

Feb. 10, 2025, 3 p.m.
Hawaii State Capitol
Conference Room 225 and Videoconference

To: Senate Committee on Public Safety and Military Affairs
Sen. Brandon Elefante, Chair
Sen. Glenn Wakai, Vice Chair

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

RE: HB1540 — RELATING TO BUILDING CODES

Aloha Chair Elefante, Vice-Chair Wakai and other members of the Committee,

The Grassroot Institute of Hawaii **supports** [SB1540](#), which would replace the current building code adoption process with a single state building code.

Grassroot believes this would help fix the state's convoluted building code-adoption process, since it would balance the objectives of safety and cost.

Under the current code process, the state makes changes to and then adopts the latest version of the model building code proposed by the International Building Code. Then each of Hawaii's four counties makes their own changes to the updated state code before adopting the building code as their own.

Under HB745, the State Building Code Council would make changes to and adopt model building codes, and the counties would have the option to remove requirements from the state building code or — after receiving approval from the State Building Code Council — add requirements to the state code.

State law currently requires the State Building Code Council to adopt every iteration of the International Building Code and related codes within two years of their release; the counties have an additional two years to adopt and make their amendments to the state code. HB745 would remove this two-step process.

That’s important, because the Council and counties often struggle to meet these deadlines. For example, it was only in April 2021 that the State Building Code Council adopted the 2018 Interim Building Code¹ and not until early 2023 that Honolulu fully adopted those amendments.²

Because of this staggered adoption process, county building officials, builders and architects must constantly re-learn the building code’s requirements. For builders, this means navigating as many as four different codes, which takes time and training, increasing administrative costs.

The almost-constant nature of the building code updates also stresses already understaffed county planning and permitting departments and can exacerbate permitting delays, which research shows can affect the price of housing.³

As measured by the state’s Honolulu Construction Cost Index, the cost for single-family homes in 2024 was 2.6 times higher than the cost in 2020. For highrises, the cost was 2.5 times higher.⁴

The state’s strict land-use, zoning and permitting rules are a key driver of these costs. The Economic Research Organization at the University of Hawai’i has estimated that regulations comprise 58% of the cost of new condominium construction.⁵

A unified state building code would maintain the health and safety standards while contributing to the repair of a broken process.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

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

² [“Interim Building Code \(2018 IBC\) Takes Effect,”](#) Honolulu Department of Planning and Permitting, April 20, 2023.

³ Paul Emrath, [“How Government Regulation Affects the Price of a New Home,”](#) National Association of Homebuilders, Economics and Housing Policy Group, 2011, p. 5; and Adam Millsap, Samuel Staley and Vittorio Nastasi, [“Assessing the Effects of Local Impact Fees and Land-use Regulations on Workforce Housing in Florida,”](#) James Madison Institute, Dec. 11, 2018, p. 19.

⁴ [“Quarterly Statistical and Economic Report, 4th Quarter 2024,”](#) Hawaii Department of Business, Economic Development & Tourism, pp. 107-108.

⁵ Justin Tyndall and Emi Kim, [“Why are Condominiums so Expensive in Hawai’i?”](#), The Economic Research Organization at the University of Hawai’i, May 2024, p. 11.



Hawai'i YIMBY
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February 10, 2025

Senate Committee on Public Safety and Military Affairs
Hawai'i State Capitol
Honolulu, HI 96813

RE: SUPPORT for SB 1540 - RELATING TO BUILDING CODES

Aloha Chair Elefante, Vice Chair Wakai, and Members of the Committee,

On behalf of Hawai'i YIMBY, we are writing in **support of SB 1540** which would simplify how we adopt and incorporate updated international building codes into our local building codes.

