

State Building Code Council Meeting (SBCC)  
Tuesday, May 9, 2017  
9:00 a.m.

Department of Accounting and General Services (DAGS)  
Comptroller's Conference Room 410  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii 96813

West Hawaii Civic Center  
Building "E", First Floor  
74-5044 Ane Keohokalole Highway  
Kailua-Kona, Hawaii 96740

Telephone Call-In - 800-910-8278 then 6547519

**Minutes**

1. Call to Order by Chair Gaur Johnson: 9:10 a.m., Attendees - see list
2. Introductions and Public Comments: After the introductions there were no public comments.
3. Review and approval of minutes of April 11, 2017 meeting.

**Motion:** Member Haigh motioned to approve the April 11, 2017 meeting minutes. The minutes were unanimously approved.

4. Election of SBCC Chair and Vice Chair if needed. Chair Johnson opened the nominations for a new Chair. Member Haigh nominated Gaur Johnson.

**Motion:** Member Rogers motioned to close the nominations for Chair. The motion was unanimously approved.

**Motion:** Chair motioned for a vote of current Chair Johnson as the new Chair. The vote was unanimously in favor.

Chair requested Vice Chair Nishigata to continue as Vice Chair. Vice Chair accepted.

5. Scheduling Future Adoption of Codes Listed in HRS 107-25.

Members discussed HB 637 which requires the SBCC to adopt codes within two years of the national model code's publication date instead of 18 months. If the new code is not adopted, the national code becomes the Hawaii State Building

Code. The bill also makes an appropriation, authorizes the SBCC to receive private funds for code adoption, and clarifies that the SBCC is not required to promulgate administrative rules for the building codes or standards, but may adopt the codes or standards by voting in an SBCC meeting, which is open to the public under the State's Sunshine Law, chapter 92, HRS. Under chapter 107, HRS, administrative rulemaking is given to DAGS; the SBCC does not have rulemaking authority. The bill was sent to the Governor for approval or veto.

Members will review the SBCC's future code adoption process outside of the administrative rules process and will continue to allow for an open public forum. Also, review how the formatting for future amendments to the building codes to allow the counties to proceed with their ordinance process. Kraig Stevenson of the International Code Council (ICC) suggested the members review ICC's CDP online access to submit code recommendations as a formatting example.

State Deputy Attorney General (DAG) Kam was informed of a request received by the Comptroller from Councilmember Carol Fukunaga. Councilmember Fukunaga was informed by the City's Corporation Council (COR) that the City Council cannot act on a bill that would adopt the 2012 Uniform Plumbing Code ("UPC"), subject to certain amendments, because the SBCC must first promulgate administrative rules adopting the 2012 UPC. Because of the COR interpretation of chapter 107, HRS, the City Council has been unable to move forward with its bill.

**Motion:** Member Reinhardt motioned for DAG to provide a written opinion on the authority of the SBCC to adopt building codes without promulgating administrative rules, and the effect of the adoption process on the county building code adoption process, with a separate opinion on whether HB 637 applies only prospectively or whether it also applies retroactively. The motion was unanimously approved.

6. Administrative rule process for adopting the State Uniform Plumbing Code (UPC) amendments. No update.
7. Administrative rule process for adopting for the State International Building Code (IBC) and the International Residential Code (IRC).
  - a. Update from the Subcommittee of Building Officials on the structural and non-structural provisions to the International Residential Code (IRC) 2012 edition. The subcommittee continued its review prior to this meeting. Member Haigh reported that the fire sprinkler requirement for townhouses will be left in and the SBCC should consider if the requirement to sprinkler one- and two-family dwellings should be left in the State code.
  - b. Other Issues. There were no other issues.

8. Discussion of Future Administrative Support. No updates
9. Discussion of 2017 Legislation
  - a. Discussion of Act 83, 2012 Legislative Session (Residential Fire Sprinklers)  
Member Rogers reported the bill passed with a 10 year sunset and continues to prohibit the counties from requiring residential fire sprinklers in new or existing one- and two-family dwellings, except for fire department road access or water supply deficiencies. The bill has been sent to the Governor.
  - a. Other Legislative Bills
    - 1) House Bill 1436 passed, was sent to the Governor and appropriates \$75,000 to DAGS for an approved Federal Emergency Management Agency reimbursable grant for the SBCC to update the State building and residential codes.
10. Updates from the investigative committees:
  - a. Investigative committee for structural provisions for the 2012 IBC and IRC. – No update.
  - b. Investigative committee for the non-structural 2012 provisions of IBC & IRC. Jim Reinhardt – See item #7a. above
  - c. Investigative committee for the IECC. Member Wiig passed out draft amendments to the 2015 IECC for county adoption consideration.
  - d. Investigative committee for the UPC – No update
  - e. Investigative committee for the Mechanical Code - No update.
  - f. Investigative committee for the Green Code – Brent Tokita of the U.S. Green Building Council and Chair of this investigative committee believes that the International Green Construction Code creates a viable framework for private developers to implement sustainable development practices while providing local jurisdictions recognized standards by which to evaluate these sustainable strategies and protect public safety. The committee proposes to provide a report on adoption using two examples: Oregon Commercial Reach Code (voluntary) and Washington D.C. Green Building Program (mandatory).
  - g. Investigative committee for the State Fire Code – The committee continues to meet to finalize administrative rules to the State Fire Code 2015 edition.
  - h. Investigative committee for the National Electrical Code (NEC) – Member Haigh is working on draft State amendments to the 2017 NEC.

- i. Investigative committee on energy efficiency code coordination – Committee chair Ramsey Brown provided a handout that outlined the committee’s purpose, which is to address new energy concepts and plans to complement the IECC investigative committee. They plan to provide insight into the latest energy practices as technology advances and maximize energy saving opportunities.
  - j. Investigative committee on communication and training.
    - 1) IECC 2015 edition training is being planned for each of the counties.
    - 2) NEC 2014 edition training has been planned for three of the counties and is awaiting Honolulu’s response.
  - k. Investigative committee for SBCC membership with the International Code Council (ICC) – Confirmation ICC membership via emails should be forthcoming for the five SBCC members.
11. Update on county and state adoption of building codes. Kauai County has postponed adoption for the NEC 2014 edition to August 2017.
12. Discussion of possible agenda item(s) for next Council meeting.
- a. Report from Subcommittee for the review of non-structural amendments to the IRC 2012 edition.
- Motion:** Member Haigh motioned to form an investigative committee to meet with State agencies that plan one- and two-family housing projects to discuss the impact if the SBCC requires residential fire sprinklers in these residences. Member Rogers volunteered to be chair. Member Reinhardt will participate and Member Cheung will be contacted if he is interested. Member Serikaku will contact a sprinkler contractor to attend. The motion was unanimously approved.
- b. Notify the Chair or member Rogers with any suggested agenda items.
13. Announcements - Hawaii County of Building Officials annual conference will be held May 24-25, 2017, on Kauai.
14. Next meeting: Tuesday, June 13, 2017 at 9:00 a.m.
- Motion:** Member Wiig motioned to adjourn the meeting at 11:18 a.m. The motion was unanimously approved.