



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

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Testimony of
MARK B. GLICK, Chief Energy Officer

before the
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, March 19, 2024
3:00 PM
State Capitol, Conference Room 225 and Videoconference

Providing Comments on
HB 2089, HD2

RELATING TO THE STATE BUILDING CODE.

Chair McKelvey, Vice Chair Gabbard, and members of the Committee, the Hawai'i State Energy Office (HSEO) has deep concerns with HB 2089, HD2, which would require that the adoption of the International Building Code (IBC) and the International Residential Code (IRC) take place **every other** code cycle, putting them on a six-year adoption cycle while the remaining codes shall be adopted during every three-year cycle per HRS section 107-24.

Failure to follow the nationally adopted building code cycles could put the health, safety, and welfare of building occupants at risk. Hawai'i Revised Statutes section 107-24 states that "the adoption of a code or standard shall be within two years of the official publication date of the code or standard," synchronizing Hawai'i's code adoption cycles with national code adoption cycles. Noncompliance could also jeopardize opportunities for federal funding which is often contingent on timely code adoption.

To elaborate, national codes are updated by national experts based on lessons learned from disasters and failure analyses, as well as advances in technologies.¹ Delaying Hawai'i's adoption of the IBC and IRC would reduce the rate at which better designs and technologies are included in Hawai'i's buildings. FEMA, the Federal

¹ National Institute of Building Sciences. *Benefits and Challenges of a Timely Code Adoption Cycle*.
<https://www.caba.org/wp-content/uploads/2020/04/IS-2018-92.pdf>

Emergency Management Agency, uses timely code adoption as a criterion in its funding for disaster mitigation, resilience and recovery projects. This is explained more on the Federal Emergency Management Agency's Building Code Adoption Tracking website.²

The Building Codes Save Study³ reiterates that one of the most cost-effective ways to safeguard our communities against natural disasters is to adopt and follow hazard-resistant building codes. Not only are casualties reduced, but the cost of building damage is also reduced during a natural disaster. Building codes also help communities get back on their feet faster by minimizing indirect costs such as business interruptions and lost income.

To address rebuilding with resilience, experts from the Insurance for Business and Home Safety (IBHS) conducted research on Maui investigating the conflagration in Lahaina. IBHS provided recommendations for changes designed to prevent the spread of wildfires through urban areas.⁴

This bill directly contradicts one of the recommendations, "Apply modern building codes."

The research cited above is just one example of the many ongoing national efforts to understand the impacts and importance of structural elements in our buildings and communities. This is the knowledge base that is used in the three-year cycles of updates to codes and standards.

Keeping the existing three-year code adoption cycle in statute would enable future critical measures to be considered and incorporated into Hawaii's building codes on a regular basis, reducing risk and expense to building owners, occupants, and communities in Hawai'i.

Therefore, we are concerned that contrary to its intent, the effect of this bill may be regressive, reducing our compliance with modern building code standards, undermining long-term resilience and potentially exposing our communities to greater risk in the face of natural disasters.

Thank you for the opportunity to testify.

² <https://www.fema.gov/emergency-managers/risk-management/building-science/bcat>

³ Federal Emergency Management Agency, *Building Codes Save: A Nationwide Study of Loss Prevention*.

<https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes-save-study>

⁴ Insurance Institute for Business & Home Safety, <https://ibhs.org/maui/>

SAH - Subcontractors Association of Hawaii

1188 Bishop St., Ste. 1003**Honolulu, Hawaii 96813-2938

Phone: (808) 537-5619 ✦ Fax: (808) 533-2739

March 19, 2024

Testimony To: Senate Committee on Government Operations
Senator Angus L.K. McKelvey, Chair

Presented By: Tim Lyons, President

Subject: H.B. 2089, HD 2 – RELATING TO THE STATE BUILDING CODE.

Chair McKelvey and Members of the Committee:

I am Tim Lyons, President of the Subcontractors Association of Hawaii. The SAH represents the following nine separate and distinct contracting trade organizations.

HAWAII FLOORING ASSOCIATION

ROOFING CONTRACTORS ASSOCIATION OF HAWAII

HAWAII WALL AND CEILING INDUSTRIES ASSOCIATION

ELECTRICAL CONTRACTORS ASSOCIATION OF HAWAII

TILE CONTRACTORS PROMOTIONAL PROGRAM

PLUMBING AND MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII

SHEETMETAL AND AIR CONDITIONING NATIONAL CONTRACTORS ASSOCIATION OF HAWAII

PAINTING AND DECORATING CONTRACTORS ASSOCIATION

PACIFIC INSULATION CONTRACTORS ASSOCIATION

We are opposed to this bill.

We are not sure what is to be gained by skipping a regular cycle of the Building Code. Typically, the code offers a variety of changes that affect many trades and sub-trades within the construction industry, all with the aim of making it better, more efficient and more productive.

A six (6) year cycle is very likely, in some industries, to bring about such a multitude of changes that it would be harder to cope with than if it was a regular adoption every three (3) years. We are aware that there have been issues with the State Building Code Council however, it would appear to us that this is largely the result of lack of funding and staff. We are also confused with having this bill apply to the International Building Code and the International Residential Code but not (apparently) the International Energy Conservation Code and others.

We can only conclude that the only benefit to this code is that it will be a six (6) year cycle as opposed to the current three (3) year cycle and we are not sure what advantage that would bring.

Based on the above, we remain opposed to this bill.

Thank you.



holomua

COLLABORATIVE

OUR MISSION

To support and advance public policies that make Hawai'i affordable for all working families.

OUR VISION

Collaborative, sustainable, and evidence-based public policies that create a diverse and sustainable Hawai'i economy, an abundance of quality job opportunities, and a future where all working families living in Hawai'i can thrive.

BOARD MEMBERS

Jason Fujimoto
Meli James, *Board Chair*
Micah Kāne
Brandon Kurisu
Mike Mohr
Brad Nicolai
Mike Pietsch

ADVISORY COMMITTEE

Josh Feldman
Brittany Heyd
Alicia Moy
Ed Schultz

Josh Wisch
President & Executive Director

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HolomuaCollaborative.org

Committee: Senate Committee on Government Operations
Bill Number: HB 2089, HD2, Relating to the State Building Code
Hearing Date and Time: March 19, 2024 at 3:00pm (Room 225)
Re: Testimony of Holomua Collaborative in support

Aloha Chair McKelvey, Vice Chair Gabbard, and Committee Members:

We write in support of HB 2089, Relating to the State Building Code. Under current law, existing building codes remain in place for three years at a time. The challenge this presents is that the building codes are complex, highly technical documents. Every time a new code is adopted, it invariably takes at least one to two years for county permitting officials, plan reviewers, and design professionals to develop a common interpretation of what that code means and how it must be implemented.

It is not a simple process.

And the way the process works in practice is that design professionals must submit plans over and over as they work to understand what the government officials reviewing the plans want to see to approve the plans. It is this process of repeated trial and error that eventually results in a common interpretation of the code between all stakeholders. But by the time that happens, only one-to-two years remain in which the process can now proceed smoothly.

By changing the code adoption cycle to be within two years of every *other* official publication date of the code, this bill effectively allows everyone to operate on a six-year code cycle, rather than a three-year code cycle. This means that once the one-to-two-year period of trial and error is over, there are now four-to-five remaining years when plans can be submitted, reviewed, and approved in a timely fashion (as opposed to the one-to-two years that occurs under the current building code cycle system).

That means we are gaining meaningful *years* more time when the system is working smoothly, permits are being processed more quickly, and fewer mistakes are being made. This savings of time will invariably result in cost savings in home building costs, which will ultimately mean lower home prices for local residents.

It is also important to note that this additional time on a single code will give the counties more time and experience within each six-year code cycle to suggest amendments to the code as it relates to building materials, methods, and standards, which would be appropriate to their own respective geographies and climates. So, for example, if a model code was adopted that required insulated flooring, the counties



now have time to make a reasonable change that maintains safety, while eliminating unnecessary cost.

This is a common-sense approach to maintaining safety, improving efficiency, and lowering costs.

As an organization devoted to finding ways to keep all local working families in Hawai'i by making sure they can afford to stay, we support this bill as a good approach to address urgent cost-of-living challenges—in this case by reducing the cost of home building for local families.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Josh Wisch', with a stylized flourish at the end.

Josh Wisch
President & Executive Director



COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION
HAWAII CHAPTER

March 19, 2024

Senator Angus McKelvey, Chair
Senator Mike Gabbard, Vice Chair
Committee on Government Operations

RE: **HB 2089 HD2 - Relating to State Building Code**
Hearing date: March 19, 2024 at 3:00 PM

Aloha Chair McKelvey, Vice Chair Gabbard, and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **SUPPORT** on HB 2089 HD2. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders, and other professionals.

HB 2089 HD2 requires the adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council be within two years of every other official publication date of the applicable code or standard. The measure further provides that if a county does not amend the Hawaii state building codes within the required two-year time frame, the Hawaii state building codes will become applicable as an interim county building code, until superseded by the adoption of an amended version of the Hawaii state building codes or standards by the county.

NAIOP finds that this bill is necessary to help the developers more efficiently and consistently build housing for Hawaii residents. As it stands, the building code goes through numerous changes regularly, causing confusion, delays, and constant added cost. Developers are consistently challenged with having to determine discrepancies in the code which further delay the development of affordable housing projects in our state. County Staff and developers are consistently challenged with having to determine discrepancies between the previous and newly adopted code, which extends the permit approval process and further delays the development of affordable housing projects in our state.

The current 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 embedded into new code revisions by special interest groups without consideration of the impacts. Certain mandates are not intended to protect the public health or safety, and ultimately increase the cost of housing. Providing additional time between changes in the building codes will improve efficiency and add clarity for developers.

Senator Angus McKelvey, Chair
Senator Mike Gabbard, Vice Chair
March 19, 2024
Page 2

Ultimately, Hawaii is in a major housing crisis, which continues to worsen. As the Legislature is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. NAIOP Hawaii supports this legislation which will increase the development industry's ability to provide housing at all levels in a more timely and efficient manner. Thank you for the opportunity to share our strong support for HB 2089 HD2.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Reyn Tanaka", with a long horizontal flourish extending to the right.

Reyn Tanaka, President
NAIOP Hawaii



SENATE COMMITTEE ON GOVERNMENT OPERATIONS

March 19, 2024, 3:00 PM

Room 225

COMMENTS ON HB 2089 HD2

Aloha Chair McKelvey, Vice Chair Gabbard, and Committee members:

Blue Planet Foundation **provides comments** on HB 2089 HD2 Relating to the State Building Code. We respectfully request that the committee retain bill amendments that will exempt the energy code from substantial delays in the amount of time each county has to amend and adopt the Hawai'i state building codes. **We no longer oppose this measure, so long as the energy conservation code maintains its existing timeline for code adoption.**

Building codes have direct and indirect impacts on our wellbeing and quality of life. By establishing and regularly updating uniform state and county building codes, Hawai'i can ensure that building design, construction, and operation address society's most important concerns, including public health and safety, environmental protection, and consumer protection against costly monthly utility bills.

