



HAWAII STATE ENERGY OFFICE STATE OF HAWAII

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Testimony of
MARK B. GLICK, Chief Energy Officer

before the
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, February 13, 2024
4:00 PM

State Capitol, Conference Room 225 & Videoconference

Providing Comments on
SB 2335

RELATING TO THE STATE BUILDING CODE COUNCIL.

Chair McKelvey, Vice Chair Gabbard, and members of the Committee, the Hawai'i State Energy Office (HSEO) offers comments on SB 2335 which adds four members to the State Building Code Council, slows down the required three-year code adoption cycle to six years, requires the State Building Code Council to carry out cost benefit analyses before making any amendment or update to the codes and standards identified in section 107-25¹ that increase the cost of construction, and clarifies that the counties may adopt and amend building codes after the two-year time frame.

HSEO has concerns with provisions in sections 2 and 3 of the proposed measure.

National codes are updated by national experts in building design and disaster management based on lessons learned from disasters and failure analyses, as well as

¹ Codes identified in HRS section 107-25 include: (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; (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 ... applicable to (A) Emergency shelters built to comply with hurricane resistant criteria... and (B) Essential government facilities requiring continuity of operations; and (6) Code provisions based on nationally published codes or standards ... in accordance with .. elevator, mechanical, flood and tsunami, existing buildings, and onsite sewage disposal.

advances in technologies.² HSEO is concerned with provisions of this measure that would obstruct or delay the adoption of current building codes, as doing so would 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 standards is why the Federal Emergency Management Agency uses timely code adoption as a non-negotiable criterion in its funding for disaster mitigation, resilience and recovery projects. This is explained more on the Federal Emergency Management Agency's Building Code Adoption Tracking website.³

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," synchronizing Hawai'i's code adoption with national code adoption. Failure to follow the national cycle could put the health, safety, and welfare of building occupants at risk. Noncompliance could also jeopardize opportunities for federal funding which is often contingent on timely code adoption. Both issues are of deep concern to HSEO.

HSEO notes that up-to-date energy codes are important and cost effective means of reaching Hawaii's energy and decarbonization goals, as discussed in HSEO's [Hawai'i Pathways to Decarbonization Report](#), delivered to the 2024 Hawai'i State Legislature prior to the session and available from the HSEO website, concluding that codes are one of the key drivers of energy efficiency within the state and that "energy efficiency and conservation are the single most important and most cost-effective measure to meaningfully reduce electricity demand..."

HSEO is concerned that the requirement (on page 6, lines 19-21 and page 7 lines 1-2) that the State Building Code Council shall "carry out a cost benefit analysis before making any amendment or update to the codes and standards identified in section 107-25⁴ that increases the cost of construction" has the potential to obstruct

² 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>

³ <https://www.fema.gov/emergency-managers/risk-management/building-science/bcat>

⁴ Codes identified in HRS section 107-25 include: (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; (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

code updates. HSEO also observes that the proposed cost benefit analyses may not be necessary. Before building codes reach Hawai'i and are considered for adoption by the State Building Code Council, they are the product of extensive national hearings often involving hundreds of public and private sector participants testifying on behalf of the organizations they represent, including safety and construction experts.

HSEO is also concerned that expanding the State Building Code Council from twelve to sixteen members, by adding four more, would further burden an unfunded and unstaffed body to support additional staff members. The unions, building industry, real estate industry and others, freely express their views in meetings as amendments to codes are being considered.

HSEO believes that the provisions listed above would add a significant unfunded cost burden and duplicate participation that already exists.

Thank you for the opportunity to testify.

design standards ... applicable to (A) Emergency shelters built to comply with hurricane resistant criteria... and (B) Essential government facilities requiring continuity of operations; and (6) Code provisions based on nationally published codes or standards ... in accordance with .. elevator, mechanical, flood and tsunami, existing buildings, and onsite sewage disposal.

Feb. 13, 2024, 4 p.m.
Hawaii State Capitol
Conference Room 225 and Videoconference

To: Senate Committee on Government Relations
Sen. Angus McKelvey, Chair
Sen. Mike Gabbard, Vice Chair

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

RE: COMMENTS IN SUPPORT OF SB2335 — RELATING TO THE STATE BUILDING CODE COUNCIL

Aloha Chair McKelvey, Vice-Chair Gabbard and members of the Committee,

The Grassroot Institute of Hawaii would like to offer its support for the portions of [SB2335](#) that would mandate that the State Building Code Council skip every other International Building Code cycle and require a cost-benefit analysis be conducted for every proposed update or amendment to Hawaii's building code that would increase the cost of construction.

In addition, the cost of the cost-benefit analysis would have to be prepared "at the expense of the proponent of the amendment or update."

Regarding skipping the cycles, state law currently requires the State Building Code Council to adopt every iteration of the International Building Code and various related codes within two years of their release.

These codes are typically updated by the International Code Council every three years. For example, its 2024 code was released in December 2023 as an update of the 2021 code.¹

The counties, meanwhile, must adopt their own level amendments to the IBC after every state update.

¹ "[The International Code Council Releases 2024 International Codes®](#)," International Code Council, Dec. 5, 2023.

However, the state and counties often struggle to adopt and amend the IBC within a reasonable time frame. For example, it was only in April 2021 that the State Building Code Council adopted the 2018 IBC² and it was early 2023 when Honolulu fully adopted its amendments to the 2018 IBC.³

Because of this staggered adoption process, county building officials and architects must constantly re-learn the building code's requirements. The almost-constant nature of the building code updates also taxes already understaffed county planning and permitting departments.

Allowing the State Building Code Council to skip every other cycle would provide a level of certainty for builders and agencies and save the State Building Code Council and counties time from having to update the codes so often.

Regarding the proposed code updates and amendments, requiring the State Building Code Council to conduct a cost-benefit analysis of every update or amendment that would increase the cost of construction would provide a fuller picture of the possible effects of the changes.

In fact, some new building codes might impose such high costs that Hawaii would be better off not adopting them.

At the same time, proponents of such code updates or amendments might not be so eager to introduce them if they have to personally bear the cost of having them analyzed — which, of course, could further help contain construction cost increases.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

² ["State Building Code Adoption,"](#) State Building Code Council, April 20, 2021, p. 1.

