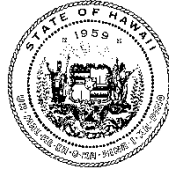


DAVID Y. IGE
GOVERNOR

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, April 20, 2021
9:00 a.m.

A virtual zoom meeting was held pursuant to the Nineteenth Supplementary Proclamation issued by Governor David Ige on April 9, 2021, relating to the COVID-19 pandemic, in order to allow public participation in a manner consistent with social distancing practices.

MINUTES

SBCC Members Present:

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 Hawai'i, 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 Hawai'i (SAH)
Rick Myers	SBCC Member American Institute of Architects of Honolulu (AIA)

SBCC April 20, 2021

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:

Fernando Frontera
BASE Engineers

Dean Au
Hawaii Regional Council of Carpenters

Richard Beall
Managing Principal, Beall & Associates, Inc.

Kika Bukoski
Plumbers and Fitters Local 675

Gary Chock
Martin and Chock

Francis DeGracia
United Brotherhood of Carpenters and Joiners of America

Christopher Delaunay
Pacific Resource Partnership

Stella Kam
Deputy Attorney General (DAGS)

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 36

Darryl Oliveira
HPM Building Supply (HPM)

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

D.J. Nunez
IAPMO (Field Manager)

Kraig Stevenson
International Code Council (ICC)

Gail Suzuki-Jones	HSEO
Ashleigh Loa	Faith Action Alliance
Traci Tonaki	DR Horton
Brenda Lowrey	Dept. of Education
Ivan Lay	Maui Carpenters Union
Brian Lee	LECET
Steven Gangwes	DR Horton
Brandee Menimo	Hope Services Hawai‘i
John Friedel	Department of Planning and Permitting, City and County of Honolulu

1. Call to Order

The meeting was called to order by SBCC Chair Howard Wiig at 9:00 a.m.

2. Public Comments on the Report from the Subcommittee of Building Code Officials (SBO) on the 2018 International Building Code. Amendment Package and Possible Vote to Approve.

Gary Chock stated that IBC Section 1615 that the SBCC previously adopted with a state amendment is from the IBC 2018, and the SBCC chose to include it as an early adopted measure in the 2012 IBC State Building Code. In doing so, the Council intentionally added an amended version of Section 1615 that it inserted from the 2018 International Building Code that references the ASCE 7-16 Standard. This was pointed out to clarify that the SBCC previously adjudicated its decision on IBC 2018 Section 1615 as modified. A later revision proposed by SEA0H has been disapproved.

Christopher Delaunay, Ryan Kobayashi, Dean Au and Nathaniel Kinney testified in opposition to the motion to adopt, pointing to possible legal irregularities, possible contradictions in the deputy attorney general’s opinions, the issue of fairness between construction industries, the lack of a licensed general contractor on the SBCC Board, and possible health and safety issues. Mr. Serikaku asked Kraig Stevenson if this issue had come up in other states. Mr. Stevenson replied that some states had Boards that dealt specifically with the manufactured housing issue, making it easier to incorporate manufactured housing codes and standards into state laws. Mr. Lee asked the deputy attorney general for a copy of her opinion on the issue. Ms. Kam replied that there is no written opinion and that she informed the Chair that the county building officials would know best whether the sections objected to would interfere with the counties’ procedures such that it would violate HRS 107-26.

Mr. Serikaku asked how the counties treated plan checking and inspections of housing developments. Messrs. Tanaka and Nishigata replied that their counties have a process of preapproving homes that are of the same design, but that each home is inspected for compliance.

Mr. Lee asked the deputy attorney general if Section 3113 of the 2018 IBC shouldn't be deleted from consideration first, then possibly added back by the investigative committee. Ms. Kam replied that this was not her decision to make, that this decision should be made by the SBCC. Mr. Lee disagreed with her response.

Mr. Serikaku asked Mr. Delaunay how a factory-built home development on Fort Weaver Road was authorized. Mr. Delaunay had no opinion on the matter. Mr. Serikaku asked Mr. Nishigata the same question. Mr. Nishigata replied that he was not familiar with the project.

The conversation then moved to the topic of whether the date triggering the two-year-adoption requirement occurred when a code reverted to the default mode occurred or when the SBCC adopted a code. There followed a lengthy conversation of divergent opinions. Ms. Kam confirmed that the date of code adoption with amendments by the SBCC was the trigger for the two-year deadline for the counties.

A vote was taken on adoption of the 2018 IBC as amended at the March 31, 2021 SBO meeting. All voted aye, except Mr. Serikaku, who voted nay. Mr. Serikaku noted that SAH had unresolved stakeholder concerns related to specific sections of the 2018 IBC that may potentially impact FHB, which should be addressed by the investigative committee prior to those sections being adopted. Mr. Mendoza was not present.

