

JAN 19 2024

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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 is  
2 experiencing a major and worsening housing crisis. Residents of  
3 Hawaii face the highest housing costs in the nation. Median  
4 housing costs in Hawaii are 2.7 times the median housing costs  
5 nationally. In the last year, the median price of a  
6 single-family home sold in Hawaii was \$825,000, and the median  
7 price of a condominium was \$600,000. The last thirty years have  
8 brought incredible increases in local housing prices. The  
9 median prices of single-family homes and condominiums have more  
10 than tripled since the 1990s. These costs have increased  
11 further due to the impact of the coronavirus pandemic on  
12 building material costs and supply chains. Hawaii's isolated  
13 geographic location also adds to the cost of housing, because  
14 shipping and labor costs are higher.

15           The legislature also finds that fewer than one-third of  
16 Hawaii's households can afford to buy a typical home in the  
17 State. A household earning the state median income can no



1 longer afford a median-priced condominium. High prices and high  
2 interest rates for mortgages mean that home ownership is out of  
3 reach for a large share of the State's residents. In the past  
4 two years, the share of households in the State that can afford  
5 mortgage payments on a median-priced single-family home has  
6 fallen from forty-four per cent to thirty per cent. This means  
7 that fewer than one in three households can afford the typical  
8 single-family home, while fewer than half of the State's  
9 households can afford the typical condominium.

10 The legislature recognizes that prohibitively high housing  
11 costs lower the standard of living for the State's residents.  
12 Some families are forced to live in crowded conditions, leave  
13 the State to find affordable housing, or survive without housing  
14 at all. High housing costs also hinder Hawaii's ability to  
15 attract out-of-state workers.

16 Accordingly, the purpose of this Act is to help facilitate  
17 the development of housing at every price point by:

- 18 (1) Amending the membership, authority, and duties of the  
19 State Building Code Council; and  
20 (2) Clarifying that the counties have the sole discretion  
21 to amend, adopt, and update the Hawaii state building



1 codes as they apply within each county's respective  
2 jurisdiction.

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

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

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



- 1           (5) One member representing the Hawaii emergency  
2                   management agency, appointed by the director of Hawaii  
3                   emergency management;
- 4           (6) One member representing the Structural Engineers  
5                   Association of Hawaii;
- 6           (7) One member representing the American Institute of  
7                   Architects, Hawaii State Council;
- 8           (8) One member representing the Building Industry  
9                   Association of Hawaii [~~or the General Contractors~~  
10                   ~~Association of Hawaii~~], who has significant experience  
11                   with building codes [~~, with alternating four-year terms~~  
12                   ~~between the two organizations and the first four-year~~  
13                   ~~term to be served by the Building Industry Association~~  
14                   ~~of Hawaii; and~~];
- 15           (9) One member representing the Subcontractors'  
16                   Association of Hawaii, who has significant experience  
17                   with building codes [~~-~~];
- 18           (10) One member representing the General Contractors  
19                   Association of Hawaii, who has significant experience  
20                   with building codes;



1        (11) One member representing the American Council of  
2                    Engineering Companies - Hawaii, who has significant  
3                    experience with building codes;

4        (12) One member representing the Land Use Research  
5                    Foundation, who has significant experience with  
6                    building codes; and

7        (13) One member representing the Hawaii chapter of the  
8                    NAIOP Commercial Real Estate Development Association,  
9                    who has significant experience with building codes.

10        (b) Seven voting members shall constitute a quorum. The  
11 chairperson of the council shall be elected annually from among  
12 its members by a majority vote of the voting members of the  
13 council.

14        (c) Members shall serve without compensation, but shall be  
15 reimbursed for expenses, including travel expenses necessary for  
16 the performance of their duties."

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

19        "**§107-24 Authority and duties of the council.** (a) Any  
20 law to the contrary notwithstanding, the council shall establish  
21 the Hawaii state building codes.



1       ~~[(b) The council shall appoint a subcommittee comprising~~  
2 ~~the four council members representing county building officials,~~  
3 ~~whose duty shall be to recommend any necessary or desirable~~  
4 ~~state amendments to the codes and standards identified in~~  
5 ~~section 107-25. Any recommended state amendments shall require~~  
6 ~~the unanimous agreement of the subcommittee.]~~

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

19       (c) The council shall carry out a cost benefit analysis  
20 before making any amendment or update to the codes and standards  
21 identified in section 107-25 that increases the cost of



1 construction. The cost benefit analysis shall be prepared at  
2 the expense of the proponent of the amendment or update.

3 (d) The council may appoint other investigative, technical  
4 expertise committees, which may include council members[-];  
5 provided that the committee shall not have fewer than three  
6 members.

7 (e) The council shall consult with general building  
8 contractor associations and building trade associations to  
9 gather information and recommendations on construction practices  
10 and training relevant to building codes and standards.

11 (f) The council may make expenditures for technical  
12 references, equipment and supplies, and other operating  
13 expenses, and may contract for the conduct of research studies  
14 and other technical services.

15 (g) The council may provide education and technical  
16 training and administrative assistance in the form of services  
17 or grants at the state and county levels relating to the  
18 implementation and enforcement of the Hawaii state building  
19 codes adopted pursuant to this part.

20 (h) At the end of each fiscal year, the council shall  
21 submit a written report to the governor on the council's



1 activities, including the codes and standards adopted, amended,  
2 or updated by the council."

3 SECTION 4. Section 107-28, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§107-28 County authority to amend and adopt the Hawaii**  
6 **state building codes without council approval.** (a) The  
7 governing body of each county shall amend, adopt, and update the  
8 Hawaii state building codes as they apply within their  
9 respective jurisdiction, [~~in accordance with section 46-~~  
10 ~~1.5(13),~~] in the governing body's sole discretion and without  
11 approval of the council. Each county shall amend and adopt the  
12 Hawaii state building codes and standards listed in section  
13 107-25, as the referenced Hawaii state building codes and  
14 standards for its respective county building code ordinance, no  
15 later than two years after the adoption of the Hawaii state  
16 building codes.

17 (b) If a county does not amend the Hawaii state building  
18 codes within the two-year time frame, the Hawaii state building  
19 codes shall become applicable as an interim county building  
20 code[~~-~~] but may be superseded by the county's adoption of an





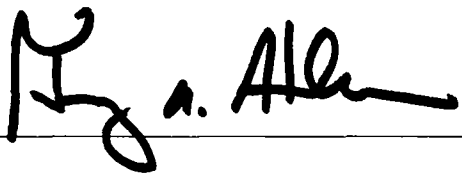
1 amended version of the Hawaii state building codes or standards  
2 pursuant to this section."

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:





# S.B. NO. 2335

**Report Title:**

SBCC; Membership; Counties; Hawaii State Building Codes

**Description:**

Amends the membership, authority, and duties of the State Building Code Council. Gives the counties the sole discretion to amend, adopt, and update the Hawaii state building codes as they apply within each county's respective jurisdiction.

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

