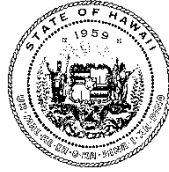


DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LT. GOVERNOR



Curt T. Otaguro  
Comptroller

AUDREY HIDANO  
Deputy Comptroller

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**  
**STATE BUILDING CODE COUNCIL**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

State Building Code Council (SBCC) Meeting  
Tuesday, December 15, 2020  
9:30 a.m.

1. A virtual zoom meeting was held pursuant to the Sixteenth Proclamation issued by Governor David Ige on November 23, 2020, relating to the COVID-19 pandemic, in order to allow public participation in a manner consistent with social distancing practices. The meeting was called to order by SBCC Chair Howard Wiig at 9:30 a.m.
2. Introductions of the following attendees present were made:

Howard Wiig	SBCC Chair Hawaii State Energy Office Department of Business, Economic Development and Tourism (DBEDT)
Lyle Carden	SBCC Vice Chair Structural Engineers Association of Hawaii (SEAOH)
Ryan Koga	SBCC Member, County of Kauai
Neal Tanaka	SBCC Member, County of Hawaii Department of Public Works
Mark Kennedy	SBCC Member Building Industry Association of Hawaii (BIA)
Lloyd Rogers	SBCC Member State Fire Council (SFC)
Gregg Serikaku	SBCC Member Subcontractors Association of Hawaii
Rick Myers	SBCC Member American Institute of Architects of Hawaii (AIA)
Willard Nishigata	SBCC Member Department of Planning and Permitting (DPP) City and County of Honolulu

Lance Nakamura  
SBCC Member  
Assistant Administrator  
Department of Public Works, County of Maui

## Members Not Present:

Dennis Mendoza  
SBCC Member  
Elevator Division  
Department of Labor and Industrial Relations (DLIR)

## Other Attendees

Dean Au  
Hawaii Regional Council of Carpenters

Richard Beall  
Managing Principal, Beall & Associates, Inc.

Kika Bukoski  
Plumbers and Fitters Local 675

Francis DeGracia  
United Brotherhood of Carpenters  
and Joiners of America

Christopher Delaunay  
Pacific Resource Partnership

Stella Kam  
Deputy Attorney General (DAG)

Joy Kimura  
Hawaii Laborers and Employers Cooperation and Education  
Trust Fund (LECET), Government Affairs and Compliance

Nathaniel Kinney  
Executive Director, Hawaii Construction Alliance

Ryan Kobayashi  
Laborers International Union of North America  
Local 368

Peter Sur  
Hawaii County Council Staff Member for Susan Lee Loy

Jeff Mang  
Polyisocyanurate Insulation Manufacturers Association  
(PIMA) Maryland

Darryl Oliveira  
HPM Building Supply (HPM)

Dwight Perkins  
International Association of Plumbing  
and Mechanical Officials (IAPMO)

D.J. Nunez  
IAPMO (Field Manager)

Robyn Fisher  
IAPMO

Jonathan Sargeant  
Megaplex Gas Manufacturer Company

Kraig Stevenson	International Code Council (ICC)
Gail Suzuki-Jones	DBEDT
Yim Mei Hui	DBEDT
Brian Lee	LECET
Bill Brizee	Architect, AHL Design
John Friedel	DPP
Ryan Sakuda	

### 3. Discussion of Public Comments and Written Testimony Procedures

There was a discussion on future public comments, written and oral testimony procedures.

**Motion:** Member Kennedy made a motion to limit future oral public comments and testimony to three minutes, provided that the material presented would be new information. The time limit may be extended at the discretion of the SBCC Chair, or if an SBCC member has questions for the presenter. The time limitations would apply to members of the public and other meeting participants, but would not apply to SBCC voting members. Submitted written testimony can be in a letter format, however, submitted written testimony for specific code amendments shall be submitted on the official form titled “Form for Public Proposals to Amend the Hawaii State Building Codes, Form Version 1.0 May 2010”. Member Carden seconded the motion and the motion was unanimously approved. The Chair informed testifiers that the three-minute time limit would be applied at this meeting. Testifiers were required to limit their testimony to three minutes.

