



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

JOSH GREEN, M.D.
GOVERNOR

MARK B. GLICK
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Testimony of
MARK B. GLICK, Chief Energy Officer

before the
SENATE COMMITTEE ON JUDICIARY

Tuesday, February 14, 2023
9:40 AM
State Capitol, Conference Room 016 and Videoconference

In OPPOSITION to
SB 495

RELATING TO STATE BUILDING CODES.

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee, the Hawai'i State Energy Office (HSEO) opposes the current language contained in SB 495, which extends the time to amend and adopt the Hawai'i state building codes from two years to six years, but provides an alternative approach and suggests language to address what we understand to be the underlying concern that prompted the drafting of this bill.

The change proposed by the bill in its current form could seriously compromise Hawai'i's ability to provide safe, healthy and economical homes and buildings and set back Hawai'i's goal of a decarbonized economy. Hawai'i Revised Statutes 107-24 states that "the adoption of a code or standard shall be within two years of the official publication date of the code or standard." The intent of HRS 107-24 is to synchronize Hawai'i's code adoption cycle with the national cycle which updates codes every three years. National codes are updated based on lessons learned from disasters and failure analyses, as well as advances in technologies.¹ Delaying Hawai'i's adoption of current building codes will reduce the rate at which better designs and technologies are included in Hawai'i's buildings. The importance of timely adoption of building codes and

¹ National Institute of Building Sciences. *Benefits and Challenges of a Timely Code Adoption Cycle*.
<https://www.caba.org/wp-content/uploads/2020/04/IS-2018-92.pdf>

standards is why the Federal Emergency Management Agency uses timely code adoption as a criterion in its funding for disaster mitigation, resilience and recovery projects.

HSEO recommends that section 107-28 (a) Hawaii Revised Statutes (HRS) remain unchanged, and that section 107-28 (b), Hawaii Revised Statutes, be amended to read as follows:

(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two-year time frame, the Hawaii state building codes shall become applicable as an interim county building code until superseded by the adoption of an amended version of the code by the county pursuant to this subsection.

Thank you for the opportunity to testify.



ELECTRICAL CONTRACTOR'S ASSOCIATION OF HAWAII

NECA Hawai'i Chapter
1286 Kalani Street, Suite B-203
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February 13, 2023

To: Senate Committee on Judiciary
Honorable Chairperson Senator Karl Rhoads
Vice Chairman Senator Mike Gabbard

From: Al Itamoto, Executive Director
Electrical Contractors Association of Hawaii
National Electrical Contractors Association, Hawaii Chapter

Subject: SB 495 Relating to Building Codes

Notice of Hearing

Date: Tuesday, February 14, 2023
Time: 9:40 AM
Place: Conference Room 016 and Videoconference
State Capitol
415 South Beretania Street

Dear Chair Rhoads and Committee members:

The Electrical Contractors Association of Hawaii (ECAH) and NECA Hawaii Chapter is a non-profit association representing over 100 electrical contractors doing business in the State of Hawaii. ECAH **opposes** the intent and purpose of SB 495 which allows counties up to 6 years to amend and adopt the building code ordinance for its respective county building code ordinance. Speaking strictly on the electrical code, this measure would not be in the best interest for the county, its residence, electrical contractors and electricians alike. The National Electrical Code (NEC), like all NFPA Codes, standards, recommended practices and guides governs all electrical work here and around the country including many countries around the world. The NEC is coordinated and published with a new edition every three years by the experts in the electrical construction industry that includes professional engineers, safety professionals and construction experts. The State Contractors License Board issues electrical contractors license and the State Electricians and Plumbers Board issues journeyman electrician licenses based on the current version of the NEC adopted by the State. In addition, Journey worker electricians are required to renew their license every three years after passing an exam on the current adopted State electrical code. Counties have the option of adding amendments to the NEC for adoption to the code governing electrical work in their county. Allowing the counties 6 years to amend or adopt their electrical code after the State adoption could result in a different version of the electrical code in different counties. It would be impractical to have electrical contractors and electricians performing their work depending on the county governing their job site. Many of our contractors perform work in all the counties of the State which would affect them and the electrical workers on the proper code governing each county. With all the new technologies affecting the electrical construction

industry such as battery storage and micro grids, the electrical codes that are two editions older would not address all the new standards and installations guidelines.

ECAH **opposes** the passage of SB 495 as this measure proposes and would recommend an exemption for the electrical code if this measure is passed for reasons mentioned above.

