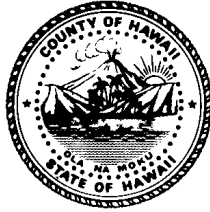


**Harry Kim**  
*Mayor*



**David Yamamoto, P.E.**  
*Director*

**Roy Takemoto**  
*Managing Director*

**Allan G. Simeon, P.E.**  
*Deputy Director*

**County of Hawai'i**  
**DEPARTMENT OF PUBLIC WORKS**  
**Aupuni Center**  
101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224  
(808) 961-8321 · Fax (808) 961-8630  
public\_works@hawaiicounty.gov

January 29, 2020

Representative Tom Brower, Chair  
Representative Scot Matayoshi, Vice Chair  
And Members of the Committee on Housing

RE: TESTIMONY IN OPPOSITION OF HB 1933, RELATING TO THE STATE BUILDING  
CODE COUNCIL

Dear Chairs and members:

Thank you for this opportunity to testify in opposition of HB 1933 and its companion bill SB2026.

The County of Hawaii opposes the proposed bills repealing the State Building Code Council (SBCC) as it would critically impede our ability to utilize an established resource of technical expertise and uphold the fiduciary duty of enforcing the codes ensuring life and safety of the public.

The State building codes per HRS 107-25; as adopted by the SBCC only pertain to life and safety, and thus synchronize and provide a state model for the counties to further develop their local amendments. This first step is critical to the local jurisdiction such as the County of Hawaii; the SBCC as a State agency can command more attention than the local counties can. Additionally, the SBCC has a deeper ability and a farther reaching statewide network of technical expertise to assess the impacts of the national model codes to the uniqueness of the State of Hawaii.

An example of the impact of SBCC tapping the technical expertise and providing a basis for which the individual Counties rely on is; the SBCC leading the charge in applying for a Federal Emergency Management Agency (FEMA) grant that would provide support in developing the updated, high-resolution wind maps that would be incorporated in the amendments to the International Building Code 2012 edition. The updated wind maps incorporated in the model code is necessary to modernize Hawaii codes for hurricane, tsunami, and earthquake resistive standards and compliance with the FEMA updated disaster relief grant policy changes. With high resolution wind maps for all of the counties consolidated in one study, compliance with FEMA disaster relief grant policy is streamlined.

The four County Building Division Managers form the core of SBCC. The communication between the jurisdictions allow for common challenges such as the impact of these codes to

affordable housing solutions, to be addressed (i.e. vetting economic impacts such as construction costs,) resolved and implemented into the State codes. The SBCC may adopt no code without the unanimous approval of all four managers, ensuring statewide synchronization and providing guideposts for the county councils.

Thank you for this opportunity to submit opposition of HB 1933.  
Respectfully submitted,

Robyn Matsumoto, P.E.  
Acting Building Division Chief, Hawai'i County Department of Public Works

# AMERICAN INSTITUTE OF ARCHITECTS

January 30, 2020

Honorable Tom Brower, Chair  
House Committee on Housing

**Re: House Bill 1933      Relating to the State Building Code Council**

Dear Chair Brower and Members of the Committee,

My name is Daniel Chun Government Affairs Commissioner of the American Institute of Architects Hawaii State Council (AIA) testifying in **STRONG OPPOSITION** to House Bill 1933.

## **Architects want uniform state building code**

AIA takes no exception to counties issuing building permits. However architects want county building codes to be as uniform as possible for more efficient business operation. As a "private sector" voting member, our AIA Codes Committee provides many volunteer hours toward reviewing each national code update and recommending amendments to suit local conditions. The language of Section 1 contains erroneous statements related to adopting private sector proposals and delays related to two-step adoption of codes.

Abolishing the state building code and its council may lead to counties using radically different and outdated building codes. For example Hawaii County, most disaster-prone county in the state, consistently failed to update its building code until HRS 107-21 was adopted. I was personally involved in passage and I can say that legislative representatives from Hawaii County were the most supportive of the effort.

## **GET rivals the cost of the plumbing**

Our recurring monitoring of bills introduced each session suggests that the legislature proposes more code changes not pertaining to building health and safety than does the private sector. Electric vehicles - for example.

The high cost of housing is much more driven by Hawaii's small urbanized land area, reserved units for "affordable housing" and long-term financing costs than by any building code. You could exempt all housing construction from GET as is the case for designated affordable housing. My most recent house projects paid some \$40k in GET; while all plumbing cost about \$50k. Florida taxes only materials and exempts labor cost. Thank you for this opportunity to **STRONGLY OPPOSE** House Bill 1933.

