
A BILL FOR AN ACT

RELATING TO DISASTER PREPAREDNESS.

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

1 SECTION 1. The legislature finds that, with warmer seas
2 caused by climate change, the spawning area for hurricanes near
3 Mexico has moved north, and now, hurricanes that used to pass a
4 few hundred miles below Hawaii are headed right at the State.
5 Warmer seas mean stronger hurricanes, and categories three,
6 four, and five hurricanes are increasing in number and strength.
7 Super category five hurricanes, with wind speeds of up to two
8 hundred miles per hour, have been occurring more frequently. It
9 is projected that by 2080, a super category five hurricane will
10 appear someplace in the world every year, with the northern
11 Pacific, which includes Hawaii, expected to have the most.

12 The legislature further finds that the State used to be
13 protected by cooler surrounding seas and by trade winds at a
14 lower level, with strong winds in the opposite direction at a
15 higher level that could tear approaching hurricanes apart. As
16 those seas have now warmed and having lost eighty-one days of



1 northeast trade winds in a span of forty years, the State now
2 has more limited natural protection from hurricanes.

3 The legislature also finds that Hawaii cannot call its
4 places of refuge "hurricane shelters" because many of the
5 shelters do not meet the criteria of legitimate hurricane
6 shelters, and few refuge areas in the State are able to
7 withstand even a category two hurricane. In addition, there are
8 only a few refuge areas in the State with a capacity to hold up
9 to one hundred thousand people; however, the Honolulu department
10 of emergency management expects that during a hurricane, the
11 expectation is that two hundred thousand people will need to
12 seek shelter.

13 In addition, there are numerous wooden homes in Hawaii,
14 most of which will be damaged or destroyed even in a category
15 one hurricane. Very few shelters can withstand a category
16 three, four, or five hurricane, and if a hurricane strikes the
17 State, there will be no other place for people to go.

18 The legislature believes that it has a deep moral
19 obligation to the people of the State and to future generations
20 living in Hawaii to immediately begin to build every home and
21 every building to withstand future hurricanes.



1 Accordingly, the purpose of this Act is to improve the
2 State's preparedness for stronger hurricanes by requiring
3 certain state buildings, including public school buildings, for
4 which construction is anticipated to commence on or after
5 July 1, 2026, to be designed to withstand category five
6 hurricanes and be used as shelters in the event of an emergency.

7 SECTION 2. Section 107-27, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§107-27 Design of state buildings.** (a) No later than
10 one year after the adoption of codes or standards pursuant to
11 section 107-24(c), the design of all state building construction
12 shall be in compliance with the Hawaii state building codes[~~7~~
13 ~~except~~]; provided that state building construction [~~shall be~~
14 ~~allowed to~~] may be exempted from:

15 (1) County codes that have not adopted the Hawaii state
16 building codes;

17 (2) Any county code amendments that are inconsistent with
18 the minimum performance objectives of the Hawaii state
19 building codes or the objectives enumerated in this
20 part; or



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

(b) Exemptions shall include county ordinances allowing the exercise of indigenous Hawaiian architecture adopted in accordance with section 46-1.55.

~~[(c) The State shall consider hurricane resistant criteria when designing and constructing new public schools for the capability of providing shelter refuge.~~

~~+(d)]~~ (c) Beginning July 1, 2023, where feasible and cost-effective, the design of all new state building construction shall:

(1) Maximize energy and water efficiency measures;

(2) Maximize energy generation potential; and

(3) Use building materials that reduce the carbon footprint of the project.

(d) All state buildings, including public school buildings:

(1) That are fully enclosed;

(2) That have the capacity to shelter a large population;

(3) That are intended to serve as shelters during and after a category five hurricane; and



1 (4) For which construction is anticipated to commence on
2 or after July 1, 2026,
3 shall be designed to withstand category five hurricanes and be
4 used as shelters in the event of an emergency. For the purposes
5 of this subsection, "state buildings" does not include
6 correctional facilities, covered playgrounds, or sheds."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.



S.B. NO. 239 S.D. 1

Report Title:

State Buildings; Public Schools Buildings; Design; Hurricanes; Shelter

Description:

Requires certain state buildings, including public school buildings, for which construction is anticipated to commence on or after 7/1/2026 to be designed to withstand category five hurricanes and be used as shelters in the event of an emergency.
(SD1)

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