

**Testimony of the Board of Professional Engineers, Architects, Surveyors, and  
Landscape Architects**

**Before the  
House Committee on Consumer Protection and Commerce  
Wednesday, February 22, 2023  
2:00 p.m.  
Via Videoconference**

**On the following measure:  
H.B. 217, H.D. 1, RELATING TO HOME RENOVATIONS**

Chair Nakashima and Members of the Committee:

My name is Sheena Choy, and I am the Executive Officer of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects (Board). The Board opposes this bill.

The purpose of this bill is to update the cost valuations of work on buildings for the work to qualify for an exemption from the requirement that plans and specifications for construction projects be prepared by a licensed engineer or architect.

Section 2 of this bill amends subsections (a) and (b) of Hawaii Revised Statutes (HRS) section 464-13 by increasing all four of the existing cost valuation exemptions. The Board acknowledges that inflation has increased the cost of work, but questions how the increases to the existing cost valuation categories were calculated. For the Committee's information, the Senate Committees on Energy, Economic Development and Tourism and Government Operations heard S.B. 781, S.D. 1, Relating to Renewable Energy, which, among other things, increased the cost valuations to \$160,000, whereas this bill raises the existing cap of \$40,000 to \$77,000. Any proposed raises to the cap should be specifically justified in a clearly articulated manner.

The Board is concerned that this amendment will raise the cap on the cost valuations of work on buildings for renovation projects serviced by an unlicensed professional to allow for larger scaled projects, such as major renovations, thereby jeopardizing the health, safety, and welfare of consumers. The Board would have no recourse to take action against an unlicensed person who provides substandard plans.

The Board notes further that HRS section 464-13 may not be the appropriate section to amend if the intent is to allow larger construction projects to proceed without

the need to hire licensed design professionals. The intent of this section, created in 1931, was to allow smaller-scale repairs without the requirement of a licensed design professional's seal, where the work involved was to be relatively small in cost and in scope.

The Board respectfully requests that this measure be held in Committee, and encourages further discussion between the proponents of this measure and other stakeholders.

Thank you for the opportunity to testify on this bill.



**Hawaii Solar Energy Association**  
*Serving Hawaii Since 1977*

**Testimony of The Hawaii Solar Energy Association (HSEA) Regarding HB217 HD1, Relating to Home Renovations, Before the House Committee on Consumer Protection and Commerce**

**Wednesday, February 22, 2023**

Aloha Chair Nakashima, Vice-Chair Sayama, and committee members:

The Hawaii Solar Energy Association (HSEA) **strongly supports HB 217 HD1**, which updates the cost valuations of work on buildings for the work to qualify for an exemption from the requirement that plans and specifications for construction projects be prepared by a licensed engineer or architect.

HSEA members include the majority of locally owned and operated renewable energy companies doing business in the state along with leading global cleantech manufacturers and service providers that invest and sell in our market. We employ thousands of residents in diverse green economy jobs that are innovating, designing, and building Hawaii's pathway to a renewable energy future. We advocate for policies that help Hawaii achieve critical climate and resilience goals by enabling residents and businesses to invest in and benefit from the transition to clean energy. These investments provide reliable and affordable power that reduces energy cost burden for all and contributes to Hawaii's energy security as we decarbonize our economy and electric grid.

Most small-scale solar and storage installations are retrofits on existing structures or rooftops that do not need the same level of scrutiny as a new build. Permitting delays and the imposition of stamp or certification requirements on smaller projects add unnecessary cost and time, and hamper the State's renewable energy, resilience, and sustainability efforts. As costs come down and systems become more available and accessible to underserved members of our community, permitting delays have emerged as a primary obstacle to progress.

HB 217 HD1 addresses ongoing permitting challenges by updating fixed dollar thresholds that exempt small private projects from statutory design professional standards. The thresholds have not been updated since they were first established in 1979. Since that time, the U.S. dollar has inflated by over 300% with one dollar in 1979 equaling over \$4 today. Adjusting these thresholds to account for inflation makes common sense and will reduce construction costs across all sectors in Hawaii.



