

# SB1154

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

Report Title: Hawaii Hurricane Relief Fund

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.

Companion: [HB1435](#)

Package: None

Current Referral: PSM, CPH/WAM

Introducer(s): NISHIHARA, INOUE, Baker, K. Kahele, Shimabukuro, Wakai

# HAWAII HURRICANE RELIEF FUND

335 Merchant Street #213

Honolulu, HI 96813 (Phone: 586-2790)

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

TWENTY-NINTH LEGISLATURE  
Regular Session of 2017

Tuesday, February 28, 2017  
9:30 a.m.

## **TESTIMONY ON SENATE BILL NO. 1154 - 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”).

The HHRF supports the intent of strengthening the building code statewide and provides the following comments.

This bill proposes that the HHRF sponsor the implementation of state building code hurricane standards for structures and developments by funding the adoption of administrative rules to this effect.

Using HHRF resources to help the state building code council update the hurricane protection portions of the state building code would be consistent with the hazard mitigation provisions of chapter 431P, Hawaii Revised Statutes. This bill appears to give the HHRF flexibility in either managing a consultant contract to do the work or to provide the funds to other state agencies, such as DAGS or HEMA, which have significant interest in implementing modern buildings codes that address hurricane peril. We would recommend, however, that the amount of funding and the period of funding be specified.

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

DAVID Y. IGE  
GOVERNOR

SHAN S. TSUTSUI  
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA  
DIRECTOR

LEONARD HOSHINO  
DEPUTY DIRECTOR

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February 21, 2017

The Honorable Rosalyn Baker, Chair  
Committee on Commerce, Consumer  
Protection, and Health  
The State Senate  
State Capitol, Room 230  
Honolulu, Hawaii 96813

The Honorable Jill Tokuda, Chair  
Committee on Ways and Means  
The State Senate  
State Capitol, Room 207  
Honolulu, Hawaii 96813

Dear Chairs Baker and Tokuda:

Subject: Senate Bill (SB) 1154 Relating to the Hawaii Hurricane Relief Fund  
Comprehensive Loss Reduction Plan

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support SB 1154, which proposes to clarify the loss reduction plan for the Hawaii Hurricane Relief Fund to include implementing code requirements for hurricane standards in accordance with state building code and design standards.

The bill supports the State Building Code Council (SBCC) in reviewing and adopting amendments to various building codes dealing with hurricane preparedness. The SBCC is required to adopt building codes within 18 months of publishing a new edition.

Presently, many building codes still reference their 2006 editions, which include the plumbing, residential, and building codes. Amendments to the 2012 Uniform Plumbing

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The Honorable Rosalyn Baker, Chair  
The Honorable Jill Tokuda, Chair  
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Code and the International Building Code have been completed, but lack of funding to facilitate the administrative rules has stalled the process. Amendments to the 2012 International Residential Code is currently being updated. Only the fire, energy, and elevator codes are on the most current editions due to dedicated staff in other state departments that guide these codes through the adoption process.

The SFC and the HFD urge your committees' passage of SB 1154 for the safety and general welfare of our citizens.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or [sbratakos@honolulu.gov](mailto:sbratakos@honolulu.gov).

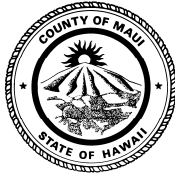
Sincerely,

A handwritten signature in black ink, appearing to read 'M.P.N.', with a long horizontal flourish extending to the right.

MANUEL P. NEVES  
Chair

MPN/LR:clc

ALAN M ARAKAWA  
MAYOR



JEFFREY MURRAY  
FIRE CHIEF

ROBERT SHIMADA  
DEPUTY FIRE CHIEF

COUNTY OF MAUI  
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD  
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February 21, 2017

The Honorable Rosalyn Baker, Chair  
Committee on Commerce, Consumer  
Protection, and Health  
The State Senate  
State Capitol, Room 230  
Honolulu, Hawaii 96813

The Honorable Jill Tokuda, Chair  
Committee on Ways and Means  
The State Senate  
State Capitol, Room 207  
Honolulu, Hawaii 96813

Dear Chairs Baker and Tokuda:

Subject: Senate Bill (SB) 1154 Relating to the Hawaii Hurricane Relief Fund  
Comprehensive Loss Reduction Plan

I am Jeffrey A. Murray, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support SB 1154, which proposes to clarify the loss reduction plan for the Hawaii Hurricane Relief Fund to include implementing code requirements for hurricane standards in accordance with state building code and design standards.

