

JAN 27 2021

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# A BILL FOR AN ACT

RELATING TO THE STATE BUILDING CODE COUNCIL.

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

1           SECTION 1. The legislature finds that the state building  
2 code council was established by Act 82, Session Laws of Hawaii  
3 2007, to create and implement a uniform set of statewide  
4 building codes applicable to all construction in the State of  
5 Hawaii, which is now known as the Hawaii state building codes.  
6 The legislature further finds that health and safety  
7 considerations related to the state building codes are matters  
8 of statewide concern.

9           The legislature also finds that the state building code  
10 council has struggled with limited funding and insufficient  
11 staffing since its creation. With most members being government  
12 officials lacking the required knowledge and experience,  
13 amendments to the state building codes proposed by the private  
14 sector and others, especially amendments to codes that do not  
15 pertain to public health or safety, are often adopted without a  
16 cost benefit analysis; input from residential, commercial, and  
17 industrial builders; or consideration of the resulting increase



1 in the overall cost of construction in Hawai'i. A recent code  
2 amendment recommended by a member, which failed to pass at the  
3 legislature and county council, would have increased the  
4 construction cost of a dwelling unit by over \$24,000. The  
5 legislature also finds that some amendment proposals are made by  
6 parties that may financially benefit from the adoption of the  
7 proposed amendment.

8 The law requires the Hawai'i state building codes to be  
9 based on various codes, including the International Building  
10 Code (IBC), which is published by the International Code  
11 Council. The state building code council is significantly  
12 burdened by its duty to update the state building codes to  
13 conform to the IBC, since a new edition of the international  
14 code is published every three years. The burden of this  
15 frequent updating affects not only the council, but also county  
16 building departments that must spend hundreds of workhours  
17 revising the county codes to reflect the updates, and the  
18 construction industry that must spend considerable time and  
19 effort in learning the new codes and retraining workers. The  
20 burden is ultimately passed onto consumers as additional  
21 building costs and delays in permit processing.



1           Despite the work performed by the state building code  
2 council, the decision to adopt the state building codes into  
3 county building codes ultimately rests with each individual  
4 county. The legislature finds that this two-step process  
5 results in delays to the adoption of building codes and  
6 increases to the cost of construction in Hawai'i, especially when  
7 repeated every three years.

8           Therefore, the purpose of this Act is to amend part II,  
9 chapter 107, Hawaii Revised Statutes, titled state building code  
10 and design standards, to:

- 11           (1) Require all members of the state building code council  
12           to have significant experience in and knowledge on  
13           building codes and the cost impacts of building code  
14           revisions;
- 15           (2) Add one voting member to the state building code  
16           council representing the Hawai'i chapter of the  
17           National Association of Industrial and Office  
18           Properties;
- 19           (3) Add one voting member to the state building code  
20           council representing the construction trade unions;



- 1           (4) Require the state building code council and its  
2           subcommittee to conduct a cost benefit analysis of any  
3           state amendments to the codes prior to recommending  
4           the state amendment;
- 5           (5) Require voting members of the state building code  
6           council and persons drafting recommended state  
7           amendments to the codes to disclose all potential  
8           financial interests, relating to their  
9           recommendations;
- 10          (6) Require the state building code council to consult  
11          with builders of residential and commercial buildings  
12          in addition to general building contractor  
13          associations and building trade associations; and
- 14          (7) Require the state building code council to adopt every  
15          other new edition of the IBC instead of every new  
16          edition, starting with the adoption of the 2018  
17          edition. This will enlarge the adoption cycle from  
18          three years to six years, which is consistent with  
19          past code adoption cycles by the counties and many  
20          other building codes and standards referenced in the  
21          IBC.



1 SECTION 2. Section 107-22, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§107-22 State building code council.** (a) There is  
4 established a state building code council. The council shall be  
5 placed within the department of accounting and general services  
6 for administrative purposes only. The council shall consist of  
7 [~~eleven~~] thirteen voting members and one nonvoting member, who  
8 shall be the comptroller or the comptroller's designee. The  
9 council members shall serve four-year terms. The voting members  
10 shall include:

- 11 (1) One county building official from each of the four  
12 counties appointed by the mayor;
- 13 (2) One member representing the state fire council;
- 14 (3) One member representing the department of labor and  
15 industrial relations who has significant experience in  
16 elevator safety;
- 17 (4) One member representing the state energy office of the  
18 department of business, economic development, and  
19 tourism;
- 20 (5) One member representing the Structural Engineers  
21 Association of Hawaii;



- 1           (6) One member representing the American Institute of  
2           Architects, Hawaii State Council;
- 3           (7) One member representing the Building Industry  
4           Association of Hawaii or the General Contractors  
5           Association of Hawaii [~~who has significant experience~~  
6           ~~with building codes,~~] with alternating four-year terms  
7           between the two organizations and the first four-year  
8           term to be served by the Building Industry Association  
9           of Hawaii; [~~and~~]
- 10          (8) One member representing the Subcontractors'  
11          Association of Hawaii [~~who has significant experience~~  
12          ~~with building codes.~~];
- 13          (9) One member representing the Hawaii chapter of the  
14          National Association of Industrial and Office  
15          Properties; and
- 16          (10) One member representing the construction trade unions  
17          in Hawaii.
- 18          (b) All voting members shall have significant experience  
19          and knowledge of building codes and cost-benefit analysis of  
20          building code revisions.