**Hawaii Solar Energy Association**  
*Serving Hawaii Since 1977*

HSEA **strongly supports HB 217 HD1** and respectfully urges the committee to advance this measure.

Thank you for the opportunity to testify.

Sincerely,

***/s/ Rocky Mould***

Rocky Mould  
Executive Director



February 21, 2023

TO: Honorable Mark M. Nakashima, Chair  
House Committee on Consumer Protection & Commerce

FROM: Reid Mizue, AIA  
President / Legislative Advocacy Committee Co-Chair  
**American Institute of Architects, Hawaii State Council**

SUBJECT: **Re: House Bill 217 HD1  
Relating to Home Renovations**

**The American Institute of Architects**

AIA Hawaii State Council  
828 Fort Street Mall, Suite 100  
Honolulu, HI 96813

T (808) 628-7243  
contact@aiahonolulu.org  
[aiahonolulu.org/AIAHawaiiStateCouncil](http://aiahonolulu.org/AIAHawaiiStateCouncil)

Dear Chair Nakashima, Vice-Chair Sayama  
and Members of the Committee,

My name is Reid Mizue, President, AIA Hawaii Council submitting **COMMENTS** on House Bill 217 HD1. Current bill language is **problematic** because it **broadly proposes** to amend all existing dollar values in HRS 464-13, while bill title is **narrowly purposed** for “home renovations.” Our comment aligns with opposing testimony of DCCA-EASLA Board of Professional Engineers, Architects, Landscape Architects & Surveyors sent for previous hearing.

If you move this bill, AIA suggests that your Committee consider attached language that has following features:

- Amends current HRS 464-13 exemptions only for purpose in bill title. Proposed language clears up ambiguities in current law by dedicating subsection (b) solely for homes/dwellings.
- Adds language to allow authorities having jurisdiction (AHJ), such as counties, to require use of appropriately licensed design professional when public safety and other consumer protections are an issue; without regard to dollar values. Examples of these include exterior improvements in flood districts to meet federal flood insurance requirements, variances from home solar water heating required by state law and energy-saving compliance. Climate-driven changes, such as Sea Level Rise, can be expected to require more building consumer protection as determined by counties. Current residential permit expediting process in Honolulu requires drawings be sealed and signed by licensed architect.

- Adds language for discretionary requirement for appropriately licensed design professional by private homeowner associations. Becomes more important as dollar values increase. Examples include exterior renovations and interior renovations affecting structural and fire-related codes. HRS 464-13 may not regulate these improvements, but some home owners “wrestle” with their associations over their rules by contending that state law exempts a dollar value even though association intent is homeowner protection.

### **Unintended consequences?**

AIA assumes your intent is to reduce cost of housing, but cited “soft costs” of \$2,000 - \$6,000 dollars are for necessary services that must be paid by homeowner to some entity for drawings used to procure competitive prices, establish scope of work for builder’s contract, and apply for building permit. Homeowners can make their own drawings, but county building departments often find these drawings inadequate and taking more precious staff time for permit reviews. Increasing \$ - based exemption will also increase construction inspection effort by county building inspectors. All of this is occurring while county agencies are struggling to recruit more staff.

Possible unintended result of increasing dollar-based exemptions is that licensed design professionals will continue to perform these services WITHOUT affixing their seal and signature on projects less than the dollar limits. This results in consumers not having protection based on “standard-of-care” of a licensed professional.

With respect to dollar values, the four counties are **inconsistent** as to how dollar values are calculated. City & County of Honolulu exempts kitchen cabinets (often costing \$30K to 40K) only for home renovation building permit valuation. If work is limited to cabinetry, no building permit is required. Other counties do not exempt kitchen cabinets according to our research; often because permit fees are needed to finance building departments. Section 1 language is more applicable to islands such as Kauai; relating to bill of this type heard last session. HB 217 HD1 has bigger exemption relief for Honolulu, where consumer protection should be of greater concern due to neighborhoods with greater population density. The exempt dollar value in Honolulu could actually be as high as \$136,500; by exempting kitchen cabinets in home renovation. Thank you for this opportunity to **COMMENT** on current language of HB 217 HD1.