**HB-1933**

Submitted on: 1/29/2020 7:28:22 AM

Testimony for HSG on 1/30/2020 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lyle P Carden	Individual	Oppose	No

Comments:

Honorable Members of the Committee,

**I oppose House Bill 1933 Relating to the State Building Code Council Repeal**

I am writing as a Structural Engineering Practitioner, Chair of the Structural Engineers Association of Hawaii (SEAOH) Building Code Council Committee, and Member of the State Building Code Council. My membership on the Council is a voluntary position, that serves no personal gain except to assist the State in the maintenance of good building standards towards the goal of safe and energy efficient buildings. SEAOH has been involved in building code development for several decades and members were advocates during the inception of the State Building Code Council in 2007 as a means of: developing uniform construction standards throughout the State; allow for regular updates to the codes consistent with national model codes, and; providing amendments to model codes appropriate to the specific geographic hazards and economic environment within the state.

The proposed dissolution of the State Building Code Council would be expected to return to the way building codes and standards were adopted by each county, with varying editions of each of the codes in effect. Past records indicate differences of eight or sometimes ten years in the different editions adopted. This would limit large scale cost effectiveness for designers, builders, owners, and insurers without uniformity in building materials, methods and technologies. The anticipated delay by some counties in adopting updated building codes would mean that these counties would fall out of compliance with FEMA requirements for disaster assistance following a Disaster Declaration.

The timely adoption of updated model codes allows for incremental improvements in standards of safety and energy performance, in areas where experience has found previous building standards to be deficient, or where advancing technology allows for an improvement in materials or better understanding of hazards and opportunities to mitigate those hazards. This has resulted in buildings that are much safer and more energy efficient today those of older vintages. The increase in safety and energy performance, is associated with an increase in initial cost of construction in some areas, although improvements in energy performance will reduce operational cost. This initial cost increase will ultimately occur regardless of whether there is a statewide standard or

county standards, except that the lack of a state standard will result in inconsistencies across the counties and greater uncertainty. What the State Building Code Council provides is relative uniformity between the counties, while still providing flexibility for local county amendments in the adoption county codes.

The State Building Code Council also provides a means to temper the increase in cost, using appropriate state amendments, where national model changes do not meet the needs of the state. An example of this, is the relaxation of the model building code requirements to provide hurricane rated glazing in all buildings in Hawaii. The insurance industry found this to be an excessive cost relative to the risks, therefore the State Building Code amendments limit the requirements to important and high occupancy buildings. Another example is the development of tropical amendments to the State Energy Conservation code, to permit more flexibility in the design of comfortable, energy efficient buildings in our tropical environment unique to the United States. The Council allows the development of amendments to the national model codes by organizations such as SEAOC, the American Institute of Architects, the General Contractors Association, the Hawaii State Energy Office, and others that can be applied across the state. Due to the time and voluntary nature of the work, it is significantly more difficult to develop these amendments individually for each of the four counties, and the standards will be highly inconsistent, as was the reality prior to the introduction of the State Building Code Council. Dissolution of the council would inhibit the development and uniform implementation of these types of code developments across the counties.

For these reasons, I oppose House Bill 1933 Relating to the State Building Code Council Repeal.

After the introduction of the statute, the State Building Code development process has struggled, hampered by lack of funding to implement an administrative rules process. Subsequent streamlining of the administrative rules, has improved the efficiency of the Council, to a point where I think it is only now getting close to achieving the vision that initial proponents had for the Council. To reduce burden on the State Building Code council, local jurisdictions, and users of the building codes, I recommend that the current bill be amended to lengthen of the adoption cycle within the State Building Code Council process itself to a six year cycle, so that the synchronization of codes can still be accomplished, while reducing the frequency of new code provisions for the construction industry. This is a more realistic timeframe, ensures that state and counties maintain FEMA compliance, but maintains a common state standard.

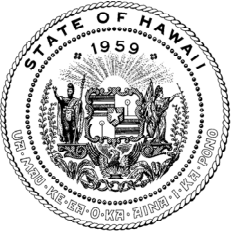
The current statute requires that the State Building Code Council have an Executive Director, a position that has never been funded, which has also limited the effectiveness of the Council. It is recommended that an Executive Director or administrative coordinator position be funded by the legislature, in order improve the efficiency and coordination of the code development process.

Lyle P. Carden, Ph.D. P.E

Principal, Martin & Chock, Inc.

