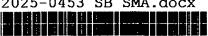
JAN 1 5 2025

### A BILL FOR AN ACT

RELATING TO BUILDING INSPECTIONS.

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

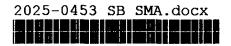
- 1 SECTION 1. The legislature finds that the state building
- code council is charged with safequarding life, property, and 2
- 3 the general welfare by establishing and overseeing the state
- 4 building codes. However, the codes do not specifically require
- 5 that the structural integrity of buildings be regularly
- inspected. As evidenced by the shocking building collapse of 6
- 7 the Surfside, Florida condominium building in June 2021,
- structural concerns may not always be apparent or addressed by 8
- 9 general maintenance.
- 10 The legislature further finds that Hawai'i's salty ocean
- environment can cause building structures to weaken and corrode. 11
- The anticipated increase in hurricanes caused by climate change 12
- makes ensuring building safety even more essential. 13
- 14 therefore the legislature's intent that periodic inspections be
- 15 required for certain buildings and that repairs be made in a
- 16 timely manner to address or prevent unsafe conditions.
- 17 legislature recognizes, however, that some buildings may be



1	planning	to undergo renovation and, consequently, a building
2	owner sh	ould have the option to apply to the state building code
3	council	for a waiver where the exterior walls of the building
4	have bee	n substantially restored during the seven years
5	immediat	ely preceding the date of the required inspection.
6	Acc	ordingly, the purpose of this Act is to require that
7	building	s five or more stories in height be periodically
8	inspecte	d to identify issues with their structural integrity.
9	SEC'	TION 2. Chapter 107, Hawaii Revised Statutes, is
10	amended 1	by adding a new section to part II to be appropriately
11	designate	ed and to read as follows:
12	" <u>\$1</u>	Periodic inspection of buildings; requirements.
13	(a) Bui	lding inspections shall be required as follows:
14	(1)	The owner of each affected building shall be
15		responsible for retaining a professional to conduct
16		periodic inspections of exterior walls and any
17		appurtenances thereto and prepare and file a report or
18		the inspection as required by subsection (c);
19	(2)	For affected buildings, the first periodic inspection
20		required by this section shall be conducted by
21		December 31, 2029;

I	<u>(3)</u>	rollowing the initial periodic inspection, an affected
2		building shall be periodically inspected and a
3		corresponding report shall be filed on a seven-year
4		cycle; and
5	(4)	If all exterior walls of an affected building have
6		been substantially restored during the seven years
7		immediately preceding the date of any required
8		inspection, the owner may apply to the council for a
9		waiver of the required inspection. The owner shall
10		submit with the waiver application any information
11		that the council determines is necessary to enable it
12		to evaluate the request. The council may grant the
13		waiver if it determines that the recent exterior wall
14		restoration obviates the need for an inspection until
15		the next inspection cycle.
16	<u>(b)</u>	Procedures for inspections shall be as follows:
17	(1)	Before inspecting an affected building, the retained
18		professional shall review previous reports,
19		inspections, and evidence of repairs made during the
20		period being reported on, including confirmation that
21		all areas previously determined to require remediation

	to be completed during the period being reported on
	have been addressed;
(2)	The inspection shall be conducted by or under the
	supervision of the professional and performed in
	accordance with procedures based on ASTM E2270,
	Standard Practice for Periodic Inspection of Building
	Facades for Unsafe Conditions. The professional shall
	determine the scope of the required inspection based
	on the known history of the affected building, nature
	of the materials used, and conditions observed;
(3)	The professional shall determine methods employed in
	the inspection; provided that the methods shall
	include a physical, hands-on inspection of the
	affected building. The professional may use
	additional methods of inspection as deemed
	appropriate; provided that a physical inspection from
	a scaffold or other observation platform shall be
	required for a representative sample of the exterior
	wall. The professional shall determine what
	constitutes a representative sample;



1	(4)	The professional shall employ the appropriate
2		professional standard of care to detect distressed
3		conditions including delaminating, separating,
4		spalling, corrosion, splitting or fracturing of
5		material or components, and movement or displacement
6		indicative of unsound facade materials or loss of
7		structural support. If a distressed condition is
8		identified, the professional shall order any other
9		inspections and tests that may be required to
10		determine the significance and probable cause of the
11		observed distress;
12	<u>(5)</u>	During the course of the inspection, the professional
13		shall take photographs or make drawings to properly
14		document the location of all conditions observed that
15		are either unsafe or safe with a repair and
16		maintenance program; and
17	<u>(6)</u>	Upon discovery of any unsafe condition, the
18		professional shall immediately notify the owner of the
19		affected building by electronic mail and shall, within
20		twelve hours of discovery, notify the department in

