

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
ANNUAL REPORT ON
THE BUILDING CODE COUNCIL
DECEMBER 2020

SUBMITTED TO
THE THIRTY-FIRST STATE LEGISLATURE
IN RESPONSE TO SECTION 107-30, HRS

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (DAGS)
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Summary

Pursuant to the Act 82, Session Laws of Hawaii 2007, the State Building Code Council (the Council) is required to submit an annual report to the Legislature no later than twenty days prior to the convening of each regular legislative session on the Council's activities and accomplishments. Hawaii Revised Statutes (HRS) 107-21 – 107-31 delineates the duties, responsibilities, and scope of the Council. It is responsible for reviewing and approving nationally recognized minimum requirements for design and construction to safeguard life, property, and the general welfare. These requirements are formulated in national codes and standards relating to buildings, residences, electrical, plumbing, fire, energy, etc. The Council is required to adopt State building codes from the national codes and standards within two years of their publication date, or the national code or standard shall automatically become the State code, until superseded by the adoption of the amended version of the national code. Realizing the value and importance of the Council's mission, its "voluntary" membership has continued to meet monthly to work on national model building code updates and amendments. The meetings are held in an open forum pursuant to HRS Chapter 92, and exempt from the requirements of HRS Chapter 91. More information regarding Hawaii State Building Codes, investigative committees, code adoption timelines, meeting agendas and minutes, can be found at: <http://ags.hawaii.gov/bcc/>.

Investigative committees, comprised of subject matter experts, produce and complete statewide specific technical draft amendments to the national model codes and standards, which are reviewed and approved by the Subcommittee of Building Officials (SBO). The Council will then review the approved draft amendments while allowing an open comment period before approving the final amendments. The national codes and standards with approved statewide technical amendments will apply to all State design and construction within one year of its effective date, and will be the basis for the respective county building codes. Administration and enforcement of these codes are primarily done by the counties. The governing body of each county shall amend, adopt, and update the Hawaii State Building Codes as they apply within their jurisdiction without approval of the Council within two years after the adoption of each State Building Code. If the county does not amend the State Building Codes within the two years, the Hawaii State Building Codes shall be applicable as an interim county building code. The two year mandate helps the counties initiate timely action in their county ordinance adoption process for each state building codes.

The application and enforcement of these codes will result in: (1) substantial savings in long-term operating, energy, and construction costs for publicly and privately owned and operated facilities; (2) construction of homes which are better protected from the effects of natural and man-made disasters; (3) businesses and an economy in Hawaii which are more resilient in the aftermath of disasters. Indeed, updating building codes

generally reduce long-term costs—one dollar of prevention saves three dollars in recovery.

Membership

The State Building Code Council members and their affiliations are:

1. Howard Wiig, Chair, State Energy Office
Department of Business, Economic Development and Tourism (DBEDT)
2. Lyle Carden, Vice Chair, Structural Engineers Association of Hawaii
3. Doug Haigh, County of Kauai
4. Dennis Mendoza, Department of Labor and Industrial Relations
5. Richard Meyers, American Institute of Architects, Hawaii State Council
6. Willard Nishigata, City and County of Honolulu
7. Lloyd Rogers, State Fire Council
8. Gregg Serikaku, Subcontractors Association of Hawaii
9. Neal Tanaka, County of Hawaii
10. Glenn Ueno, County of Maui
11. Mark Kennedy, Building Industry Association of Hawaii
12. Curt T. Otaguro, Comptroller, Department of Accounting and General Services
(non-voting)

Achievements During the Year

On August 31, 2019, the following national codes were adopted by default as State Building Codes, without amendments, due to the requirement that the Council adopt the latest edition of national codes and standards within two years of their publication date:

- a. The 2018 Edition of the International Energy Conservation Code (IECC)
- b. The 2018 Edition of the Uniform Plumbing Code (UPC)
- c. The 2018 Edition of the International Building Code (IBC)
- d. The 2018 Edition of the International Residential Code (IRC)

Scope of Work Conducted or Initiated During the Year

Investigative committees, which are comprised of experts in industry and government, served on a voluntary basis, reviewed, and proposed amendments to the national model codes and standards and are as follows:

- a. The Council approved the State Plumbing Code effective May 19, 2020. It is based on the Uniform Plumbing Code 2018 Edition with amendments. The work on this code by the investigative committee comprised of a broad stakeholder group, culminated the two years plus effort with a consensus amendment package that incorporated the most cost effective and efficient methods and materials.

- b. Finalization of the structural and non-structural amendment packages continued for the International Building Code (IBC) and the International Residential Code (IRC) 2018 Editions.
- c. The State Fire Code amendment package to the National Fire Protection Association 1 Fire Code 2018 Edition was approved by the State Fire Council on July 18, 2018, and approved by the Council on November 19, 2019. Thirteen stakeholder individuals representing public and private entities were provided an open comment period and the Small Business Regulatory Review Board held a public hearing and approved the State Fire Code Administrative Rules on February 20, 2020. The investigative committee approved further non-substantive revisions and approval by the State Fire Council is pending.
- d. The investigative committee for the International Existing Building Code 2018 Edition approved the amendment package that will be incorporated into the IBC 2018 Edition.
- e. With the involvement by the State Department of Health and the International Association of Plumbing and Mechanical Officials, the investigative committee for the International Swimming Pool and Spa Code 2018 Edition approved an amendment package that will be included into the IBC 2018 Edition.
- f. The investigative committees for the IBC/IRC 2018 Editions continued to meet to finalize their draft amendment packages for approval by the SBCC.
- g. An application for a Federal Emergency Management Agency (FEMA) grant to provide funding for updating wind maps for the State was unsuccessful. The adoption of updated building codes is necessary to qualify for FEMA disaster relief grant policies.
- h. Statewide training for approximately 300 stakeholders was conducted on the IECC 2015 Edition from March 23-25, 2020.
- i. The Council continued to hold open forum, public meetings with various stakeholders providing input on issues such as "Tiny Homes," county code adoptions and permitting processes, new code compliance costs, energy efficiency, corrosion, wind, tsunami, and seismic requirements.

Code training was provided during the year on the following:

- The International Energy Conservation Code
- The International Existing Building Code

Annual Operating Cost of the Council is Estimated to be \$150,000

Since its inception in 2007, the SBCC has not had funding for staff personnel or operating costs. Besides reviewing national codes and standards and formulating a State amendment package, volunteer members are tasked with responding to code inquiries, submitting legislative testimony, and preparing and finalizing meeting agendas, minutes, and annual reports in accordance with State Sunshine law requirements. Due to a lack of funding we are not able to meet the statutory deadlines for providing State appropriate amendments to the Building Codes. For example, we are currently in a situation where the 2018 model Codes for IBC, IRC and IECC were adopted by default in the state without state amendments, which has a major cost impact to any construction that would be built under these codes. It also does not give the counties much time to develop their own building code provisions, particularly the administrative provisions, which are not part of the State Codes.

While it may provide some assistance, even one off funding appropriations do not significantly address this issue. Building Code Council members support having a permanently funded position that can be used to administer the codes, set timelines, initiate cost-benefit studies of key future code changes, assist in the formatting of technical provisions, improve communication with the public and other roles cannot be thoroughly performed with the volunteer members”.