

HAWAII STATE ENERGY OFFICE STATE OF HAWAII

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Testimony of
SCOTT J. GLENN, Chief Energy Officer

before the **SENATE COMMITTEE ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**

Tuesday, February 16, 2021
1:00 PM
State Capitol, Via Videoconference

Comments in consideration of
SB 1407
RELATING TO THE STATE BUILDING CODE COUNCIL

Chair Nishihara, Vice Chair English, and Members of the Committee, the Hawaii State Energy Office (HSEO) comments with concerns on SB 1407, which requires members of the State Building Code Council (SBCC) to have experience in Hawaii's building codes and related cost impacts; adds two voting members to the SBCC and requires a cost benefit analysis of each proposed amendment; requires members to disclose potential conflicting financial interests; and proposes that the International Building Code (IBC) be adopted every six years rather than following the three-year national cycle.

HSEO is concerned that expanding the SBCC from eleven to thirteen member, by adding two more, would further burden an unfunded and unstaffed body to support additional staff members and ensure quorum. The unions, building industry, and real estate industry stakeholders, while not members freely express their views in meetings as amendments to the IBC and other codes are being considered.

The proposal for specific additional qualifications for all of the council members is also of concern. The current statute explicitly requires two members of the Council to have "significant experience with building codes," as representatives of their organizations; the other members of the Council represent specific entities directly

related to building safety and codes, including, for example, fire safety, elevator safety, structural engineering, and architecture. The change proposed by the bill, which would require all voting members to have “significant experience and knowledge of building codes and cost-benefit analysis of building code revisions,” could significantly constrain and reduce the pool of eligible members, especially as the council membership is set by statute, there is no guarantee that those entities have candidates who can fulfill both sets of criteria; namely, to have both “significant experience and knowledge” in both “building codes and cost-benefit analysis,” and membership on the Council is unpaid.

While HSEO acknowledges the value of cost-benefit analysis and the importance of understanding the various factors and effects of code updates, HSEO is concerned that the requirement that any recommended state amendment require cost-benefit analysis may be overly constraining, and pose an excessive burden on the unfunded Council; information on costs and benefits are already included in debates and discussions of proposed code amendments, so the additional requirement could pose an unnecessary burden that the Council is not resourced to undertake as it is. Should the Legislature require cost-benefit analysis for any amendment, HSEO recommends that the Council use best practices for cost-benefit analysis commensurate to the proposed amendment and the resources available to the Council.

Finally, changing the IBC from a three-year to a six-year cycle would have numerous effects, among which making that particular code out of synchronization with the national code cycle, and deprive consumers of the continuous improvements occurring in the building industry and reflected in codes. As this bill contemplates any change to the codes requiring a cost-benefit analysis, perhaps a change of this order would be a suitable candidate for such an analysis.

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

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February 12, 2021

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

Dear Chair Nishihara:

Subject: Senate Bill (SB) 1407 Relating to the State Building Code Council (SBCC)

I am Manuel P. Neves, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD strongly oppose SB 1407, which seeks to require all members of the SBCC to have significant experience and knowledge of building codes and the cost impacts of building code revisions, adds two voting members, requires a cost-benefit analysis prior to recommending state code amendments, requires council members to disclose potential conflicts of financial interests, and requires council members to consult with builders of residential, commercial, and industrial buildings.

Since its formation in 2007, the SBCC has never had funding for staff, operating expenses, or training. Its 11 voluntary members do not receive compensation for any work performed on behalf of the state. Since statewide amendments require extensive time and effort from members who have full-time jobs, the SBCC has struggled to timely review, approve, and adopt approximately seven different codes and standards. Adding additional members and requirements will not benefit the work of the SBCC in meeting its current mandates. Investigative committee and council meetings are open to the public with many building industry representatives who are already in attendance and given opportunities to comment on any proposed amendments.

The SFC and the HFD urge your committee's deferral of SB 1407.

The Honorable Clarence Nishihara, Chair
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Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. P. Neves', with a stylized flourish at the end.

MANUEL P. NEVES
Chair

MPN/LR:cn



LATE

**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AFFAIRS, & MILITARY
State Capitol, Via Videoconference
415 South Beretania Street
1:00 PM**

February 16, 2021

RE: SB 1407, RELATING TO THE STATE BUILDING CODE COUNCIL

Chair Nishihara, Vice Chair English, and members of the committee:

My name is Beau Nobmann, 2021 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 SB 1407, which would require all members of the State Building Code Council (SBCC) to have significant experience and knowledge of building codes and the cost impacts of building code revisions. This bill also adds two voting council members, representing the National Association of Industrial and Office Properties and the construction trade unions, respectively, and requires the council and its subcommittee to conduct a cost-benefit analysis prior to recommending state code amendments. Further, this bill requires the council to consult with builders of residential, commercial, and industrial buildings, and requires the council to adopt the International Building Code every six years starting with the 2018 edition.

The current makeup of the SBCC 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. Requiring the SBCC to consider cost implications and report to the Governor would provide the public and the building industry with much-needed information.