Hawai'i already lags behind other states in adopting building energy codes— we must maintain the current energy code cycle to prevent further delays

States across the country use national model codes and standards, like the International Energy Conservation Code (IECC), as a starting place for adopting state-specific versions based on their unique characteristics and climates. The International Code Council produces an updated version of the IECC through a democratic and deliberative process every three years. As noted by the Environmental and Energy Study Institute, “[t]he process of updating model 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.”¹

Hawai'i, however, has historically operated on a much slower timeline. The most recent version adopted by the state was the 2018 IECC (now six years old). Before that, it took nine years to move from the 2006 IECC to the 2015 version. In Hawai'i, adoption of the state building code is just the first step—it must subsequently be adopted by all four counties. The adoption at the

¹ Vaughn, Ellen and Jim Turner, *The Value and Impact of Building Codes*, 2013, <https://www.eesi.org/files/Value-and-Impact-of-Building-Codes.pdf>.

county level has lagged even further. For example, the City and County of Honolulu did not formally update its modified version of the 2015 IECC until June 2020.

By statute, the Hawai'i state building energy conservation code must be adopted by the State Building Code Council (SBCC) within two years of the publication date of the national model code. Then, the state code must be adopted by the counties within two years following the SBCC's adoption. In essence, this timing translates to a current statutory framework in which counties are required to amend or adopt their county building codes within four years of the publication date of the model code. It is important we maintain this timeline so that Hawai'i doesn't further lag behind the national and other states' code update cycles. (See Figure 1 below for a comparison of update cycles in various jurisdictions).

Outdated building codes leave energy and emission savings on the table

The primary function of the energy conservation code is to reduce energy consumption in buildings, which reduces greenhouse gas emissions and pollution from burning fossil fuels—key priorities if we hope to achieve Hawai'i's ambitious climate goals. Energy codes can also lessen peak energy demand and reduce our reliance on imported energy sources, which increases utility system reliability and energy security, respectively. Moreover, energy codes create a more comfortable living and working environment through improved indoor air quality. They also help occupants save money by reducing monthly energy bills, which stimulates the economy. For example, the anticipated energy savings arising from the 2021 International Energy Conservation Code (IECC) were calculated in a July 2021 report prepared for the U.S. Department of Energy. The analysis reported a total statewide energy savings of 16.8% compared to the current state energy code. This equates to \$870 of annual utility bill savings for the average Hawai'i household.²

Staffing for the SBCC is fundamental to improve the efficiency of code adoption

If the intent of this measure is to improve the building codes adoption process, we believe that a fundamental change necessary is to **provide dedicated staff and funding to the State Building Codes Council**. [HRS §107-23](#) established two exempt positions in the Department of Accounting and General Services for an Executive Director and Assistant for the SBCC, to help fulfill the duties of the Council (see Act 82 of 2007 and Act 164 of 2014). These positions have not been funded or filled, but they are critical to improve the Council's functioning and provide support, training, and outreach to stakeholders.

Conclusion

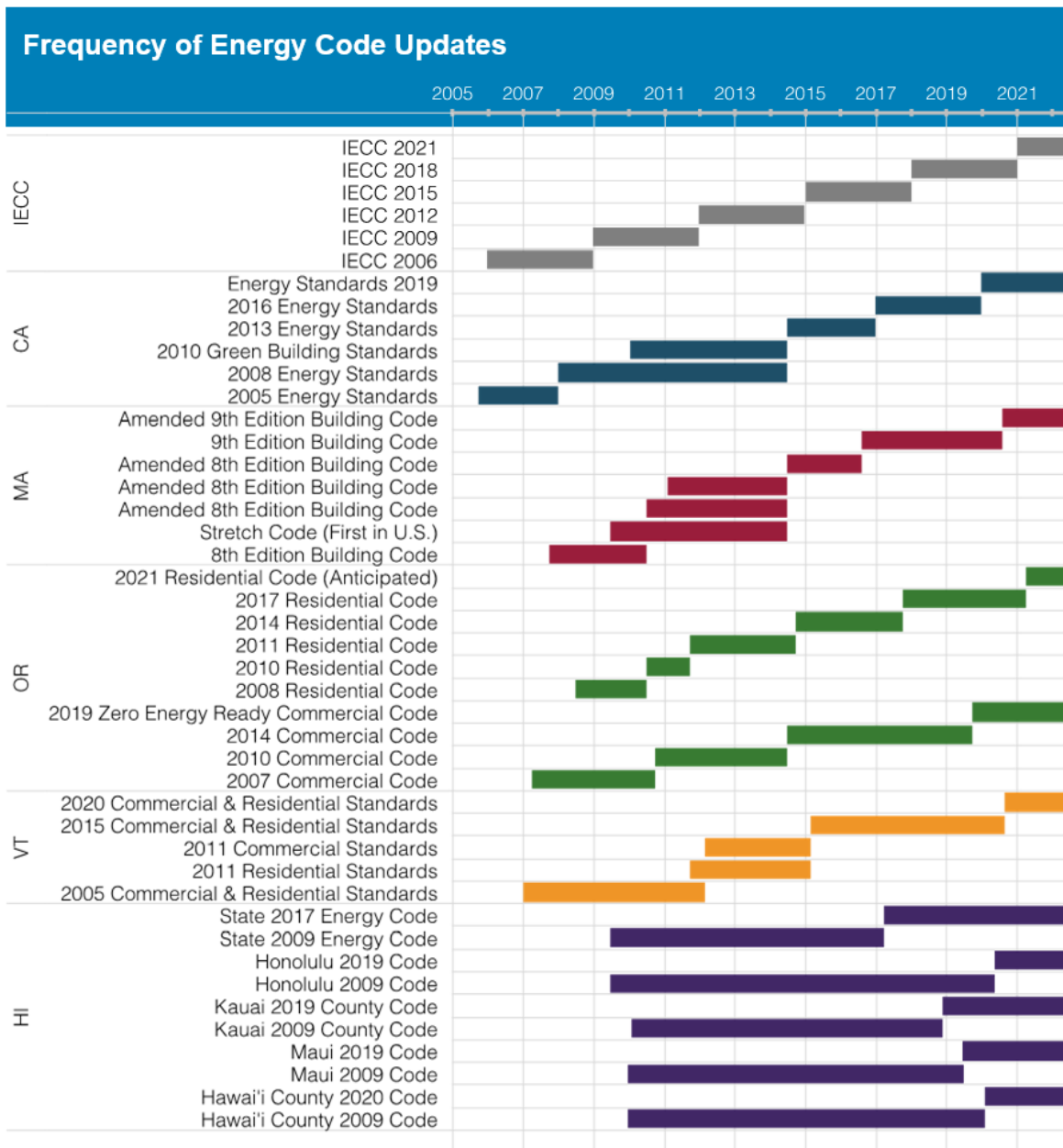
Most individuals spend a majority of their lives inside buildings. Yet buildings are often overlooked as important levers for influencing our safety, health, and economic and

² *Cost-Effectiveness of the 2021 IECC for Residential Buildings in Hawaii*, The Pacific Northwest National Laboratory, prepared for U.S. Department of Energy, July 2021, https://www.energycodes.gov/sites/default/files/2021-07/HawaiiResidentialCostEffectiveness_2021_0.pdf.

environmental quality of life. Hawai'i's code update cycle should mirror the national code update cycle to ensure that construction in Hawai'i can keep pace with changing technology, updated health and safety standards, and the state's clean energy and climate goals. For these reasons, we ask that the legislature protect the energy code cycle and retain the amendments made in HB 2089 HD1.

Thank you for the opportunity to provide comments on this measure.

Figure 1. Frequency of Energy Code Updates for States and the IECC





**HAWAII STATE SENATE
COMMITTEE ON GOVERNMENTAL OPERATIONS
Conference Room 225
State Capitol
3:00 PM**

March 19, 2024

Subject: HB 2089 HD1 - RELATING TO THE STATE BUILDING CODE

Chair McKelvey, Vice-Chair Gabbard, and members of the Committee:

My name is Greg Thielen, Codes Committee Chair 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 testifying in support of HB 2089 in its original form. This bill, prior to the HD1, required that the adoption, amendment, or update of a building code or standard by the State Building Code Council be within two years of every other official publication date of a code or standard.

While we understand there are concerns about this concept with respect to the energy code in particular, our stance is that in order to make meaningful changes to the current process of homebuilding in Hawaii, we need to slow the code process to a more manageable level. This will promote greater stability in construction prices and the design process. The current volatility goes against the very intent of the State building code as people are working on different codes simultaneously depending on the project type.

The current building code is made of 7 different codes, each of which is being updated every three years. This 3 year cycle is not mandated by any government agency at the Federal, State or Local level. Instead the 3 year cycle is self-selected by Non-Government Organizations (NGO's). These same NGO's derive their income stream from the sale of these codes and training on their modifications.

This continuous change places a heavy burden on the agencies tasked with enforcing the code, the design community and the builders constructing projects. Essentially as soon as a code is adopted by the State Building Code Council (SBCC), they need to begin analysis of the next 7 codes. By switching to an every other year code cycle we can create a greater period of stability and we can alternate code reviews. This way 3 codes can be reviewed on one cycle, while 4 codes can be reviewed on another cycle. This intention exists in the current law in that HRS 107-24.(c) in that it calls for codes to be adopted on a "staggered basis".

BIA-Hawaii would also like to dispel a common misconception on the issue of code adoption as it relates to FEMA funding. There is absolutely no link between building codes and FEMA funding for disaster relief. Code adoption policy is a scoring factor, not a requirement, for FEMA Building Resilient Infrastructure and Communities (BRIC) grants. Furthermore FEMA policy grants points if the applicant "has adopted one of the two latest editions of the model building code". This means Hawaii will not be at any disadvantage for a BRIC grant application should this legislation pass.

For all these reasons, BIA-Hawaii asks for your support on this important legislation.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

March 19, 2024

3:00 PM

Conference Room 225

In **OPPOSITION** to **HB2089 HD2**: RELATING TO THE STATE BUILDING CODE

Aloha Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB2089 HD2**, which would saddle Hawai'i residents with nearly decade-old building standards that do not respond to the rapidly changing realities of our climate crisis – jeopardizing human health and safety as well as our islands' climate resiliency.

As the climate crisis continues to worsen, all aspects of our society must rapidly adapt. This is particularly true for our built environment. Outdated or nonexistent building codes that do not reflect our climate reality have already led to significant numbers of heat-related indoor deaths in other jurisdictions. **The anticipated increase in extreme weather-related events such as fires and floods must also be accounted for via up-to-date building codes, to protect both residents and first responders.**

Buildings that do not meet modern infrastructure standards may also result in the unnecessary draining of our water and energy resources, exacerbate the impacts of droughts on our water security, drive up our collective carbon footprint, and create long-term and ever-increasing costs for residents and businesses.

While the Sierra Club appreciates amendments made to ensure that the International Energy Conservation Code and the National Electrical Code are adopted in a timely manner – mitigating some of the energy efficiency concerns with the original draft of this bill – the Sierra Club notes that timely updates to the International Building Code and the International Residential Code are still critical to providing Hawai'i residents with the best means of protecting their health and safety, particularly from climate-induced extreme weather events such as fires, floods, hurricanes, and heat waves.

Notably, the adoption of this measure may also spur other jurisdictions to adopt similar proposals, and forego modern strategies of protecting human health and safety from climate destabilization and other threats - thereby placing at unnecessary risk the lives of countless individuals and families far beyond our shores.

