

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1436
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT
AGENCY HAZARD MITIGATION GRANT

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY

VERN T. MIYAGI
Administrator, Hawaii Emergency Management Agency

Chair Takayama, Vice-Chair LoPresti and Members of the committee.

Aloha - I am Vern T. Miyagi, Administrator, Hawaii Emergency Management Agency. I am testifying in **SUPPORT** of House Bill 1436.

Background: As the result of the Presidential Declaration for the Puna Lava Flow event in 2014, the state of Hawaii became eligible for FEMA's Hazard Mitigation Grant Program (HMGP). Under this program, FEMA reimburses 75% of state funds used for eligible hazard mitigation projects. In August 2015, the State Department of Accounting and General Services (DAGS) applied for a HMGP grant to implement the adoption of the 2012 International Building Code (IBC) with the State of Hawaii amendments incorporating updated standards and wind maps for hurricane risk mitigation. After 1 year of negotiating with FEMA, this grant, in the amount of \$75K, was finally awarded to the state in November 2016. A state match of 25% is required and is to be covered as a soft match utilizing the hours expended by the State Building Code Council (SBCC) and other appropriate stakeholders/participants in this project.

Situation: As a reimbursement grant, the applicant (DAGS) in this case, is required to utilize \$75K of its operating funds plus the SBCC soft match described above, to accomplish the project up front. After a review to determine that the conditions of the grant were met, FEMA will reimburse the \$75K. Due to the late award, this project was not included in the Governor's budget request for the 2017-2019 Biennium. Without the \$75K in general funds DAGs will not be able to move forward with the FEMA HMGP award.

Consequences:

1. State will lose \$75K of approved Federal funding to update its building codes. We are currently 3 iterations behind the IBC.

2. FEMA Recovery Policy FP 104-009-4, that governs Federal assistance in the event of a Presidential Disaster for Public Assistance, has a condition that “buildings eligible for repair, replacement, or construction located in a hazard prone area will use, as a minimum, the hazard resistant standards referenced in the most recent edition of the model building code regarding reconstruction, repair of building damages during Presidential declared disasters.” Non-compliance will adversely affect timely FEMA disaster assistance in future major disasters.
3. In addition, recent studies by FEMA propose the leveling of a “disaster deductible” on jurisdictions, similar to a deductible in an insurance policy. This deductible would be decreased based on pre-disaster mitigation measures taken by the state before the declaration. Updated building codes are specifically listed as mitigation measures for this purpose.

Thank you for the opportunity to provide this testimony in **SUPPORT** of HB 1436.

Vern T. Miyagi; vern.t.miyagi@hawaii.gov; 808-733-4300

STATE OF HAWAII
DEPARTMENT OF DEFENSE

LATE

TESTIMONY ON HOUSE BILL 1436
A BILL RELATING TO AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY
MAJOR GENERAL ARTHUR J. LOGAN
ADJUTANT GENERAL
8 February 2017

Chair Takayama, Vice-Chair LoPresti and Members of the Committee.

I am Major General Arthur J. Logan, State Adjutant General and the Director of the Hawaii Emergency Management Agency. I am testifying in **SUPPORT** of House Bill 1436.

This measure allows the State to maintain \$75K of approved Federal funding to update its building codes. Due to the late award of this Federal grant, this project was not included in the Governor's budget request for the 2017-2019 Biennium.

Thank you for allowing me to testify in **SUPPORT** of House Bill 1436.

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A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT
AGENCY HAZARD MITIGATION GRANT

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY

Glen A. Ueno, P.E., L.S.
Administrator, Development Services Administration

Chair Takayama, Vice-Chair LoPresti, and Members of the House Committee on Public Safety.

I am Glen A. Ueno, Administrator of the Development Services Administration and a current member of the State Building Code Council. I am testifying in **SUPPORT** of House Bill 1436.

In 2007 the State Building Code Council (SBCC) was established to perform a very valuable function in trying to harmonize the various code requirements as found in the building code ordinances across the state. While it has had plenty of enthusiasm to do so and the technical experts have developed the amendment language for several code cycles, the council has had virtually no resources to implement the Hawaii Administrative Rule (HAR) making process. Without completing this process the State Building Code cannot be updated. Some argue that the counties can move ahead by using the technical language developed by the councils, however, the HAR making provides an open vetting process where wisdom from throughout the state can be considered and applied to the final language. With the knowledge and feedback from the community gained during

this process the counties will find it easier to update their local ordinances. In consideration of the importance and the purpose of the building code in making structures safe for human habitation, and businesses more resilient in the aftermath of storms, we think that giving the Council the appropriate resources is very necessary and essential.

This bill does not solve all of the funding requirements for the SBCC. This bill allows currently available federal funds from FEMA to pay for a one time update to the State Building Code. The FEMA grant is a reimbursement grant which requires the state to spend the funds first and then be reimbursed by FEMA. The FEMA grant provides a federal contribution of \$75,000 while an in-kind soft match valued at \$25,000 will be provided on behalf of the state by the volunteer members of the State Building Code Council and their member organizations. This bill provides the upfront resources required so that the net cost to update the State Building Code one time will be zero.

