

JAN 15 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
2 code council is charged with safeguarding life, property, and
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
6 inspected. As evidenced by the shocking building collapse of
7 the Surfside, Florida condominium building in June 2021,
8 structural concerns may not always be apparent or addressed by
9 general maintenance.

10 The legislature further finds that Hawai'i's salty ocean
11 environment can cause building structures to weaken and corrode.
12 The anticipated increase in hurricanes caused by climate change
13 makes ensuring building safety even more essential. It is
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. The
17 legislature recognizes, however, that some buildings may be



1 planning to undergo renovation and, consequently, a building
2 owner should have the option to apply to the state building code
3 council for a waiver where the exterior walls of the building
4 have been substantially restored during the seven years
5 immediately preceding the date of the required inspection.

6 Accordingly, the purpose of this Act is to require that
7 buildings five or more stories in height be periodically
8 inspected to identify issues with their structural integrity.

9 SECTION 2. Chapter 107, Hawaii Revised Statutes, is
10 amended by adding a new section to part II to be appropriately
11 designated and to read as follows:

12 "§107- Periodic inspection of buildings; requirements.

13 (a) Building 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 on
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;



1 (3) Following 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 (b) 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



1 to be completed during the period being reported on
2 have been addressed;

3 (2) The inspection shall be conducted by or under the
4 supervision of the professional and performed in
5 accordance with procedures based on ASTM E2270,
6 Standard Practice for Periodic Inspection of Building
7 Facades for Unsafe Conditions. The professional shall
8 determine the scope of the required inspection based
9 on the known history of the affected building, nature
10 of the materials used, and conditions observed;

11 (3) The professional shall determine methods employed in
12 the inspection; provided that the methods shall
13 include a physical, hands-on inspection of the
14 affected building. The professional may use
15 additional methods of inspection as deemed
16 appropriate; provided that a physical inspection from
17 a scaffold or other observation platform shall be
18 required for a representative sample of the exterior
19 wall. The professional shall determine what
20 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 (5) 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 (6) 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



S.B. NO. 309

1 writing and in an electronic format determined by the
2 council.

3 (c) Reports shall be prepared as follows:

4 (1) 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



S.B. NO. 309

1 submitted pursuant to this subsection and keep them
2 readily 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 sealed, and dated by the professional in accordance
6 with the professional licensing and registration laws
7 of the State, and shall include the following:

8 (A) The affected building's address and the location
9 from the nearest intersection;

10 (B) 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 (C) 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 (E) 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 (F) 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 (I) 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;



S.B. NO. 309

- 1 (J) Recommendations for repairs or maintenance, if
2 appropriate, including the recommended time frame
3 for the repairs or maintenance to be performed;
- 4 (K) The classification of the affected building as
5 unsafe, safe with a repair and maintenance
6 program, or safe;
- 7 (L) 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 (O) 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 (3) 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 (d) Within twenty-four hours of being notified of an
12 unsafe condition by a professional, the owner of the affected
13 building shall take any actions necessary to protect public
14 safety and remedy an emergency situation, including but not
15 limited to 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 appropriate permit applications to the council within three days
19 of commencing the remedy actions. Within ten days of the
20 receipt or filing of a report identifying an unsafe condition,
21 the owner of the affected building shall commence work to



1 correct the condition, and work shall continue without
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 extension 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 (B) A copy of the contract to perform the work
8 necessary to remedy the unsafe condition; and

9 (C) 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 further extension of time which shall be considered
15 only upon receipt and review of a further extension
16 application that details that one of the following is
17 met:

18 (A) 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 (B) Unforeseen circumstances relating to the affected
2 building, including but not limited to fire or
3 collapse; or

4 (C) 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 forth 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 second professional's report. The filing and pendency
12 of the appeal shall stay the requirement for making repairs as
13 set forth in subsection (d) but shall not stay the requirement
14 for taking actions necessary to protect public safety.

15 Upon consideration of any appeal, the council shall issue a
16 recommendation to the county building official either to grant
17 the appeal, deny the appeal, or grant the appeal with proposed
18 modifications to the professional's findings as the council
19 deems consistent with the intent of this section. The county
20 building official 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.

6 "Appurtenance" means an accessory to a building that
7 includes but is not limited to exterior fixtures, flagpoles,
8 signs, parapets, copings, guard rails, window frames (including
9 hardware and lights), window guards, window air conditioners,
10 flower boxes, and similar items.

11 "Professional" means a professional engineer experienced in
12 the practice of structural engineering or a licensed architect
13 knowledgeable in the design, construction, and inspection of
14 building exteriors, licensed under chapter 464.

15 "Safe" means a condition of an exterior building wall or
16 any appurtenance thereto that is neither unsafe nor safe with a
17 repair and maintenance program.

18 "Safe with a repair and maintenance program" means the
19 professional does not consider the condition of the affected
20 building's exterior wall or any appurtenance thereto to be
21 unsafe at the time of inspection but requires repairs or



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:

Karl Rhoads



S.B. NO. 309

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.

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