Thank you for the opportunity to provide testimony on this issue.

Al Itamoto



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GREGG S. SERIKAKU
EXECUTIVE DIRECTOR

Via E-File

February 10, 2023

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice-Chair
Senate Committee on Judiciary

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

SUBJECT: SB495 RELATING TO BUILDING CODES

My name is Gregg Serikaku, Executive Director for the Plumbing and Mechanical Contractors Association of Hawaii, and we are the State's largest association representing contractors in the plumbing, air conditioning, refrigeration, steamfitter, and fire sprinkler trades throughout Hawaii.

Our Association supports the intent of this bill to allow the counties and the various stakeholders more time to adopt the Hawaii model codes, however, we have the following concerns:

- The language in the bill only applies to the adoption cycle for the counties and does not alter the adoption cycle for the state model codes. This creates a significant delay between the state's adoption and the counties' adoption of the model codes, and could potentially result in the counties adopting the model codes up to 8 years after publication.
- This bill would only provide the Counties with relief for the first cycle following enactment of the bill. Thereafter, the counties would still be required to adopt the model codes on every code cycle, albeit 6 years after the adoption on the state level.

In order address these concerns, we recommend that the counties' time frame to adopt the state model codes remain at 2 years, and to instead consider the following amendments to HRS 107-24(c):

(c)The council shall adopt, amend, or update codes and standards identified in section 107-25[~~on a staggered basis as established by the council~~]; provided that **such adoption, amendment, or update** of [a]**the identified** code or standard shall be within two years of the official publication date of the code or standard, pursuant to chapter 92, and exempt from the requirements of chapter 91[~~-~~]; **provided further that the council has the authority to skip the adoption, amendment, or update of the code or standard publication which immediately follows the most recently adopted model code or standard.** If the council does not adopt a code or standard identified in section 107-25 within the two-year time period **and does not elect to skip the adoption of the code or standard publication as noted above,** that code or standard shall automatically [~~become~~]**be adopted as** part of the Hawaii state building code until superseded by the adoption of an amended version of the code or standard by the council pursuant to this subsection

These amendments would clarify that the State Building Code Council has the flexibility to skip the adoption of the code or standard publication which immediately follows the most recently adopted model codes or standards identified in HRS 107-25, and more directly satisfies the intent of this bill by providing the counties and all stakeholders with additional time to incorporate any approved code changes.

Thank you for this opportunity to provide our testimony.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gregg S. Serikaku".

Gregg S. Serikaku
Executive Director



February 2, 2023

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

RE: **SB 495 - Relating to Building Codes**
Hearing date: February 14, 2023 at 9:40AM

Aloha Chair Rhoads, Vice Chair Gabbard and members of the committee,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii in **SUPPORT** on SB 495. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

SB 495 extends the time each county has to amend and adopt the Hawaii state building codes from two years to six years.

NAIOP finds that this bill is necessary to help the developers more efficiently and consistently build housing for Hawaii residents. As it stands, the building code goes through numerous changes regularly, causing confusion, delays, and constant added cost. Developers are consistently challenged with having to determine discrepancies in the code which further delay the development of affordable housing projects in our state.

The current State Building Code Council does not take into consideration the cost implications of adopting new codes. Nationally, many of the new codes have mandates built-in embedded into new code revisions by special interest groups without consideration of the impacts. Certain mandates are not intended to protect the public health or safety, and ultimately increase the cost of housing. Providing additional time between changes in the building codes will improve efficiency and add clarity for developers.

Ultimately, Hawaii is in a major housing crisis, which continues to worsen. As the Legislature is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. NAIOP Hawaii supports this

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary
February 13, 2023
Page 2

legislation which will increase the development industry's ability to provide housing at all levels in a more timely and efficient manner.

Thank you for the opportunity to share our strong support for SB 495.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Camp", with a stylized flourish at the end.

Jennifer Camp, President
NAIOP Hawaii



SENATE COMMITTEE ON JUDICIARY

February 14, 2023, 9:40 AM

Room 016

TESTIMONY IN OPPOSITION TO SB 495

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee members:

Blue Planet Foundation **opposes SB 495**, which substantially delays the amount of time each county has to amend and adopt the Hawai'i state building codes and allows counties to wait a full six years before updating codes that make new construction safer, healthier, and more sustainable.

Building codes have direct and indirect impacts on our wellbeing and quality of life. By establishing and regularly updating uniform state and county building codes, Hawai'i can ensure that building design, construction, and operation address society's most important concerns, including public health and safety, environmental protection, and consumer protection against costly monthly utility bills.