Rather than passing this measure, the Sierra Club urges the Committee and the Legislature to instead explore and directly address the noted causes of building permit review delays, namely the chronic understaffing of and lack of timely training for county planning departments, including through assessments of staff salaries and conditions affecting worker retention.



SIERRA CLUB OF HAWAI'I

Accordingly, the Sierra Club of Hawai'i respectfully but strongly urges the Committee to **HOLD** HB2089 HD2. Mahalo nui for the opportunity to testify.



March 18, 2024

Senator Angus McKelvey, Chair
Senate Committee on Government Operations
Hawaii Legislature
State Capitol, Room 221
415 S. Beretania St.
Honolulu, HI 96813

Senator Mike Gabbard, Vice Chair
Senate Committee on Government Operations
Hawaii Legislature
State Capitol, Room 201
415 S. Beretania St.
Honolulu, HI 96813

RE: Opposition to HB 2089 HD2 – Prohibition on Timely Building Safety Code Updates

Dear Chair, Vice Chair and Members of the Senate Committee Government Operations:

The International Code Council (ICC) is a U.S. based non-profit public benefit corporation with dozens of members in Hawaii from a wide variety of backgrounds, including architects, engineers, contractors, manufacturers, government officials and students. The Code Council is dedicated to helping the building safety community, local and state governments and the construction industry provide safe, sustainable, resilient, energy-efficient, affordable, and accessible homes, businesses, and public buildings through the development of model codes and standards. ICC's codes and standards are used by the State of Hawaii and its counties.

Because our organization supports building safety, resiliency, and sustainability, **we urge a do not pass recommendation for HB 2089 HD2.** Passage of the bill will exacerbate the state's ability to keep its building standards current and jeopardize the health and safety of the people of Hawaii.

As written, HB 2089 HD2 will result in negative impacts to public safety and increase the financial obligations of the state and its counties. The legislation will result in the Hawaii State Building Code Council (SBCC) adopting codes that are eight years outdated, with ultimate implementation at the county level up to 10 years after the codes' publication.

There are a few issues we urge you to consider:

1. The federal government increasingly incentivizes the adoption and implementation of current codes given the public safety benefits and the savings in avoiding more substantial disaster response costs.

This approach was advanced during the prior Administration's National Mitigation Investment Strategy¹ and continues through the Biden Administration's National Initiative to Advance Building Codes.² A delay in adopting current codes already hurts the state's access to federal mitigation dollars. HB 2089 HD2 sets the stage to put substantial mitigation and recovery dollars permanently at risk, as Federal Emergency Management Agency (FEMA) offers increased funding for communities that prioritize resiliency through the adoption and effective implementation of up-to-date codes. If there are questions regarding FEMA's position on this, the state should not advance this legislation until those are answered.

2. HB 2089 HD2 will disconnect the state's energy code process from the adoption of core life safety standards, which is contradictory to Hawaii's Clean Energy Initiative and sustainability goals. The state committed to achieving a 100 percent renewable portfolio standard by 2045.³ This commitment necessitates significant investments in energy storage systems (ESS) and renewable energy generation. The codes that HB 2089 HD2 seeks to delay include those that govern safety considerations for ESS and distributed generation systems (e.g. rooftop solar). In response to its growing use and to advance safety, ESS safety codes were updated in a single 3-year code cycle to integrate active fire protection systems, listings, separation requirements, and detection systems. Decoupling the state energy code and core building standards fosters a disjointed advancement of technology without safety considerations.
3. Hawaii's failure to adopt resilient codes will result in unavoidable damage to structures, resulting in significant environmental costs associated with building new replacement infrastructure and repairing existing infrastructure. The National Institute of Building Sciences (NIBS) estimates that building to modern building codes saves \$11 for every \$1 invested through earthquake, flood, and wind mitigation benefits, with an up to \$8 to \$1 return in wildfire mitigation savings.⁴ Advancements in codes to date in Hawaii have already helped reduce the risk of loss from earthquake hazards by 25 percent.⁵
4. Hawaii's residents should not be forced to pay new home prices for homes constructed to decade-old standards. Research continues to find that modern model building codes have no appreciable implications for housing affordability.

When disasters strike, the results of outdated building codes are clear: additional deaths, injuries, disaster suffering, property damage, emergency response costs, family displacement, longer recovery times, and business closures. Faced with extreme weather that is only expected to increase in frequency and severity, HB 2089 HD2 creates a dangerous disconnect between clean energy and the measures necessary to advance it safely. **For these reasons, we respectfully voice our opposition to HB 2089 HD2.**

Respectfully submitted,

Kraig Stevenson

Kraig Stevenson, CBO
Senior Regional Manager
International Code Council
kstevenson@iccsafe.org
562-201-9209 Mobile

¹ U.S. Department of Homeland Security (DHS), Mitigation Framework Leadership Group (MitFLG), [National Mitigation Investment Strategy](#) (2019).

² White House, [Fact Sheet: Biden-Harris Administration Launches Initiative to Modernize Building Codes, Improve Climate Resilience, and Reduce Energy Costs](#) (2022).

³ <https://energy.hawaii.gov/hawaii-clean-energy-initiative/>.

⁴ NIBS, [National Hazards Mitigation Saves](#) (2019).

⁵ *Id.*



March 18, 2024

TO: Honorable Angus McKelvey, Chair
Senate Committee on Government Operations

Honorable Mike Gabbard, Vice-Chair
Senate Committee on Government Operations

FROM: Legislative Advocacy Committee (LAC)
American Institute of Architects, Hawaii State Council

SUBJECT: **House Bill 2089 HD2**
Relating to State Building Code

The American Institute of Architects

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

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Dear Chair McKelvey, Vice-Chair Gabbard and Members of the Committee,

The American Institute of Architects (AIA) Hawaii State Council, **OPPOSES** HB 2089 HD2 based on AIA National Policy and for negative effects on original intent of HRS 107-24 and Hawaii's national standing with respect to building code effectiveness.

Negative effect on HRS 107-24 intent for most current codes

AIA strongly supported original 2007 legislation intent on ensuring the state's building codes are current. At that time, Hawaii County had most out-of-date building code based on UBC 1991; over fifteen years behind the times! Hawaii County ranks nationally with jurisdictions having highest risk ratings. Hence, Hawaii Island legislators Senator Lorraine R. Inouye and late Representative Bob Herkes actively advanced the legislation with time schedule for adopting most current codes. Architects hoped for uniformity among county codes because state-wide uniformly-worded code is more efficient for design and construction industry.

Negative effect on Hawaii's 2030 and 2045 climate targets

Amendment by House WAL recognized adverse effect on Hawaii's climate / energy conservation goals. Houses in particular are often bought after being constructed for developers who are understandably interested in lowest first-cost without much consideration for long-term costs. Analogous to buying an automobile, long-term performance cost like miles-per-gallon is government mandate upon automobile industry. HD2 limits skipping of code cycle to IBC and IRC. Please note ICC testimony stating that updated IECC relies on "companion updated codes" for coordination and building safety. Therefore skipping code cycle for will be problematic and further confusion.

Most pressing problem is looming negative effect on FEMA standards

The “cardinal sin” for FEMA standards is failing to update to most current suite of codes. AIA strongly concurs with Honolulu Star-Advertiser COMMENTARY by FEMA “insider” that it is “unconscionable that the state legislature is quickly considering HB 2089 HD2 ... by arbitrarily preventing the state from keeping its building safety standards up to date. Consistent with similar efforts advanced by analogous lobbies in other states this bill puts the builder and developer interests ahead of Hawaii’s residents.” Over successive sessions, AIA has successfully waged series of legislative battles to keep pace with building technology and consumer protection:

- **FIRST** Hurricane-clip battle to keep house roofs from blowing away and walls from overturning. Related benefit reducing earthquake damage 25% because its destructive force is similar to hurricanes of which continuous load-path connections are so very needed in our counties Statewide. Code update requires increasing wind design speed due to climate change.
- **NEXT** energy efficiency battle to control global warming to minimize sea level rise. Some states like Minnesota are stuck with IECC 2012 due to home-builder opposition to energy codes. Hawaii has benefit of DBEDT / HSEO keeping faith with intent of the law.
- **NEXT** cost factor battle where opponents sought to hamper volunteer SBCC with demand to calculate cost for each and every code amendment that had already been assessed at national level. Hawaii has highest KW cost in USA, so national life-cycle calculation has even more savings in Hawaii. Saved by House CPC Committee who decided that cost cannot be put on human lives when life safety is involved.
- **NOW** skipping code cycle battle fought with smoke screen of building permit delays caused largely by other building department factors. At the same time, lots of time is expended on county code amendments such as Honolulu energy code - amending it to be less stringent than state energy code.

Now is not the time to be skipping 2024 code cycle with looming Lahaina reconstruction. AIA requests that your Committee defer this bill and consider future funding and operating procedures that will make a better functioning State Building Code Council (SBCC).

Attached are discussions related to lack of state support for SBCC, the only one of 50 states that has no state funding. Details and reasons related to problem of long-delayed county building permits that architects also experience. Thank you for the opportunity to **OPPOSE** HB 2089 HD2

PERSISTENT FAILURE TO FUND SBCC

§107-23 Executive director and executive assistant; council budget. (a) The council shall appoint, exempt from chapters 76 and 89, an executive director, who shall serve at the pleasure of the council, and who shall have administrative abilities and experience with the building industry. The council shall also appoint, exempt from chapters 76 and 89, an executive assistant, who shall have experience in statutory and administrative rulemaking processes to assist in carrying out the duties of the council under section 107-24. The council may appoint other staff who shall be subject to chapters 76 and 89.

(b) **The budgetary requirements for conducting meetings, training, travel, and other related responsibilities of the council, including salaries of the executive director, executive assistant, and other staff, shall be included in the budget of the department of accounting and general services.**

According to International Code Council testimony, Hawaii is the only one of 50 states that provides no funding for its state building code council. Only travel has been reimbursed. Below is recent sorry archive of state legislation:

2022 session

SB3381 Relating to the State Building Code Council

KANUHA, DECOITE, INOUYE, KEITH-AGARAN, LEE, Acasio, Gabbard, Ihara, Keohokalole, Kidani, San Buenaventura, Shimabukuro, Taniguchi

DAGS bill. Appropriates funds **(\$400,000)** to establish one full-time equivalent (1.0 FTE) program director position and one full-time equivalent (1.0 FTE) staff member position, and to provide for employee training, materials and supplies, other costs associated with the state building code council, and any costs necessary to establish a full-time office. Status: **not heard**.

2020 session

SB 1506 Relating to State Building Code

INOUYE, Dela Cruz, Keith-Agaran

DAGS bill. Appropriates funds **(\$125,000)** to add 1.0 FTE administrative position for the state building code council. Status: **not heard**.

2018 session

SB 1297 Relating to Awarded FEMA Hazard Mitigation Grant

NISHIHARA, Baker, K. Kahele, Keith-Agaran, Shimabukuro, Wakai
Appropriates **\$75,000** to DAGS for the State Building Code Council to update the state building code. Requires the reimbursement from the Federal Emergency Management Agency hazard mitigation grant for the appropriated funds. (SD1)

Status: **Heard, but not passed**; meaning FEMA grant was not spent.

