

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1436, HD2
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT
AGENCY HAZARD MITIGATION GRANT

PRESENTATION TO
THE SENATE COMMITTEE ON WAYS AND MEANS

BY

VERN T. MIYAGI
Administrator, Hawaii Emergency Management Agency

Chair Tokuda, Vice-Chair Dela Cruz and Members of the committee.

Aloha - I am Vern T. Miyagi, Administrator, Hawaii Emergency Management Agency. I am testifying in **STRONG SUPPORT** of House Bill 1436, HD2.

Background: As the result of the Presidential Declaration for the Puna Lava Flow event in 2014, the state of Hawaii became eligible for FEMA's Hazard Mitigation Grant Program (HMGP). Under this program, FEMA reimburses 75% of state funds used for eligible hazard mitigation projects. In August 2015, the State Department of Accounting and General Services (DAGS) applied for a HMGP grant to implement the adoption of the 2012 International Building Code (IBC) with the State of Hawaii amendments incorporating updated standards and wind maps for hurricane risk mitigation. After 1 year of negotiating with FEMA, this grant, in the amount of \$75K, was finally awarded to the state in November 2016. A state match of 25% is required and is to be covered as a soft match utilizing the hours expended by the State Building Code Council (SBCC) and other appropriate stakeholders/participants in this project.

Situation: As a reimbursement grant, the applicant (DAGS) in this case, is required to utilize \$75K of its operating funds plus the SBCC soft match described above, to accomplish the project up front. FEMA will reimburse the \$75K it determines that the conditions of the grant are met. Due to the late award, this project was not included in the Governor's budget request for the 2017-2019 Biennium. Without the \$75K in general funds DAGs will not be able to move forward with the FEMA HMGP award.

Consequences:

1. State will lose \$75K of approved Federal funding to update its building codes. Our current code is based on the 2006 IBC. We are currently 3 iterations (9 years) behind the IBC. **From an emergency management preparedness aspect, this is unacceptable. I don't want to return \$75K to FEMA.**

2. FEMA Recovery Policy FP 104-009-4, that governs Federal assistance in the event of a Presidential Disaster for Public Assistance, has a condition that “buildings eligible for repair, replacement, or construction located in a hazard prone area will use, as a minimum, the hazard resistant standards referenced in the most recent edition of the model building code regarding reconstruction, repair of building damages during Presidential declared disasters.” Non-compliance will delay FEMA disaster assistance in future major disasters.
3. In addition, recent studies by FEMA propose the leveling of a “disaster deductible” on jurisdictions, similar to a deductible in an insurance policy. This deductible would be decreased based on pre-disaster mitigation measures taken by the state before the declaration. Updated building codes are specifically listed as mitigation measures for this purpose.

Note: This bill accomplishes only one update of the state building code. SB 1154 and HB 1435, HD2 propose recurring updates of the code using the Hawaii Hurricane Relief Fund (HHRF). This strengthens the HHRF by mitigating against damage claims from future hurricanes.

Thank you for the opportunity to provide this testimony in **STRONG SUPPORT** of HB 1436, HD2.

Vern T. Miyagi; vern.t.miyagi@hawaii.gov; 808-733-4300

DAVID Y. IGE
GOVERNOR

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March 15, 2017

The Honorable Jill Tokuda, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 207
Honolulu, Hawaii 96813

Dear Chair Tokuda:

Subject: House Bill (HB) 1436, House Draft (HD) 2 Relating to Awarded Federal
Emergency Management Agency (FEMA) Hazard Mitigation Grant

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support HB 1436, HD 2, which proposes to appropriate funds through a FEMA grant for the State Building Code Council (SBCC) to update state building codes.

This bill supports the SBCC in reviewing and adopting amendments to various building codes associated with hazard mitigation. The SBCC is required to adopt building codes within 18 months of publishing a new edition.

Presently, many building codes still reference their 2006 editions, which include the plumbing, residential, and building codes. Amendments to the 2012 Uniform Plumbing Code, the International Residential Code, and the International Building Code have been completed, but lack the funding to be processed through the administrative rule process which has stalled, thus preventing the amendments from being adopted. As a result, only the fire, energy, and elevator codes are on the most current editions due to dedicated staff in other state departments that guide these codes through the adoption process.

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The Honorable Jill Tokuda, Chair
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March 15, 2017

The SFC and the HFD urge your committee's passage of HB 1436, HD 2 for the safety and general welfare of our citizens.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

Sincerely,



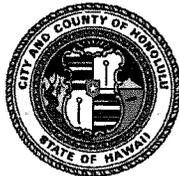
MANUEL P. NEVES
Chair

MPN/LR:clc

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



MELVIN N. KAKU
DIRECTOR

PETER J.S. HIRAI
DEPUTY DIRECTOR

March 20, 2017

The Honorable Jill N. Tokuda, Chair
The Honorable Donovan M. Dela Cruz, Vice Chair
Committee on Ways and Means

Senate
State Capitol
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Dear Chair Tokuda, Vice Chair Dela Cruz, and Members:

SUBJECT: SUPPORT OF H.B. 1436, HD2 RELATING TO AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT

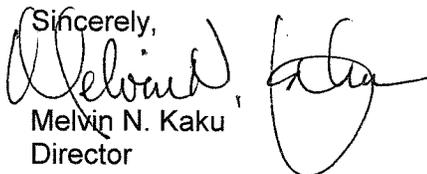
I am Melvin Kaku, Director of the Department of Emergency Management (DEM), City and County of Honolulu (City).