Among the types of building codes that would remain stuck in the past under SB 495 is the energy conservation code. The primary function of energy codes is to reduce energy consumption in buildings, which reduces greenhouse gas emissions and pollution from burning fossil fuels—key priorities if we hope to achieve Hawai'i's ambitious climate goals. Energy codes can also lessen peak energy demand and reduce our reliance on imported energy sources, which increases utility system reliability and energy security, respectively. Moreover, energy codes create a more comfortable living and working environment through improved indoor air quality. They also help occupants save money by reducing monthly energy bills, which stimulates the economy. For example, the anticipated energy savings arising from the 2015 International Energy Conservation Code (IECC) were calculated in a May 2016 report prepared for the State of Hawai'i Department of Business, Economic Development & Tourism to total over \$1.4 billion.¹

¹ *Energy Savings Forecast for the 2015 International Energy Conservation Code with Hawai'i Amendments*, The Cadmus Group, Inc., prepared for DBEDT, May 2016, <https://energy.hawaii.gov/wp-content/uploads/2016/07/Energy-Savings-Forecast.pdf>.

Hawai'i already lags behind other states in adopting building energy codes—SB 495 would make it worse

States across the country use national model codes and standards—like the International Energy Conservation Code (IECC)—as a starting place for adopting state-specific versions based on their unique characteristics and climates. Like other states, Hawai'i develops its building energy code based upon the IECC. A governing body—the International Code Council—produces an updated version of the IECC through a democratic and deliberative process every three years. As noted by the Environmental and Energy Study Institute, “[t]he process of updating model codes every three years is optimal to ensure new technologies, materials and methods, as well as better approaches to health and safety, can be incorporated into the next generation of buildings with sufficient time for proof of performance.”²

Hawai'i, however, has historically operated on a much slower timeline. The most recent version adopted by the state was the 2018 IECC (now five years old). Before that, it took nine years to move from the 2006 IECC to the 2015 version. In Hawai'i, adoption of the state building code is just the first step—it must subsequently be adopted by all four counties. The adoption at the county level has lagged even further. For example, the City and County of Honolulu did not formally update its modified version of the 2015 IECC until June 2020.

This lag would be substantially magnified if SB 495 passes. By statute, the Hawai'i state building energy conservation code must be adopted by the State Building Code Council (SBCC) within two years of the publication date of the national model code. Then, the state code must be adopted by the counties within two years following the SBCC's adoption. In essence, this timing translates to a current statutory framework in which counties are required to amend or adopt their county building codes within four years of the publication date of the model code. By tripling the time the counties have to adopt the state code to six years, SB 495 would be codifying an *eight-year timeframe for updating building codes*—a surefire path to keeping Hawai'i lagging behind the national and other states' code update cycles (See Figure 1 below for a comparison of update cycles in various jurisdictions).