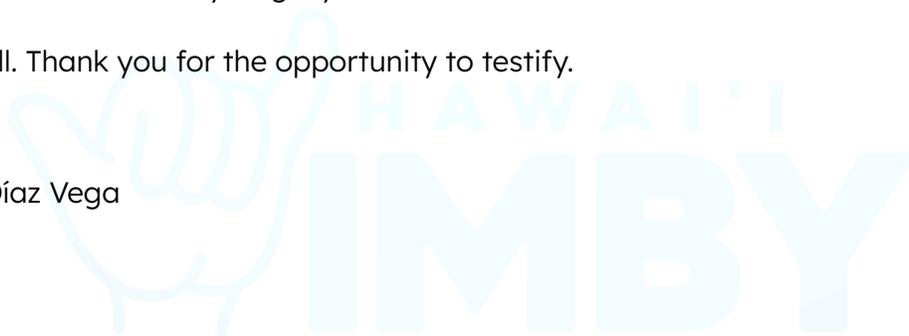
We believe in streamlining permitting. Combining, simplifying or removing layers of regulation that slow the permitting process for housing is important. With regard to the adoption of building codes, delays in adopting new building codes can result in unnecessary requirements that add cost to construction or delays in being able to use more efficient building technologies or materials. We need to be aware of aspects that unnecessarily add costs to our already high housing production costs.

Hawai'i YIMBY (*Yes In My Backyard*) is a volunteer-led grassroots advocacy organization dedicated to supporting bold and effective solutions for Hawai'i's devastating housing crisis. Our members are deeply concerned about Hawai'i's chronic and worsening housing shortage, which has caused home prices to rise much faster than incomes and pushes thousands of kama'āina out to the mainland or into homelessness every single year.

We ask your support for this bill. Thank you for the opportunity to testify.

Sincerely,

Damien Waikoloa & Edgardo Díaz Vega
Chapter Leads, Hawai'i YIMBY





INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

THIRTY-THIRD LEGISLATURE, 2025, Senate Committee on Public Safety and Military Affairs

HEARING DATE: Monday, February 10, 2025

TIME: 3:00 p.m.

PLACE: Committee Room 225

RE: Senate Bill 1540 Related to Building Codes- IN OPPOSITION with Proposed Amendments

Aloha Honorable Chair Elefante, Vice-Chair Wakai, and Committee Members;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to offer the following testimony in OPPOSITION to Senate Bill 1540 as written and offers proposed amendments for your consideration.

IBEW 1260, is comprised of approximately 3,000 members throughout Hawaii and Guam and consists of a diverse and highly-skilled workforce that supports the electric utility infrastructure across our state as well as government service contracts and broadcasting. It's our duty to serve and to protect the well-being of our members, but beyond that, it is incumbent upon all of us to serve and protect the well-being of our island home.

SB1540 makes the most recent Hawaii state building codes adopted by the state building code council supersede all existing county building codes and allows counties to **remove requirements of the state building codes** or add requirements to the state building codes with prior approval from its respective city and/ or county council. This bill also repeals the counties authority to adopt, amend, and update the Hawaii state building code for their respective county building codes within a two year period from the time the state building codes are adopted as well as the provision that restricts the counties from adopting an amendment that would diminish or reducing a state building code or standard.

A building code provides rules and standards for the design, construction, alteration, materials, maintenance, and performance of buildings. Its intent and purpose is to protect public health, safety, and general welfare in the construction and occupancy of buildings, and are adopted and enforced by state, local, tribal, and territorial (SLTT) entities.¹

Allowing counties to remove requirements of the state building codes adopted by the State Building Code Council (SBCC) without regard to the minimum state code and standards established, completely eviscerates and undermines the primary intent of establishing and maintaining consistent and uniform statewide building codes and standards.

We can generally agree with the provisions found on page 2, line(s) 18 through 20, and page 3, line(s) 1 through 2, as it corrects the resulting chaos within the building industry as it relates to state and county building codes and standards as a result of the state's suspension of chapter 107

¹ Building Codes, Standards, and Regulations, Frequently Asked Questions, Congressional Research Service, Updated November 22, 2023.



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(HRS) and the duties and responsibilities of the SBCC in amending and adopting the most recent published codes provided in section 107-25 (HRS).