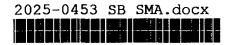
1		writing and in an electronic format determined by the
2		council.
3	<u>(c)</u>	Reports shall be prepared as follows:
4	<u>(1)</u>	The professional shall submit to the owner of the
5		affected building a written report as to the result of
6		each inspection, certifying that the inspection was
7		performed and completed in accordance with this
8		section, and detailing all conditions not classified
9		as safe. The professional shall also submit a summary
10		of the written report to the council in a form
11		determined by the council. The council may by rule
12		impose a processing fee to cover the cost of report
13		review and evaluation that shall be paid upon
14		submission of the summary of the written report. If
15		the report identifies an unsafe condition, the
16		professional shall file the full report with the
17		council in writing and in an electronic format
18		determined by the council within twenty-four hours of
19		completion of the report. The owner of the affected
20		building or its agent shall retain all written reports

1		subm	itted pursuant to this subsection and keep them
2		read	lily available for inspection by the council;
3	(2)	The	report shall include, on its front page, the name
4		and	license number of the professional and be signed,
5		seal	ed, and dated by the professional in accordance
6		with	the professional licensing and registration laws
7		of t	he State, and shall include the following:
8		(A)	The affected building's address and the location
9			from the nearest intersection;
10		<u>(B)</u>	The name, mailing address, and telephone number
11			of the owner of the affected building and of the
12			owner's agent or person in charge, possession, or
13			control of the affected building, if any;
14		<u>(C)</u>	A description of the affected building, including
15			number of stories, height, plan dimensions,
16			usage, age and type of exterior wall
17			construction, and system of water management;
18		(D)	A brief history of any settlements, repairs, and
19			revisions to exterior enclosures, if available;
20		<u>(E)</u>	The start date and completion date of the
21			inspection, a detailed description of the

1		procedures used in making the inspection, and the
2		extent and location of all physical inspections
3		performed;
4	<u>(F)</u>	A report of all conditions, including but not
5		limited to significant deterioration and movement
6		observed, a statement concerning the apparent
7		water-tightness of the exterior surfaces, the
8		deleterious effects on exterior appurtenances,
9		and classification of each condition as safe,
10		unsafe, or safe with a repair and maintenance
11		program;
12	(G)	The probable causes of the reported conditions,
13		to the extent they can be determined;
14	(H)	The status of the exterior maintenance;
15	<u>(I)</u>	For any conditions listed in the previously filed
16		report as unsafe or as safe with a maintenance
17		and repair program, if applicable, a statement as
18		to whether the conditions have been repaired or
19		maintained as recommended in that report;

1	<u>(J)</u>	Recommendations for repairs or maintenance, if
2		appropriate, including the recommended time frame
3		for the repairs or maintenance to be performed;
4	<u>(K)</u>	The classification of the affected building as
5		unsafe, safe with a repair and maintenance
6		program, or safe;
7	<u>(L)</u>	Photographs or drawings documenting the locations
8		of any conditions that are either unsafe or safe
9		with a repair and maintenance program;
10	(M)	A statement by the professional indicating which
11		repairs or maintenance will require work permits
12		before commencement of the repairs or
13		maintenance;
14	(N)	A statement signed by the owner or agent of the
15		affected building, acknowledging receipt of a
16		copy of the report and acknowledging all required
17		repairs or maintenance, if any, and the
18		recommended time frame for performing the repairs
19		or maintenance;
20	<u>(0)</u>	The professional's certification that the
21		physical inspection was performed in accordance

1		with procedures based on ASTM E2270, with
2		applicable rules and regulations, and within the
3		appropriate professional standard of care;
4		(P) The professional's seal and signature; and
5		(Q) Other matters as the council may require; and
6	<u>(3)</u>	The professional may submit an amended report within
7		thirty days of the initial submission; provided that
8		the amended report shall clearly indicate any changes
9		from the initial report and all reasons for the
10		changes.
11	<u>(d)</u>	Within twenty-four hours of being notified of an
12	unsafe co	ndition by a professional, the owner of the affected
13	building	shall take any actions necessary to protect public
14	safety an	d remedy an emergency situation, including but not
15	<u>limited t</u>	o erecting temporary secure safety railings or
16	barriers,	protective sidewalk walk-throughs, fences, and safety
17	netting.	The owner of the affected building shall submit the
18	appropria	te permit applications to the council within three days
19	of commen	cing the remedy actions. Within ten days of the
20	receipt o	r filing of a report identifying an unsafe condition,
21	the owner	of the affected building shall commence work to



