

Testimony of
Pacific Resource Partnership

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

Comments and proposed Amendments to the Hawaii State Building Code
Tuesday, November 17, 2020
9:00 a.m.

Aloha Members of the State Building Code Council:

Pacific Resource Partnership (PRP) provides proposed amendments to the State Building Code related to Chapter 17 of the 2018 International Building Code (IBC) and recommends amendments to Section 3113, relating to Relocatable Buildings, of the 2018 IBC (See attachment). We recommend the adoption of these amendments for the following reasons:

SBCC should not consider the adoption of provisions related to factory-built or modular housing prior to the formation of an investigative committee to study the issues.

At the SBCC Meeting on October 20, 2020, Member Haigh recommended that an investigative committee be formed pursuant to Section 107-24, Hawaii Revised Statutes to investigate the adoption of provisions related to FBH and modular housing and provide its findings and recommendations to the SBCC. The SBCC promised to send out inquiries to determine who would be interested in serving on this committee. To date, the SBCC has not sent out inquiries to attendees of the meeting as promised.

At the Subcommittee of Building Officials (Subcommittee) Meeting on October 27, 2020, PRP and the Hawaii Construction Alliance raised grave concerns about the Subcommittee's proposed adoption of provisions in Chapter 17 and Section 3113 of the 2018 International Building Code (IBC) that would allow FBH or modular housing to bypass the standard planning, permitting and inspections processes required by the counties. The Subcommittee ignored our warnings and failed to honor their promise, made at both the September 24 and October 20, 2020 Subcommittee and SBCC meetings respectively, to avoid the adoption of policies related to FBH or modular housing before forming an investigative committee to study these issues and make recommendations to the SBCC. Other industry stakeholders raised concerns with the Subcommittee's adoption of these provisions prior to forming an investigative committee, including a Subcommittee member.

Moreover, at the November 10, 2020 Subcommittee Meeting, PRP continued to offer amendments to provisions in Chapter 17 and Section 3113 of the 2018 International Building Code (IBC) to ensure that the State Building Code does not include language that will create a special pathway for FBH or modular



(Continued From Page 1)

housing prior to the formation of an investigative committee to examine this issue. As stated at prior meetings, Chapter 17 of the 2018 IBC, include terms like “assemblies,” “methods of construction,” and “relocatable buildings,” which are broad enough to include FBH and modular housing. Therefore, these terms and related provisions should be investigated and reported on by the SBCC’s proposed investigative committee prior to the SBCC’s consideration of these provisions.

Provisions within Chapter 17 conflict with Section 107-26, Hawaii Revised Statutes.

Section 107-26, Hawaii Revised Statutes (HRS) states “In adopting the Hawaii state building codes, the council shall not adopt provisions that: (1) Relate to administrative, permitting, or enforcement and inspection procedures of each county. . .” As written, provisions in Chapter 17 replace the administrative, permitting and inspection procedures of the counties by allowing FBH and modular housing to be tested and inspected by an approved agency, paid for by the owner or owner’s agent. At the county level, it is the local building official’s sole responsibility to verify that housing meets all code requirements, not an approved agency.

Moreover, nothing in this chapter ensures that tests or inspections pertain only to special inspections, especially when terms like “approved agency” and “inspection” are used instead of “special inspector” and “special inspections” respectively. For example, Sections 1701 – 1703 make no mention of “special inspector” or “special inspections”.

The State Building Code should not be used to give companies a competitive advantage over competitors.

The State Building Code must, first and foremost, protect public health and safety, safeguard property, and promote the public welfare by establishing minimum standards applicable to all homebuilders within the state, not provide special policies for companies seeking to gain an advantage over their competitors.

As written, Chapter 17 and Section 3113 of the 2018 IBC give an unfair advantage to the FBH/modular homebuilder over the traditional homebuilder by allowing an approved agency to periodically perform inspections within the factory for FBH, while each and every home built by the traditional homebuilder must be permitted and inspected by the building official. Instead of adopting policies favoring FBH, the SBCC should encourage the counties to streamline their permitting and inspection processes for all homebuilders to bring more housing to the market quickly and ensure that everyone is treated equally under the law.

Thank you for this opportunity to submit written comments.

(Continued From Page 2)

PROPOSED AMENDMENTS

CHAPTER 17 SPECIAL INSPECTIONS AND TESTS

SECTION 1701

GENERAL

1701.1 Scope.

The provisions of this chapter shall govern the quality, workmanship and requirements for materials covered. Materials of construction and tests shall conform to the applicable standards listed in this code. This chapter shall not apply to the process of making, fabricating, constructing, forming, or assembling factory-built housing or buildings, modular housing, or other types of housing built within a factory, plant, or at a place other than the building site.

SECTION 1702

NEW MATERIALS

1702.1 General.

New building materials, equipment, appliances, or components [~~systems or methods of construction~~] not provided for in this code, and any material of questioned suitability proposed for use in the construction of a building or structure, shall be subjected to the tests prescribed in this chapter and in the approved rules to determine character, quality and limitations of use.

SECTION 1703

APPROVALS

1703.2 Written approval.

Any material, appliance, equipment, or component [~~system or method of construction~~] meeting the requirements of this code shall be approved in writing after satisfactory completion of the required tests and submission of required test reports.

1703.3 Record of approval.

For any material, appliance, equipment, or component [~~system or method of construction~~] that has been approved, a record of such approval, including the conditions and limitations of the approval, shall be kept on file in the building official's office and shall be available for public review at appropriate times.