The state of Hawaii is in a dire housing crisis which has been further exacerbated by the ongoing pandemic situation. The building industry is one of the very few economic drivers in the state throughout the COVID pandemic, and giving them more opportunity to provide our residents with affordable housing would have a positive impact on our community.

We appreciate the opportunity to express our views on SB 1407.

LATE

SB-1407

Submitted on: 2/16/2021 10:18:58 AM
Testimony for PSM on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan L.K. Lee Loy	Testifying for Hawai'i County Council	Support	No

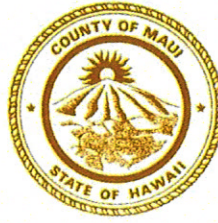
Comments:

Chair Nishihara and members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

In our work on the Hawai'i County Council to update and modernize our construction codes, we worked closely with members of the State Building Code Council. The importance of their work cannot be minimized. The decisions and direction set by this body directly impact the cost and quality of projects like affordable housing and public infrastructure, and the ability of public and private sectors to deliver those projects in a timely manner when they are needed the most.

The choice of members and the understanding of cost and benefits of proposed changes has long-lasting impacts on the construction industry. I support SB 1407 and thank you in advance for your support.

MICHAEL P. VICTORINO
Mayor
DAVID C. THYNE
Fire Chief
BRADFORD K. VENTURA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, HI 96732

February 16, 2021

LATE

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

Dear Chair Nishihara:

Subject: Senate Bill (SB) 1407 Relating to the State Building Code Council (SBCC)

I am David C. Thyne, member of the State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the HFD strongly oppose SB 1407, which seeks to require all members of the SBCC to have significant experience and knowledge of building codes and the cost impacts of building code revisions, adds two voting members, requires a cost-benefit analysis prior to recommending state code amendments, requires council members to disclose potential conflicts of financial interests, and requires council members to consult with builders of residential, commercial, and industrial buildings.

Since its formation in 2007, the SBCC has never had funding for staff, operating expenses, or training. Its 11 voluntary members do not receive compensation for any work performed on behalf of the state. Since statewide amendments require extensive time and effort from members who have full-time jobs, the SBCC has struggled to timely review, approve, and adopt approximately seven different codes and standards. Adding additional members and requirements will not benefit the work of the SBCC in meeting its current mandates. Investigative committee and council meetings are open to the public with many building industry representatives who are already in attendance and given opportunities to comment on any proposed amendments.

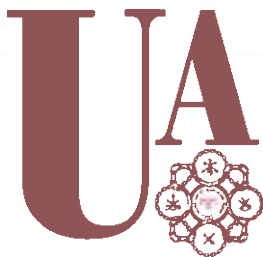
The SFC and the HFD urge your committee's deferral of SB 1407.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or lrogers@honolulu.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Thyne".

DAVID C. THYNE
Fire Chief



Founded 1889

PLUMBERS AND FITTERS LOCAL 675 UNITED ASSOCIATION



LATE

February 16, 2021

Senator Clarence Nishihara, Chair

Senator J. Kalani English, Vice Chair

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

State Capitol, 415 South Beretania Street, Video Conference

Honolulu, Hawaii 96813

Re: SB1407 Relating To The State Building Code Council
Tuesday, February 16, 2021 at 1:00 pm

Aloha Chair, Vice-Chair, and Committee Members;

Chartered in 1919, the Plumbers and Fitters UA, Local 675 is one of the oldest organized labor unions in Hawai'i and one of three 'licensed' skilled-construction trades, steeped in a rich history as one of Hawai'i's construction-industry pioneers.

The Plumbers and Fitters UA Local 675, Business Manager Val Ceria and its hard-working members and their families, would like to thank this Committee for considering SB1407 relating to the State Building Code Council.

Local 675 appreciates the general intent behind SB1407, to consider costs and benefits when considering amendments to nationally published building codes, but have serious concern that cost should not be the driving factor over the public's health and safety when it comes to the adoption of building codes. The pre-amble of SB1407 rightfully points out that health and safety are the primary purpose of building codes and are of statewide concern.

We note inaccuracies in the pre-amble and portions of the main body as it relates to nationally published codes that need to be corrected, as well as significant concern regarding the two additional members being proposed to be added to the state building code council as these additions, in our opinion, may exacerbate the issues that this Bill suggests it is trying to resolve. We also believe that much of the concern in increased costs of construction due to building codes appear to originate from the state's energy conservation code however, as written, this Bill may have sweeping and unintended impacts to other building codes that's primary focus is on the protection of the public's health and safety.

As such, recognizing approaching legislative deadlines, we hope to have the opportunity to work with this Committee and the author of the Bill, to find workable amendments that would be acceptable to all parties, and **respectfully request that this measure be deferred** to allow such conversations to occur.

Mahalo for considering our testimony on Senate Bill 1407.