The discussion then moved to whether or not the three-year adoption cycle described in HRS 107-24 could be amended to reflect a six-year adoption cycle. There followed a lengthy discussion of divergent opinions, resulting in agreement that this would be an action item at the May 18, 2021 SBCC meeting. The relevant section of HRS 107-24 reads: "The council shall adopt, amend or update codes and standards identified in Section 107-25 on a staggered basis as established by the council; provided that the adoption of a code or standard shall be within two years of the official publication date of the code or standard...If the council does not adopt a code or standard identified in section 107-25 within the two-year time period, that code or standard shall automatically become part of the Hawai'i state building code until superseded by the adoption of an amended version of the code or standard by the council pursuant to this subsection." Mr. Bukowski stated that a previous meetings' minutes confirmed DAG Kam's statement.

3. Review and Approval of Minutes of the December 15, 2020 meeting.

Chair Wiig stated that the *Approval of Minutes* section had not been included in the agenda, and that the Board was authorized to add the item to the agenda. A motion was made and seconded to add the item to the agenda. A motion was made and seconded to approve the minutes as written. The motion was unanimously carried.

4. Discussion on the Selection, Purpose, and Expectation of the Investigative Committee on Modular Manufactured housing/Off-Site Construction. Committee formation to follow.

Mr. Serikaku opened the discussion by asking who was eligible to be on the Committee. There followed a lengthy discussion with the deputy attorney general clarifying that, a) there can be no more than six SBCC members (less than a quorum) on the Committee, b) non-SBCC members can be on the Committee but all members of the Committee must be named at the time the Chair creates the Committee and members cannot be added later or else the Committee must be dissolved and a new Committee constituted; c) this Committee is not subject to the Sunshine Law, but may allow members of the public (who are not named to the Committee) to observe the meeting (but they cannot participate in the discussion). Chair polled the SBCC members as to who would volunteer to serve on the committee.

Volunteering were members Serikaku, Rogers, Carden, Meyers, Kennedy and Tanaka.

Mr. Chock requested that section 13 C of the 2018 IBC should be part of the discussion.

Mr. Carden nominated Kūlia Buerstler, Tim Waite and Brian Ide for committee membership.

The deputy attorney general clarified that oral nominations are valid.

Mr. Delauney asked for a description of the process so he could understand “how this works.” The deputy attorney general referred him to HRS 92-2.5(b) and the Office of Information Practices website with materials explaining the Sunshine Law.

Mr. Nishigata nominated Ms. Nancy Zhang, C&C of Honolulu, for committee membership. Pane Meatoga nominated Mike Yadao of the Masonry Institute and Sheryl Walthill of the GCA for committee membership.

Chair Wiig appointed Mr. Fernando Frontera, PE, to chair the committee. **Those who had registered as committee members included Dean Au, Hawai‘i Regional Council of Carpenters, Kika Bukowski, Plumbers and Fitters Local 675, Francis DeGracia, United Brotherhood of Carpenters and Joiners of America, Christopher Delaunay, Pacific Resource Partnership, Ashley Loa, Faith Action Hawai‘i, Jeff Gilbreath, Hawai‘i Community Association, Joy Kimura, Hawai‘i Laborers and Employers Cooperation and Education Trust Fund (LECET), Nathaniel Kinney, Executive Director, Hawai‘i Construction Alliance, Ryan Kobayashi, Laborers International Union of America Local 363, Darryl Oliveira, HPM Building Supply, Kraig Stevenson, International Code Council, Brian Lee, KECET, Brandee Menino, Hope Services Hawai‘i, Pane Meatoga, Hawai‘i Construction Alliance, and Steven Gangwes, DR Horton.**

Mr. Lee had several questions and concerns about the committee’s standing as a “permitted interaction group” He asked if it is not subject to the Sunshine Law, would he be excluded from participating, even if he is named as a member of the permitted interaction group, since he is not a SBCC member. The deputy attorney general explained that if he is named as member of this Committee (the permitted interaction group), he will be allowed to participate even if he is not a member of the SBCC.

There followed a discussion about the scope of the Committee's work; some advocating for a narrow interpretation, restricting discussion to deletion of Chapter 17 and Section 3113 of Hawai'i's 2018 IBC only; with a majority arguing for inclusion of factory built structures in all codes, and possible inclusion of nationally recognized standards into Hawai'i's 2018 IBC.

There followed a discussion of the Committee's participants. The deputy attorney general clarified that only those nominated at this meeting would be eligible to participate in the committee meetings. Others may be permitted to listen in on the meetings as observers, but cannot participate in the discussions.

Mr. Delauney asked if he could receive a copy of the recordings of the meeting. Chair Wiig replied that would check.

5. Updates from the Investigative Committees:

There were no investigative committee reports.

6. Update on Communication and Training

Mr. Wiig reported that training on the 2018 IECC would occur on May 12 and 19, 2021 and that anyone not already invited should contact him.

7. Update on county and state adoption of building codes:

No report.

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

Gary Chock - Section 1615 of the IBC.

Neal Tanaka - Appendix U of the IBC.

Lyle Carden - Tsunami design updates.

Neal Tanaka - Discussion of permitting 6 year code adoption intervals.

9. Announcements

There were no announcements.

10. Next meeting: May 18, 2021, at 9:00 a.m.

11. Adjournment at 11:55 a.m.