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII (SEAOH)

TESTIMONY ON HOUSE BILL 1436
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY

JONATHAN MURAI
President, SEAOH

Chair Takayama, Vice-Chair LoPresti, and Members of the House Committee on Public Safety.

I am Jonathan Murai, President of the Structural Engineers Association of Hawaii. I am testifying in **SUPPORT** of House Bill 1436.

The SEAOH support measures that facilitate the timely adoption of the most recent international building codes with Hawaii specific amendments through the process which initiates at the State Building Code Council (SBCC). Members of the SEAOH helped the Department of Accounting and General Services (DAGS) and the SBCC to apply for the FEMA grant in 2015 as a way to search for funding sources other than the state fulling funding the council to support the executive director and executive assistant positions and related budgetary requirement authorized by HRS 107-23.

This bill helps the state to take advantage of available federal funds to pay for the costs required for the State Building Code Council (SBCC) to complete the Hawaii Administrative Rule making process one time in order to update the state building code. The net cost to the state will be zero since the volunteer members of the SBCC will provide the in-kind soft match required by the FEMA grant. The SEAOH will contribute to this effort.

This bill provides assistance for the SBCC to fulfill its obligations (HRS 107-24) and finally provide an update to the current state building code. The state is currently three iterations behind in updating and adopting the international code standards. By the end of FY 2017-2018 the state will be four iterations behind if the state fails to fund the Hawaii Administrative Rule making process to update the State Building Code. We are on the verge of being last in the nation with a building code based on the 2006 International Building Code.

Structural engineers protect citizens and visitors in the state of Hawaii by ensuring our buildings and infrastructure are strong and durable. Our primary tool to perform this

task is the building code. The most recent international building codes provide a model for local adoption which includes all the lessons learned through the tragedy of others who suffer from disasters such as hurricane, earthquake, tsunami and other threats we face here in Hawaii. By funding the State Building Code Council's work you are ensuring that structural engineers use the most up to date tools to build a more resilient Hawaii. Don't let this available federal funding go to waste.

Thank you for the opportunity to provide this testimony in **SUPPORT** of HB 1436.

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AGENCY HAZARD MITIGATION GRANT

PRESENTED TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY

RODNEY HARAGA
Director, MIH

Chair Takayama, Vice-chair LoPresti, and Members of the House Committee on Public Safety

I am Rodney Haraga, Director of the Masonry Institute of Hawaii. I am testifying in **SUPPORT** of House Bill 1436.

In 2007 the State Building Code Council (SBCC) was established to perform a very valuable function in trying to coordinate the various code requirements as found in the building code ordinances across the State of Hawaii. While it has had plenty of enthusiasm to do so and the technical experts have developed the amendment language for several code cycles, the council has had virtually no resources to implement the Hawaii Administrative Rule (HAR) making process. Without completing this process, the State Building Code cannot be updated. Some argue that the counties can move ahead by using the technical language developed by the councils, however, the HAR making provides an open vetting process where wisdom from throughout the state can be considered and applied to the final language. With the knowledge and feedback from the community gained during this process the counties will find it easier to update their local ordinances. In consideration of the importance and purpose of the building code in making structures safe for human habitation, and businesses more resilient in the aftermath of natural disasters such as hurricanes and earthquakes, we believe that giving the Council the appropriate resources is very necessary and essential.

This bill does not solve all of the funding requirements for the SBCC. This bill allows currently available federal funds from FEMA to pay for a one time update to the State Building Code. The FEMA grant is a reimbursement grant which requires the state to spend the funds first and be reimbursed by FEMA. The FEMA grant provides a federal contribution of \$75,000 while an in-kind soft match valued at \$25,000 will be provided on behalf of the state by the volunteer members of the State Building Code Council and their member organizations. This bill provides the upfront funding required so that the net cost to update the State Building Code for a single time will be zero.

Thank you for allowing me to testify in **SUPPORT** of HB 1436.

Hawaii State and county building code hurricane standards by the SBCC on a consistent recurring basis – once every three years. This bill provides a mechanism by which the HHRF could choose to assist the SBCC update the state building code. The SBCC code adoption process is the mechanism which will implement the hurricane hazard mitigation plans established by the HHRF. In future code cycles, when the SBCC and HHRF see that changes in nationally recognized codes/standards will help Hawaii to better mitigate the hurricane threat they can work together for the timely adoption of a new State Building Code.

Full funding of the SBCC has not been forth coming from the State since its inception in 2007. MIH knows that the SBCC has been searching for a creative, and appropriate way to fund updating the State building code which is used by both private and public agencies when they are planning a construction project. When this bill is implemented, the result will mean that new construction will be built using the latest knowledge and strategies developed to protect our buildings from the hurricane threat. In the long term, fewer buildings will be sufficiently capable of withstanding hurricane damage thereby protecting the HHRF assets.