Following is suggested language if you move this bill. Please be aware this is from internal AIA "committee-level" discussions and has not been shared with all external stakeholders; such as DCCA EASLA licensing board and public authorities having jurisdiction. \$ exemptions are based on HB 217 HD1.

**§464-13 Structures exempted from provisions of chapter.**

Section 1:

(a) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied building, ~~dwelling,~~ or structure, the estimated cost of which does not exceed \$40,000. nor to any privately controlled two-storied building, ~~dwelling,~~ or structure, the estimated cost of which does not exceed \$35,000. ~~However, no structure, dwelling or building in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted, or welded connections shall be exempted from this chapter.~~

(b) The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied ~~structure, which is used primarily as a~~ residence, the estimated cost of which does not exceed ~~\$50,000~~ \$96,500, nor to any privately owned or privately controlled two-storied ~~structure, which is used primarily as a~~ residence, the cost of which does not exceed ~~\$45,000~~ \$86,500. Whenever the exemption provided for is applied to the construction of a new residence, it shall be noted and recorded with the bureau of conveyances.

(c) ~~Whenever the exemption provided for in subsection (b) is applied to the~~

construction of a new building, it shall be noted and recorded with the bureau of conveyances. Notwithstanding the dollar-based exemptions of subsections(a) and (b), no structure, residence or building in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted, or welded connections shall be exempted from this chapter.

Section 2: Notwithstanding the dollar values of section 1(b), work not exempt from provisions of this chapter includes:

- (a) Any structure or improvement for which the public authority having jurisdiction requires the seal and signature of an appropriately licensed design professional including but not limited to special management areas, flood hazard districts, special design districts, improvements resulting from conditional use or other discretionary zoning permits, code compliances or variances, and building permit expediting procedures.
- (b) Any improvement under rules established by a landowner or an association of owners for private property under their jurisdiction.

Thank you for this opportunity to **COMMENT** on House Bill 217 HD1.

Sincerely,



Reid Mizue, AIA

American Institute of Architects, Hawaii State Council



# ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of Hawaii

50 Years of Excellence

## 2022-2023 Board of Directors

### **President**

Nimr Tamimi, P.E.  
Engineering Partners, Inc.  
Ph: (808) 930-7823

### **President-Elect**

Kyle Kaneshiro, P.E.  
The Limtiaco Consulting Group  
Ph: (808) 586-7790

### **Treasurer**

Shannon Holman, P.E.  
Orion Engineers & Associates  
Ph: (808) 282-7986

### **Secretary**

Charles Jury, P.E.  
Okahara and Associates, Inc.  
Ph: (808) 524-1124

### **Past President**

Derek Mukai, P.E.  
Community Planning  
& Engineering, Inc.  
Ph: (808) 531-4252

### **National Director**

Garret Masuda, P.E.  
InSynergy Engineering, Inc.  
Ph: (808) 521-3773

### **Directors**

Tim Goshi, P.E.  
KAI Hawaii, Inc.  
Ph: (808) 791-3966

Ross Kaneko, P.E.  
Jacobs Engineering Group, Inc.  
Ph: (808) 440-0225

Stacey Miyamoto, PMP, ENV SP  
SSFM International, Inc.  
Ph: (808) 531-1308

Ginny M. Wright  
ACECH Executive Director  
350 Ward Ave. Ste. #160-83  
Honolulu, Hawaii 96814  
Ph: (808) 741-4772  
Email: [gwright@acechawaii.org](mailto:gwright@acechawaii.org)  
Website: [www.acechawaii.org](http://www.acechawaii.org)

February 21, 2023

## **House Committee on Consumer Protection & Commerce Hearing Date: Wednesday, February 22, 2023, 2:00 p.m.**

Honorable Chair Nakashima, Vice Chair Sayama, and Members of the House  
Committee on Consumer Protection & Commerce