³ ["Interim Building Code \(2018 IBC\) Takes Effect,"](#) Honolulu Department of Planning and Permitting, April 20, 2023.



Hawai'i Island Chamber of Commerce

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February 12, 2024

Testimony before the Senate Committee on Government Operations

February 13, 2024 at 4:00 PM
State Capitol, Conference Room 225

RE: SB 2335 Relating to the State Building Code Council

Aloha Chair McKelvey, Vice Chair Gabbard and members of the Committee.

The Hawai'i Island Chamber of Commerce (HICC) is in favor of the adoption of SB 2335 relating to the State Building Code Council.

Founded in 1898, HICC has been a part of our island's business community for 125 years. Our organization is comprised of over 300 member businesses and professionals from a variety of industries including non-profit organizations from Hawai'i Island.

We are in favor of each of the items proposed in SB 2335. We hope that the adoption of the bill will help create a faster permitting process, reduce the permitting back log, allow for more oversight on the costs of construction associated with the State amendments to the building code and provide clarification for counties to be able to adopt amendments to the code that would be applicable to their respective county.

Thank you very much for your time and consideration on this subject.
Please let us know if you have any questions or if we can be of any assistance.

Sincerely,

Miles Yoshioka, Executive Officer
Hawai'i Island Chamber of Commerce



Shaping Tomorrow's
Built Environment Today

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Ginger Scoggins
2023-2024 ASHRAE President

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February 12, 2024

The Honorable Angus McKelvey
The Honorable Mike Gabbard
Senate Committee on Government Operations
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

Re: Senate Bill 2335 "Relating to the State Building Code Council"

Dear Chair McKelvey and Vice Chair Gabbard:

I am writing on behalf of ASHRAE, the American Society of Heating Refrigerating, and Air Conditioning Engineers, to **oppose Hawai'i Senate Bill 2335**, titled "Relating to the State Building Code Council" that sits before you in the Senate Committee on Ways and Means. ASHRAE, founded in 1894, is a global professional society of more than 53,000 members, including more than 250 in Hawai'i, that focuses on building systems, energy efficiency, indoor air quality, resiliency, and sustainability. Through our research, standards writing, publishing, certification, and continuing education, ASHRAE shapes tomorrow's built environment today.

ANSI/ASHRAE/IES Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, has been the benchmark for commercial building energy codes in the United States and a key basis for codes and standards around the world for more than 35 years. It is an indispensable reference for engineers and other professionals involved in design of buildings and building systems. Hawai'i adopts and enforces the 2016 edition of this standard. Updating to the 2019 edition would save Hawai'i's residents over half a million dollars in reduced energy bills and mitigate 1,848 metric tons of emissions in the first year after adoption and would save over \$280,000,000 and mitigate 1,330,000 tons of emissions in the state over a 30-year period.¹

While well intentioned, as we certainly sympathize with the stated goal of bringing down housing costs in Hawai'i, we believe that this legislation will weaken any future attempts to update the energy codes and standards without actually bringing down housing costs. This will in turn cause energy efficiency gains to be left on the table in Hawai'i, burden business owners, homeowners and tenants with higher utility bills, and result in thousands of tons of needlessly unmitigated greenhouse gas emissions. There are two separate but complementary reasons why we believe this to be the case.

Firstly, the Hawai'i Building Codes Council is under resourced. They currently struggle to fulfil their duties and they lack the administrative and financial support that they are empowered by statute to receive. Adding additional administrative

¹ https://www.energycodes.gov/sites/default/files/2021-07/Cost-effectiveness_of_ASHRAE_Standard_90-1-2019-Hawaii.pdf

requirements – such as conducting and reviewing cost/benefit analysis for **any** amendments or updates to the code, no matter how trivial or well understood – to the Council’s workload will discourage adopting updated codes and standards. Devolving power to the counties would also create confusion and inconsistency in an already difficult process, and could result in the counties unilaterally weakening their energy codes.

Secondly, giving additional seats on the Council to developers, landowners, and contractors is a departure from the current more balanced composition. Privileging the voices of one coalition in this complex process could throw future energy standard updates into jeopardy. An amendment requiring additional seats for energy efficiency advocates and building engineering and science organizations such as ASHRAE would help the Council remain balanced.

We also wish to inform you that rigorous studies on the financial and environmental impact of energy code and standard adoption are already produced by the United States Department of Energy and the Pacific Northwest National Laboratory. These reports are an unbiased, science-based analysis of the costs and benefits of updating Hawai‘i’s energy codes and standards. The two most relevant reports for your attention are:

- [Cost-Effectiveness of ANSI/ASHRAE/IES Standard 90.1-2019 for Hawaii](#): this study shows the costs and benefits of updating the state’s commercial building energy code. In summary, no increase in construction costs are expected.
- [Cost-Effectiveness of the 2021 IECC for Residential Buildings for Hawaii](#): this study shows the costs and benefits of updating the state’s residential building energy code. In summary, homeowners can expect to be cashflow positive inside the first year.

Timely updates to energy efficiency codes and standards create massive cost savings for business owners, homeowners, and tenants, while also mitigating greenhouse gas emissions and creating jobs. Building energy efficiency is also an important component of Hawai‘i’s 2030 and 2045 climate goals. If, as we expect, this legislation would result in fewer updates to Hawai‘i’s energy codes and more weakening amendments, this legislation is not in the best interests of the state’s economy, environment, or residents.

On behalf of our more than 250 members in Hawai‘i, thank you for your consideration of ASHRAE’s comments in opposition to HI SB 2335.

Sincerely,



Ginger Scoggins
ASHRAE President



Justin Choriki
ASHRAE Hawai‘i Chapter President



Kevin Luoma
ASHRAE Hawai‘i Chapter Government Affairs Chair

SAH - Subcontractors Association of Hawaii

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February 13, 2023

Testimony To: Senate Committee on Government Operations
Senator Angus L.K. McKelvey, Chair

Presented By: Tim Lyons, President

Subject: S.B. 2335 - RELATING TO THE HAWAII STATE BUILDING CODE COUNCIL.

