

SB1297

RELATING TO AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT.

Appropriates \$75,000 to DAGS to update statewide standards for hurricane mitigation. Anticipates full reimbursement by a Federal Emergency Management Agency hazard mitigation grant awarded to DAGS.

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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HONOLULU, HAWAII 96813
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Phone: (808) 586-8844 / Fax: (808) 586-9099
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February 13, 2017

The Honorable Donna Mercado Kim, Chair
Committee on Government Operations
The State Senate
State Capitol, Room 218
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chairs Kim and Nishihara:

Subject: Senate Bill (SB) 1297 Relating to Awarded Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant

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 1297, which proposes to appropriate funds through a FEMA grant for the State Building Code Council (SBCC) to update state building codes.

The bill supports the SBCC in reviewing and adopting amendments to the various building codes dealing in hazard mitigation. 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, the International Residential Code, and the International Building Code have been completed, but lack the funding to be processed through the administrative rule process which has stalled, thus preventing the amendments from being adopted. As a result, only the fire, energy, and elevator

The Honorable Donna Mercado Kim, Chair
The Honorable Clarence Nishihara, Chair
Page 2
February 13, 2017

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 1297 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.

Sincerely,



MANUEL P. NEVES
Chair

MPN/LR:clc

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 1297
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT
AGENCY HAZARD MITIGATION GRANT

PRESENTATION TO
THE SENATE COMMITTEES ON GOVERNMENT OPERATIONS AND PUBLIC
SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

BY

VERN T. MIYAGI
Administrator, Hawaii Emergency Management Agency

Chair Kim, Vice-Chair Ruderman, Chair Nishihara, Vice-Chair Wakai and Members of the Senate Committee Government Operations and Senate Committee on Public Safety, Intergovernmental and Military Affairs.

Aloha - I am Vern T. Miyagi, Administrator, Hawaii Emergency Management Agency (HI-EMA). I am testifying in **SUPPORT** of Senate Bill 1297.

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 a 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.

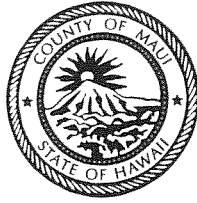
Thank you for the opportunity to provide this testimony in **SUPPORT** of SB 1297.

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

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director



GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

LESLI L. OTANI, P.E., L.S.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

TESTIMONY ON SENATE BILL 1297
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT
AGENCY HAZARD MITIGATION GRANT

PRESENTATION TO
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

BY

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

Chair Nishihara, Vice-Chair Wakai and Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs.

Chair Kim, Vice-Chair Ruderman, and Members of the Senate Committee on Government Operations.

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 Senate Bill 1297.

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.

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Wallace G. Rezendes, Jr.
Managing Director

Kilipaki K. F. Vaughan
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
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February 13, 2017

The Honorable Donna Mercado Kim, Chair
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The State Senate
State Capitol, Room 218
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The Honorable Clarence Nishihara, Chair
Committee on Public Safety, Intergovernmental,
and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chairs Kim and Nishihara:

Subject: Senate Bill (SB) 1297 Relating to Awarded Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant

I am Robert F. Westerman, Vice-Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support SB 1297, which proposes to appropriate funds through a FEMA grant for the State Building Code Council to update state building codes.

The bill supports the SBCC in reviewing and adopting amendments to the various building codes dealing in hazard mitigation. 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, the International Residential Code, and the International Building Code have been completed, but lack the funding to be processed through the administrative rule process which has stalled, thus preventing the amendments from being adopted. As a result, 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 Donna Mercado Kim and Clarence Nishihara, Chairs

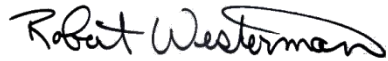
Page 2

February 13, 2017

The SFC and the KFD urge your committees' passage of SB 1297 for the safety and general welfare of our citizens.

Please contact me at (808) 241-4975 or rwesterman@kauai.gov should you have any questions or require additional information regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

MASON CONTRACTORS ASSOCIATION OF HAWAII (MCAH)

TESTIMONY ON SENATE BILL 1297

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

PRESENTATION TO

THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY
AFFAIRS

BY
Will Giles
MCAH Liaison

Chair Nishihara, Vice-chair Wakai, and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs.

I am Will Giles, Liaison for the Mason Contractors Association of Hawaii. I am testifying in **SUPPORT** of Senate Bill 1297.

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 SB 1297.

MASON CONTRACTORS ASSOCIATION OF HAWAII
95-1030 Meheula Parkway #892711
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TESTIMONY ON SENATE BILL 1297
A BILL RELATING TO AWARDED FEDERAL EMERGENCY MANAGEMENT
AGENCY HAZARD MITIGATION GRANT

PRESENTED TO
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

BY

RYAN WADA
President, MCAH

Chair Nishihara, Vice-chair Wakai, and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs.

I am Ryan Wada, President of the Mason Contractors Association of Hawaii. I am testifying in **SUPPORT** of Senate Bill 1297.

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.

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Thank you for allowing me to testify in **SUPPORT** of SB 1297.

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TESTIMONY ON SENATE BILL 1297
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AGENCY HAZARD MITIGATION GRANT

PRESENTED TO
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

BY

RODNEY HARAGA
Director, MIH

Chair Nishihara, Vice-chair Wakai, and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs.

I am Rodney Haraga, Director of the Masonry Institute of Hawaii. I am testifying in **SUPPORT** of Senate Bill 1297.

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.

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Thank you for allowing me to testify in **SUPPORT** of SB 1297.

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII (SEAOH)

TESTIMONY ON SENATE BILL 1297
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT

PRESENTATION TO
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS

AND

THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

BY

JONATHAN MURAI
President, SEAOH

Chair Nishihara, Vice-Chair Wakai and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs.

Chair Kim, Vice-Chair Ruderman, and Members of the Senate Committee on Government Operations

I am Jonathan Murai, President of the Structural Engineers Association of Hawaii. I am testifying in **SUPPORT** of Senate Bill 1297.

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 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 fulfilling 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 SB 1297.



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii

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SSFM International
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February 13, 2017

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senate Committee on Government Operations
Hearing Date: Tuesday, February 14, 1:45 p.m., Conference Room 229

Subject: **SUPPORT of SB 1297, Relating to Awarded Federal Emergency Management Agency Hazard Mitigation Grant**

Dear Chairs Nishihara and Mercado Kim, 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. We are well behind in code updates, which has a negative impact on the State in numerous ways.

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 of the State Building Code. 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