties up to 2006 or newer code standards and has somewhat addressed many of the issues noted above.

SB212 seeks to amend Act 82 by 1) extending the time allowed for individual counties to make amendments to the model codes from 2 to 6 years, and 2) eliminating the mandated update to newer versions of the model codes and allowing each county to default to their existing code. Under these proposed changes, if a county is on the 2006 building code and the state subsequently adopts the 2012 building code, the counties would be allowed until 2018 to make amendments, however, if the counties decide to take no action, then they may continue to utilize their existing 2006 building code for as long as they desire. This will potentially result in the same concerns Act 82 was intended to address.

**Therefore, we strongly oppose SB212 and respectfully urge the committee to hold this bill.**

Respectfully yours,

Gregg S. Serikaku  
Executive Director



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

February 5, 2013

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

SUBJECT: **Senate Bill 212 Relating to the State Building Code**  
Hearing February 7, 2013 3:00 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.

Background: 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. The existing law permits the counties to make modifications to design and construction requirements in the local county building code to be adopted within a two-year deadline after the approval of the statewide 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. Building officials now have at least three years of notification of the approval the Council has given to any new code provision.

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

1. This bill would degrade the implementation of consistent design and construction standards statewide that reflect Hawaii environmental conditions. By extending the deadline too far, the counties would then become 9 years behind the latest code, and at least 6 years or two versions behind the State Building Code. Within the six-year county deadline, various counties may choose vastly different adoption dates, leading to different versions of the State Building Code being utilized amongst the jurisdictions. That is counter to 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"*.
2. SB212 makes the adoption of an updated code optional, since it allows the counties to defer adoption indefinitely and in that case, the state code only becomes an advisory reference. That is no longer a building code that has any requirements. So this bill is certainly a measure that is contrary to Act 82 of the 2007 Legislature.
3. We support modernizing Hawaii Revised Statutes HRS 107 part II, State Building Code and Design Standards as proposed in SB999, 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 within the State Building Code Council process, so that the synchronization of codes can still be accomplished while reducing the frequency of new code provisions to those deemed significant to

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

Hawaii, but updated not later than every 6 years by the Council. This is the workable means to lessen the frequency of changes without introducing diversion from a common standard.

Gary Chock, S.E.

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

SEAOH Legislative Committee

Handwritten signature of Gary Chock in black ink.Handwritten signature of Ian Robertson in black ink, with a yellow highlight behind the text.



February 4, 2013

To: The Honorable Will Espero, Chair  
Members, Hawaii Senate Committee on Public Safety, Intergovernmental and Military Affairs

From: Tim Shestek, Senior Director  
State Affairs

RE: **SB 212 – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose SB 212, legislation that would give counties six years following the adoption of a statewide code to adopt county amendments.

ACC member companies manufacture the raw materials for a myriad of industries, including products that help make buildings and homes more energy efficient. The business of chemistry employs over 800,000 workers, making it one of the largest US industries in terms of employment. We have been an active supporter of the Energy Efficient Codes Coalition (EECC), a collective effort of business interests, architects, affordable housing advocates, utilities and environmental organizations working together promote energy efficiency building codes.

ACC advocates for the adoption of the latest energy efficiency codes for both residential and commercial construction. Energy savings resulting from the up-front investment in energy efficient technology benefits the homebuyer monetarily from the moment they move into their home. Homeowners promptly recoup their investment as the realized savings on their energy bills quickly offsets any additional construction costs related to the installation of energy efficient products.

Under SB 212, county construction codes would at best only be updated every six years, creating a significant lag time between building code updates. Today, most states update their building codes every three years to ensure that the most up-to-date safety practices, innovations in energy efficiency and other practical advances in construction are built into homes, offices, schools and government buildings. Hawaii's Building Code Council approved the adoption of the 2009 IECC in February 2012, with counties yet to implement this update. Under this bill, Hawaii counties wouldn't be required to implement this update until 2018 leaving the state woefully behind in utilizing the latest advances in safety, efficiency related products and installation techniques.