SB 2414 Relating to Best Practices for Building Code Administration

ESPERO, Green

Establishes the building permit agency best-practices grant program with the Hawaii state building code council and the building permit agency best-practices grant program special fund. Appropriates funds (**\$100,000 to be matched by counties**) for the building permit agency best-practices grant program. Status, **not heard**.

MORE OFFICIAL NEGLECT OF STATE BUILDING CODE COUNCIL

2024 Session. There is no HB 2089 testimony from state agency now responsible for satisfying FEMA standards. Below is archived HI-EMA testimony [**emphasis added**] for Governor Bill HB 1033 before House CPC on February 3, 2023. Senate PSM on March 13, 2023. Senate WAM on March 30, 2023. **Act 184 July 3, 2023:**

“**HI-EMA** provides written testimony in **SUPPORT** of HB1033.

Hawai'i has been unable to successfully compete for certain Federal Emergency Management Agency (FEMA) funds that are available to help communities with mitigation projects to reduce risks from hazards and threats.

This is due in large part to the significant obstacle posed by the State's building code, which allows considerable variation from county to county. None of Hawaii's counties meets the most current standards. Hawai'i also is not rated -- by any national group that has been designated by FEMA to conduct such assessments -- as having a high commitment to building code enforcement.

Adding a HI-EMA representative on the State Building Code Council (SBCC) would provide that body with expertise on how to update building codes to make Hawaii more competitive in securing federal mitigation grants, as well as more resilient to future disasters and hazards. In addition, SBCC's mission aligns with many HI-EMA functions, including reviewing, implementing, and addressing hazard mitigation strategies for many of the hazards the State faces: hurricanes, floods, winds, tsunami, earthquakes, and landslides.”

- Governor Green’s EEPs relating to housing put SBCC meetings on hold under badly-advised notion that upgraded building codes are detriment to housing construction. Even more detrimental than damaging morale of volunteer board members and county building officials, is preventing discussion to amend model codes. HRS 107-24 (c) will trigger automatic adoption of unamended model codes.
- To date March 19, 2024 there is no HI-EMA testimony opposing HB 2089 for skipping ICC code cycles; a “cardinal sin” with respect to FEMA standards. HB 2089 HD2 sends absolutely the wrong message to FEMA; when Hawaii is relying on considerable FEMA funds to repair Lahaina Wildfire destruction.
- In federal FY23, funds for all 50 states, the District of Columbia, and U.S. territories have been set aside for a maximum of **\$2 million** each specifically committed for building code activities. This funding is on top of the state and territorial “Commitment to Nationwide Resilience” funding.
- AIA does appreciate and agrees with HI-EMA testimony for HB 1033 that considerable building code variations from county-to-county account for Hawaii’s very low national rankings with respect to high commitment to code enforcement. Variations allowed by §107-28 also account for much of constant problem of “churning building codes” and negate business efficiency benefits of uniform building codes across the whole state.

BCEGS “LOSS PREVENTION” RATINGS

Building Code Effectiveness Grading Schedule (BCEGS®) assesses community building codes and their enforcement, with special emphasis on mitigation of losses from natural hazards. Jurisdictions with well-enforced, up-to-date codes should demonstrate better loss experience, **which can be reflected in lower property insurance rates**. The prospect of lessening catastrophe-related damage and ultimately lowering insurance costs provide an incentive for communities to enforce their building codes rigorously — especially as they relate to windstorm and earthquake damage. Forty-five states have BECGS rating, but **none of Hawaii’s counties participate in code effectiveness grading schedule that also includes staff training in code updates**.

COUNTY BUILDING PERMIT DELAYS

AIA acknowledges that well-publicized delays in issuing building permits adversely affect Hawaii economy, construction industry and architects. Unlike past decades, processing time for building permits frequently rival / exceed actual construction time. However, contrary

to other testimony, **AIA says that building code is not directly responsible for permit delays:**

- Nation-wide problem associated with retirement of many experienced staff and inability to attract enough new staff. Predicted in 2014 report “Future of Code Officials” by International Code Council; Honolulu DPP has 24% staff vacancy. One-third of DPP code reviewers turned over last year.¹
- **Permit backlog was initially created with POSSE electronic filing of permits causing self-inflicted delays by removing architects from our decades-long management of pre-approvals such as water and civil.** These fateful decisions were made by DPP system manager without any consultation with architects - “They won’t like it – so we won’t ask them.” Instead, the over-worked agency short on staff does this with bureaucratic sense of urgency. As well as delays, a known direct cause of delays were the recent Honolulu’s bribery scandal and FBI investigations.
- POSSE required 100% complete electronic drawing files to obtain permit application number – necessary for pre-approvals such as DLNR SHPO reviews. In past decades, 100% perfection was not required of paper-based permit drawings to start pre-approvals. Architects would apply for permits few weeks early; “perfecting” drawings concurrently with requests for competitive bids. 100% drawings were then reprinted for final building code review.
- Honolulu DPP data indicates permits now take TEN TIMES as long as in early 2000s.¹ Architects must now postpone bid requests because construction industry cannot be expected to “hold” their prices over such time as inflation keeps mounting. Architects must postpone collecting our design fees as payment is typically contingent on task completed. For decades building codes have been regularly updated at every publication cycle; without delays being created. Some explanation lies with increased number of permits; indicating agency failure to plan for the future.

SOLVING LONG BUILDING PERMIT PROCESSING TIMES

- County of Hawaii Bill 84 approved in December 2023 introduces a 180-day timeline from application submission to obtaining a permit and outlines provisions for extensions and the process for restarting an application if abandoned. County of Maui is using private vendor to expedite commercial permits for Lahaina reconstruction. Honolulu DPP in particular has instituted reforms discussed below.

- DPP has signed one-year MOA with HGEA to “outsource “using TPR third-party reviewer(s) for building code compliance; while it aggressively recruits new staff to remedy current staff shortages.¹
- Mayor Blangiardi acknowledged that timely building permit action affects “our community, our economy and our entire way of life.” Mayor announced that the City has begun implementing new permitting software, CLARITI, to replace the 20-year-plus current POSSE system. By summer, Blangiardi pledged, applicants will be able to track permit status online; within one year, the average time required for residential permit review will be two to four weeks, and in the following year, commercial permit applications will be reviewed in six months or less. ²
- To remedy chronic staff shortages Chicago and New York City use SCP Architect Self-Certification for building code compliance; with 48% of NYC permits issued. Phoenix and Arizona’s fast-growing Maricopa County make extensive use of SCP. To clarify, SCP has important distinction from TPR to better comply with restrictions in Hawaii civil service law. Architects must prepare drawings under our DIRECT SUPERVISION and as PART-TIME SERVICE TO THE CITY CONCURRENT (*second capitalized not quite yet, but we will ask for admin rules process. We should ask now because DPP not yet gone out for hearing*) with our regular professional practice. In contrast, Third Party Reviewers review drawings entirely made by other applicants and perform full-time service to City as code reviewer. Architecture is professional practice regulated by State DCCA-attached licensing board. TPR is regulated only by Honolulu DPP Administrative Rules.
- Unlike past “uninsurable” DPP permit expediting programs, SCP is insurable under architect professional liability policies and has features making it better as model law than Chicago or Phoenix SCP. ROH 23-29 has language largely developed by AIA thanks to the assistance of Councilmember Calvin Say.
- ROH 23-29 allows SCP Architect Self-Certification for very limited project types such as commercial renovation (no changes to doors and windows allowed) and DHHL residences. Council put significant obstacles to self-certifying affordable rental apartments of ROH §32. Despite housing permit crisis broadly claimed in HB 2089 testimony, Honolulu City Council deleted houses from SCP based on Bill 6 (23) testimony saying “...**Due to the hard work of the DPP staff, the department was able to significantly reduce the**

permit residential backlog. Therefore, it's unnecessary to allow for self-certification for this type of permit..."

Honolulu Civil Beat says in January 2024 the average residential permit takes 6 months for DPP approval.¹

¹Honolulu Civil Beat March 5, 2024.

²Honolulu Star-Advertiser March 17, 2024.

³HGEA October 18, 2023 testimony for Bill 6 (23) hearing.

Sincerely,
Legislative Advocacy Committee (LAC)
American Institute of Architects, Hawaii State Council

HB-2089-HD-2

Submitted on: 3/17/2024 11:17:35 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Manawaiakea	Testifying for E Ola Kakou Hawai'i	Oppose	Written Testimony Only

Comments:

loha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

As a Po'o of E Ola Kakou HAwai Kumu noho Ao Pae Aina Hawai'i

I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

CAPITOLWATCH UPDATES:



To: The Senate Committee on Government Operations (GVO)
From: Sherry Pollack, 350Hawaii.org
Date: Tuesday, March 19, 2024, 3pm

In opposition to HB2089 HD2

Aloha Chair McKelvey, Vice Chair Gabbard, and members of the GVO committee,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org is in **strong opposition to HB2089 HD2** that requires that the adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council be within two years **of every other official publication date** of the applicable code or standard.

According to FEMA, one of the best ways to safeguard our communities against natural disasters is to adopt and follow up-to-date hazard-resistant building codes. Building codes are the *minimum design and construction requirements* to ensure safe and resilient structures.

These codes reduce casualties, costs and damage by creating stronger buildings designed to withstand disasters. They also help communities get back on their feet faster by minimizing indirect costs such as business interruptions and lost income. **Please carefully review testimony by the International Code Council from the February 27, 2024 CPC hearing for additional critical considerations.**

Safety should always be made a priority. Suggestions by short-sighted, profit motivated special interests to do otherwise are egregious. Instead of putting residents and families, as well as our first responders, at unnecessary risk, we must address the true root causes of building permit delays, which is the inability of county planning departments to recruit and maintain permitting staff.

Last year was the hottest year in human history, and this year is expected to be even hotter. Scientists have reported that, for the first time, global warming has exceeded the 1.5C warming "limit" across an entire year. What this means is that climate-related extreme weather events will only become more frequent, including heat waves, hurricanes, floods, and wildfires.

Experts have been using lessons and best practices from around the planet to update building and infrastructure standards via the International Building Code, in order to best protect tenants – as well as firefighters and other first responders – in the event of emergencies both small and large. Skipping updating building code standards places Hawaii's families and our climate resiliency at an unacceptable risk. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

Sherry Pollack
Co-Founder, 350Hawaii.org



Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair
Committee on Government Operations

Re: HB 2089 HD2 – Relating to State Building Codes
Hearing Date: March 19, 2024, 3:00pm

Aloha Chair McKelvey, Vice Chair Gabbard and members of the committee.

Please Vote NO on HB 2089 HD2 - Protect Hawaii with Modern Building Codes

When disasters strike, the results of outdated building codes are clear: additional deaths, injuries, disaster suffering, property damage, emergency response costs, family displacement, longer recovery times and business closures. Faced with extreme weather that is only expected to increase in frequency and severity, HB 2089 HD2 worsens the state's already lagging code update process and creates a dangerous disconnect between clean energy and the measures necessary to advance it safely. For these reasons, please vote NO on HB 2089 HD2.

Thank you for the opportunity to share our strong opposition of HB 2089.

Mahalo,

A handwritten signature in black ink, appearing to be "Kevin Hirayama".