Chair McKelvey and Members of the Committee:

I am Tim Lyons, President of the Subcontractors Association of Hawaii. The Subcontractors Association represents the following nine separate and distinct contracting associations and they are:

ELECTRICAL CONTRACTORS ASSOCIATION OF HAWAII

HAWAII FLOORING ASSOCIATION

HAWAII WALL AND CEILING INDUSTRIES ASSOCIATION

PACIFIC INSULATION CONTRACTORS ASSOCIATION

PAINTING AND DECORATING CONTRACTORS ASSOCIATION

PLUMBING AND MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII

ROOFING CONTRACTORS ASSOCIATION OF HAWAII

SHEETMETAL & AIRCONDITIONING CONTRACTORS' NATIONAL ASSOCIATION OF HAWAII

TILE CONTRACTORS PROMOTIONAL PROGRAM

We are opposed to a portion of this bill.

Our objection comes from page 4, lines 8 – 20, which splits the current seat held by a representative of the Building Industry Association of Hawaii and the General Contractors Association of Hawaii which is currently one (1) seat and develops it into two (2) seats.

There are issues that come before the Building Code Council that relates to who can do what and so therefore, oftentimes there are issues of general contractor versus subcontractor. We do not feel that providing the BIA with a seat and the GCA with a seat while the Subcontractors Association of Hawaii only has one (1) seat is the proper thing to do. If you are going to add the GCA as a seat holder along with BIA, then we would respectfully request that there be two (2) members representing the Subcontractors Association of Hawaii.

That is our prime objection to this bill and based on that, we respectfully request your amendment.

Thank you.



SENATE COMMITTEE ON GOVERNMENT OPERATIONS

February 13, 2024, 4:00 PM

Room 225

TESTIMONY IN OPPOSITION TO SB 2335

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

Blue Planet Foundation **opposes SB 2335**, which substantially changes the membership and duties of the State Building Codes Council (SBCC) and significantly delays the timeframe for updating building 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.

Blue Planet opposes SB 2335 for several reasons:

- **Skipping state code update cycles and doubling the required time between updates (from 4 to 8 years total) is not an effective way to address the long standing issue of outdated building codes:** this will only exacerbate the delay in code adoption, jeopardize public health and safety in our buildings, and deny residents electricity savings and emissions reductions from energy efficient codes.
- **Out-of-date codes have impacted Hawai'i's eligibility for much-needed Federal funding:** The Hawai'i Emergency Management Agency was denied Federal funding in part because of Hawai'i's outdated building codes. This is particularly concerning in light of the Lahaina wildfires, as the funding HiEMA applied for was under the Building Resilient Infrastructure and Communities program, for the purpose of reducing risks to disasters and natural hazards.¹
- **Adding 4 more industry groups as voting members to the SBCC creates an imbalanced council:** This inappropriately skews the impartiality of the Council's

¹ *Building Resiliency Infrastructure and Communities*, FEMA Hazard Mitigation Assistance Grants, 2024, <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities>

composition to favor development interests, who are already well-represented on the SBCC.²

- **Requirements for a cost-benefit analysis prior to code updates-** This considers upfront costs and not lifecycle costs that are found from home weatherization and energy efficiency upgrades. This raises the question of who would be responsible for oversight and execution of cost benefit analyses, recognizing that the Council has limited funding and time to complete this new requirement.
- **Allowing the counties to adopt wildly less-stringent standards than the state code-** While county-specific amendments should be allowed, this bill proposes to give counties the ability to disregard the state code in its entirety.

Hawai'i already lags behind other states in adopting building energy codes—SB 2335 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. 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.”³

Hawai'i, however, has historically operated on a much slower timeline. The most recent version adopted by the state was the 2018 IECC (now six 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 2335 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 state has to adopt the state code to six years, SB 2335 would be codifying an *eight-year timeframe for updating building codes*—a surefire path to keeping Hawai'i lagging

²For a list of current Building Code Council members, see: <https://ags.hawaii.gov/bcc/council-members/>

³ 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>.

behind the national and other states' code update cycles (See Figure 1 below for a comparison of update cycles in various jurisdictions).

Outdated building codes leave energy and emission savings on the table

Among the types of building codes that would remain stuck in the past under SB 2335 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 2021 International Energy Conservation Code (IECC) were calculated in a July 2021 report prepared for the U.S. Department of Energy. The analysis reported a total statewide energy savings of 16.8% compared to the current state energy code. This equates to \$870 of annual utility bill savings for the average Hawai'i household.⁴

Hawai'i was ineligible for Federal funding due to outdated building codes

It is also our understanding that **Hawai'i's out-of-date codes rendered the state ineligible for millions in federal support for infrastructure resiliency projects that would reduce risks to natural disasters.** The Hawai'i Emergency Management Agency (HiEMA), which serves as a member of the State Building Code Council, applied for, but was denied, Inflation Reduction Act funding from the U.S. Federal Emergency Management Agency under the Building Resilient Infrastructure and Communities Program. This is a large federal grant program that supports states and local communities as they undertake hazard mitigation projects to reduce the risks they face from disasters and natural hazards.⁵ None of the Hawai'i projects qualified for the competitive portion of the grant, in part because of the state's outdated building codes. This loss in federal grant funding should be particularly concerning for lawmakers who will need to grapple with Maui's wildfire recovery and other hazard mitigation efforts for years to come, and provides another critical reason to not further delay code adoption via SB 2335.

SB 2335 skews the SBCC to favor private industry, not public interests

This policy proposes to substantially shift the duties and responsibilities of the SBCC to favor the building industry over public interests. Egregiously, it adds another four industry groups to

⁴ *Cost-Effectiveness of the 2021 IECC for Residential Buildings in Hawaii*, The Pacific Northwest National Laboratory, prepared for U.S. Department of Energy, July 2021, https://www.energycodes.gov/sites/default/files/2021-07/HawaiiResidentialCostEffectiveness_2021_0.pdf.