Member Rogers stated that written testimony received is posted on the SBCC website under Hawaii Building Codes Submitted Written Testimony. In the near future, posted testimonies need to be categorized and/or labeled by subject matter, by dates, or perhaps listed by a table of contents. Currently, the website has a long list of testimonies that have been submitted over the years. Kika Bukoski shared his concern that the SBCC meetings are the only opportunity for the public to weigh-in to the SBCC. Because the SBCC is not subject to Charter 91, it is important to be flexible and allow public involvement as decisions made by the SBCC are binding.

### 4. Review and approval of the minutes of the November 17, 2020 meeting.

Member Carden stated that the distributed minutes should be revised on page six, item #5 of the third paragraph, to state that “Member Serikaku questioned why the State Electrical Code was not included in the reference section of the IRC amendments.” Also, on page six, the fifth paragraph should be revised to state that the IEBC was to allow flexibility for renovation projects and an amendment relating to energy code requirements was deleted by the SBO as it was more appropriately addressed in the State Energy Conservation Code.

**Motion:** Member Nakamura motioned to approve the minutes as revised and Member Kennedy seconded the motion. The minutes were unanimously approved as amended.

5. Report from the Subcommittee of Building Officials (SBO) on the International Building Code (IBC), 2018 Edition Amendment Package and Possible Vote to Approve
  - a. Vice Chair Carden stated that the latest IBC amendment package that was approved by the SBO at their last meeting and was distributed just prior to this meeting. Since the members and other meeting participants did not have time to review the package, he was prepared to share his computer screen as he described the latest updates. Chris Delaunay of Pacific Resource Partnership (PRP) submitted written testimony and stated to his knowledge, the State Calendar is the official calendar, and PRP updated its testimony for the December 15, 2020 SBCC meeting to reflect the 9 a.m. start time on the agenda posted to the State Calendar. PRP also noticed that the proposed IBC amendment package was not posted with the agenda on the State Calendar for public review, nor was there a link or reference to the document's whereabouts on the agenda or State Calendar. He further stated that at the November 17, 2020 SBCC meeting, members concluded that the proposed IBC amendment package should not be discussed until the package is posted and the public has an opportunity to review and provide public comments. Mr. Delaunay recommended that since the proposed IBC amendment package was not posted or referenced on the State Calendar, the SBCC should discuss the IBC amendment package at a future meeting to avoid any Sunshine law violations. Further, Mr. Delaunay testified that the current IBC amendment package creates an unfair advantage for factory-built housing (FBH). PRP recommended the complete deletion of Chapter 17 titled "Special Inspections and Tests" because it violates Hawaii Revised Statutes 107-26 which states that in adopting Hawaii state building codes the SBCC shall not adopt provisions that relate to administrative, permitting, or enforcement and inspection procedures of each county. Each county's building official has the sole responsibility to verify that housing meets all code requirements, not an approved agency. He further testified that IBC Section 3113 should be amended to include FBH and modular housing with manufactured housing in the exception that Section 3113 does not apply to these buildings when they are used as dwellings. He further stated that the SBCC had promised to form an investigative committee of interested parties to ensure that the State Building Code does not create a special pathway for FBH or modular housing or buildings. To date, no inquiries to form the investigative committee have gone out and the SBO has ignored the warnings from PRP to amend the code and has moved forward in approving an IBC amendment package. Since there are two new members to the SBO, he believes they should be allowed sufficient time to review PRP's testimony and have an opportunity for discussion. Vice Chair stated that Chapter 17 contains much more than administrative provisions such as special inspections and tests for materials, structural concrete, steel, wood, trusses and other building elements and provides technical guidance for the building official. He believes that Section 3113 already includes FBH and modular housing as exceptions when they are used as dwellings. However, the Vice Chair agrees that no type of building should have an unfair advantage over another and there should be clarification on this issue. The Vice Chair was not opposed to PRP's proposed amendments to Section 3113. Other testifiers agreed with PRP's position and added that contractors must go through the rigorous process of obtaining a State builder's license before becoming certified.