Kevin Hirayama
Executive Director
Sheet Metal Contractors Association Hawaii
Sheet Metal & Air Conditioning National Association (SMACNA) Hawaii Chapter
1088 Bishop St #609
Honolulu, HI 96813
808-845-9393

HB-2089-HD-2

Submitted on: 3/18/2024 9:20:08 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kupuna for the Mo'opuna	Testifying for Kupuna for the Moopuna	Oppose	Written Testimony Only

Comments:

STRONG OPPOSITON TO HB 2089 HD2

Please do not place the safety of Hawai'i's families at risk by giving developers a fress pass at building code upates!

Please HOLD HB 2089 HD2.

March 19, 2024, 3 p.m.
Hawaii State Capitol
Conference Room 225 and Videoconference

To: Senate Committee on Government Operations
Sen. Angus L.K. McKelvey, Chair
Sen. Mike Gabbard, Vice-Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: COMMENTS IN SUPPORT OF HB2089 HD2 — RELATING TO THE STATE BUILDING CODE

Aloha Chair McKelvey, Vice-Chair Gabbard and members of the Committee,

The Grassroot Institute of Hawaii would like to offer its **support** for [HB2089 HD2](#), which would mandate the State Building Code Council adopt the International Building Code and the International Residential Code within two years of every other edition of said codes.

State law currently requires the State Building Code Council to adopt every edition of the International Building Code and various related codes within two years of their release.

These codes are typically updated by the International Code Council every three years. For example, its 2024 code was released in December 2023 as an update of the 2021 code.¹

The counties, meanwhile, must adopt their own level amendments to the IBC after every state update.

However, the state and counties often struggle to adopt and amend the International Building Code within a reasonable time frame. For example, it was only in April 2021 that the State Building Code Council finally adopted the 2018 IBC² and early 2023 when Honolulu fully adopted its amendments to the 2018 IBC.³

¹ ["The International Code Council Releases 2024 International Codes®,"](#) International Code Council, Dec. 5, 2023.

² ["State Building Code Adoption,"](#) State Building Code Council, April 20, 2021, p. 1.

³ ["Interim Building Code \(2018 IBC\) Takes Effect,"](#) Honolulu Department of Planning and Permitting, April 20, 2023.

Because of this staggered adoption process, county building officials and architects must constantly re-learn the building code's requirements. The almost-constant nature of the building code updates also taxes already understaffed county planning and permitting departments.

Allowing the State Building Code Council to skip every other cycle for the IBC and the IRC would provide a level of certainty for builders and agencies and save the State Building Code Council and counties time from having to update the codes so often.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

March 19, 2024

The Honorable Angus L.K. McKelvey, Chair
Senate Committee on Government Operations
Hawaii Legislature
Hawai'i State Capitol, Room 221
Honolulu, HI 96813

Committee: Senate Committee on Government Operations
Bill Number: HB2089, Relating to State Building Codes
Re: Testimony of the National Association of Home Builders in **SUPPORT**

Dear Chair McKelvey:

On behalf of more than 140,000 members of the National Association of Home Builders (NAHB) I write to express our support for HB 2089. This bill requires that the adoption, amendment or update of a building code or standard by the State Building Code Council be within two years of every other official publication date of a code or standard. The current three-year code development cycle places an excessive burden upon building officials, builders, design professionals or contractors and harms housing affordability without producing meaningful improvements to the safety and resiliency of the state's housing stock.

The current three-year code adoption cycle is unworkable for the home building industry of Hawaii. The current cycle provides a very short time to review the newly published codes. In the meantime, another cycle has already begun, affording little or no time for those who enforce and use the codes to understand the latest changes. Switching to an every other code cycle would make it easier and less expensive for builders, contractors, architects, engineers, manufacturers, and building officials to manage change.

We are also deeply concerned with the impact on housing affordability under the current code adoption cycle. A study done by Home Innovation Research Labs has determined the adoption of the 2021 IRC can cost as much as \$5,700 per average single family home compared to the 2018 IRC for provisions not related to energy efficiency.¹ NAHB's priced out estimates for 2023 show that just a \$1000 home price increase would make 261 more households in Hawaii disqualify for a new home mortgage. This comes at a time when NAHB's data show over 91% of households in Hawaii are unable to afford the median price of a new home.²

Finally, the move away from a three-year code adoption cycle has raised unsubstantiated resiliency concerns. Evidence from FEMA and others demonstrates that modern building codes have been very effective in preventing the destruction of homes due to various storms, wildfires, and earthquakes.³ For example, after Hurricane Michael hit Mexico Beach, FL in 2018, studies showed that homes built post-2000 remained standing, while older homes did not. In fact, many of the most significant improvements in home resilience in the International Residential Code are associated with the 2003-2012 editions of the codes. Conversely, the vast majority of the nation's housing stock is not subject to modern building

¹ [Home Innovation Research Labs, Estimated Costs of the 2021 IRC Code Changes](#), January 2022.

² [NAHB Priced-Out Estimates for 2023, National Association of Home Builders](#), March 2023.

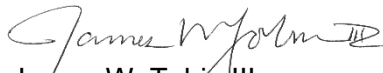
³ [Damage Assessment from Hurricanes Harvey and Irma](#) and [FEMA Study Shows Resilience Value of Building Codes but Understates Cost Impact](#)

codes. Therefore, it is imperative that resiliency investments are focused on improving the older homes, structures and infrastructure that are less resilient to natural disasters.

NAHB has long supported the development and use of reasonable, practical, and cost-effective codes and standards. We therefore urge the Senate Committee on Government Operations to support HB2089 to reduce costs and improve the implementation of new building codes for builders, contractors, architects, engineers, manufacturers, and building officials while maintaining safety, resiliency, and housing affordability for home buyers in Hawaii.

Thank you for your consideration of NAHB's concerns.

Best regards,



James W. Tobin III
President and Chief Executive Officer
National Association of Home Builders
of the United States



Testimony in Support of HB 2089, HD2, Relating to the State Building Code

Aloha Chair McKelvey, Vice Chair Gabbard, and Committee Members:

We write in strong support of HB 2089. The purpose of HB 2089 is to require that the adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council be within two years of every other official publication date of a code or standard.

aio is a locally owned company with holdings across a broad range of industries. Our companies are purpose-driven and firmly rooted in local values. At aio, Hawai'i is at our core, and through our products and services, we work hard to make Hawai'i a better place for future generations. Here's how we think this bill can help:

- Hawaii's high cost of living affects not only individuals but also businesses. HB 2089 addresses this by enhancing efficiency and reducing expenses, while still prioritizing safety in home construction.
- Currently, building codes undergo updates every three years, burdening stakeholders with a complex and time-consuming process. The proposed shift to a six-year code cycle promises a more efficient and cost-effective approach. After an initial adjustment period to acclimate to the new code, stakeholders would have four to five years to submit, review, and approve plans, minimizing repetitive submissions and corrections.
- Streamlining the process directly impacts home construction costs, ultimately benefiting local residents. Affordable housing is crucial for our employees' retention and well-being.

In summary, HB 2089 contributes to a more affordable housing market, ensuring our employees can thrive and remain part of our community.

Mahalo for the opportunity to submit testimony in support,

A handwritten signature in black ink that reads "Brandon H. Kurisu".

Brandon Kurisu
aio Family of Companies





**Testimony to
Senate Committee on Government Operations
March 19, 2024
3:00 PM
Conference Room 225 & VIA videoconference
Hawaii State Capitol
HB 2089, HD2**

Aloha Chair McKelvey, Vice Chair Gabbard, and members of the Committee,

We write in support of HB 2089. The purpose of HB 2089 is to require that the adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council be within two years of every other official publication date of a code or standard.

Established in 1904, Hawaii Gas serves over 70,000 customers on all islands through its utility pipeline infrastructure and propane business, all of whom depend on the company for sustainable, reliable, and affordable gas for water heating, cooking, drying, and other commercial and industrial applications. The company employs some 350 professionals, over 75% of whom are under collective bargaining.

It is important to us that our employees be able to stay in Hawai'i, and for that to happen we have to do something about the high cost of housing here. This bill should help for the following reasons.

Current building codes are in place for three years, but their complexity poses challenges. When new codes are adopted, it takes one to two years for stakeholders to understand and implement them. This involves repeated plan submissions as professionals learn what officials require. This trial and error process leads to a common understanding, but by then, only one to two years remain before the cycle starts again.

Changing the code adoption cycle to align with the code's publication date every two years effectively creates a six-year cycle instead of three. This means more time for smooth operations, quicker permit processing, and fewer errors, ultimately lowering home building costs and home prices.

Additionally, the longer cycle allows counties more time to suggest amendments that suit their specific needs, such as adapting building materials and standards to local geographies and climates. This approach maintains safety, improves efficiency, and lowers costs, addressing the urgent cost-of-living challenges for local families in Hawai'i.

Thank you for the opportunity to testify.



March 19, 2024

RE: HB 2089, HD2, Relating to the State Building Code – In Support

Aloha Chair McKelvey, Vice Chair Gabbard, and members of the Committee,

We write in support of HB 2089. This bill proposes that the State Building Code Council must adopt the International Building Code and International Residential Code within two years of every other official publication date of a code or standard.

Founded and based in Hawai'i, Hawaiian Host is nearly 100 years old. With local roots and a global reach, Hawaiian Host is the largest manufacturer of chocolate-covered macadamias in the world. And as a longtime local employer, we recognize the the critical role that home costs play in local families deciding whether to stay in Hawai'i. This has economic consequences. The exodus of Hawai'i residents since 2020 has cost the state at least \$185 million in lost taxes. This bill can help address this crisis.

The current three-year building code cycle poses challenges due to the complex and technical nature of the codes. When a new code is adopted, it takes one to two years for stakeholders to develop a common understanding of its requirements. During this period, design professionals often need to submit plans multiple times as they strive to meet the expectations of government officials. This iterative process eventually leads to a shared interpretation of the code.

Extending the code adoption cycle to six years, effectively doubling the current cycle, would allow for a smoother process once the initial learning period is over. With four to five years available for submitting, reviewing, and approving plans, there should be significant cost savings hin home building, ultimately resulting in lower home prices for local residents.

Aloha,

A handwritten signature in black ink, appearing to read "Ed Schultz".

Ed Schultz
President & CEO
Hawaiian Host Group



**HAWAI'I COMMUNITY
FOUNDATION**

Testimony in Support of HB 2089, HD2, Relating to the State Building Code

From: Micah Kāne, Chief Executive Officer & President - Hawai'i Community Foundation

Re: Support for the State Building Code

The Hawai'i Community Foundation (HCF) supports HB 2089, which pertains to the State Building Code. It has become evident that the current method of adopting new, amended, and/or updated building codes have significantly added to the cost of housing Hawaii residents. We support this effort to reduce the frequency of these changes so that County departments and residents can build homes in a reasonable fashion without unnecessary complexity, delay, and confusion caused by the current law.

Housing is a key area within HCF's CHANGE Framework under the "C" sector of Community and Economy. It is undeniable that housing cost is unattainable for many families and ALICE families are impacted at a greater rate and severity because of our current housing market. With multiple factors impacting this inequity, HB2089 reasonable addresses one of important element in our housing market.

In our work with communities statewide, we have had multiple discussions with each County Mayor and leadership. Through these discussions, we have heard the difficulties and acknowledgements of how the current system of constant change to the building code makes it very difficult to accomplish the goals of helping our housing opportunities. Similarly, the development and construction industries have shared the time delays and cost impacts that the current system produces.