However, repealing section 107-28 additionally, removes reference to the requirements set forth in chapter 46-1.5(13) which provides as follows:

§46-1.5 General powers and limitation of the counties. Subject to general law, each county shall have the following powers and shall be subject to the following liabilities and limitations:

(13) Each county shall have the power to enact ordinances deemed necessary to protect health, life, and property, and to preserve the order and security of the county and its inhabitants on any subject or matter **not inconsistent with, or tending to defeat, the intent of any state statute where the statute does not disclose an express or implied intent that the statute shall be exclusive or uniform throughout the State;**

Although Senate Bill 1540 as written addresses the concerns caused by the suspension of the SBCC, it runs contrary to the protection of public health, safety, and welfare and therefore we respectfully request that you defer this measure indefinitely.

However, should you choose to move this measure forward, we offer the following amendments for your consideration and inclusion:

Proposed amendments to SB1540:

SECTION 1. Section 107-25, Hawaii Revised Statutes, is amended to read as follows:

"§107-25 Hawaii state building codes; requirements. (a) There is established the Hawaii state building codes applicable to all construction in the State of Hawaii. The Hawaii state building codes shall be based upon:

- (1) The state fire code as adopted by the state fire council;
- (2) The Uniform Plumbing Code, as copyrighted and published by the International Association of Plumbing and Mechanical Officials, including its appendices;
- (3) The International Building Code, the International Residential Code, and the International Energy Conservation Code, as published by the International Code Council;
- (4) The National Electrical Code, as published by the National Fire Protection Association;
- (5) Hawaii design standards implementing the criteria pursuant to Act 5, Special Session Laws of Hawaii, 2005, as applicable to:



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(A) Emergency shelters built to comply with hurricane resistant criteria, including enhanced hurricane protection areas capable of withstanding a five hundred-year hurricane event as well as other storms and natural hazards; and

(B) Essential government facilities requiring continuity of operations; and

(6) Code provisions based on nationally published codes or standards that include but are not limited to residential and hurricane resistant standards related to loss mitigation standards in accordance with section 431P-12, elevator, mechanical, flood and tsunami, existing buildings, and onsite sewage disposal.

(b) Beginning January 1, 2028, all existing county building codes shall be superseded by the most recent Hawaii state building codes adopted by the council pursuant to section 107-24. Thereafter, each county may amend the Hawaii state building codes as they apply within its own jurisdiction [by]provided that:

(1) [Removing requirements set by the Hawaii state building codes; or]Amendments made by a county shall not be inconsistent with, defeat, or reduce a state code and standard as adopted pursuant to section 107-24;

(2) Any amendments proposed or adopted by a county shall include a written intent and justification explaining the impact each such proposed amendment may have to public health, safety, and welfare; and

[2]3) Only after receiving approval by an affirmative vote of the majority of its council[; adding requirements to the Hawaii state building codes]."

SECTION 2. Section 107-28, Hawaii Revised Statutes, is repealed.

~~["§107-28 County authority to amend and adopt the Hawaii state building codes without council approval. (a) The governing body of each county shall amend, adopt, and update the Hawaii state building codes as they apply within their respective jurisdiction, in accordance with section 46-1.5(13), without approval of the council. Each county shall amend and adopt the Hawaii state building codes and standards listed in section 107-25, as the referenced Hawaii state building codes and standards for its respective county building code ordinance, no later than two years after the adoption of the Hawaii state building codes.~~

~~— (b) If a county does not amend the Hawaii state building codes within the two-year time frame, the Hawaii state building codes shall become applicable as an interim county building code."}]~~

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2028.

Mahalo for this opportunity to testify on this measure.

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Fern Holland
Arryl Kaneshiro



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
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Council Services Division
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February 7, 2025

**TESTIMONY OF FELICIA COWDEN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 1540, RELATING TO BUILDING CODES
Senate Committee on Public Safety and Military Affairs
Monday, February 10, 2025
3:00 p.m.
Conference Room 225
Via Videoconference**

Dear Chair Elefante and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 1540, Relating to Building Codes. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

Increasing the Building Codes can be onerous and expensive for contractors and the people working to build a home. While I support the County Administrations' ability to lessen the requirements that may not be applicable to a specific County, I support the role of the County Councils having approval authority for increasing the requirements.

Thank you again for this opportunity to provide testimony in support of SB 1540. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

FELICIA COWDEN
Councilmember, Kaua'i County Council

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