

Hawai'i Construction Alliance

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March 11, 2021

Subcommittee of Building Officials Meeting
State Building Code Council
Department of Accounting and General Services
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

RE: Comments and Proposed Amendments to the Hawaii State Building Code

Dear Chair and members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; the Laborers' International Union of North America, Local 368; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

We write to raise legal concerns related to the adoption of Chapter 17 and Section 3113, 2018 IBC and proposed State amendments to Chapter 17.

The adoption of Chapter 17 and Section 3113, 2018 IBC and proposed state amendments to Chapter 17 violate HRS section 107-26 which specifically 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.

Provisions related to Chapter 17 and Section 3113 replace the standard permitting and inspection procedures of the counties. The proposed State building code amendment package and Chapter 17 and Section 3113, 2018 IBC appears to: (1) replace the administrative, permitting and inspection procedures of the counties by allowing factory-built and modular housing and buildings to be tested and inspected just once by an approved agency, paid for by the owner or owner's agent. (2) terms like "assemblies," "methods of construction," and "relocatable buildings" are broad enough to include factory-built and modular housing and buildings.

This means is that the current Code inspection regimen, enacted to ensure public health and safety on a unit-by-unit basis, will be replaced by a single inspection by a paid for individual just on a single mock up. This does not ensure protection of public health and safety.

Given the clear meaning of HRS 107-26, we feel the State Building Codes Council is inviting a legal challenge should the Council attempt to pass an expedited permitting and inspection process for factory built and/or modular housing.

Mahalo,

A handwritten signature in black ink, appearing to read "Nathaniel Kinney". The signature is fluid and cursive, with a large, stylized initial "N" and "K".

Nathaniel Kinney
Executive Director
Hawai'i Construction Alliance
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