HB 2089 will change the current three-year cycle to a six-year cycle. We believe this will be a significant improvement for all stakeholders to understand the code for an amount of time that will allow housing to be built faster and at a lesser cost. Furthermore, from our discussions with Counties, developers, and builders, we do not believe the timing change creates any significant risk for our communities.

HB 2089 is a practical solution that contributes to a more housing for our community, and HCF is happy to support it.

Statement of
Meli James
Cofounder
Mana Up

HB 2089, HD2, Relating to the State Building Code

Aloha,

As a small business owner, I write in support of HB 2089, which pertains to the State Building Code. The primary aim of this bill is to ensure that any adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council occurs within two years of each official publication date of a code or standard.

Mana Up is a statewide initiative that helps provide entrepreneurs in Hawai'i with the resources and tools to grow their business and scale globally. As these entrepreneurs continue to grow, they also help contribute to our expanding our local economy. As part of our mission, we aim to sustain the local economy through economic diversification, local job creation, community giveback, investment, and a regenerative culture of entrepreneurship – providing a better future for generations to come here in Hawai'i. To keep these types of entrepreneurs in Hawai'i and even expand our entrepreneurial ecosystem, though, these small businesses need a place to live that they can afford — especially as they're building up their companies — and our current building code process makes that difficult.

Under the current system, building codes remain in place for three years. However, this complexity poses challenges. When a new code is adopted, it takes at least one to two years for stakeholders (including county permitting officials, plan reviewers, and design professionals) to develop a common interpretation.

The proposed change to a six-year code cycle allows for smoother operations. After an initial adjustment period, stakeholders would have four to five years for timely plan submissions, reviews, and approvals. This efficiency will lead to cost savings in home building, and ultimate in more affordable homes for our local residents.

HB 2089 is a practical solution that contributes to a more affordable housing market for our community, and Mana Up is happy to support it.

Sincerely,



Meli James
Cofounder, Mana Up



TITLE GUARANTY
HAWAII

March 19, 2024

Testimony in support of HB 2089, HD2, Relating to the State Building Code Council

Aloha Chair McKelvey, Vice Chair Gabbard, and Committee Members,

We write in support of HB 2089, Relating to the State Building Code, which will require that the adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council be within two years of every other official publication date of a code or standard.

Title Guaranty of Hawai'i is the oldest and largest title company in the state. We have been owned and operated by a kama'aina family since 1896 and we are proud to employ over 250 residents who work in our branches across the state. As an organization that has worked for over a century to help connect local families with housing, we know how dire the housing cost situation in Hawai'i has become for local families. Here's how we think this bill could help:

- **Cost-of-Living Challenges:** Hawai'i's high cost of living affects everyone, including small businesses. HB 2089 tackles this issue by enhancing efficiency and reducing expenses, while still prioritizing safety in home construction.
- **Streamlined Process:** Currently, building codes undergo updates every three years, resulting in a complex and time-consuming process for stakeholders. The shift to a six-year cycle would allow for a more efficient and cost-effective approach. After an initial adjustment period, stakeholders would have four to five years to submit, review, and approve plans, minimizing the need for repeated submissions and corrections.
- **Impact on Home Building Costs:** By streamlining the process, we can expect lower home construction costs. This will help residents by making housing more affordable.
- **County-Specific Amendments:** The extended code cycle also benefits counties. It provides them with additional time to propose amendments tailored to their unique needs, such as building materials and standards suited to their specific geography and climate. Safety remains a priority, but unnecessary costs are reduced.

In summary, HB 2089 is a practical solution that will to a more affordable housing market for our community, helping to keep local residents in Hawai'i.

Sincerely,

Mike B. Pietsch
President and Chief Operating Officer
Title Guaranty of Hawai'i



Title and Escrow is our business. Hawaii is our home.





Before the Senate Committee on Government Operations
Tuesday, March 19, 2024 at 3:00 p.m.

Testimony Providing Comments on: HB2089 HD2: Relating to the State Building Code

Chair McKelvey, Vice Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to testify and provide comments on House Bill 2089 HD2.

Hawai'i Energy works to empower island families and businesses on behalf of the Hawai'i Public Utilities Commission (PUC) to make smart energy choices to reduce energy consumption, save money, and pursue a 100% clean energy future. Energy efficiency – the energy we do not use – is the cheapest option to help us achieve our 100% clean energy goal by eliminating waste and being more efficient. We believe updated energy codes are critical in this effort and part of a global movement to make progress on climate change mitigation through codes and standards.

This bill would replace the current three-year cycle for adopting updated International Building Code and International Residential Code, excluding energy codes via the International Energy Conservation Code, in Hawai'i with a six-year cycle. Skipping every other iteration of updated state building codes would undoubtedly give stakeholders additional time to comprehend and implement each round of changes, but doing so for energy codes would also negatively impact Hawai'i's ability to meet our 2030 and 2045 clean energy goals by leaving potential energy efficiency gains on the table. Given that the goal of updating building energy codes is to ultimately save Hawai'i residents money on their electric bills, which remain the highest in the country, we appreciate that HB 2089 HD2 does *not* skip every other energy codes adoption cycle.

We also want to highlight another existing tool to improve the building codes adoption process in Hawai'i, as described by HRS §107-23, the so far unused opportunity to staff the Hawai'i State Building Code Council with an executive director, executive assistant, and other staff as necessary to support the updated building codes adoption process.

Hawai'i Energy certainly appreciates the intent of HB 2089 HD2 to allow all stakeholders involved in the state building code adoption process more time to fully digest each round of changes being discussed and implemented. We are supportive of the decision to leave energy codes out of the proposed changes, too. And we would just urge the legislature to explore and consider other avenues and tools already at its disposal to improve the building codes adoption process for all stakeholders before making additional foundational changes to it.

Thank you for the opportunity to provide comments on House Bill 2089 HD2.

Sincerely,
Caroline Carl
Executive Director
Hawai'i Energy



March 19, 2024

Committee: Senate Committee on Government Operations
Bill Number: HB 2089 HD2, Relating to State Building Codes
Hearing Date and Time: March 19, 2024 at 3:00PM
Re: Testimony of HPM Building Supply in Support

Dear Chair McKelvey, Vice Chair Gabbard, and Committee Members:

I would like to submit this letter and testimony written in support of HB 2089 HD2, Relating to the State Building Code. HB 2089 HD2 requires that the adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council be within two years of every other official publication date of a code or standard.

HPM Building Supply is a 100% employee-owned company serving Hawaii's home improvement market and building industry for over 100 years since 1921. With 18 locations across Hawaii and Washington State, HPM offers various services and products, including retail stores, building supply and lumber yards, home design centers, drafting and design services, and manufacturing facilities. HPM is dedicated to enhancing homes, improving lives, and transforming communities one home at a time.

This bill would allow local building officials and design professional more time to interpret, understand and make proper amendments to the proposed family of codes. Jurisdictions are also able to develop code standards based off each island's unique environment. The current code adoption cycle is not enough time for the industry to review changes and financial impact to homeowners and builders.

We also understand that the adoption of the building code as proposed in this bill will not negatively affect the State's funding from FEMA in terms of Building Resilient Infrastructure and Communities (BRIC) grants. The grant's criteria considers building code as a scoring factor but not a requirement. Furthermore, the FEMA policy grants points if the applicant "has adopted one of the two latest editions of the model building code".

Thank you for the opportunity to provide testimony in support of HB 2089 HD2. I strongly encourage your support and passage of this measure.

Sincerely,

Dennis Lin
Community Relations Administrator



HB-2089-HD-2

Submitted on: 3/18/2024 9:08:30 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

SUPPORT.

MAHALO!

Michael Mohr
493 Portlock Road
Honolulu, Hawaii 96825

March 19, 2024

Aloha Chair McKelvey, Vice Chair Gabbard, and members of the Committee,

I write in support of HB 2089, which pertains to the State Building Code. The primary aim of this bill is to ensure that any adoption, amendment, or update of the International Building Code and International Residential Code by the State Building Code Council occurs within two years of each official publication date of a code or standard.

Under the existing system, building codes remain in effect for three years. However, this complexity creates hurdles. When a new code is adopted, it takes at least one to two years for stakeholders (including county permitting officials, plan reviewers, and design professionals) to establish a shared understanding.

The suggested shift to a six-year code cycle promises smoother operations. After an initial adjustment period, stakeholders would have four to five years for timely plan submissions, reviews, and approvals. This efficiency will result in cost savings in home construction, ultimately leading to more affordable housing for our local residents.

As a practical solution, this bill contributes to a more affordable housing market for our community. This is personally important to me as I'd like to make sure my kids and my grandchildren can afford to build homes lives here along with all local working families.

Mahalo,

-Mike Mohr

I strongly OPPOSE the HB 2089

House Bill 2089 proposes to end the current requirement for the State Building Code Council (SBCC) to adopt each new edition of the International Building Code (IBC) and International Residential Code (IRC). These model codes are updated and issued every three years by the International Code Council. **The bill proposes adopting only every other edition** of these two model codes. The other codes under the jurisdiction of the State Building Code Council would continue to be adopted after the publication of every new edition.

The following are the direct implications of this bill:

- 1) Current law requires that the SBCC adopt each new edition of the model codes within two years of publication. The counties then have an additional two years to make local amendments or else the corresponding Hawaii State Building Code (HSBC) becomes applicable as an interim county building code. This means there is already a four-year lag between publication of a new building code and its implementation for most construction in Hawaii. **Skipping every other edition of the model codes will mean that the HSBC will be at least 10 years old before a new code is adopted by the counties.** For example, the 2018 IBC/IRC were published in 2017, but only took effect as an interim code for the City and County of Honolulu in April 2023, a five-year lag. In 2024 at the time of this writing, Honolulu had not adopted its local amendments to the IBC 2018 HSBC. **If the 2021 IBC/IRC are skipped in favor of the 2024 IBC/IRC, it will be 2028 at the earliest that they will become effective in the counties. At that time the 2018 codes will be 10 years old. That is similar to the unacceptable long lag periods that occurred prior to the enactment of the State Building Code statute in 2007.**
- 2) In 2014, the legislature attempted to move to a 6-year code cycle adoption with the following requirement in Hawaii Revised Statute §107-24 (c): *“The council shall adopt, amend, or update codes and standards identified in section 107-25 on a staggered basis, as established by the council; provided that the adoption, amendment, or update of any code or standard shall be: (1) At least once every six years ...”*. This legislation was rescinded in 2017 when the legislature passed ACT 141 which waived the requirement for the SBCC to follow the arduous Administrative Rules process. Code adoption was then returned to the current 3-year cycle.
- 3) By proposing to skip every other IBC and IRC code edition, but still requiring adoption of all other related codes (energy, plumbing, electrical, fire, IEBC, etc.) on a 3-year cycle, **there will frequently be conflicts between the related codes referenced by IBC and IRC, and those adopted by the SBCC. This will cause confusion as to which of the related codes is to be enforced.**
- 4) When asked the question “What would be the effect of HB 2089 on FEMA funding for Hawaii”, Jonathan Chipperfield at FEMA Headquarters provided the following response: *“The trend for FEMA BRIC (Building Resilient Infrastructure and Communities) funding is to award points for the adoption of the latest 2 code editions. If Hawaii doesn’t adopt 2024 I-codes until 2029, this has the potential to put them at a disadvantage for BRIC Cycles up until that point, and they might*

only benefit from 1 or 2 BRIC cycles when they do update their codes. *Currently 10 technical criteria points are awarded for Statewide mandatory adoption of the latest 2 published codes (2021, 2018) and 10 points for BCEGS equivalent rating of 1-5. This is 20% of the technical score. Hawaii will still receive allocation funds regardless of Technical scores, but this is currently a maximum of \$2mil. Whereas the competitive projects, if selected, can be up to \$50mil each.”*
Hawaii would clearly be at a disadvantage when applying for future mitigation funds from the FEMA BRIC program.