Subject: **HB 217 HD1, Relating to Home Renovations  
Testimony in Opposition**

Dear Chair Nakashima, Vice Chair Sayama, and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH) represents more than 70 member firms with over 1,500 employees throughout Hawaii. ACECH **Opposes this bill.**

HB 217 HD1 states that the legislature recognizes that safeguards for life, health, and property are critical and simple renovations should not require the approval of a licensed professional engineer or licensed architect. As written, ACECH feels that the bill does not adequately protect life, health, and property. Building codes are ever evolving and improving based on decades of construction knowledge and experience, such as results of post-disaster research. Licensed professional engineers and architects are educated to design for, insured for, and licensed in the State of Hawaii to design safe and code compliant structures.

If the intent of the bill is to exempt "simple renovations" from the requirements under Chapter 464, the bill should be written to represent the specific type of work that is intended. Simply increasing the cost valuation could result in complex renovations being exempt from approval of a licensed professional engineer or architect. For example, a renovation that increases the load or modifies an existing structural member, if not properly vetted, could result in catastrophic failure, loss of life, and property. ACECH emphasizes that HRS §464-2 states the licensing of practicing engineers and architects is to safeguard life, health, and property and that purpose should be at the forefront of any decision made on this bill.

Respectfully submitted,  
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII



Nimr Tamimi, P.E.  
President



To: The House Committee on Consumer Protection & Commerce (CPC)  
From: Sherry Pollack, 350Hawaii.org  
Date: Wednesday, February 22, 2023, 2:00pm

**In support of HB217 HD1**

Aloha Chair Nakashima, Vice Chair Sayama, and Consumer Protection & Commerce Committee members,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **supports HB217 HD1** that updates the cost valuations of work on buildings for the work to qualify for an exemption from the requirement that plans and specifications for construction projects be prepared by a licensed engineer or architect. The current cost valuations for work on buildings, which are established by statute, are outrageously outdated. **They have not been updated since 1979.** An increase is long overdue.

In particular, simple renovations, such as installing residential rooftop solar and storage projects, should not require the approval of a licensed professional engineer or licensed architect, as they do now due to the 1979 cost valuations. This work can be done **proficiently and safely** by the licensed professionals solar companies already have on staff. Currently, the imposition of stamp or certification requirements on smaller projects adds both unnecessary cost, as well as significant permitting delays. Some residents have reported waiting nearly a year for their permit to install residential rooftop solar and storage projects as a result of the stamp requirement. This is an unacceptable delay that also undermines Hawaii's renewable energy transition.

HB217 HD1 is a common-sense measure with the added benefit that it will help Hawaii meet its one hundred per cent renewable energy target. Please support and pass this important measure.