⁵ *Building Resiliency Infrastructure and Communities*, FEMA Hazard Mitigation Assistance Grants, 2024, <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities>

the Council's composition. The SBCC currently has twelve voting members, four of which are already affiliated with the building industry. This includes representation of the Building Industry Association of Hawaii or the General Contractors Association of Hawaii, the Subcontractors' Association of Hawaii, the the Structural Engineers Association of Hawaii, and the American Institute of Architects, Honolulu Chapter. SB 2335 proposes that four additional industry groups be added to the Council, **which would equate to the building industry and developer interests filling a total of eight out of sixteen voting seats on the SBCC.**

Next, the bill adds a requirement for a cost-benefit analysis relating to any proposed amendment or update that would increase the cost of construction, which is broad and shortsighted. This assessment would consider only the upfront costs for construction, and not lifecycle costs, which are typically received over decades from home weatherization and energy efficiency improvements. For example, the installation of energy efficient windows, insulation, air conditioning, etc., may have a higher upfront cost at construction, but would save hundreds on residents' annual utility bills, lead to a better quality of life, reduce carbon emissions, and make homes more resilient to climate change impacts— all benefits received cumulatively, despite being more expensive upfront. Further, these cost-benefit assessments would require additional funding and time to execute, as well as the burdensome oversight of the Council—which is already lagging in statutory code adoption.

Allowing counties to amend the state code, without limitation

SB 2335 also includes an alarming proposal to remove language relating to [HRS § 46-1.5 \(13\)](#). This amendment essentially allows the four counties to amend the state code however they want, without limitation. The purpose of the state code, and the reason the counties are members on the SBCC, is because it is good public policy to have some uniformity on building codes throughout the state. The county amendments are intended to address unique, county-specific circumstances, but on the whole, it would be unusual, confusing, and concerning for the county code to be less stringent than the state code.

Staffing for the SBCC is fundamental to improve the efficiency of code adoption

If the intent of this measure is to improve the building codes adoption process, we believe that a fundamental change necessary is to **provide dedicated staff and funding to the State Building Codes Council**. [HRS §107-23](#) established two exempt positions in the Department of Accounting and General Services for an Executive Director and Assistant for the SBCC, to help fulfill the duties of the Council (see Act 82 of 2007 and Act 164 of 2014). These positions have not been funded or filled, but they are critical to improve the Council's functioning and provide support, training, and outreach to stakeholders.

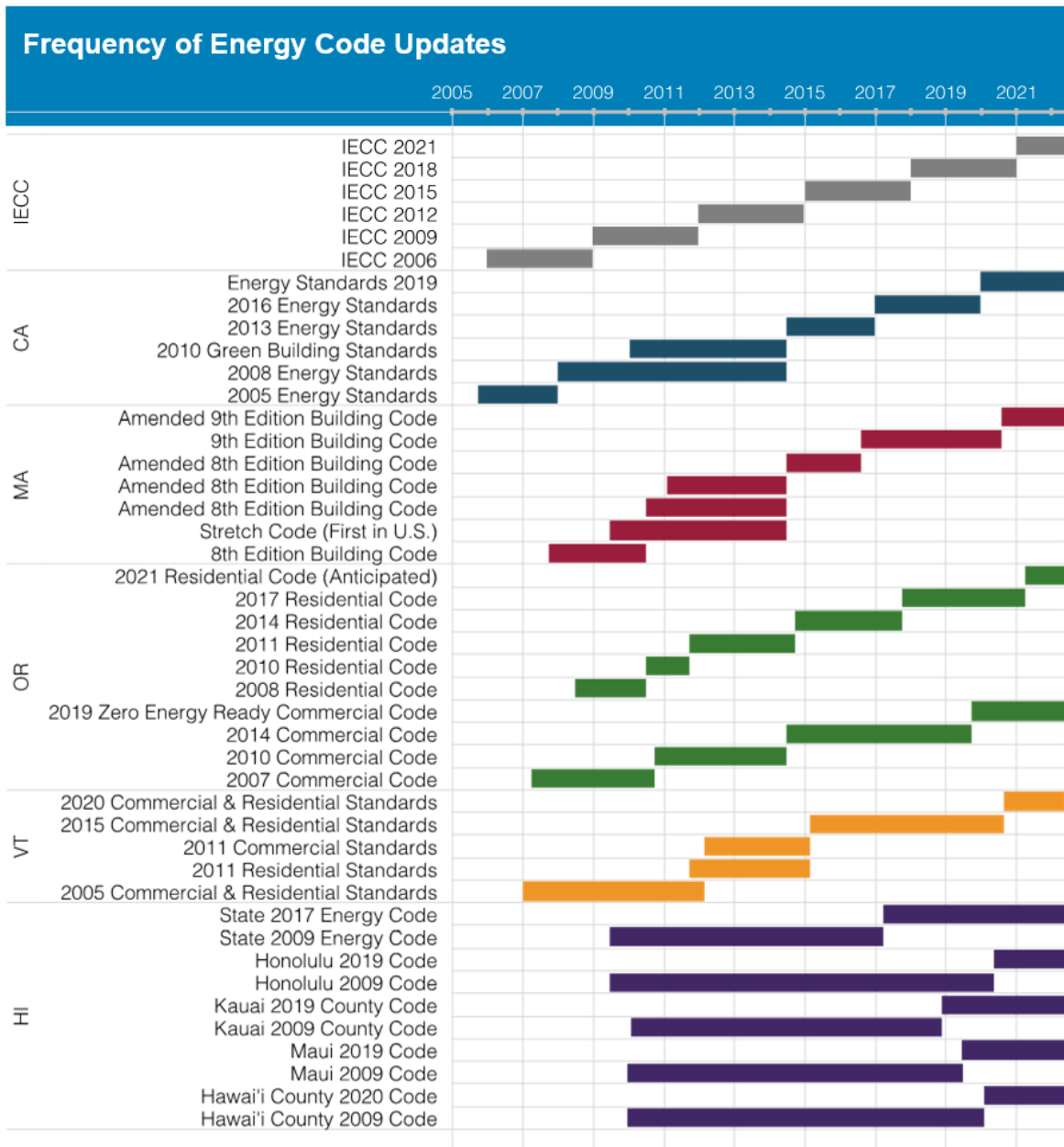
Conclusion

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.