- 5) **Hawaii is currently under consideration for receiving a total of \$11.36 million in BRIC funding as shown in the table below, including more than \$1.1 million to support the State Building Code Council process that heretofore has lacked funding. Delaying new code adoption would jeopardize Hawaii’s eligibility for this important grant as well as its competitive standing when applying for all future BRIC funding.**

State	Subgrant Identification	Subapplication Title	Federal Cost Share	Subapplication Status
Hawaii	EMF-2022-BR-014-0003	Advance Assistance 2.0 - Kauai, Maui, and Hawaii Counties Energy System Resiliency Assessment	\$450,000	Identified for Further Review
Hawaii	EMF-2022-BR-014-0002	Statewide Building Code Technical Assistance Program	\$1,120,000	Identified for Further Review
Hawaii	EMF-2022-BR-014-0001	State Management Costs	\$1,459,397.63	Identified for Further Review
Hawaii	EMF-2022-BR-014-0004	Ko’olaupoko Critical Customer Hubs	\$8,329,317.51	Identified for Further Review

Source: <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities/after-apply/fy22-status>

- 6) A primary reason for states and authorities having jurisdiction (AHJs) wanting to delay adoption is to save time and money. However, if not hindered by HB2089, **BRIC funds can be used to assist states and counties in their review and adoption of each new code edition.** Indeed, **Hawaii currently has a BRIC funding opportunity of \$1.12 million related to building code implementation** resources, listed as the second grant in the table above.
- 7) This low “community rating” for Hawaii does not only affect FEMA funding opportunities but is also used to set property insurance rates. **Insurance underwriters understand that building to**

outdated or weakened codes exposes them to greater liability and potential financial loss during future natural hazard events, so insurance rates must increase to cover the increased risk. Skipping the timely adoption of building codes by the government essentially transfers the hazard risks to the public, and the insurance industry recognizes that greater risk in pricing.

- 8) **New construction in Hawaii would not benefit from recent lessons learned from natural hazard events and laboratory and simulation research that is introduced into each new edition of the model building codes.** Typically, it takes between 5 – 10 years for new research findings or field observations to make it into the national codes and design standards. **Given that this bill would result in as much as a 10-year lag in code adoption as described above, the research and lessons learned will be between 15 and 20 years old and all inventory built in the meantime will not have benefited from any improvements in hazard-resistant design.**
- 9) **Skipping every other code cycle will make it difficult to maintain a pool of qualified committee volunteers to review and amend the model codes to generate the State Building Code.** All members of the State Building Code Council are term-limited by state law, meaning that SBCC institutional memory will be lost over the 6-year lapse between code cycles. There will also be twice the cumulative amount of code changes to review, making it even harder and more time-consuming to develop and approve appropriate state and county amendments.
- 10) The National Institute of Building Science (NIBS) 2019 report entitled “[National Hazard Mitigation Saves](#)” clearly documents the enormous benefit of adopting current codes. This report found that “*Design based on meeting the 2018 IRC and IBC versus codes represented by 1990-era design and National Flood Insurance Program (NFIP) requirements— results in a national benefit of \$11 for every \$1 invested*”. Every edition of the model building codes increases the life safety and economic benefits as the hazard resistant components of the codes improve. **Skipping every other edition of the model codes implies that Hawaii has decided to give up on these resilience and sustainability benefits by building to obsolete codes.**
- 11) A 2020 study by FEMA entitled “[Building Codes Save: A Nationwide Study](#)” concludes that **if all future US construction adhered to current codes, instead of relying on outdated codes as is the present condition in many locations, the nation would avoid over \$600 billion in cumulative losses from floods, hurricanes and earthquakes between 2020 and 2060. This represents \$66 million dollars of loss reduction per year prorated to the Hawaii State population based on 2020 census data.**
- 12) Finally, if Hawaii moves from a 3-year cycle to a 6-year cycle, **local officials and design professionals will find that transition periods to new codes tend to involve more drastic rather than more gradual changes due to the longer gaps in time between adoption cycles.** This can increase the time, cost, and difficulty involved in each new code adoption’s accompanying training and education for building code officials and professionals. **Design professionals in Hawaii will become less knowledgeable, more out of date, and less competitive in skill compared to their US west coast counterparts (AL, WA, OR, CA where adopting every edition of the model codes is the common practice.**

HB-2089-HD-2

Submitted on: 3/18/2024 12:23:51 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary Chock	Individual	Oppose	In Person

Comments:

As a former member of the State Building Code Council (SBCC) as the first designated representative of the Structural Engineers Association and as a member of the original 2005 legislative task force that developed the SBCC process passed by the State Legislature in 2007, I request that HB2089 be deferred for the following reasons:

- The bill should be deferred until the Governor’s Housing Emergency Proclamation ceases to involve the State Building Code Council. Tthe Governor's Housing Emergency Proclamation in Sept 2023 (renewed in Feb 2024) included suspending the State Building Code Council process of adopting updated codes:
 - "Section 1 07-24(c), HRS, Authority and duties of the council, to the extent necessary to suspend the ability of the State Building Code Council to amend or update the Hawai’i state building codes to allow for consistency and stability in the construction of housing. Counties may still update county building codes as authorized by law."

The significance of the Governor's suspension is that whenever the SBCC is allowed to resume, it is going to have to catch up to the published model codes at that time. However, the "every other adoption" may cause confusion of legal interpretation of what code is to be adopted depending on whenever that restart occurs.The State Building Code in effect now is based on the 2018 IBC, which is followed by the 2021 IBC and 2024 IBC, etc .

- Current law requires that the SBCC adopt each new edition of the model codes within two years of publication. The counties then have an additional two years to make local amendments. This means the statute as-is has already established at least four-year lag between publication of a new building code and its implementation in Hawaii. Skipping every other edition of the model codes will mean that the State Building will be at least 10 years old (6 + 2 _2) before a new code is adopted by the counties.That is similar to the lag periods that occurred prior to the enactment of the State Building Code statute in 2007, which the State Legislature considered unacceptable in creating the State Building Code Council in the first place.
- The matter of 3-year or 6-year code update cycles was previously addressed by the State Legislature, which this year's legislature should acknowledge. In 2014, the legislature tried the move to a 6-year code adoption cycle in revising Hawaii Revised Statute §107-24. This legislative act was rescinded very soon afterwards in 2017 when the legislature passed Act 141, which waived the requirement for the SBCC to follow the

Administrative Rules process. The code adoption was then returned to the current 3-year cycle, which the legislature felt was appropriate good practice in the interest of public safety.

HB-2089-HD-2

Submitted on: 3/17/2024 10:54:31 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Donelle Sawyer	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Committee Members,
This stands as notification for opposition to HB2089 HD2. I share my time living in both Hawaii (Kaimuki) and Virginia, and have a particular view of the measures this bill addresses, or doesn't address, by comparison to the methods used in Virginia. In particular, many apartment complexes in Virginia have FINALLY done full-scale cost analysis on building maintainance/updates vs repairs-after-the-fact (the fact being an increasing number of events/episodes that cause damage that needs immediate response, i.e. extreme weather events). Of *course*, updating and maintaining to modernized building code practices has proven to be far less expensive than dealing with a catastrophe-after-the-fact. The comparison of the two states is not entirely fair, as Virginia does not have the same issues with permit backlog as badly as Hawai'i does. It has been ascertained that the root of this issue has been Hawai'i's planning department's inability to recruit and keep permitting staff. I urge this committee to value "lessons learned" issues, and not to continue the age-old process of overlooking and dragging out infrastructure safety & updating checks, and hedging bets against a damaging event by allowing the continuance of outdated building code standards. It is an unnecessary and potentially expensive risk! ***I ask you to HOLD HB2089 HD2***, and address permitting staff pay and management issues so that these jobs are desirable and the planning departments are well run machines. I fear it is a big ask for Hawai'i, where they can't seem to get out of their own way to accomplish infrastructure developments, but with foresight, this committee could implement change. Please, let's try. Mahalo for this opportunity to testify. ~ Donelle Sawyer

HB-2089-HD-2

Submitted on: 3/17/2024 12:16:32 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Oppose	Written Testimony Only

Comments:

My name is Peter Wilson and I am from Pahoa, HI, and I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

HB-2089-HD-2

Submitted on: 3/17/2024 12:17:58 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Oppose	Written Testimony Only

Comments:

My name is Bo Breda and I am from Pahoehoe HI, and I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

HB-2089-HD-2

Submitted on: 3/17/2024 12:40:39 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jody Smith	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

I oppose HB2089 HD2 which will give a decades long pass to developers allowing them to continue to implement outdated building codes, codes that should be regularly evaluated to protect Hawaii residents. Three year evaluations of the building codes is reasonable and needed, especially given some of the unexpected problems we are experiencing due to climate change (extreme storm events, drought, fire, flooding to name a few.) This is NOT the time to relax the rules.

Please HOLD HB2089 HD2.

Jody Smith

Honolulu

HB-2089-HD-2

Submitted on: 3/17/2024 2:32:39 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Oppose	Written Testimony Only

Comments:

I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

HB-2089-HD-2

Submitted on: 3/17/2024 3:06:35 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keri Zacher	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is Keri Zacher and I am from Molokai, and I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

HB-2089-HD-2

Submitted on: 3/17/2024 3:11:09 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
malcolm mackey	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is Malcolm Mackey and I am from Ualapue, Molokai, and I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify,

Malcolm Mackey

HB-2089-HD-2

Submitted on: 3/17/2024 4:17:34 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is Diane Ware and I am from Ka'u, and I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

HB-2089-HD-2

Submitted on: 3/17/2024 6:37:44 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Barry	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is Barbara Barry from Ha'ikū, Maui. I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

HB-2089-HD-2

Submitted on: 3/18/2024 5:58:25 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Keefe	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair McKelvey, Vice Chair Gabbard, and Members of the Committee on Government Operations,

My name is Jackie Keefe and I am a resident of Lahaina.

I stand in opposition to HB2089 HD2 because it fails to address the true root causes of building permit delays. It would render our residents and families much more vulnerable to climate-related extreme weather events, by giving developers a free pass on building code updates.

HB2089 HD2 would allow our building codes to languish for the better part of a decade before being updated, foregoing the normal, 3-year amendments based on new technologies, lessons learned, and best building practices to protect residents and first responders from ever-more frequent natural disasters and human tragedies associated with the climate crisis.