SEAOH Building Code Committee Chair

Member of the State Building Code Council



# HAWAII STATE ENERGY OFFICE STATE OF HAWAII

235 South Beretania Street, 5<sup>TH</sup> Floor, Honolulu, HI 96813 | energy.hawaii.gov



DAVID Y. IGE  
GOVERNOR

SCOTT J. GLENN  
CHIEF ENERGY OFFICER

(808) 587-3807

## Testimony of **SCOTT J. GLENN, Chief Energy Officer**

before the  
**HOUSE COMMITTEE ON HOUSING**  
Thursday, January 30, 2020  
9:45 AM  
State Capitol, Conference Room 423

### In OPPOSITION to **HB 1933** **RELATING TO THE STATE BUILDING CODE COUNCIL.**

Chair Brower, Vice Chair Matayoshi and members of the Committee. The Hawaii State Energy Office opposes HB 1933 which would abolish the State Building Code Council (SBCC).

The SBCC was created by Hawaii Revised Statutes 107 Part II and brings together the four county building division managers and representatives from the largest professional building associations. The SBCC may adopt no new building code without the unanimous approval of the county managers, assuring statewide unanimity of new codes. The SBCC serves as a catalyst and a forum for counties, state agencies, unions and professionals to engage in intense discussion and compromise.

Prior to the creation of the SBCC, the counties fell behind the national timetable of updating building codes every three years. The SBCC spurs the timely adoption of high-impact codes including the 2015 International Energy Conservation Code which reduces energy use in homes and buildings by 30% and added amendments which further reduce energy use and construction costs. The SBCC adopted Hawaii's Tropical Code which is tailored to local conditions, substantially lowers construction costs and can cut energy use by nearly one-half. The SBCC worked with unions to reduce costs associated with mass (concrete) walls, metal-framed walls, roof replacement and jalousie windows.

The SBCC adopted the 2017 National Electrical Code which sped up permitting of storage batteries for photovoltaic systems, which are major contributors to realizing Hawaii's clean energy and decarbonization goals.

The SBCC adheres strictly to Hawaii's sunshine laws, has added new subcommittees upon request and receives many visitors who provide public comment and input.

Thank you for the opportunity to testify.



**LATE**

**HOUSE COMMITTEE ON HOUSING  
State Capitol, Conference Room 423  
415 South Beretania Street  
9:45 AM**

January 30, 2020

.RE: HOUSE BILL NO. 1933, RELATING TO THE STATE BUILDING CODE COUNCIL

Chair Brower, Vice Chair Matayoshi, and members of the committee:

My name is Dwight Mitsunaga, 2020 President of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA-Hawaii is in strong support of H.B. 1933, which proposes to repeal the State Building Code Council and clarify Section 107 HRS. This would provide that all state new construction meet, at a minimum, nationally recognized codes and standards governing the design and construction to safeguard life, property, and the general welfare.

As stated in the bill, the make-up of the State Building Code Council does not take into consideration the cost implications of adopting new codes. Nationally, many of the new codes have mandates built in that manufacturers and special interest groups have imbedded into new code revisions. These mandates are not intended to protect the public health or safety, and ultimately increase the cost of housing.

Allowing the counties to amend national codes prior to adoption allows for necessary input and adjustments at the local level with public input, as the codes need County Council approval.

In the 2020 Legislative Session, both Chambers of the Hawaii State Legislature, and Governor Ige's Administration put forward a comprehensive package of bills to improve the quality of life for Hawaii's middle class families. A large part of the package attempted to address housing affordability. Adding more unnecessary code requirements to the construction of a new home will raise the cost of housing.

We appreciate the opportunity to express our views on H.B. 1933.

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# Chamber of Commerce HAWAII

*The Voice of Business*

**Testimony to the House Committee on Housing  
Thursday, January 30, 2020 at 9:45 A.M.  
Conference Room 423, State Capitol**

**LATE**

**RE: HB 1933 RELATING TO THE STATE BUILDING CODE COUNCIL**

Chair Brower, Vice Chair Matayoshi and Members of the Committees:

The Chamber of Commerce Hawaii ("The Chamber") **supports** HB 1933, which proposes to repeal the State Building Code Council and clarify Section 107 HRS. This would provide that all State new construction meet, at a minimum, nationally recognized codes and standards governing the design and construction to safeguard life, property and general welfare.

The Chamber is Hawaii's leading statewide business advocacy organization, representing 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Repealing the State Building Council would improve the process in which building codes are adopted. As stated in the bill, the make-up of the State Building Code Council does not take into consideration the cost implications of adopting new codes. Nationally, many of the new codes have mandates built in that manufacturers and special interest groups have embedded into new code revisions. These mandates are not intended to protect the public health or safety, and ultimately increase the cost of housing.

In addition, changing the process to allow counties to amend national building codes prior to adoption allows for input and adjustments at the local level with public input as the codes need Council approval.

We appreciate the opportunity to express our support for HB 1933.