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# A BILL FOR AN ACT

RELATING TO THE HAWAII HURRICANE RELIEF FUND COMPREHENSIVE LOSS  
REDUCTION PLAN.

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

1           SECTION 1. The legislature finds that the Hawaii hurricane  
2 relief fund is responsible for developing a comprehensive loss  
3 reduction plan for the hurricane peril that includes standards  
4 for residential and commercial structures and a timetable for  
5 the implementation of mandatory mitigation measures, pursuant to  
6 section 431P-12, Hawaii Revised Statutes.

7           The legislature further finds that the state building code  
8 council, created in 2007, was required to adopt a comprehensive  
9 state building code that included the latest editions of  
10 nationally recognized building codes and standards for the State  
11 of Hawaii. When nationally recognized building codes are  
12 updated every three years, the state building code council  
13 amends the Hawaii Administrative Rules pertaining to the  
14 building code. The process of amending the rules can typically  
15 cost between \$75,000 and \$100,000.



1 Pursuant to part II of chapter 107, Hawaii Revised  
2 Statutes, the state building code council is also responsible  
3 for establishing residential and hurricane-resistant standards  
4 related to loss mitigation standards in accordance with section  
5 431P-12, Hawaii Revised Statutes. However, the staff and  
6 operating expenses of the council have never been funded, thus  
7 limiting the council's ability to carry out its responsibilities  
8 and resulting in existing standards that do not meet federal  
9 requirements for receiving post-disaster aid. Specifically, a  
10 condition for receiving assistance from the Federal Emergency  
11 Management Agency is that the repair, replacement, or  
12 construction of buildings located in hazard-prone areas must at  
13 the very least conform to the hazard-resistant standards  
14 referenced in the most recent edition of the model building code  
15 as of the disaster declaration date.

16 The legislature also finds that the vulnerability of Hawaii  
17 buildings to hurricanes directly affects the insurance industry  
18 and the availability and cost of hurricane insurance to property  
19 owners. Therefore, mitigation of future hurricane losses has a  
20 direct benefit to the sustainability of the Hawaii hurricane  
21 relief fund and the housing and commercial real estate markets.



1           The legislature believes that it is in the State's interest  
2 to clarify the relationship between the Hawaii hurricane relief  
3 fund and the state building code council to effectively  
4 implement the loss mitigation standards relating to the  
5 hurricane peril. However, the legislature has concerns that the  
6 Hawaii hurricane relief fund can be used for all rulemaking for  
7 the state building codes, not just for hurricane-related  
8 building codes, and that such funding for updating hurricane-  
9 related building codes and filling positions to implement the  
10 codes should be used solely for hurricane-related matters.  
11 Clarifying section 431P-12, Hawaii Revised Statutes, will allow  
12 the Hawaii hurricane relief fund and the state building code  
13 council to carry out their responsibilities in protecting the  
14 health and safety of the public and in mitigating future losses  
15 from the hurricane peril.

16           The purpose of this Act is to clarify that the  
17 comprehensive loss reduction plan of the Hawaii hurricane relief  
18 fund shall include implementing building code requirements for  
19 hurricane standards in accordance with state building code and  
20 design standards.



1 SECTION 2. Section 431P-12, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+] §431P-12 [ ]~~ **Mitigation.** The fund shall develop and  
4 provide for the implementation of a comprehensive loss reduction  
5 plan for the hurricane peril. The plan shall include, and the  
6 fund shall sponsor, the development and implementation of state  
7 building code hurricane standards only for new residential and  
8 commercial structures and separate hurricane standards for  
9 existing residential and commercial structures. The plan shall  
10 ~~[provide a timetable for implementation of mandatory]~~ include  
11 funding to support the adoption of administrative rules to  
12 implement the hurricane-related building code and design  
13 standards of part II of chapter 107 and to implement loss  
14 mitigation measures for both new and existing structures ~~[ ]~~,  
15 where applicable by law."

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

18 SECTION 4. This Act shall take effect on July 1, 2050.

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**Report Title:**

Hawaii Hurricane Relief Fund; Comprehensive Loss Reduction Plan;  
Building Code Hurricane Standards

**Description:**

Clarifies that the comprehensive loss reduction plan of the HHRF shall include implementing building code requirements for hurricane standards in accordance with state building code and design standards. Takes effect on 7/1/2050. (SD1)

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