

JAN 15 2025

A BILL FOR AN ACT

RELATING TO BUILDING CODES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii is in a major
2 housing crisis that continues to worsen. State residents face
3 the highest housing costs in the nation. Median housing costs
4 are 2.7 times as high as the national level. Over the past
5 year, the median price of a single-family home sold in Hawaii
6 was \$825,000, and the median condominium price was \$600,000.
7 Median single-family home and condominium prices have more than
8 tripled since the 1990s. These costs have further increased due
9 to the impact of the coronavirus disease 2019 (COVID-19)
10 pandemic on building materials and supply chains. Hawaii's
11 geographic location also adds to the cost of housing due to
12 shipping costs and high labor costs.

13 The legislature also finds that over the past two years,
14 the share of households in the State that can afford mortgage
15 payments on a median single-family home has fallen from
16 forty-four per cent to thirty per cent, which means that fewer
17 than one in three households can afford a typical single-family



1 home. Fewer than half of households can afford a median
2 condominium.

3 The legislature further finds that high housing costs lower
4 the standard of living for residents and hinder the State's
5 ability to attract workers. Some households are forced to live
6 in crowded conditions, while others leave the State to find
7 housing elsewhere or are forced to survive without housing at
8 all.

9 The legislature further finds that Act 82, Session Laws of
10 Hawaii 2007 (Act 82), established the state building code
11 council. In enacting Act 82, the legislature found that
12 adopting a uniform set of statewide building codes applicable to
13 one and two family dwellings, all other residential uses, and
14 commercial and industrial buildings, and state buildings would
15 make it possible for building owners, designers, contractors,
16 and code inspectors within the State to apply consistent
17 standards. The legislature also noted that at the time, the
18 International Building Code was being considered for adoption by
19 all counties. The legislature also found that health and safety
20 considerations related to the codes are of statewide concern,
21 especially relating to emergency disaster preparedness.



1 The legislature notes that pursuant to section 107-22,
2 Hawaii Revised Statutes, the state building code council
3 currently comprises four county building officials, four other
4 government officials, and four individuals from the private
5 sector, one of whom is required to be an individual representing
6 the Building Industry Association of Hawaii or the General
7 Contractors Association of Hawaii.

8 The legislature finds that since its creation, the state
9 building code council has struggled with limited funding and
10 staffing support. Also, as a majority of the council consists
11 of government officials, the private sector has voiced concerns,
12 particularly with respect to codes, that the council has adopted
13 changes to address public health and safety with little or no
14 consideration of increasing overall construction costs in
15 Hawaii.

16 The legislature recognizes that pursuant to section 107-28,
17 Hawaii Revised Statutes, the governing bodies of the counties
18 have a duty to amend, adopt, and update the Hawaii state
19 building codes as they apply within their respective
20 jurisdiction, without approval of the state building code
21 council. As the recommended commercial and residential codes



1 are updated and adopted every three years at the national level,
2 the two-step process in Hawaii, which requires the state
3 building code council to first adopt the state building codes,
4 results in a delay of the adoption of those codes. This is
5 contrary to the intent of Act 82, which was the adoption of a
6 uniform set of statewide building codes.

7 Accordingly, the purpose of this Act is to amend the
8 process for the adoption of state building codes by streamlining
9 the duties of the state building code council.

10 SECTION 2. Section 107-24, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§107-24 Authority and duties of the council.** (a) Any
13 law to the contrary notwithstanding, the council shall establish
14 the Hawaii state building codes.

15 (b) The council shall [~~appoint a subcommittee comprising~~
16 ~~the four council members representing county building officials,~~
17 ~~whose duty shall be to recommend any necessary or desirable~~
18 ~~state amendments to the codes and standards identified in~~
19 ~~section 107-25. Any recommended state amendments shall require~~
20 ~~the unanimous agreement of the subcommittee.] conduct a
21 financial analysis of all proposed new codes and standards.~~



1 (c) The council shall ~~[adopt, amend, or update codes and~~
2 ~~standards identified in section 107-25 on a staggered basis as~~
3 ~~established by the council; provided that adoption of a code or~~
4 ~~standard shall be within two years of the official publication~~
5 ~~date of the code or standard, pursuant to chapter 92, and exempt~~
6 ~~from the requirements of chapter 91. If the council does not~~
7 ~~adopt a code or standard identified in section 107-25 within the~~
8 ~~two-year time period, that code or standard shall automatically~~
9 ~~become part of the Hawaii state building code until superseded~~
10 ~~by the adoption of an amended version of the code or standard by~~
11 ~~the council pursuant to this subsection.] determine which codes
12 and standards are for the protection of public safety and which
13 are not.~~

14 (d) The council may hire or appoint ~~[other investigative,~~
15 ~~technical expertise committees, which may include council~~
16 ~~members.] persons who are not members of the council to conduct
17 any financial analysis required by subsection (b).~~

18 (e) The council shall consult with general building
19 contractor associations ~~[and],~~ building trade associations, and
20 developers of commercial and residential projects to gather
21 information and recommendations on construction practices ~~[and],~~



1 training, and cost implications relevant to building codes and
2 standards.

3 (f) The council may make expenditures for technical
4 references, equipment and supplies, and other operating
5 expenses, and may contract for the conduct of research studies
6 and other technical services.

7 (g) The council may provide education and technical
8 training and administrative assistance in the form of services
9 or grants at the state and county levels relating to the
10 implementation and enforcement of the Hawaii state building
11 codes adopted pursuant to this part.

12 (h) The council shall submit to the governing body of each
13 county, on a staggered basis as established by the council,
14 recommendations on which codes and standards identified in
15 section 107-25 should be adopted, amended, or updated by the
16 county; provided that each recommendation for the adoption of a
17 code or standard shall be made within two years of the official
18 publication date of the code or standard, and shall be
19 accompanied by the financial analysis required by subsection
20 (b). The governing body shall adopt the code or standard
21 pursuant to chapter 92, but shall be exempt from the



1 requirements of chapter 91. If the council does not make a
2 recommendation regarding a code or standard identified in
3 section 107-25 within the two-year time period, the governing
4 body of each county may consider that the council recommended
5 the adoption of the code or standard.

6 [~~h~~] (i) At the end of each fiscal year, the council
7 shall submit a written report to the governor on the council's
8 activities, including the codes and standards adopted, amended,
9 or updated by the council."

10 SECTION 3. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 120

Report Title:

State Building Code Council; Duties; Recommendations; Analysis

Description:

Amends responsibilities of the State Building Code Council.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