For all these reasons, please defer SB 2335. Thank you for the opportunity to provide testimony.

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





Japanese Chamber of Commerce & Industry of Hawaii

February 12, 2024

Re: SB 2335 Relating to the State Building Code Council


Senate Committee on Government Operations
Hawaii State Capital
Conference Room 430
415 S. Beretania Street, Honolulu, HI 96813

Chair McKelvey, Vice Chair Gabbard, and members of the committee,

My name is Garth Yamanaka, and I am the current president of the Japanese Chamber of Commerce and Industry of Hawaii (JCCIH). The Japanese Chamber of Commerce & Industry of Hawaii has been incorporated since 1951 and represents over 300 members of the business community. On behalf of JCCIH, I would like to testify in **strong support of SB2335** which shall amend the rules governing the State Building Code Council.

The JCCIH is in favor of each of the items proposed in this bill. We hope that the adoption of the bill will help create a faster permitting process, reduce the permitting back log, allow for more oversight on the costs of construction associated with the State amendments to the building code and provide clarification for counties to be able to adopt amendments to the code that would be applicable to their respective county and believed to be less stringent than the adopted State Building Code.

Mahalo,

DocuSigned by:

135F7F94CD454C7...
Garth Yamanaka
President, 2023-2024

SB-2335

Submitted on: 2/12/2024 2:20:03 PM

Testimony for GVO on 2/13/2024 4:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Testifying for Hawaii Reef and Ocean Coalition and Climate Protectors Hawaii	Oppose	Written Testimony Only

Comments:

Hawaii Reef and Ocean Coalition and Climate Protectors Hawaii appreciate the bill's intention to reduce housing costs, but don't think the bill will achieve that. Instead, the bill as drafted seems likely to make the State Building Code Council less effective. Moving code authority from the State to counties will not necessarily cut housing costs, and seems likely to lead to inconsistent regulation across the State and potentially a failure by some to regulate.

Please hold this bill!

Hawaii Reef and Ocean Coalition and Climate Protectors Hawaii (by Ted Bohlen)



Before the Senate Committee on Government Operations
Tuesday, February 13, 2024 at 4:00 p.m.

Testimony Providing Comments on: SB2335: Relating to the State Building Code Council

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

Thank you for the opportunity to testify and provide comments on Senate Bill 2335.

Hawai'i Energy works to empower island families and businesses on behalf of the Hawai'i Public Utilities Commission (PUC) to make smart energy choices to reduce energy consumption, save money, and pursue a 100% clean energy future. Energy efficiency – the energy we do not use – is the cheapest option to help us achieve our 100% clean energy goal by eliminating waste and being more efficient. We believe updated energy codes are critical in this effort and part of a global movement to make progress on climate change mitigation through codes and standards.

This bill would replace the current three-year cycle for adopting updated building codes, including energy codes via the International Energy Conservation Code, in Hawai'i with a six-year cycle. It also adds four new seats to the Hawai'i State Building Code Council (Council), and new cost benefit analysis requirements to the Council's responsibilities. Skipping every other iteration of updated state building codes would undoubtedly give stakeholders additional time to comprehend and implement each round of changes, but it would also negatively impact Hawai'i's ability to meet our 2030 and 2045 clean energy goals by leaving potential energy efficiency gains on the table. Given that the goal of updating building energy codes is to ultimately save Hawai'i residents money on their electric bills, which remain the highest in the country, we would be leery of the potential unintended consequences of skipping every other energy codes adoption cycle, and adding more to the plate of a Council that is already stretched thin in terms of manpower and bandwidth.

On the other hand, as described by HRS §107-23, there already exists the so far unused opportunity to staff the Council with an executive director, executive assistant, and other staff as necessary to support the updated building codes adoption process.

Hawai'i Energy certainly appreciates the intent of Senate Bill 2335 to allow all stakeholders involved in the state building code adoption process more time to fully digest each round of changes being discussed and implemented, and to ensure maximum input and analysis as changes are considered. We would just urge the legislature to first explore other avenues and tools already at its disposal to improve the building codes adoption process for all stakeholders before making additional foundational changes to it.

Thank you for the opportunity to provide comments on Senate Bill 2335.

Sincerely,
Caroline Carl
Executive Director
Hawai'i Energy



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

February 13, 2023

4:00 PM

Conference Room 225

In **OPPOSITION** to **SB2335**: RELATING TO THE STATE BUILDING CODE COUNCIL

Aloha Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES SB2335**, which would saddle Hawai'i residents with outdated building standards that do not respond to the rapidly changing realities of our climate crisis – jeopardizing human health and safety as well as our islands' climate resiliency, and even foreclosing critical federal funding opportunities that are contingent on up-to-date building codes.

As the climate crisis continues to worsen, all aspects of our society must rapidly adapt. This is particularly true for our built environment. For example, outdated or nonexistent building codes that do not reflect our climate reality have already led to significant numbers of heat-related indoor deaths in other jurisdictions. The anticipated increase in extreme weather-related events such as fires and floods must also be accounted for via up-to-date building codes, to protect both human life and property. Buildings that do not meet modern energy and infrastructure standards may also result in the unnecessary draining of our water and energy resources, exacerbating the impacts of droughts on our water security, driving up our collective carbon footprint, and creating long-term and ever-increasing costs for residents and businesses.

By allowing building code updates to be delayed for six years at a time, this measure would lock in outdated building standards that fail to reflect our climate realities, and the most modern strategies of protecting human health and safety as well as our climate resilience and necessary responses. Such a delay would also be exacerbated by the proposed unfunded mandate to assess the cost-benefits of updates; notably, such assessments may or may not reflect the substantial benefits that building occupants would realize from updated building codes that reduce their dependence on fossil fuels and water, as well as their vulnerability to climate destabilization.

The Sierra Club also has significant concerns regarding the proposed inclusion of additional industry representatives on the State Building Code Council. Such entities do not have a history of demonstrated expertise or concern with respect to the climate crisis, and the critical importance of responding appropriately in both construction and land use practices. Representatives of some of these proposed additional Council members have in fact advocated for policies that may foreclose a resilient and hopeful future for ourselves and future generations, and against proposals, such as renewable infrastructure requirements, that would reduce the lifetime costs of new developments on local residents and businesses. Accordingly, including these entities on the Council raises the significant risk of industry bias in the Council's work, to the detriment of our islands and people.



