

Testimony of
Pacific Resource Partnership

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

Comments—Investigative Committee
Tuesday, January 19, 2021
9:30 a.m.

Aloha Members of the State Building Code Council:

Pacific Resource Partnership (PRP) provides comments on Agenda Item #8 regarding the discussion on the selection, purpose, and expectations of the investigative committee on modular/manufactured housing/off-site construction.

Selection of investigative committee members.

Investigative committee members should include individuals who have actively participated in discussions related to modular/manufactured housing/off-site construction through written or oral testimony at the subcommittee of building officials (SBO) and/or the state building code council (SBCC) meetings.

Purpose and expectations of investigative committee.

- **The investigative committee should identify and draft amendments to the state building code removing all provisions, within the 2018 IBC and the proposed state building code, providing a special pathway for factory-built /modular housing and buildings. These amendments should be considered at a future SBO meeting.** PRP's position is that factory-built and modular housing and buildings should follow the same planning, permitting and inspection processes that the conventional homebuilder must follow—all homebuilders should be treated equally under the law. This ensures that each and every home, whether built on site or off site, is inspected by the building official using same process and standards. SBCC members have stated many times during public meetings that the SBCC will not adopt a state building code providing a special pathway for factory-built and modular housing and buildings. Moreover, at the December 15, 2020 SBCC meeting the Vice Chair agreed that no type of building should have an unfair advantage over another.
- **The investigative committee should identify and remove all language from Chapter 17 of the IBC, including proposed state code amendments, related to administrative, permitting, or enforcement and inspection procedures to ensure compliance with Section 107-26, Hawaii Revised Statutes.** Section 107-26, HRS states "In adopting the Hawaii state building codes, the council shall not adopt



(Continued From Page 1)

provisions that: (1) Relate to administrative, permitting, or enforcement and inspection procedures of each county. . .”

Our concern is that Chapter 17 of the IBC, Special Inspections and Tests, relates to the administration, permitting and inspection procedures of the counties. At prior meetings, we have commented that 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. 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 official’s responsibility to verify that housing meets all code requirements, not an approved agency. To avoid any conflicts with state law, we recommended the deletion of Chapter 17 in its entirety.

- **The investigative committee should follow specific procedural requirements consistent with the spirit of the Sunshine Law in the forming of the committee and considering the committee’s findings and recommendations.**
 - The January 19, 2021 meeting “discussion” should focus on the selection, purpose, and expectations of the proposed investigative committee on modular/manufactured housing/off-site construction as stated in the SBCC Agenda. The actual formation of the committee should occur at a subsequent meeting.
 - After the formation of the investigative committee, the committee should meet, discuss and formulate findings and recommended amendments to the state building code for SBO consideration. Findings and recommendations should be presented at a future SBO meeting.
 - Investigative committee presents finding and recommendations at SBO meeting.
 - After findings and recommendations are presented to the SBO, the SBO should consider the adoption of amendments provided by the investigative committee.