The bill supports the State Building Code Council (SBCC) in reviewing and adopting amendments to various building codes dealing with hurricane preparedness. The SBCC is required to adopt building codes within 18 months of publishing a new edition.

Presently, many building codes still reference their 2006 editions, which include the plumbing, residential, and building codes. Amendments to the 2012 Uniform Plumbing Code and the International Building Code have been completed, but lack of funding to facilitate the administrative rules has stalled the process. Amendments to the 2012 International Residential Code is currently being updated. Only the fire, energy, and elevator codes are on the most current editions due to dedicated staff in other state departments that guide these codes through the adoption process.

The Honorable Rosalyn Baker, Chair  
The Honorable Jill Tokuda, Chair  
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The SFC and the MFD urge your committees' passage of SB 1154 for the safety and general welfare of our citizens.

If you have any questions or concerns, please feel free to call my office at (808) 270-7561.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray". The signature is fluid and cursive, with a prominent loop at the end.

JEFFREY A. MURRAY  
Fire Chief



February 28, 2017

**COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH**

Sen. Rosalyn Baker, Chair; Sen. Clarence Nishihara, Vice Chair; and Committee Members

**COMMITTEE ON WAYS AND MEANS**

Senator Jill N. Tokuda, Chair; Sen. Donovan Dela Cruz, Vice Chair; and Committee Members  
Public Hearing, February 28, 2017 at 9:30 a.m., Conference Room 229

**TESTIMONY of WILLIAM F. ANONSEN  
MANAGING PARTNER/PRINCIPAL of THE MARITIME GROUP, LLC  
IN SUPPORT of S.B. 1154 (HAWAII HURRICANE RELIEF FUND)**

My name is William Anonsen and I am the Managing Partner/Principal of THE MARITIME GROUP, LLC and the chair of the Hawaii Advisory Council on Emergency Management. I respectfully am submitting this testimony in support of SB 1154 which proposes to clarify that the comprehensive loss reduction plan of the Hawaii Hurricane Relief Fund shall include implementing building code requirements for hurricane standards in accordance with state building code and design standards.

The structures where people live and work must be safe. It is for this reason that building codes exist, to provide a means to safeguard life and protect the private and public welfare through regulating the design, construction practices, construction material quality, occupancy and maintenance of buildings and structures. Evaluating and updating Hawaii's building codes as necessary will help to address many of Hawaii's most important concerns, including public safety and health, and environmental protection.

In large part, building codes establish a building's quality, safety and energy performance for years to come, because initial design and construction decisions determine operational and maintenance costs for the life of the building. Building equipment and other components may be replaceable and upgradeable, but many aspects of building performance are "designed in" at the beginning, and are too expensive and difficult to change. Foundations and other parts of the building envelope are typically in place for 50 years or more.

Building codes and design and construction decisions affect us every day, and the established of updated minimum requirements for building design, construction and operation to protect public health, safety and the natural resources that sustain us, help us "build it right" at the beginning when it matters most. Building codes can now offer enhanced protection against the threats of natural disasters and terrorism to make our communities more resilient, sustainable and livable for generations to come, which lowers the price of mitigation for building owners.

Regularly upgrading our State Building Codes ensure new products and practices make their way into buildings when the time is right and are no longer experimental. The code development process assesses the technology landscape and consumer demand, and creates an appropriately suited code that can apply innovations gradually across the building sector, reducing the risk for individual builders and contractors. The industry standard and process of updating building codes every three years is optimal to ensure new technologies, materials and methods, as well as better approaches to health and safety, can be incorporated into the next generation of buildings with sufficient time for proof of performance.

Regular, incremental improvements help us continue to build better, and smarter, buildings as cost effectively as possible. Waiting longer between code updates means many buildings are not current when built. Updated building codes significantly benefit the communities that use them. Ultimately, jurisdictions enforcing current building codes demonstrate they are forward thinking and open to change that helps improve lives. Likewise, jurisdictions choosing to lag behind current safety and energy codes demonstrate stubbornness less attractive to newcomers and those who invest in the most desirable types of economic development opportunities.

Updated building codes produce a more valuable building should benefit builders in addition to owners. On the residential side, the relatively small percentage increase in construction costs for homes built under updated building codes is more than offset by improved quality and safety. Likewise, a home costing less to own and operate should produce a higher return at sale and resale.