SIERRA CLUB OF HAWAI'I

The Sierra Club urges the Committee and the Legislature to instead explore and directly address noted causes of building permit review delays, namely the chronic understaffing of and lack of timely training for county planning departments, including through assessments of staff salaries and conditions affecting worker retention.

As a final note, the Sierra Club understands that significant federal funds such as those under the IRA may be contingent upon the adoption of updated building codes. This measure would accordingly prevent Hawai'i from accessing critical funds needed to meet our residents' resilience and resource needs, should it be passed into law.

Accordingly, the Sierra Club of Hawai'i respectfully but strongly urges the Committee to **HOLD** SB2335. Mahalo nui for the opportunity to testify.

ACEC

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of Hawaii

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February 12, 2024

Senate Committee on Government Operations Hearing Date: Tuesday, February 13, 2024, 4:00 p.m.

Honorable Chair McKelvey, Vice Chair Gabbard, and Members of the
Senate Committee on Government Operations

Subject: SB2335, Relating to the State Building Code Council Testimony in Support

Dear Chair McKelvey, Vice Chair Gabbard, and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH) represents more than 70 member firms with over 1,500 employees throughout Hawaii. ACECH provides the following comments on this bill.

Aloha and thank you for your time. ACECH is in favor of the adoption of S.B. No. 2335 relating to the State Building Code Council.

ACECH has been involved in discussions with various stakeholders, including representatives from the Engineering Sector, Architecture Sector, Construction Sector, Development Sector and Government Sector.

In reference to increasing the number of voting members on the State Building Code Council (SBCC), the intent is to include more representation from industry to help develop amendments to the code and to be able to provide real time understanding of the impact to the cost of construction should those amendments to the national code be adopted by the SBCC.

In reference to changing the code cycle to a staggered basis, the intent is to allow for the Counties to be on a code cycle for a longer period of time than the current cycle allows. An issue that both the private and public sector deal with is learning a new code and interpretation of the code. With all new codes, it takes time to learn the new requirements let alone the interpretation of these new requirements. The design professional will design projects based on their understanding/interpretation of the code. At the same time, the government agencies are also learning the new code and developing their own interpretation of the code. A lot of times the design professional and government agencies will differ on the interpretation of the code. Because of this, the government agency usually needs more time to review the design to catch the differences in interpretation of the code and how they are reflected on the design. Once these items are identified, the government agency will send the drawings back to the design professional for corrections. Sometimes this process has several iterations resulting in a substantial amount of time being spent on this process.



In reference to the cost/benefit analysis the intent of this is to provide a check to help governing agencies and our community to understand the added cost to construction proposed amendments will have and help in the decision process to adopt the amendments or not. This is intended for only amendments to the code that are being proposed by the SBCC and only for proposed amendments that are anticipated to increase the cost of construction, not for all code items, including any changes between code cycles.

In reference to adjusting the way the sub-committees are set up. This will require that a minimum of 3 people sit on an investigative or technical expertise committee to allow for more discussion, diversity and expertise in the discussions preceding proposed amendments to the code.

In reference to the County authority to amend and adopt the Hawaii State Building Codes. This is to clarify the authority of the county regarding county specific amendments to the adopted state code – this clarifies language so that it is clear that the counties have the ability to amend the state building code to be less stringent should they feel that it is appropriate for their county. Some counties don't feel they can do this now based on the language in the rules.

Thank you very much for your time and consideration on this subject.
Please let us know if you have any questions or if we can be of any assistance.

Respectfully submitted,
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII

A handwritten signature in black ink, appearing to read "Kyle Kaneshiro".

Kyle Kaneshiro, P.E.
President



Shaping Tomorrow's Built Environment Today

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Ginger Scoggins
2023-2024 ASHRAE President

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February 12, 2024

The Honorable Angus McKelvey
The Honorable Mike Gabbard
Senate Committee on Government Operations
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

Re: Senate Bill 2335 "Relating to the State Building Code Council"

Dear Chair McKelvey and Vice Chair Gabbard:

I am writing on behalf of ASHRAE, the American Society of Heating Refrigerating, and Air Conditioning Engineers, to **oppose Hawai'i Senate Bill 2335**, titled "Relating to the State Building Code Council" that sits before you in the Senate Committee on Ways and Means. ASHRAE, founded in 1894, is a global professional society of more than 53,000 members, including more than 250 in Hawai'i, that focuses on building systems, energy efficiency, indoor air quality, resiliency, and sustainability. Through our research, standards writing, publishing, certification, and continuing education, ASHRAE shapes tomorrow's built environment today.

ANSI/ASHRAE/IES Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, has been the benchmark for commercial building energy codes in the United States and a key basis for codes and standards around the world for more than 35 years. It is an indispensable reference for engineers and other professionals involved in design of buildings and building systems. Hawai'i adopts and enforces the 2016 edition of this standard. Updating to the 2019 edition would save Hawai'i's residents over half a million dollars in reduced energy bills and mitigate 1,848 metric tons of emissions in the first year after adoption and would save over \$280,000,000 and mitigate 1,330,000 tons of emissions in the state over a 30-year period.¹

While well intentioned, as we certainly sympathize with the stated goal of bringing down housing costs in Hawai'i, we believe that this legislation will weaken any future attempts to update the energy codes and standards without actually bringing down housing costs. This will in turn cause energy efficiency gains to be left on the table in Hawai'i, burden business owners, homeowners and tenants with higher utility bills, and result in thousands of tons of needlessly unmitigated greenhouse gas emissions. There are two separate but complementary reasons why we believe this to be the case.

Firstly, the Hawai'i Building Codes Council is under resourced. They currently struggle to fulfil their duties and they lack the administrative and financial support that they are empowered by statute to receive. Adding additional administrative

¹ https://www.energycodes.gov/sites/default/files/2021-07/Cost-effectiveness_of_ASHRAE_Standard_90-1-2019-Hawaii.pdf

requirements – such as conducting and reviewing cost/benefit analysis for **any** amendments or updates to the code, no matter how trivial or well understood – to the Council’s workload will discourage adopting updated codes and standards. Devolving power to the counties would also create confusion and inconsistency in an already difficult process, and could result in the counties unilaterally weakening their energy codes.