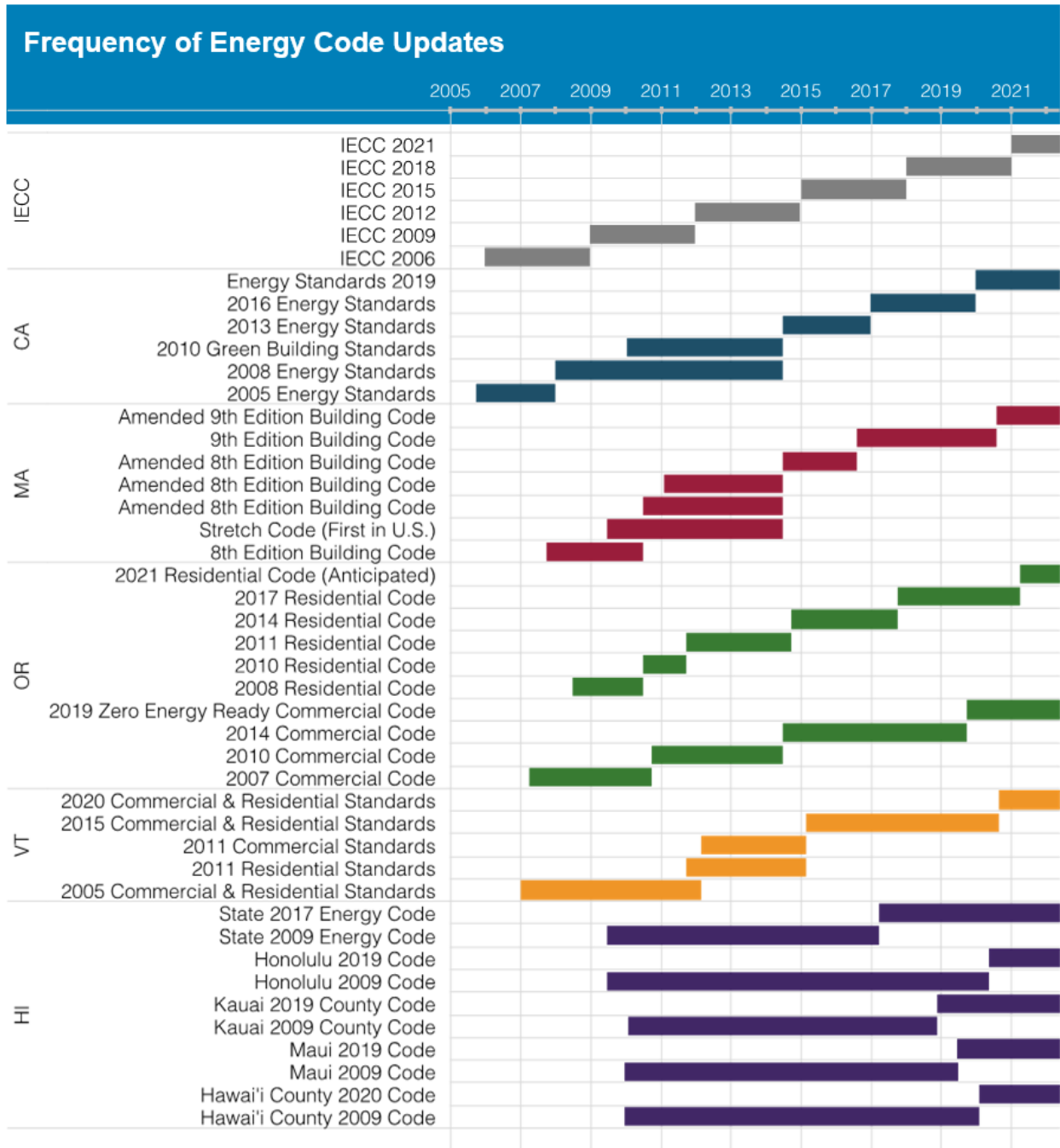
Conclusion

Most individuals spend a majority of their lives inside buildings. Yet buildings are often overlooked as important levers for influencing our safety, health, and economic and environmental quality of life. Hawai'i's code update cycle should mirror the national code update cycle to ensure that construction in Hawai'i can keep pace with changing technology, updated health and safety standards, and the state's clean energy and climate goals. After all, buildings constructed today will remain in our building stock for decades to come.

Please defer SB 495. Thank you for the opportunity to provide testimony.

² Vaughn, Ellen and Jim Turner, *The Value and Impact of Building Codes*, 2013, <https://www.eesi.org/files/Value-and-Impact-of-Building-Codes.pdf>.

Figure 1. Frequency of Energy Code Updates for States and the IECC





SENATE COMMITTEE ON JUDICIARY
State Capitol, Room 016
415 South Beretania Street
9:40 AM

February 14, 2023

RE: SB 495 - RELATING TO BUILDING CODES

Chair Rhoads, Vice Chair Gabbard, and members of the committee:

My name is Max Lindsey, 2023 Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA Hawaii supports SB 495, Relating to Building Codes. This bill extends the time each county has to amend and adopt the Hawai'i state building codes from two years to six years.

This bill is necessary to help the building industry more efficiently and consistently build housing. Currently, the building code goes through numerous changes regularly, causing confusion, delays, and constant added cost. The current State Building Code Council does not take into consideration the cost implications of adopting new codes. Nationally, many of the new codes have mandates built-in that manufacturers and special interest groups have embedded into new code revisions. Certain mandates are not intended to protect the public health or safety, and ultimately increase the cost of housing. Allowing more time to pass between changes in the building codes will help improve efficiency and clarity.

The state of Hawaii is in a dire housing crisis. As the Legislature is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. Approximately 153,967 U.S. households are priced out of buying a home for every \$1000 increase in price, according to the National Association of Home Builders (NAHB). We are in support of legislation that would allow for the building of much-needed housing at every price point in Hawaii.

We appreciate the opportunity to testify on SB 495.

SB-495

Submitted on: 2/10/2023 7:26:40 PM

Testimony for JDC on 2/14/2023 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.