

HB1435 HD2 SD1

Measure Title: RELATING TO THE HAWAII HURRICANE RELIEF FUND
COMPREHENSIVE LOSS REDUCTION PLAN.

Report Title: Hawaii Hurricane Relief Fund; Comprehensive Loss Reduction Plan;
Building Code Hurricane Standards

Description: Clarifies that the comprehensive loss reduction plan of the HHRF
shall include implementing building code requirements for hurricane
standards in accordance with state building code and design
standards. Takes effect on 7/1/2050. (SD1)

Companion: SB1154

Package: None

Current Referral: PSM, CPH/WAM

Introducer(s): ITO, AQUINO, BROWER, HASHEM, MCDERMOTT, TAKAYAMA, San
Buenaventura

HAWAII HURRICANE RELIEF FUND

335 Merchant Street #213

Honolulu, HI 96813 (Phone: 586-2790)

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH
AND
THE SENATE COMMITTEE ON WAYS AND MEANS

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Thursday, March 30, 2017
9:30 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL NO. 1435, HD2, SD1 - RELATING TO THE HAWAII HURRICANE RELIEF FUND COMPREHENSIVE LOSS REDUCTION PLAN.

TO THE HONORABLE ROSALYN H. BAKER AND THE HONORABLE JILL N.
TOKUDA, CHAIRS, AND MEMBERS OF THE COMMITTEE:

My name is Michael Hamnett and I serve as Chair of the Board of the Directors of the
Hawaii Hurricane Relief Fund (“HHRF”).

I support the intent of strengthening the hurricane–related building codes and provide the
following comments.

This bill proposes that the HHRF sponsor the development and implementation of state
building code hurricane standards for new residential and commercial structures and
separate hurricane standards for existing residential and commercial structures. This bill
also includes funding the adoption of administrative rules to this effect.

It would be consistent with the hazard mitigation provisions of chapter 431P, Hawaii
Revised Statutes, to use HHRF resources to support updating the hurricane protection
portions of the State Building Code by the State Building Code Council.

I thank the Committees for the opportunity to present testimony on this matter.

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HB 1435, HD2, SD1
A BILL RELATING TO THE HAWAII HURRICANE RELIEF FUND COMPREHENSIVE
LOSS REDUCTION PLAN

PRESENTATION TO
THE SENATE COMMITTEES ON COMMERCE, CONSUMER PROTECTION AND
HEALTH (CPH) AND WAYS AND MEANS (WAM)

BY

VERN T. MIYAGI
Administrator, Hawaii Emergency Management Agency

Chairs Baker and Tokuda and Vice-Chairs Nishihara and Dela Cruz and Committee Members.

Aloha - I am Vern T. Miyagi, Administrator, Hawaii Emergency Management Agency. I am testifying in **SUPPORT of House Bill 1435, HD2, SD1.**

Situation:

The State Building Code Council (SBCC) was created in 2007, however staff and operating expenses have never been funded. It is currently staffed by stakeholder volunteers. A major responsibility of the SBCC is to establish residential and hurricane resistant standards related to loss mitigation standards established in section 431P-12 (HHRF). Due to the lack of operational and personnel funding for the SBCC and despite its best volunteer efforts, **the state is currently three iterations behind in updating and adopting the international code standards.** Once adopted by the state, the counties have two years to amend the state codes prior to county adoption, otherwise the state building code will become the county's code. This provision was put in place to ensure the counties use the most recent versions of the model building codes when using their administrative authority.

Emergency Management Concerns:

- Updated state building codes, that incorporate lessons learned from actual disaster events, are critical in saving lives, protecting infrastructure, and expediting recovery for future disasters. **From emergency preparedness and community resilience aspects - three iterations behind is unacceptable.**

- This situation adversely affects the timely receipt of Federal disaster aid by the state since such aid requires the application of the most recent edition of the model building

code. FEMA Recovery Policy FP 104-009-4, that governs Federal assistance in the event of a declared Presidential Disaster, has a condition of public assistance 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 codes** regarding reconstruction/ repair of building damages during Presidential declared disasters.”

- In addition, recent studies by FEMA propose the leveling of a “disaster deductible” on jurisdictions, like 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 significant mitigation measures for this purpose.**

Comments:

The intent of **HB 1435**, HD2, SD1 is to establish a **recurring systematic process**, using the Hawaii Hurricane Relief Fund (HHRF), to update the hurricane related standards of the state building code through the administrative rules process. This preserves the fund by enhancing the resilience of buildings to withstand hurricane hazards.

A separate bill, **HB 1436**, HD2, SD1 is proposing a one-time update of the state building code using FEMA Hazard Mitigation Reimbursement Grant funds received in November 2016. If **HB 1436**, HD 2, SD1 passes, and the one-time update occurs, then **HB 1435**, HD2, SD1 would commence recurring updates of the hurricane related standards thereafter.

Thank you for allowing me to testify in **SUPPORT of the intent of HB 1435 HD2, SD1.**

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

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII (SEAOH)

TESTIMONY ON HOUSE BILL 1435
A BILL RELATING TO THE HAWAII HURRICANE RELIEF FUND COMPREHENSIVE
LOSS REDUCTION PLAN

PRESENTATION TO
THE SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND
HEALTH

&

THE SENATE COMMITTEE ON WAYS AND MEANS

BY

JONATHAN MURAI
President, SEAOH

Senator Rosalyn H. Baker, Chair, Senator Clarence K. Nishihara, Vice Chair and
Members of the Senate Committee on Commerce, Consumer Protection, and Health

Senator Jill N. Tokuda, Chair, Senator Donovan M. Dela Cruz, Vice Chair and Members
of the Senate Committee on Committee on Ways and Means

I am Jonathan Murai, President of the Structural Engineers Association of Hawaii. I am
testifying in **SUPPORT** House Bill 1435 HD2 SD1.

The SEAOH supports 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 to draft this
bill because we recognize that updating the State Building Code will have the primary effect of
improving the resilience of the economy in Hawaii from the hurricane threat and indeed it will
protect the assets of the Hawaii Hurricane Relief Fund (HHRF).

Structural engineers protect citizens and visitors in the state of Hawaii by designing our
buildings and infrastructure to be 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.

The State Building Code is based on the International Building Code (IBC) which is updated
every three years. When the IBC is updated, it incorporates all of the latest knowledge gained
from researchers and engineers from around the world who observe the way buildings and
structures have failed during recent hurricanes. The updates also provide guidance on how to
design structures using the latest construction techniques which can be more economical and

efficient than older construction technologies. 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.

HB 1435 proposes that the HHRF sponsor the updates/implementation of the Hawaii state 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. So 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 forthcoming from the state since its inception in 2007. SEAOH 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 entities 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 building stock from the hurricane threat. In the long run, fewer buildings will sustain hurricane damage thereby also protecting the HHRF assets.

Thank you for allowing me to testify in **SUPPORT of HB 1435 HD2 SD1.**



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March 27, 2017

**Senate Committee on Commerce, Consumer Protection, and Health
Hearing Date: Thursday, March 30, 9:30 a.m., Conference Room 211**

**Subject: SUPPORT of HB 1435, HD2, SD1, Relating to the Hawaii Hurricane Relief
Fund Comprehensive Loss Reduction Plan**

Dear Chair Baker, Vice Chair Nishihara, 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 the HHRF to use its resources to fulfill the underlying mission of the HHRF. Updating the State Building Code is the most effective way to implement the latest hurricane resistive construction techniques throughout the state.

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