Secondly, giving additional seats on the Council to developers, landowners, and contractors is a departure from the current more balanced composition. Privileging the voices of one coalition in this complex process could throw future energy standard updates into jeopardy. An amendment requiring additional seats for energy efficiency advocates and building engineering and science organizations such as ASHRAE would help the Council remain balanced.

We also wish to inform you that rigorous studies on the financial and environmental impact of energy code and standard adoption are already produced by the United States Department of Energy and the Pacific Northwest National Laboratory. These reports are an unbiased, science-based analysis of the costs and benefits of updating Hawai‘i’s energy codes and standards. The two most relevant reports for your attention are:

- [Cost-Effectiveness of ANSI/ASHRAE/IES Standard 90.1-2019 for Hawaii](#): this study shows the costs and benefits of updating the state’s commercial building energy code. In summary, no increase in construction costs are expected.
- [Cost-Effectiveness of the 2021 IECC for Residential Buildings for Hawaii](#): this study shows the costs and benefits of updating the state’s residential building energy code. In summary, homeowners can expect to be cashflow positive inside the first year.

Timely updates to energy efficiency codes and standards create massive cost savings for business owners, homeowners, and tenants, while also mitigating greenhouse gas emissions and creating jobs. Building energy efficiency is also an important component of Hawai‘i’s 2030 and 2045 climate goals. If, as we expect, this legislation would result in fewer updates to Hawai‘i’s energy codes and more weakening amendments, this legislation is not in the best interests of the state’s economy, environment, or residents.

On behalf of our more than 250 members in Hawai‘i, thank you for your consideration of ASHRAE’s comments in opposition to HI SB 2335.

Sincerely,



Ginger Scoggins
ASHRAE President



Justin Choriki
ASHRAE Hawai‘i Chapter President



Kevin Luoma
ASHRAE Hawai‘i Chapter Government Affairs Chair



holomua

COLLABORATIVE

OUR MISSION

To support and advance public policies that make Hawai'i affordable for all working families.

OUR VISION

Collaborative, sustainable, and evidence-based public policies that create a diverse and sustainable Hawai'i economy, an abundance of quality job opportunities, and a future where all working families living in Hawai'i can thrive.

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Page 1 of 2

Committee: Senate Committee on Government Operations
Bill Number: SB 2335, Relating to the State Building Code Council
Hearing Date and Time: February 13, 2024 at 4:00pm (Room 225)
Re: Testimony of Holomua Collaborative in support

Aloha Chair McKelvey, Vice Chair Gabbard, and Committee Members:

We write in support of SB 2335, Relating to the State Building Code Council. SB 2335 is based on the recognition that prohibitively high housing costs lower the standard of living for Hawai'i residents. Some families are forced to live in crowded conditions, leave the State to find affordable housing, or survive without housing at all. Accordingly, the purpose of this bill is to help facilitate the development of housing at every price point.

With respect to that part of SB 2335 that changes the code cycle, we note that under current law, existing building codes remain in place for three years at a time. The challenge this presents is that the building codes are complex, highly technical documents. Every time a new code is adopted, it invariably takes at least one to two years for county permitting officials, plan reviewers, and design professionals to develop a common interpretation of what that code means and how it must be implemented.

It is not a simple process.

And the way the process works in practice is that design professionals must submit plans over and over as they work to understand what the government officials reviewing the plans want to see to approve the plans. It is this process of repeated trial and error that eventually results in a common interpretation of the code between all stakeholders. But by the time that happens, only one-to-two years remain in which the process can now proceed smoothly.

By changing the code adoption cycle to be within two years of every *other* official publication date of the code, this bill effectively allows everyone to operate on a six-year code cycle, rather than a three-year code cycle. This means that once the one-to-two-year period of trial and error is over, there are now four-to-five remaining years when plans can be submitted, reviewed, and approved in a timely fashion (as opposed to the one-to-two years that occurs under the current building code cycle system).

That means we are gaining meaningful *years* more time when the system is working smoothly, permits are being processed more quickly, and fewer mistakes are being made. This savings of time will invariably result in cost savings in home building costs, which will ultimately mean lower home prices for local residents.

It is also important to note that this additional time on a single code will give the counties more time and experience within each six-year code cycle to suggest amendments to the code as it relates to building materials, methods, and standards,

which would be appropriate to their own respective geographies and climates. So, for example, if a model code was adopted that required insulated flooring, the counties now have time to make a reasonable change that maintains safety, while eliminating unnecessary cost.

This is a common-sense approach to maintaining safety, improving efficiency, and lowering costs.

Regarding the part of the bill that speaks to a financial impact, the initial consideration is always that while building code standards add to the cost of housing construction and may therefore impact affordability, they are important because they can protect life safety. But there are also some parts of the building code that do *not* impact life safety. Especially for those parts of the code, it makes sense for the state to assess the financial impact of changes to the home building costs to make a fully informed decision.

Concerning the part of SB 2355 that expands the membership of the State Building Code Council (SBCC) by including greater industry representation, it would help better inform the decisions of the SBCC by bringing government representatives and industry professionals to the table together.

As an organization that is devoted to finding ways to keep all local working families in Hawai'i by making sure they can afford to stay here, we support this bill as a good approach to address urgent cost-of-living challenges—in this case by reducing the cost of home building for local families.

Sincerely,



Josh Wisch
President & Executive Director



February 13, 2024

Committee: Senate Committee on Government Relations
Bill Number: SB 2335, Relating to State Building Code Council
Hearing Date and Time: February 13, 2024 at 4:00pm
Re: Testimony of HPM Building Supply with Comments

Dear Chair McKelvey, Vice Chair Gabbard, and Committee Members:

I would like to submit this letter and testimony written with comments in regards to SB 2335, Relating to the State Building Code Council. SB 2335 amends the membership, authority, and duties of the State Building Code Council. It also gives the counties the sole discretion to amend, adopt, and update the Hawai'i state building codes as they apply within each county's respective jurisdiction.