Thank you for allow me to testify in **SUPPORT** of HB 1435.

LATE

MASON CONTRACTORS ASSOCIATION OF HAWAII (MCAH)

TESTIMONY ON HOUSE BILL 1436

A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT

PRESENTATION TO
THE HOUSE COMMITTEE ON PUBLIC SAFETY

BY
Will Giles
MCAH Liaison

Chair Takayama, Vice-Chair LoPresti, and Members of the House Committee on Public Safety.

I am Will Giles, Liaison for the Mason Contractors Association of Hawaii. I am testifying in **SUPPORT** of House Bill 1436.

In 2007 the State Building Code Council (SBCC) was established to perform a very valuable function in trying to harmonize the various code requirements as found in the building code ordinances across the state. While it has had plenty of enthusiasm to do so and the technical experts have developed the amendment language for several code cycles, the council has had virtually no resources to implement the Hawaii Administrative Rule (HAR) making process. Without completing this process the State Building Code cannot be updated. Some argue that the counties can move ahead by using the technical language developed by the councils, however, the HAR making provides an open vetting process where wisdom from throughout the state can be considered and applied to the final language. With the knowledge and feedback from the community gained during this process the counties will find it easier to update their local ordinances. In consideration of the importance and the purpose of the building code in making structures safe for human habitation, and businesses more resilient in the aftermath of storms, we think that giving the Council the appropriate resources is very necessary and essential.

This bill does not solve all the funding requirements for the SBCC. This bill allows currently available federal funds from FEMA to pay for a one-time update to the State Building Code. The FEMA grant is a reimbursement grant which requires the state to spend the funds first and then be reimbursed by FEMA. The FEMA grant provides a federal contribution of \$75,000 while an in-kind soft match valued at \$25,000 will be provided on behalf of the state by the volunteer members of the State Building Code Council and their member organizations. This bill provides the upfront resources required so that the net cost to update the State Building Code for a single time update will be zero.

Thank you for the opportunity to provide this testimony in **SUPPORT** of HB 1436.



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February 7, 2017

House Committee on Public Safety

Hearing Date: Thursday, February 9, 10:00 a.m., Conference Room 312

Honorable Representatives Gregg Takayama, Chair; Matthew LoPresti, Vice Chair; and Members of the House Committee on Public Safety

Subject: **SUPPORT of HB 1436, Relating to Awarded FEMA Hazard Mitigation Grant**

Dear Chair Takayama, Vice Chair LoPresti, and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH) represents more than 70 member engineering consulting firms with over 1,500 employees throughout Hawaii. Our work covers a variety of engineering disciplines that are impacted directly by the technical portions of the building codes. The primary purpose of a building code is to establish design standards for buildings in order to protect public safety.

In 2007 the State Building Code Council was established to perform a very valuable function in trying to harmonize the various code requirements as found in the building code ordinances across the state. While it has had plenty of enthusiasm to do so and the technical experts have developed the amendment language for several code cycles, the council has had virtually no resources to implement the Hawaii Administrative Rule (HAR) making process. Without completing this process the State Building Code cannot be updated.

This bill does not solve all of the funding requirements for the SBCC, however, it allows currently available federal funds from FEMA to pay for a one time update to the State Building Code. The FEMA grant provides a federal contribution of \$75,000 while an in-kind soft match valued at \$25,000 will be provided on behalf of the state by the volunteer members of the State Building Code Council and their member organizations. This bill provides the upfront resources required so that the net cost to update the State Building Code one time will be zero.

We appreciate the opportunity to provide testimony on this matter. Please do not hesitate to contact us if you have any questions.

Respectfully submitted,
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII


Corey Matsuoka, PE
President

TESTIMONY IN SUPPORT OF HB 1436 AND SB 1297.

I am a volunteer on the State Building Code Council (SBCC) participating on the Investigative Committee for the Green Code. Through my volunteering, I have developed a great appreciation for the dedication of the appointed members of the Council. These professionals volunteer their time and take their mission to harmonize the building code very seriously. As an architect, I appreciate their thorough evaluation and inclusion of community input. I am also impressed by the participation of the heads of the various building departments to standardize the code between counties. This effort minimizes conflicts and makes it much easier to perform my design duties in each jurisdiction.

What I find troubling is that although there is a law requirement for the SBCC to perform these duties, there has not been matching funding to perform these duties. I have also seen bills in this session that add additional responsibilities to the SBCC with no mention of funding. Much of the council discussion as of late has been figuring out a strategy for survival due to lack of funding which takes the attention from the primary responsibility to vet the code.

While this bill does not solve all of the funding requirements for the SBCC and provides only a stop-gap to allow completion of the current code update, I believe the funding mechanism provides a win-win situation where the SBCC is funded to complete its immediate mandate providing time for the legislature to pass the requisite permanent funding for this mandated task.

Respectfully submitted,

Brent I. Tokita, AIA, LEED AP
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