A new home is likely the biggest financial investment for families. Studies show that families can save thousands in energy costs during the years they live in an energy-efficient home, while safety improvements can reduce homeowners' insurance premiums. Adopting the 2009 energy code update would result in **homeowner savings of 14.1 percent every year** on their energy bills, which translates into **\$437 in average annual energy savings**<sup>1</sup>. Hawaii homeowners would fail to realize significant energy savings from the adoption of the 2009 IECC since under this bill each county's building code authority wouldn't even consider the 2009 IECC until 2018.

Under this legislation, Hawaii's homes and buildings would fall behind in critical technology changes that enhance energy efficiency, save taxpayers money and protect public safety, leading to increased energy costs for Hawaii homeowners.

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<sup>1</sup> See Energy Efficient Codes Coalition, *Energy and Cost Savings Analysis of 2009 Efficiency Improvements* (September, 2008) available at [http://www.thirtypercentsolution.org/solution/EECC-Savings\\_Analysis-Jan-2009.pdf](http://www.thirtypercentsolution.org/solution/EECC-Savings_Analysis-Jan-2009.pdf)



For these reasons, we urge you to support Hawaii families, energy savings, and lower energy bills and to oppose SB 212. Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me at 916-448-2581 or via email at [Tim\\_Shestek@americanchemistry.com](mailto:Tim_Shestek@americanchemistry.com) . You may also contact ACC's Hawaii based representatives Red Morris or John Radcliffe at 808-531-4551.





February 5, 2013

Public Safety, Intergovernmental and Military Affairs

SB 212

The International Association of Plumbing and Mechanical Officials (IAPMO) is opposed to allowing counties six years to adopt their amendments to the state plumbing code. We are at a time when technologies for construction are advancing at a pace faster than any other time in history and this pace will only continue to accelerate. A tremendous amount of innovation in technology, engineering, and materials is made every year, let alone every six years. The lack of ability for changing with this innovation will affect builders, building owners, and consumers in a very negative way if they are burdened with out dated and more expensive construction materials and installation techniques.

Plumbing fixtures, pipe, and pipe fittings are now more reliable, lighter in weight, and much easier to install while still protecting the health and safety of the public because proper code provisions are promulgated as the materials and installation techniques change. Without timely code development new innovations could be restricted from the market until proper testing and approvals can be made. Significant progress is being made every year in energy and water efficiency. Failure to take advantage of these advancements will result in Hawaii lagging behind other states regarding the deployment of these technologies in the building environment and missing out on important energy savings and critical water conservation efficiencies in water scarce areas of the State.

Keep in mind that the Uniform Codes that IAPMO publishes are developed in and American National Standards Institute (ANSI), consensus manner, meaning that all stakeholders have a voice and a vote in the development process. This process ensures that no single concern can overwhelm other concerns and that the resulting codes reflect a true consensus of all stakeholders.

We urge the committee to carefully weigh the potential consequences of this legislation before taking action that will change the certainties of the three year building code cycles utilized by architects, engineers, builders, developers, construction workers, training programs, and building code officials.

Respectfully,  
Dwight Perkins  
Sr. Director of Field Services

Cell: 503-307-9944 Ph: 503-982-1193 • Fax: 503-982-1193 • dperkins@iapmo.org

**International Association of Plumbing and Mechanical Officials**  
702 Tukwila Drive, Woodburn OR. 97071



## 2 AMERICAN INSTITUTE OF ARCHITECTS

PSM  
3:00 pm

February 7, 2013

Honorable Will Espero, Chair  
Senate Committee Public Safety, Intergovernmental & Military Affairs

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

Dear Chair Espero and Members of the Committee,

My name is Daniel Chun, Government Affairs Chair of the American Institute of Architects (AIA) Hawaii State Council. AIA sends **COMMENTS** for SB 212 that extends the time for counties to amend their building codes:

### **Up to six years is too long of a time frame in between adoption of new county building codes**

Regular and timely adoption of updated building codes is an important element of public safety. Property insurers and the Federal Emergency Management Agency FEMA have “community rating” whereby building codes and building design must be reasonably current to keep property insurance rates lower and assure federal assistance.

You may receive testimony that newer building codes increase the cost of construction. This is not always the situation. New editions of the International Building Code IBC actually reduce some older requirements. For example, the structural and occupancy separation fire resistance of some buildings has been reduced by one hour in IBC 2006 edition when compared to IBC 2003 edition. Honestly speaking, the code reductions seem to focus on commercial buildings; while residential code requirements have increased due to high risk of property insurers from older residential buildings.