1           ~~[(b)]~~ (c) ~~[Seven]~~ Eight voting members shall constitute a  
2 quorum. The chairperson of the council shall be elected  
3 annually from among its members by a majority vote of the  
4 members of the council.

5           ~~[(e)]~~ (d) Members shall serve without compensation, but  
6 shall be reimbursed for expenses, including travel expenses  
7 necessary for the performance of their duties."

8           SECTION 3. Section 107-24, Hawaii Revised Statutes, is  
9 amended to read as follows:

10           "**§107-24 Authority and duties of the council.** (a) Any  
11 law to the contrary notwithstanding, the council shall establish  
12 the Hawaii state building codes.

13           (b) The council shall appoint a subcommittee comprising  
14 the four council members representing county building officials,  
15 whose duty shall be to recommend any necessary or desirable  
16 state amendments to the codes and standards identified in  
17 section 107-25. Any recommended state amendments shall require  
18 a cost-benefit analysis and the unanimous agreement of the  
19 subcommittee.

20           (c) All voting members, members recommending a state  
21 amendment to the codes, and any person drafting the



1 recommendation shall disclose all potential conflicts of  
2 financial interests relating to the recommended amendment to the  
3 council in writing prior to a member making a recommendation.

4       ~~[(e)]~~ (d) The council shall adopt, amend, or update codes  
5 and standards identified in section 107-25 on a staggered basis  
6 as established by the council; provided that the adoption of the  
7 International Building Code shall be every six years, starting  
8 with the adoption of the 2018 edition; provided further that  
9 adoption of a code or standard shall be within two years of the  
10 official publication date of the code or standard, pursuant to  
11 chapter 92, and exempt from the requirements of chapter 91. If  
12 the council does not adopt a code or standard identified in  
13 section 107-25 within the two-year time period, that code or  
14 standard shall automatically become part of the Hawaii state  
15 building code until superseded by the adoption of an amended  
16 version of the code or standard by the council pursuant to this  
17 subsection.

18       ~~[(d)]~~ (e) The council may appoint other investigative,  
19 technical expertise committees, which may include council  
20 members~~[-]~~ and other building professionals.



1           ~~(e)~~ (f) The council shall consult with residential,  
2 commercial, and industrial builders; general building contractor  
3 associations; and building trade associations to gather  
4 information and recommendations on construction costs,  
5 practices, and training relevant to building codes and  
6 standards.

7           ~~(f)~~ (g) The council may make expenditures for technical  
8 references, equipment and supplies, and other operating  
9 expenses, and may contract for the conduct of research studies  
10 and other technical services.

11           ~~(g)~~ (h) The council may provide education and technical  
12 training and administrative assistance in the form of services  
13 or grants at the state and county levels relating to the  
14 implementation and enforcement of the Hawaii state building  
15 codes adopted pursuant to this part.

16           ~~(h)~~ (i) At the end of each fiscal year, the council  
17 shall submit a written report to the governor on the council's  
18 activities, including the codes and standards adopted, amended,  
19 or updated by the council."

20           SECTION 4. Section 107-26, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§107-26 Hawaii state building codes; prohibitions. In  
2 adopting the Hawaii state building codes, the council shall not  
3 adopt provisions that:

- 4           (1) Relate to administrative, permitting, or enforcement  
5                 and inspection procedures of each county; [~~or~~]  
6           (2) Conflict with chapters 444 and 464 [~~-~~]; or  
7           (3) Are not based upon a cost-benefit analysis."

8           SECTION 5. Section 107-27, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10           "(a) No later than one year after the adoption of codes or  
11 standards pursuant to section [~~107-24(e),~~] 107-24(d), the design  
12 of all state building construction shall be in compliance with  
13 the Hawaii state building codes, except state building  
14 construction shall be allowed to be exempted from:

- 15           (1) County codes that have not adopted the Hawaii state  
16                 building codes;  
17           (2) Any county code amendments that are inconsistent with  
18                 the minimum performance objectives of the Hawaii state  
19                 building codes or the objectives enumerated in this  
20                 part; or



1           (3) Any county code amendments that are contrary to code  
2           amendments adopted by another county."

3           SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 7. This Act shall take effect on July 1, 2021.

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INTRODUCED BY:





# S.B. NO.

**Report Title:**

State Building Code Council; Member Configuration; Member Qualification; State Building Code Amendment Process; International Building Code Adoption Cycle

**Description:**

Requires all members of the state building code council to have significant experience and knowledge of building codes and the cost impacts of building code revisions. Adds two voting council members, representing the National Association of Industrial and Office Properties and the construction trade unions, respectively. Requires the council and its subcommittee to conduct a cost-benefit analysis prior to recommending state code amendments. Requires council members and the drafters of recommended state code amendments to disclose potential conflicts of financial interests. Requires the council to consult with builders of residential, commercial, and industrial buildings. Requires the council to adopt the International Building Code every six years starting with the 2018 edition. Makes a conforming amendment.

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

