

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, December 15, 2020  
9:00 a.m.

Aloha Members of the State Building Code Council:

Pacific Resource Partnership (PRP) provides updates to its testimony submitted to the SBCC on Friday, December 11, 2020. Given that the State Calendar is the official calendar, we changed our testimony for the December 15, 2020 SBCC meeting to reflect the 9:00 a.m. start time on the agenda posted to the State Calendar. We also noticed that the International Building Code (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. At the November 17, 2020 SBCC meeting, members concluded that the IBC amendment package should not be discussed until the package is posted and the public has an opportunity to review and provide public comments. To avoid any violations of the Sunshine Law, we respectfully recommend that the SBCC discuss the IBC amendment package at a future meeting.

Additionally, PRP recommends the complete deletion of Chapter 17 of the 2018 International Building Code (IBC) and amendments to Section 3113, relating to Relocatable Buildings, of the 2018 IBC (see proposed amendments at the end of this testimony) for the following reasons:

**The Adoption of Chapter 17 of the IBC violates 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. . ."

Chapter 17 of the International Building Code (IBC), Special Inspections and Tests, relates to the administration, permitting and inspection procedures of the counties. Furthermore, Chapter 17 provides a special pathway allowing factory-built or modular housing and buildings to be tested and inspected by an approved agency, paid for by the owner or owner's agent. As stated at prior meetings, Chapter 17 of the 2018 IBC, includes terms like "assemblies," and "methods of construction," which are broad enough to include factory-built and modular housing and buildings. At the county level, it is the local building



**(Continued From Page 1)**

official's sole responsibility to verify that housing meets all code requirements, not an approved agency. To avoid any conflicts with state law, we recommend the deletion of Chapter 17 in its entirety.

**Amend Section 3113 to clarify that this section does not apply to factory-built or modular housing.**

If the SBCC believes that the intent behind the "manufactured housing" exception under Section 3113.1 is broad enough to also include an exception for factory-built or modular housing, as stated by the Vice Chair at a prior SBCC meeting, then the SBCC should not be opposed to amending Section 3113.1 to specifically state this. The term "manufactured housing" is traditionally used to describe housing regulated by the federal government, whereas factory-built and modular home construction is regulated by the state and local building codes. In order to ensure that this exception includes factory-built and modular homes, we recommend that the SBCC adopt our proposed amendments.

**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 and 17, 2020 Subcommittee and SBCC Meetings respectively, 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 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. On November 17, 2020, SBCC did not form investigative committee, and Doug Haigh said we

**(Continued From Page 2)**

will consider an investigative committee at a later date after the state adoption of the 2018 state building code, therefore, not fulfilling the SBCC's initial promise.

**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.

**PROPOSED AMENDMENTS**

- 1) DELETE CHAPTER 17, SPECIAL INSPECTIONS AND TESTS, IN ITS ENTIRETY.
- 2) AMEND SECTION 3113, RELOCATABLE BUILDINGS, WITH THE FOLLOWING AMENDMENT:

“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.”