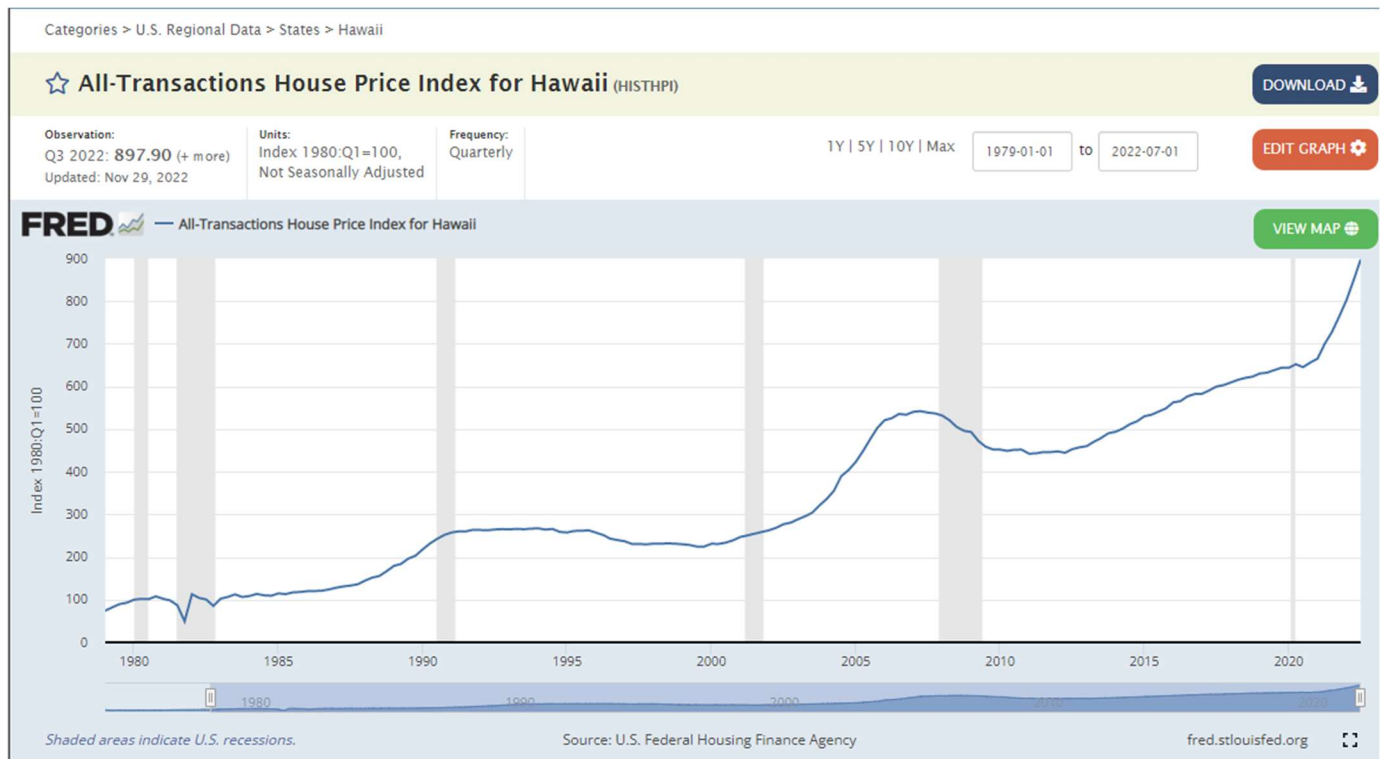
Mahalo for the opportunity to testify.

Sherry Pollack  
Co-Founder, 350Hawaii.org

Aloha Chair Nakashima, Vice Chair Sayama, and Committee Members

I support the intent of HD 217 HD1 which updates the cost valuations of work on buildings for the work to qualify for an exemption from the requirement that plans and specifications for construction projects be prepared by a licensed engineer or architect. HRS 464-13 was last revised in 1979 - 44 years ago. A generation of engineers and architects have come and gone since then.

Updating these values will reduce the financial burden, up to 15 percent of the construction cost, of updating homes for kupuna's mobility and safety needs or expanding homes to accommodate another generation because of high housing costs and low availability. I believe the proposed values should be much higher. The US Bureau of Labor Statistics data shows that the house price index for Hawaii has increased nine-fold from 1979 to 2022. The \$50,000 limit should be \$450,000.



Further, Hawaii is the most stringent in the nation for requiring plans and specifications to be stamped. New York is the next most stringent and requires a stamp for work over 1,500 square feet. California is 3rd and requires a stamp for residential plans over 2,500 square feet. Converting square foot to dollars at the current construction rate of \$250 per square foot, New York equates to \$375,000 and California equates to \$625,000.

These exemptions DOES NOT exempt a project from building permit and building code applicability. Building codes are to protect public health and safety and sets minimum standards for design and construction means and methods. The publication "*Professional Services for Construction Projects and Land Surveys*" by the State of Hawaii states "Building code officials devise and enforce building codes that are intended to protect the public's life, health and property".

Thank you for the opportunity to testify. I appreciate your time, consideration, and attention to this matter.

Stuart Shoji