2	interruption until the unsafe condition has been corrected,
3	unless there has been an unforeseen delay, including but not
4	limited to inclement weather or a labor strike. Within two
5	weeks after remediation of the unsafe condition, the
6	professional shall inspect the building again and file a
7	detailed amended report stating the updated condition of the
8	building with the council.
9	(e) The owner of the affected building shall be
10	responsible for ensuring that the conditions described in the
11	report as safe with a repair and maintenance program are
12	repaired and the actions identified by the professional are
13	completed within the time frame designated by the professional
14	or by the time as is necessary to prevent a condition from
15	becoming an unsafe condition, whichever is earlier.
16	(f) The council may grant:
17	(1) An extension of time of up to ninety days to begin the
18	repairs required to remove an unsafe condition or to
19	repair a safe with a repair and maintenance program
20	condition after receipt and review of an initial

1 correct the condition, and work shall continue without

1		exte	nsion application submitted by the professional
2		that	includes:
3		(A)	Proof that the relevant premises of the affected
4			building have been made safe by means of a
5			temporary secure safety railing or barrier, walk-
6			through, fence, or other appropriate measures;
7		<u>(B)</u>	A copy of the contract to perform the work
8			necessary to remedy the unsafe condition; and
9		<u>(C)</u>	The professional's estimate of the length of time
10			required for repairs, and a notarized affidavit
11			by the owner of the affected building or its
12			agent that the required repairs will be completed
13			within the time estimated;
14	(2)	A fu	rther extension of time which shall be considered
15		only	upon receipt and review of a further extension
16		appl	ication that details that one of the following is
17		met:	
18		<u>(A)</u>	The work has been substantially completed, but
19			there has been an unforeseen delay in final
20			completion, including but not limited to
21			inclement weather or a labor strike;



1	<u>(B)</u>	Unforeseen circumstances relating to the affected
2		building, including but not limited to fire or
3		collapse; or
4	<u>(C)</u>	The nature of a hazard requires more than ninety
5		days to remediate, including but not limited to
6		the building of a new wall.
7	(g) The	owner of the affected building may appeal the
8	findings set f	orth in the professional's initial report or
9	amended report	to the council. The appeal shall be filed within
10	thirty days of	the receipt or filing of the report and shall
11	include a seco	nd professional's report. The filing and pendency
12	of the appeal	shall stay the requirement for making repairs as
13	set forth in s	ubsection (d) but shall not stay the requirement
14	for taking act	ions necessary to protect public safety.
15	Upon cons	ideration of any appeal, the council shall issue a
16	recommendation	to the county building official either to grant
17	the appeal, de	ny the appeal, or grant the appeal with proposed
18	modifications	to the professional's findings as the council
19	deems consiste	nt with the intent of this section. The county
20	building offic	ial thereafter shall make the final determination
21	on the appeal.	

1 (h) The council shall adopt rules in accordance with 2 chapter 91 to implement this section. 3 (i) As used in this section: 4 "Affected building" means any building five or more stories 5 in height. "Appurtenance" means an accessory to a building that 6 7 includes but is not limited to exterior fixtures, flagpoles, 8 signs, parapets, copings, quard rails, window frames (including hardware and lights), window guards, window air conditioners, 9 10 flower boxes, and similar items. 11 "Professional" means a professional engineer experienced in 12 the practice of structural engineering or a licensed architect knowledgeable in the design, construction, and inspection of 13 building exteriors, licensed under chapter 464. 14 "Safe" means a condition of an exterior building wall or 15 any appurtenance thereto that is neither unsafe nor safe with a 16 17 repair and maintenance program. "Safe with a repair and maintenance program" means the 18 professional does not consider the condition of the affected 19 20 building's exterior wall or any appurtenance thereto to be

unsafe at the time of inspection but requires repairs or

21

Hal About

- 1 maintenance within a time period designated by the professional
- 2 to prevent its deterioration into an unsafe condition.
- 3 "Unsafe" means a condition of the affected building's
- 4 exterior wall or any appurtenance thereto, or part thereof, that
- 5 is dangerous to persons or property and requires prompt remedial
- 6 action."
- 7 SECTION 3. New statutory material is underscored.
- 8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY:

#### Report Title:

Buildings; Inspections; Structural Integrity; State Building Code

#### Description:

Requires periodic inspections of certain walls and appurtenances of buildings five or more stories in height. Establishes procedures for inspections, preparing inspection reports, and responding to report findings.

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