

Testimony of
Pacific Resource Partnership

State of Hawaii
Department of Accounting and General Services
State Building Code Council
State Building Code Council (SBCC) Meeting

Proposed Amendments to the Hawaii State Building Code
Tuesday, September 15, 2020
9:00 a.m.

Aloha Members of the State Building Code Council (SBCC):

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

While we support the construction of more affordable housing and believe that government can make it more feasible for the traditional homebuilder to accomplish this with the proper county incentives, we do not support policies that enable factory-built housing (FBH) or factory-built buildings (FBB) to take advantage of existing loopholes in the county building codes to gain a competitive advantage over traditional homebuilders, especially at the expense of the life and safety of the public who will reside in these homes.

Recently, the County of Hawaii enacted Ordinance 20-61 (Bill No. 179) which amended Sections 5-3-2 through 5-3-5 and 5A-3-22 (Appendix L; Factory-built Housing) of Bill No. 179 to ensure that the permitting and inspection requirements for FBH parallel the requirements that traditional homebuilders must follow. PRP recommends that the SBCC consider amendments to the Hawaii State Building Code similar to what the County of Hawaii enacted for FBH. The enactment of these types of policies will both protect the health and safety of the consumer and create fair and equal opportunities for all homebuilders.

Given the above, PRP respectfully request that the SBCC consider the attached proposed amendments to the Hawaii State Building Code.

Thank you for this opportunity to provide written comments.



(Continued From Page 1)

PROPOSED AMENDMENTS

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 105

PERMITS

105.1 Required.

Any owner or owner's authorized agent who intends to manufacture, construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

For the purposes of this chapter, "manufacture" means the process of making, fabricating, constructing, forming, or assembling a factory-built housing or factory-built building at a place other than the building site."

"Factory-built housing" and "factory-built building" means any structure or portion thereof designed primarily for residential occupancy by human beings, which is either entirely prefabricated or assembled at a place other than the building site.

SECTION 109

FEES

109.5 Related fees.

The payment of the fee for the manufacture, construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

SECTION 110

INSPECTIONS

Construction or work for which a permit is required, including all work involving the manufacturing of factory-built housing or factory-built building occurring at a place other than the building site, shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the

(Continued From Page 2)

work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

SECTION 114 VIOLATIONS

114.1 Unlawful acts.

It shall be unlawful for any person, firm or corporation to manufacture, erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation

The building official is authorized to serve a notice of violation or order on the person responsible for the manufacturing, erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who manufactures, erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

CHAPTER 31 SPECIAL CONSTRUCTION SECTION 3113 RELOCATABLE BUILDINGS RELOCATABLE BUILDINGS

3113.1 General.

The provisions of this section shall apply to relocatable building. Relocatable buildings manufactured after the effective date of this code shall comply with the applicable provisions of this code.

Exception: This section shall not apply to manufactured housing ~~[used as dwellings.]~~ manufactured and certified in accordance with the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development.

(Continued From Page 3)

3113.4 Inspection agencies.

The building official is authorized to accept reports of inspections conducted by approved inspection agencies during off-site construction of the relocatable building, and to satisfy the applicable requirements of Sections 110.3 through 110.3.11.1[-]; provided that this section does not apply to the manufacturing of factory-built housing or factory-built building within the State, which must comply with the requirements pursuant to Chapter 1 of this code; provided further that the building official is authorized to accept reports of inspections for each and every factory-built housing or factory-built building manufactured outside of the state conducted by approved inspection agencies approved by the building official to ensure that the factory-built housing or factory-built building conforms with quality assurance standards approved by the building official and complies with county codes and regulations.