- b. Vice Chair proceeded to review the latest update of the IBC 2018 edition amendment package. He proposes to include high-rise buildings in risk category two for tsunami design loads. In a tsunami event, people will go to a high-rise building (over 45 feet) with the expectation that the upper floors will provide a safe refuge when the ground floor is designed adequately. Member Tanaka did not recall discussing this particular amendment at the last SBO meeting and this needs to go back to the SBO for discussion. Vice Chair continued that wind-born debris requirements were revised from 130 mph to 140 mph. Both of these amendments will go back to the SBO for review and approval. Since the latest update to IBC amendment package was not distributed in time for a review by the SBCC and the public the entire package will be sent back to the SBO for discussion and possible approval.
- c. After a lengthy discussion of the procedures for approving the State Building Codes the statute requires that all amendments need to have a unanimous agreement from the SBO before they can come for a review and approval by the full SBCC. The SBO can hold a separate meeting subject to Sunshine Law requirements and allow the public and stakeholders to participate in the discussion. The unanimous agreement by the SBO does not have to be at a separate meeting, but can be accomplished during a regular meeting of the SBCC. This was the case at the November SBCC meeting when Member Serikaku proposed three amendments to the International Residential Code 2018 amendment package. One proposal was denied with opposition from the SBO and other SBCC members, and two proposals were approved with unanimous SBO votes and a majority of support votes from the other SBCC members.
- d. Mr. Delauney stated that at the last SBO meeting, the SBO Chair strictly imposed a 3-minute time limit on Mr. Delaunay, and cut Mr. Delaunay off from answering questions from SBCC Vice Chair, which would have clarified PRP's proposed amendments. Mr. Delaunay believes that the SBO Chair may have violated the Sunshine law by imposing and enforcing time limits on testifiers not based on a written rule adopted by the SBO at a previous meeting, and the fact that he was not given the opportunity to answer SBCC Vice Chairs questions to clarify PRP amendments. Other individuals who attended the meeting also confirmed this action. Member Nishigata, the SBO Chair, stated that at this meeting the SBO decided not approve PRP's recommended deletion of Chapter 17 and the revision to Section 3113 because the SBO had previously heard the reasons for their proposals. That is why the latest version that came to the SBCC today did not contain those amendments. Mr. Delaunay clarified that PRP did not recommend the complete deletion of Chapter 17 at any of the previous SBO meetings. Today was the first time he introduced such an amendment, and recommended that the SBCC consider the complete deletion of Chapter 17 to avoid any conflicts with state law. At the last SBO meeting, he tried to find compromising language with SBO members to ensure that the SBCC honor its promise of not including provisions that would create a special pathway for factory-built or modular housing and buildings. Mr. Delaunay said that his attempts to clarify PRP amendments were thwarted when the SBO Chair cut him off from answering questions initiated by the SBCC Vice Chair. Further, SBCC members assured Mr. Delaunay that the IBC 2018 edition amendment package is being sent back for further review by the SBO. Meeting stakeholders will be notified of the date and time.

6. Report from the Subcommittee of Building Officials on the International Energy Conservation Code (IECC), 2018 Edition Amendment Package and Possible Vote to Approve

Chair reviewed the latest update of the IECC 2018 amendment package on a shared screen. He covered low-energy use buildings, unconditioned spaces not containing a habitable space, thermal resistance of above grade walls, roof replacement, mass walls, ceiling insulation, along with some other items. Chair was advised that making revisions to the amendment package should be accomplished at the investigative and subcommittee meetings to reduce the length of time for the SBCC meetings.

**Motion:** Member Tanaka motioned to approve the IECC 2018 edition amendment package as the next State Energy Code and Member Nakamura seconded the motion. The motion was unanimously approved.