This committee and our state and local policymakers may also want to consider:

- Cost to public safety and health from design flaws or improper installation
- Unnecessary cost to home owners, businesses and taxpayers from buildings wasting energy and water
- Training on design and construction practices for achieving higher quality and better performing buildings meeting or exceeding code requirements at little or no additional cost to builders
- Savings to homeowners when disaster hits if homes are resilient and meet current flood-protection requirements, seismic design standards and wind-bracing requirements.

Well-structured and updated building codes ensure consistency among jurisdictions, while permitting the state and county authorities to make adjustments based on specific conditions

***Mahalo for the opportunity to comment in support of this measure.***

*Sincerely,*

*William F. Anonsen*

*William F. Anonsen*

*Managing Partner/Principal*





AMERICAN SOCIETY OF CIVIL ENGINEERS

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February 23, 2017

Honorable Rosalyn H. Baker, Chair

Honorable Clarence K. Nishihara, Vice Chair

Honorable Members of the Senate Committee on Commerce Consumer Protection, and Health

I am testifying in support for Senate Bill 1154 Relating to the Hawaii Hurricane Relief Fund Comprehensive Loss Reduction Plan.

The American Society of Civil Engineers was established in 1852 and is the oldest professional engineering organization in the United States. The Hawaii Section of ASCE was established in 1937 and is comprised of nearly 1,000 civil engineers from both the public and private sectors of our state. Many of our members own or are employed by companies in both the design and construction industry.

Members with professional licensure authority regularly seal construction drawings certifying that the plans were prepared in accordance with the State Building Code, which is based on the International Building Code. The International Code is regularly updated to reflect best practices of the industry. Each update must be followed with the revision of the State Code. Delays in updating the State Code are attributed to lack of funds for financial and administrative services. The State Building Code Council is recommending the Hawaii Hurricane Relief Fund be used to fund the cost to update the code. The Structural Engineers Association of Hawaii will provide details of the proposal in their testimony in support of this process. We recommend your passage of Senate Bill 1154.

Passage of SB 1154 should initiate additional legislation to make the periodic updating to the Code within the authority of the Department of Accounting and General Services. Thank you for your consideration.

Sincerely yours,

Owen Miyamoto, PE, FASCE  
Local Legislative Affairs Liaison  
3209 Paty Drive  
Honolulu, HI 96822-1439  
Email: [owen@hawaii.edu](mailto:owen@hawaii.edu)



Civil Engineers – Designers and Builders of the Quality of Life

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII (SEAOH)

TESTIMONY ON SENATE BILL 1154  
A BILL RELATING TO THE HAWAII HURRICANE RELIEF FUND COMPREHENSIVE LOSS  
REDUCTION PLAN

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

BY

JONATHAN MURAI  
President, SEAOH

Chair Baker, Vice-Chair Nishihara and Members of the Senate Committee on Commerce, Consumer Protection, and Health.

Chair Tokuda, Vice-Chair Dela Cruz and Members of the Senate Committee on Ways and Means

I am Jonathan Murai, President of the Structural Engineers Association of Hawaii. I am testifying in **SUPPORT** of Senate Bill 1154.

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.

SB 1154 proposes that the HHRF sponsor the updates/implementation of the 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. 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 forth coming 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 SB 1154.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SB 1154  
A BILL RELATING TO THE HAWAII HURRICANE RELIEF FUND (HHRF) 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 Members of the committees.

I am Vern T. Miyagi, Administrator, Hawaii Emergency Management Agency. I am testifying in **STRONG SUPPORT** of Senate Bill 1154.

**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 criteria related to loss mitigation standards established in section 431P-12 (HHRF). Due to the lack of funding for the SBCC and despite its best volunteer efforts, **the state is currently three iterations (9 years) 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 a disaster preparedness standpoint - to be 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, 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.**

SB 1154 proposes that the HHRF sponsor the updates/implementation of the Hawaii state and county building code **hurricane standards** by the SBCC on a consistent recurring basis – **once every three years**. The use of the HHRF to fund these updates actually strengthens the fund by mitigating against future damages from hurricane hazards.

Thank you for allowing me to testify in **STRONG SUPPORT** of SB 1154.

Vern T. Miyagi; [vern.t.miyagi@hawaii.gov](mailto:vern.t.miyagi@hawaii.gov); 808-733-4300