LATE

LAND USE RESEARCH
FOUNDATION OF HAWAII

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Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 15, 2021

Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Testimony in Strong Support of SB 1407 RELATING TO THE STATE BUILDING CODE COUNCIL. (Requires all members of the state building code council to have significant experience and knowledge of building codes and the cost impacts of building code revisions. Adds two voting council members, representing the National Association of Industrial and Office Properties and the construction trade unions, respectively. Requires the council and its subcommittee to conduct a cost-benefit analysis prior to recommending state code amendments. Requires council members and the drafters of recommended state code amendments to disclose potential conflicts of financial interests. Requires the council to consult with builders of residential, commercial, and industrial buildings. Requires the council to adopt the International Building Code every six years starting with the 2018 edition. Makes a conforming amendment.)

Tuesday, February 16, 2021, 1:00 p.m., via Videoconference

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. One of LURF's missions is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide testimony in **strong support of SB 1407**.

SB 1407. The purpose of this measure is to amend the statute relating to the State Building Code Council (Council) to broaden the Council's professional expertise and input, and making its process more transparent, accountable, and efficient.

SB 1407 includes the following changes to the SBCC membership and process:

- Requires all members of the Council to have significant experience and knowledge of building codes and the cost impacts of building code revisions;
- Adds one voting council member representing the National Association of Industrial and Office Properties (NAIOP);
- Adds one voting council member representing the construction trade unions;
- Requires the subcommittee of county building officials and the council to consider a cost-benefit analysis prior to recommending state amendments;
- Requires members and the drafters of proposals to disclose potential conflicts of financial interests;
- Requires the council to consult with builders of residential, commercial and industrial buildings; and
- Requires the council to adopt building codes on every other code cycle (every 6 years), in lieu of every code cycle (every 3 years) starting with 2018.

LURF's Position. LURF members and other building partners and alliances who support Bill 1407, include Hawaii's largest homebuilders, as well as builders of agricultural, commercial, industrial, and energy projects and have followed the SBCC very closely over the past year.

While the members of the Council appear to be well-meaning and earnest, LURF members and other building industry Stakeholders have personally observed various troubling issues relating to several *non-health and safety* code changes (noted in the preamble to the bill) that justify the above-referenced improvements to SBCC.

Based on participating in the SBCC hearings, we believe that broader input is needed by actual practitioners of the building industry. Requiring significant professional experience and knowledge of building codes and the cost impacts of building code revisions and adding new members representing NAIOP and the construction unions will provide value to the SBCC with additional perspective and input of actual practitioners of the building codes who will know when proponents of code amendments are making misrepresentations to the SBCC. We support the SBCC membership of NAIOP and construction unions, however, but those parties could be broadened into a "categories of stakeholders" instead of named parties, or made into an option ("may" instead of "shall"), instead of a requirement.

Although the SBCC plays a role in the adoption of the state building codes, adoption of the codes ultimately rests with each individual county. This two-step process results in a burden on the counties to review the changing code amendments and delays to the adoption of building codes and increases to the cost of construction in Hawaii, especially when repeated every three (3) years. Thus, this bill proposes to require the council to adopt building codes on every other code cycle (every 6 years) starting with 2018, instead of the current code cycle (every 3 years).

To clarify, LURF and other stakeholders support the 6-year cycle for *non-health and safety* code amendments – if there are important health and safety code changes, those should be allowed sooner than the 6-year cycle. We also understand that the SBCC is also challenged by the frequency of certain *non-health and safety* code updates by the International Building Code, which is revised every three (3) years. The burden of updating to a newer code every

three (3) years is not only the expense of the codes themselves, but the learning and retraining time, which is considerable. This is a burden not only on the construction industry, but on the county building departments as well, which can run into hundreds of lost workhours. This results in not only additional costs for the consumer, but time delays in processing permits.

The cost-benefit analysis and disclosure of potential conflicts of financial interests will assure transparency, accountability and require the SBCC to consider additional factual and objective cost information regarding how the code changes will financially impact Hawaii's residents.

While the work of the SBCC can be described as "duplicative," since the counties each are required to go through their own review and adoption of the various building codes, at this point, LURF and other building industry stakeholders believe that there still may be a need for the SBCC to assist the counties and building industry in understanding and adopting building codes which protect health, safety and are cost efficient.

LURF believes that SB 1407 will help to promote a transparent and fair process to adopt safe, sustainable and economically viable building codes for Hawaii.

For the reasons stated above, LURF is in **strong support of SB 1407**, and respectfully urges your favorable consideration of this bill.

LATE

SB-1407

Submitted on: 2/16/2021 9:30:09 AM

Testimony for PSM on 2/16/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony B. Borge	Individual	Support	No

Comments:

My name is Anthony Borge and I am submitting testimony as a small business **in favor of S.B 1407**. RMA Sales is a locally owned, small business manufacturing and distributing louver jalousie windows, storm/security doors, screens and ancillary products here in Hawaii since 1961.

The proposed changes are needed to provide for stakeholder representation and pragmatic input when formulating effective building codes in the name of public health and safety.

We are if support of S.B 1407.

Thank you.

Anthony B.Borge