As heat waves, hurricanes, floods, and wildfires become more and more frequent, experts have been using lessons and best practices from around the planet to update building and infrastructure standards via the International Building Code, in order to best protect tenants – as well as firefighters and other first responders – in the event of emergencies both small and large. By skipping the normal 3-year amendments to the State Building Code based on the International Building Code updates, this bill would allow developers to build to outdated standards that put people and families at unnecessary risk of harm from climate-related disasters.

This anti-resilience bill is premised on the claim that building permit reviewers cannot keep up with the three year cycle, but building permit reviews largely suffer due to the inability of county planning departments to hire and retain qualified staff. **Skipping building code standards will do little to solve a problem rooted in issues of staff pay and management, and would instead render our residents and families needlessly vulnerable through outdated building standards while developers continue to maximize their profits.** National watchdog organizations have also indicated that other jurisdictions may follow Hawai‘i’s lead if this bill is passed, raising the stakes for life-or-death consequences far beyond our shores.

Please, do not place Hawai‘i’s families’ safety – and our islands’ climate resiliency – at risk without first prioritizing the true root causes of building permit delays.

*Please **HOLD** HB2089 HD2.*

Thank you for your consideration.

Jackie Keefe

Lahaina, Maui

HB-2089-HD-2

Submitted on: 3/18/2024 6:24:49 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michele Nihipali	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is Michele Nihipali and I am from Hauula, and I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

Michele Nihipali

54-074 A Kam Hwy.

Hauula, HI 96717

HB-2089-HD-2

Submitted on: 3/18/2024 8:35:07 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
De Austin	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

I oppose HB2089 HD2.

This measure fails to address the TRUE root causes of building permit delays: [the inability of county planning departments to recruit and maintain permitting staff](#). Ted Hong, a Hilo-based labor attorney who was Gov. Linda Lingle’s chief labor negotiator, in the *Civil Beat* article I just shared with you says that resolving this problem is achievable. “It’s a political will issue. This problem could be addressed in three months if it were truly a priority.”

Instead, this bill will saddle residents and families, as well as our first responders, **with outdated building code standards that place their safety, health, and lives at unnecessary risk** in the event of climate-related extreme weather events.

Please, do not place Hawai‘i’s families’ safety – and our islands’ climate resiliency – at risk without *first prioritizing the TRUE root causes of building permit delays*. Please HOLD HB2089 HD2.

Don't add a problem when you can add a solution!

Mahalo nui for this opportunity to testify.

D. Austin

Kihei, Maui

HB-2089-HD-2

Submitted on: 3/18/2024 11:38:18 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholle S L Konanui	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is Nicholle Konanui and I am from Pāhoā on the island of Hawai‘i. I stand in strong opposition to HB2089 HD2. This measure fails to address the root issues of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and ‘ohana, and especially our first responders, with outdated building code standards that place their safety, health and lives at unnecessary risk in the event of climate-related extreme weather events.

Please do not place our ‘ohana's safety and our islands' climate resiliency at risk without first prioritizing the real issues of building permit delays. Please **HOLD** HB2089 HD2.

Mahalo nui for your time and consideration.

Nicholle S. L. Konanui

HB-2089-HD-2

Submitted on: 3/18/2024 11:01:40 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kapulei Flores	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing in opposition of HB2089 that would render our residents and families much more vulnerable to climate related extreme weather related events, while giving developers a free pass on building code updates. We need to protect our people in all ways from possible future climate related disasters.

HB-2089-HD-2

Submitted on: 3/18/2024 1:08:42 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Harter	Individual	Oppose	Written Testimony Only

Comments:

V

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is and Nancy Harter I am from Lahaina and I am in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify. Nancy Harter

My name is Daniel Chun, Honolulu architect with 50 years of local experience. I was state legislative liaison for American Institute of Architects for more than 25 years. I am **STRONGLY OPPOSED** to HB 2089 HD 2 for its negative impact on Hawaii building codes. I was the Governor's appointee to Task Force to frame the original law. There was strong support for state building code from property insurers. SBCC to be funded by interest on Hawaii Hurricane Relief Fund HHRF in original statute.

Governor Lingle failed, as have all her successors to fund SBCC. However, her DAGS Comptroller Russ Saito electrical engineer provided modest administrative support. Subsequently DAGS gradually withdrew support even though statute was changed by Senate PSM to require DAGS to include in budget. I got the impression that, as in all other states, home builder interests opposed to building codes believe that "starving" state building code councils will make codes go away.

Your own names are listed as funding bill co-sponsors. Individual legislators have told me that they are willing to fund, but governors keep refusing to release money. I will have AIA Hawaii explore future legislation to fund SBCC on very modest building permit surcharges as many other states do. Housing permits = \$1 per unit! Or other non-General Fund options.

In Hawaii the lack of administrative support has gotten much worse in past several years due to DAGS Comptroller being an accountant – and not a civil engineer as was formerly. HI-EMA was made voting member in 2023. However, only DBEDT and State Fire Council have provided continuing faithful assistance to our structural engineer-architect volunteers.

I am also AIA Hawaii appointee to State Government Network observing other 49 states. Florida, Gulf Coast and Mid-Atlantic states have stellar building code reputation with FEMA and property insurance rating because they know the value of strong building codes. These states know they must satisfy FEMA standards to ensure flow of federal relief dollars. In contrast, Hawaii ranks near the bottom of the 50 states for its code effectiveness. **Passing HB 2089 is like "poking FEMA in both eyes with sharp stick."**

Rural "red" state Montana experience with skipping code cycles:

"I just received an understanding that Montana just tried this about four years ago, and the results were horrendous so they have gone back to the 3-year cycle. What occurred in Montana was exactly what logically would occur. Everyone waited to the very last moment to review/make amendments and codify and they had a doubly as daunting task, because the State and Counties all wanted to know what the skipped code year entailed in case they wanted to adopt some items within or would work better for their locale. So State and Counties had to do their due diligence and review BOTH the skipped code year AND the latest publication edition. It was a tremendous snafu. Montana State building code bureau chief said "not ever again will we skip a code edition."

Thank you for the opportunity to present **STRONGLY OPPOSING** testimony.

LATE

HB-2089-HD-2

Submitted on: 3/18/2024 3:07:26 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Natasha Latta	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

My name is Natasha Latta and I am from Paauilo, Big Island, and I stand in strong opposition to HB2089 HD2. This measure fails to address the true root causes of building permit delays: the inability of county planning departments to recruit and maintain permitting staff. Instead, this bill will saddle residents and families, as well as our first responders, with outdated building code standards that place their safety, health, and lives at unnecessary risk in the event of climate-related extreme weather events.

Please, do not place Hawai'i's families' safety – and our islands' climate resiliency – at risk without first prioritizing the true root causes of building permit delays. Please HOLD HB2089 HD2.

Mahalo nui for the opportunity to testify.

LATE

HB-2089-HD-2

Submitted on: 3/18/2024 5:54:11 PM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Oppose	Written Testimony Only

Comments:

Aloha e Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

I strongly oppose HB2089

This bill will saddle residents and families with outdated building code standards that place their safety, health, and lively hoods at unnecessary risk in the coming impacts of climate related extreme weather events.

I urge to prioritize sound energy and building practices. Hawaii should be adopting stronger building codes to the Passive House building standard. Hawaii is still importing oil!

Please HOLD HB2089 HD2.

Thank you for consideration,

Keith Neal

Waimea

LATE

HB-2089-HD-2

Submitted on: 3/19/2024 10:29:43 AM

Testimony for GVO on 3/19/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nimr Tamimi	Individual	Support	Written Testimony Only

Comments:

March 19, 2024

Re: HB 2089HD2 Relating to the State Building Code Council

Senate Committee on Government Operations

Hawaii State Capital

Conference Room 430

415 S. Beretania Street, Honolulu, HI 96813

Chair McKelvey, Vice Chair Gabbard, and members of the committee,

Aloha and thank you for your time. My name is Nimr Tamimi, I am a principal of a Hawaii Island based A/E firm that provides consulting engineering services statewide, including nationally and internationally. Our firm is very familiar with the building permit process and has had a lot of experience throughout the year and throughout the state. I personally have been involved in the permitting process for over 36 years.

I have been involved in a committee of stakeholders whose primary function is to investigate and provide recommendations towards the improvement of the permitting process statewide. We have been working on this for over a year. One of our findings through interviews and fact finding is that there are differences in code interpretation between the private sector and government sector. I believe that staggering the code cycle will allow the Counties to be on a code cycle for a longer period of time than the current cycle allows. A major issue that both the private and public sector deal with is learning a new code and interpretation of the code. With all new codes, it takes time to learn the new requirements let alone the interpretation of these new requirements. The design professional will design projects based on their understanding/interpretation of the code. At the same time, the government agencies are also learning the new code and developing their own interpretation of the code.

A lot of times the design professional and government agencies will differ on the interpretation of the code. Because of this, the government agency usually needs more time to review the design to catch the differences in interpretation of the code and how they are reflected on the

design. Once these items are identified, the government agency will send the drawings back to the design professional for corrections. Sometimes this process has several iterations resulting in a substantial amount of time being spent on this process. Something similar also occurs during the construction process with the inspectors. The intent of being on the same code for longer periods of time is that both government and the design professional have more time to work on getting on the “same page” regarding the interpretation of the code. This could help reduce the amount of time the plan reviewer needs to spend on a project and reduce the number of iterations the design goes back and forth between the two groups, freeing up government assets to work on other permit applications, and ultimately speeding up the permitting process and reduce the need to hire additional staff. It will be our responsibility to work with the County agencies to help find a way to get/provide the training necessary so that we can all be on the “same page” with code interpretation, ultimately creating a better and more efficient permitting process.

I am not in favor of amending this bill to include only the IBC and IRC, we are in support of all codes being on a similar cycle.

The State Building Code Council has the ability to amend any current code as they feel necessary, this includes codes that have already been adopted. This should address the concern that we will “not be able to keep up with any new life/safety items”. Real time amendments can be made to current codes to accommodate adopting the new life/safety items.

Per the information we received from our Federal Senator’s office, the only area where there may be concern about the effect the code cycle will have on FEMA funding is in the Building Resilient Infrastructure and Communities (BRIC) grant. Per our Federal Senator’s office, 20 out of 100 total points used to evaluate these grants are tied to States which have “adopted one of the two latest editions of model building codes published by the International Code Council. As of FY23 BRIC funding opportunity refer to the 2018 and 2021 codes.” Our code cycle will have no effect on FEMA emergency funding. Per the FEMA website for the BRIC grants, they indicate that “100 of the 124 awarded grants went to states that had a mandated code cycle update vs states that don’t”, it did not specifically state the most current code, just that the State “had a mandated code cycle update.”

In regard to a comment that the code will be a decade old is not entirely true. With the proposed Bill, in the first 3 years of the code cycle, the code will be just as new as the codes we are currently working with. At no point will the code be more than 3 years older than the codes we currently follow and this will only occur at the end of the code cycle. The SBCC also has the ability to provide additional amendments to the code should the need arise.

I have also met with representatives of the trade unions, and they are supportive of changing the code cycle to every other code cycle.

I believe that a change to the code cycle will help both the private industry and government better manage the issues and costs associated with permitting and construction. We keep losing our residents to the mainland due to the high cost of housing and construction, we need to do something to help manage the cost of construction in our State, I believe, that one of the many components to help address this is our State Building Code and how we manage that.

Thank you very much for this opportunity to testify and for your consideration.