HPM Building Supply is a 100% employee-owned company serving Hawaii's home improvement market and building industry for over 100 years since 1921. With 18 locations across Hawaii and Washington State, HPM offers various services and products, including retail stores, building supply and lumber yards, home design centers, drafting and design services, and manufacturing facilities. HPM is dedicated to enhancing homes, improving lives, and transforming communities one home at a time.

HPM supports the intent of this bill in its aspects to change the code cycle adoption to every other official publication date. This allows the users of the code more time to use the code, and County building officials more time to review and propose proper amendments specific to their jurisdiction during this time.

The proposed membership composition of the Council opens up the process to more stakeholders, however, a consumer advocacy group could be considered to provide end-user or homeowner input, particularly on how the codes affect affordability.

The cost benefit analysis before making any amendment or update to the code is commendable. However, by requiring the proposer to pay for the analysis may deter proposers who have amendments that lower the cost of construction to come forward. An alternative may be to utilize the resources and staffing allocated to the State Building Code Council to do a cost benefit analysis.

We also understand that the adoption of the building code as proposed in this bill will not negatively affect the State's funding from FEMA in terms of Building Resilient Infrastructure and Communities (BRIC) grants. The grant's criteria considers building code as a scoring factor but not a requirement. Furthermore, the FEMA policy grants points if the applicant "has adopted one of the two latest editions of the model building code".





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Thank you for considering this bill the opportunity to provide testimony for SB 2335.

Sincerely,

Dennis Lin
Community Relations Administrator



(808) 966-5466 • FAX (808) 966-7564
16-166 MELEKAHIWA STREET • KEAAU, HAWAII 96749

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**HAWAII STATE SENATE
COMMITTEE ON GOVERNMENT OPERATIONS
Conference Room 225
State Capitol
4:00 PM**

February 13, 2024

Subject: SB 2335 - RELATING TO STATE BUILDING CODE COUNCIL

Chair McKelvey, Vice-Chair Gabbard, and members of the Committee:

My name is Max Lindsey, 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 is in support of SB 2335, Relating to the State Building Code Council (SBCC). This bill amends the membership, authority, and duties of the State Building Code Council, and gives the counties the sole discretion to amend, adopt, and update the Hawai'i state building codes as they apply within each county's respective jurisdiction.

Currently, the makeup of the SBCC does not take into consideration the cost implications of adopting new codes. There is only one seat on the SBCC dedicated to actual builders. Nationally, many of the new codes have mandates built-in that manufacturers and special interest groups have embedded into new code revisions. These mandates are not intended to protect the public health or safety, and ultimately increase the cost of housing.

Allowing the counties to amend national codes prior to adoption allows for input and adjustments at the local level with public input, as the codes need County Council approval.

Thank you for the opportunity to share our comments.

SB-2335

Submitted on: 2/12/2024 2:13:47 PM

Testimony for GVO on 2/13/2024 4:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nimr Tamimi	Individual	Support	Written Testimony Only

Comments:

Aloha and thank you for your time. My name is Nimr Tamimi, I am a principal of a Hawaii Island based A/E firm that provides consulting engineering services statewide, including nationally and internationally. Our firm is very familiar with the building permit process and has had a lot of experience throughout the years and throughout the state. I personally have been involved in the permitting process for over 36 years.

I have been involved in a committee of stakeholders whose primary function is to investigate and provide recommendations towards the improvement of the permitting process statewide. We have been working on this for over a year. This proposed bill is an attempt to help correct some of the issues we identified as part of our due diligence.

In reference to increasing the number of voting members on the State Building Code Council (SBCC), the intent is to include more representation from industry to help develop amendments to the code and to be able to provide real time understanding of the impact to the cost of construction should those amendments to the national code be adopted by the SBCC.

In reference to changing the code cycle to a staggered basis, the intent is to allow for the Counties to be on a code cycle for a longer period of time than the current cycle allows. A major issue that both the private and public sector deal with is learning a new code and interpretation of the code. With all new codes, it takes time to learn the new requirements let alone the interpretation of these new requirements. The design professional will design projects based on their understanding/interpretation of the code. At the same time, the government agencies are also learning the new code and developing their own interpretation of the code. A lot of times the design professional and government agencies will differ on the interpretation of the code. Because of this, the government agency usually needs more time to review the design to catch the differences in interpretation of the code and how they are reflected on the design. Once these items are identified, the government agency will send the drawings back to the design professional for corrections. Sometimes this process has several iterations resulting in a substantial amount of time being spent on this process. Something similar also occurs during the construction process with the inspectors. The intent of being on the same code for longer periods of time is that both government and the design professional have more time to work on getting on the "same page" regarding the interpretation of the code. This could help reduce the amount of time the plan reviewer needs to spend on a project and reduce the number of iterations the design goes back and forth between the two groups, freeing up government assets to work on other permit applications, and ultimately speeding up the permitting process and reduce the need

to hire additional staff. It will be our responsibility to work with the County agencies to help find a way to get/provide the training necessary so that we can all be on the “same page” with code interpretation, ultimately creating a better and more efficient permitting process.

In reference to the cost/benefit analysis, maybe this needs to be worded better, however the intent of this is to provide a check to help governing agencies and our community to understand the added cost to construction proposed amendments will have and help in the decision process to adopt the amendments or not. This is intended for only amendments to the code that are being proposed by the SBCC and only for proposed amendments that are anticipated to increase the cost of construction, not for all code items, including any changes between code cycles.

In reference to adjusting the way the sub-committees are set up. This will require that a minimum of 3 people sit on an investigative or technical expertise committee to allow for more discussion, diversity and expertise in the discussions preceding proposed amendments to the code.

In reference to the County authority to amend and adopt the Hawaii State Building Codes. This is to clarify the authority of the county regarding county specific amendments to the adopted state code – this clarifies language so that it is clear that the counties have the ability to amend the state building code to be less stringent should they feel that it is appropriate for their county. Some counties don't feel they can do this now based on the language in the rules.

Thank you very much for your time and consideration on this subject.

Please let us know if you have any questions or if we can be of any assistance.