1703.4 Performance.

Specific information consisting of test reports conducted by an approved agency in accordance with the appropriate referenced standards, or other such information as necessary, shall be

(Continued From Page 3)

provided for the building official to determine that the product, material, or component [~~or assembly~~] meets the applicable code requirements.

1703.4.1 Research and investigation.

Sufficient technical data shall be submitted to the building official to substantiate the proposed use of any product, material, or component [~~or assembly~~]. If it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building official shall approve the use of the product, material, or component [~~or assembly~~] subject to the requirements of this code. The costs, reports and investigations required under these provisions shall be paid by the owner or the owner's authorized agent.

1703.4.2 Research reports.

Supporting data, where necessary to assist in the approval of products, materials, or components [~~or assemblies~~] not specifically provided for in this code, shall consist of valid research reports from approved sources.

1703.5 Labeling.

Products, material, or component [~~or assemblies~~] required to be labeled shall be labeled in accordance with the procedures set forth in Section 1703.5.1 through 1703.5.4.

1703.5.1 Testing.

An approved agency shall test a representative sample of the product, material, or component [~~or assembly~~] being labeled to the relevant standard or standards. The approved agency shall maintain a record of the test performed. The record shall provide sufficient detail to verify compliance with the test standard.

1703.5.2 Inspection and identification.

The approved agency shall periodically perform an inspection, which shall be in-plant if necessary, or the product, or material that is to be labeled. The inspection shall verify that the labeled product, material, or component [~~or assembly~~] is representative of the product, or material, or component [~~or assembly~~] tested.

1703.5.3 Label information.

The label shall contain the manufacturer's identification, model number, serial number or definitive information describing the performance characteristics of the product, material, or component [~~or assembly~~] and the approved agency's identification.

1703.5.4 Method of labeling.

(Continued From Page 4)

Information required to be permanently identified on the product, material, or component [~~or assembly~~] shall be acid etched, sand blasted, ceramic fired, laser etched, embossed or of a type that, once applied, cannot be removed without being destroyed.

~~[1703.6 Evaluation and follow-up inspection services.~~

~~Where structural components or other items regulated by this code are not visible for inspection after completion of a prefabricated assembly, the owner or the owner's authorized agent shall submit a report to each prefabricated assembly. The report shall indicate the complete details of the assembly, including a description of the assembly and its components, the basis upon which the assembly is being evaluated, test results and similar information and other data as necessary for the building official to determine conformance to this code. Such a report shall be approved by the building official.]~~

SECTION 1704
SPECIAL INSPECTIONS AND TESTS,
CONTRACTOR RESPONSIBILITY AND
STRUCTURAL OBSERVATION

1704.2.5 Special inspections of fabricated items.

Where fabrication of structural, load-bearing or lateral load-resisting members or components [~~assemblies~~] is being conducted on the premises of a fabricator's shop, special inspections of the fabricated items shall be performed during fabrication. [~~except where the fabricator has been approved to perform work without special inspections in accordance with Section 1704.2.5.1.]~~

~~[1704.2.5.1 Fabricator approval.~~

~~Special inspections during fabrication are not required where the work is done on the premises of a fabricator approved to perform such work without special inspection. Approval shall be based on review of the fabricator's written fabrication procedures and quality control manuals that provide a basis for control of materials and workmanship, with periodic auditing of fabrication and quality control practices by an approved agency or the building official. At completion of fabrication, the approved fabricator shall submit a certificate of compliance to the owner or the owner's authorized agent for submittal to the building official as specified in Section 1704.5 stating that the work was performed in accordance with the approved construction documents.]~~

1704.5 Submittals to the building official.

In addition to the submittal of reports of special inspections and tests in accordance with Section 1704.2.4, reports and certificates shall be submitted by the owner or the owner's authorized agent to the building official for each of the following:

1. [~~Certificates of compliance for the fabrication of structural, load-bearing or lateral load-resisting members or assemblies on the premises of an~~

(Continued From Page 5)

~~approved fabricator in accordance with Section 1704.2.5.1.]~~

[CHAPTER 31
SPECIAL CONSTRUCTION

SECTION 3113
RELOCATABLE BUILDINGS

3113.1 General.

The provisions of this section shall apply to relocatable buildings. 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, factory-built housing or buildings, modular housing, or other types of housing built within a factory, plant, or at a place other than the building site.

3113.1.1 Compliance.

A newly constructed relocatable building shall comply with the requirements of this code for new construction. An existing relocatable building that is undergoing alteration, addition, change of occupancy or relocation shall comply with Chapter 14 of the International Existing Building Code.

3113.2 Supplemental information.

Supplemental information specific to a relocatable building shall be submitted to the authority having jurisdiction. It shall, as a minimum, include the following in addition to the information required by Section 105:

1. Manufacturer's name and address.
2. Data of manufacture.
3. Serial number of module.
4. Manufacturer's design drawings.
5. Type of construction in accordance with Section 602.
6. Design loads including: roof live load, roof snow load, floor live load, wind load and seismic site class, use group and design category.
7. Additional building planning and structural design data.
8. Site-built structure or appurtenance attached to the relocatable building.

(Continued From Page 6)

3113.3 Manufacturer's data plate.

Each relocatable module shall have a data plate that is permanently attached on or adjacent to the electrical panel, and shall include the following information:

1. Occupancy group.
2. Manufacturer's name and address.
3. Date of manufacture.
4. Serial number of module.
5. Design roof live load, design floor live load, snow load, wind and seismic design.
6. Approved quality assurance agency or approved inspection agency.
7. Codes and standards of construction.
8. Envelope thermal resistance values.
9. Electrical service size.
10. Fuel-burning equipment and size.
11. Special limitations if any.

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 Section 110.3 through 110.3.11.1.