7. Report from the Subcommittee of Building Officials on the State Fire Code which is based on the National Fire Protection Association (NFPA) 1 Fire Code 2018 Edition Amendment Package and Possible Vote to Approve

After a review of the latest revisions to the State Fire Code amendment package and supporting documents at the last SBCC meeting, Member Rogers had requested the SBO to meet, review and approve the revisions. The SBCC and the SBO had previously approved the amendment package, but any changes needed the unanimous agreement from the SBO before being eligible for SBCC approval. SBO Member Haigh had previously scheduled and posted the SBO meeting notices and recorded meeting minutes, but when he was replaced on the SBO, he was not able to find someone to setup the virtual meeting. Member Rogers expressed his disappointment and frustration to not having a meeting scheduled even though numerous requestd had been sent to the SBO. They were also advised to contact their county fire prevention head or the State Fire Council staff to discuss any issues or concerns. Member Rogers asked the SBO if there was anyone able to review and approve the latest revisions to the State Fire Code. Member Tanaka stated he had discussed the revisions with his county fire prevention official and approved the revisions. There was no response from the other SBO members. Chair stated that no action would be taken on this item and he urged the SBO to schedule a meeting. The SBO Chair is Member Nishigata and Member Haigh has been replaced by Ryan Koga, a Kauai County building official.

8. Updates from the Investigative Committees:

- a. Investigative committee for the Structural Provisions for the IBC and the IRC 2018 Editions

See item #5. Above.

- b. Investigative committee for the Non-Structural Provisions of the IBC and the IRC 2018 Editions

See item #5. Above.

c. Investigative committee for the International Energy Conservation Code (IECC) 2018 Edition

1) See item #6. above.

2) There was a discussion on the procedures for SBCC and SBO meetings. Sunshine Law requires posting of meeting agendas, minutes and submitted testimony. Member Rogers can be asked about the posting requirements and contacts. Discussed whether submitted testimony for a meeting can be considered again after the meeting has ended, along with that discussion. If the submitted testimony is discussed and a decision rendered, then that issue should not be brought up again, unless there is new information that could change the previous decision. Member Tanaka stated that since the SBCC adopted the IRC 2018 edition amendment package, no further testimony or discussion would be entertained and the code is deemed approved. The only recourse to amend the approved State Code would be at the county building code adoption process. However, the IBC 2018 edition amendment package has not been adopted by the SBO or the SBCC, so submitted testimony can still be considered for those meetings. Once the SBO forwards their approved amendment package to the SBCC for review and approval, any revisions at the SBCC meeting would again need to be unanimously approved by the SBO, either at that meeting or at a separate scheduled meeting. DAG Kam agreed to these understandings. Part of the difficulty for the SBCC is that there is no staff to assist in doing any of the needed work for code revisions, agendas, minutes, or the Sunshine Law required postings. When the SBO or the SBCC develops policies, it needs to be posted on the SBCC website. Chair will put the meeting policies on next month's agenda for discussion.

d. Investigative committee for the Uniform Plumbing Code

There were no updates.

e. Investigative committee for the Green Code

There were no updates.

f. Investigative committee for the Mechanical Code

There were no updates.

g. Investigative committee for the State Fire Code

See item #7. Above.

h. Investigative committee for the Energy Efficiency Code Coordination

There were no updates.

i. Investigative committee for the State Elevator Code

There were no updates.

j. Investigative committee for the International Existing Building Code (IEBC)

The IEBC 2018 amendment package was approved at the last month's SBCC meeting and should be posted.

k. Investigative committee for Boiler and Pressure Vessels

There were no updates.

9. Update on Communication and Training

Now that IECC has been adopted training will be forthcoming.

10. Update on county and state adoption of building codes

11. Discussion of possible agenda item(s) for next Council meeting

Policy on testimonies, SBCC and SBO meetings, website posting of information, formation. scope and expectations of the investigative committee on modular housing/offsite construction.

12. Announcements

Member Rogers stated he will no longer be doing the SBCC minutes, agenda or posting of items on the SBCC website.

13. Next meeting: January 19, 2021, at 9:00 a.m.

14. Adjournment at 12:04 p.m.