### **Time extension is actually needed at the State Building Code Council level**

AIA strongly recommends that the Committee consider language in SB 999 that revises the time frame for the State Building Code Council SBCC to amend at the state level, rather than increase the county adoption time frame by up to six years. **SB 999** is the result of lengthy discussions within the SBCC. After the few initial years of operation, some tweaking is understandably required. AIA urges the PSM Committee to work with stakeholders to draft and move an SD1. Thank you for this opportunity to offer **COMMENTS** on SB 212.

**SB212**

Submitted on: 2/6/2013

Testimony for PSM on Feb 7, 2013 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Terrance S. Arashiro	American Council of Engineering Companies Hawaii	Comments Only	No

Comments: Dear Chair Espero, Vice Chair Baker, and Committee Members: The American Council of Engineering Companies of Hawaii (ACECH) represents almost 70 member firms with over 1,300 employees throughout Hawaii. ACECH has been in favor of a state-wide building code as it enhances public safety and should reduce construction costs by providing a uniform code applicable construction projects in any county. We can understand and don't see a problem with giving the counties more time to adopt their amendments to the state code. However, we believe it is in the best interest of the state and its citizens that adoption occurs. The bill's proposed revision to paragraph (b) in Section 2 of the bill seems to let the counties off the hook with respect to adoption. That is, if the counties don't amend the statewide model code within the proposed six-year time frame, the provision that the state code will become applicable is removed and the existing county code is applicable. If this bill passes, what would be the incentive for the counties to ever amend and adopt the state code? In summary, while we would support an extension of the date, we oppose giving the counties an "out" to amending/adopting the code. Therefore, we would propose retaining the current paragraph (b) of HRS §107-28, except for revising the time frame for consistency with the other portions of the bill. We appreciate the opportunity to provide testimony on this matter. Please do not hesitate to contact us if you have any questions.



February 6, 2013

The Honorable Will Espero, Chairman  
Senate Committee on Public Safety, Intergovernmental & Military Affairs  
State Capitol, Room 231  
Honolulu, Hawaii 96813

RE: Testimony on SB 212 - Relating to the State Building Code – County Amendment Timeline

Dear Chairman Espero and Committee Members:

The International Code Council is a 50,000 member, non-profit public benefit corporation dedicated to helping the building safety community and construction industry provide safe, sustainable and affordable construction through the development of codes and standards used in the design, build and compliance process.

The International Code Council opposes SB 212, and requests the committee to consider concepts within SB 999 that address this same topic. Current statute requires the counties to complete their adoption and amendment of the updated state building code within 2 years from the date the state building code is updated. This is reasonable and consistent with the adoption timeline experienced in other states across the nation. Allowing up to 6 years for counties to amend and adopt codes is unreasonable and will cause regulatory fragmentation and inconsistency of code application across the state. Erosion of code uniformity can result in negative economic impacts because manufacturers, suppliers and constructors will be unsure when updated standards and specifications will become effective. Obsolete, inefficient and less desirable building products will be increasingly dumped in the Hawaii market as manufacturers become unable to sell products in mainland markets.

Act 82, Session Laws of 2007 established the Hawaii State Building Code Council (SBCC) and the adoption of uniform statewide building codes to eliminate the fragmented inconsistent code requirements that existed between the counties prior to the existence of a state building code. 5 years after the signing of Act 82, on April 16, 2012, the State Building Code became effective statewide in all the counties. The SBCC worked through the administrative rulemaking process allowing for open public participation and meeting all the legal requirements and as result it took the 5 years to complete a statewide-county process. Lengthening the amendment process to 6 years can mean it could take up to 9 to 10 years to achieve statewide consistency in the next code update. This can make the state uncompetitive and a target for product dumping.

The claim that "*many state building code councils across the country are moving toward a six-year adoption cycle*" is inaccurate. The State of Michigan is often referred to as an example



where a 6 year adoption cycle was mandated. Examining legislative records and agency actions it is revealed that Michigan updated all codes, except one, from the 2009 code editions to the 2012 editions in keeping with a 3 year adoption cycle.

SB 212 which proposes to extend the timeframe for county amendments is unreasonable.

Thank you for the opportunity to provide testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Kraig Stevenson", is written over a light green horizontal highlight.

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