DEM strongly supports H.B. 1436, HD2 which provides funds to the State Department of Accounting and General Services (DAGS) to enable the State Building Code Council to adopt, through the administrative rule process, the 2012 International Building Code (IBC) hurricane standards and wind maps for hurricane risk mitigation. Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program funds were awarded to DAGS in November 2016, so reimbursement is assured.

The updating of the State Building Code to 2012 IBC standards ensures that the State, the City, Kauai County, Maui County, and Hawaii County are eligible for FEMA Public Assistance funds to repair, replace, or construct facilities that were damaged or destroyed during a Presidentially-Declared Disaster.

FEMA Recovery Policy FP 104-009-4 governs Federal public assistance in the event of a declared disaster and stipulates that assistance eligibility for repairs, replacing, or construction must use, as a minimum, the hazard resistant standards referenced in the most recent edition of the state building code (IBC, IEBC, and IRBC) regarding reconstruction and repair of building damages during Presidentially-Declared Disasters.

I urge your committee to pass HB 1436, HD2. Thank you for the opportunity to testify.

Sincerely,

Melvin N. Kaku
Director

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Wallace G. Rezentes, Jr.
Managing Director

Kilipaki K. F. Vaughan
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
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March 20, 2017

The Honorable Jill Tokuda, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 207
Honolulu, Hawaii 96813

Dear Chair Tokuda:

Subject: House Bill (HB) 1436, House Draft (HD) 2 Relating to Awarded Federal
Emergency Management Agency (FEMA) Hazard Mitigation Grant

I am Robert F. Westerman, Vice-Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support HB 1436, HD 2, which proposes to appropriate funds through a FEMA grant for the State Building Code Council (SBCC) to update state building codes.

This bill supports the SBCC in reviewing and adopting amendments to various building codes associated with hazard mitigation. The SBCC is required to adopt building codes within 18 months of publishing a new edition.

Presently, many building codes still reference their 2006 editions, which include the plumbing, residential, and building codes. Amendments to the 2012 Uniform Plumbing Code, the International Residential Code, and the International Building Code have been completed, but lack the funding to be processed through the administrative rule process which has stalled, thus preventing the amendments from being adopted. As a result, only the fire, energy, and elevator codes are on the most current editions due to dedicated staff in other state departments that guide these codes through the adoption process.

The SFC and the KFD urge your committee's passage of HB 1436, HD 2 for the safety and general welfare of our citizens.

Please contact me at (808) 241-4975 or rwesterman@kauai.gov should you have any questions or require additional information regarding this matter.

Sincerely,

Robert Westerman
Fire Chief, County of Kaua'i

RFW/dag



March 22, 2017

COMMITTEE ON COMMITTEE ON WAYS AND MEANS

Senator Jill Tokuda, Chair; Senator Donovan Dela Cruz, Vice Chair; and Committee Members
Public Hearing, March 22, 2017 at 9:30 a.m., Conference Room 211

**TESTIMONY of WILLIAM F. ANONSEN
MANAGING PARTNER/PRINCIPAL of THE MARITIME GROUP, LLC
IN SUPPORT of H.B. 1436 HD2**

My name is William Anonsen and I am the Managing Partner/Principal of THE MARITIME GROUP, LLC, and chair of the Hawaii Advisory Council on Emergency Management. I strongly support HB 1436 HD2 which appropriates \$75,000 to the Department of Accounting and General Services to update statewide standards for hurricane mitigation and secure a reimbursement grant from the Federal Emergency Management Agency Hazard Mitigation Grant Program.

The structures where people live and work must be safe, especially in Hawaii which is prone to hurricanes. It is for this reason that building codes exist, to provide a means to safeguard life and protect the private and public welfare through regulating the design, construction practices, construction material quality, occupancy and maintenance of buildings and structures. Evaluating and updating Hawaii's building codes as necessary will help to address many of Hawaii's most important concerns, including public safety and health, and environmental protection.

This bill helps to provide beneficial funding for the SBCC to fulfill its mandated and fiduciary obligations under HRS 107-24 and update statewide standards for hurricane mitigation and secure a reimbursement grant from the Federal Emergency Management Agency Hazard Mitigation Grant Program. The state is currently 11 years (three iterations) behind in updating and adopting internationally recognized and industry standard building codes. By the end of this coming fiscal year, the state will be four iterations behind if the state fails to take action to update the State Building Codes, making us last in the nation with the most outdated building codes.

In large part, building codes establish a building's quality, safety and energy performance for years to come, because initial design and construction decisions determine operational and maintenance costs for the life of the building. Building equipment and other components may be replaceable and upgradeable, but many aspects of building performance are "designed in" at the beginning, and are too expensive and difficult to change. Foundations and other parts of the building envelope are typically in place for 50 years or more.

Mahalo for the opportunity to comment in support of this measure.

Respectfully,

William F. Anonsen

William F. Anonsen

Managing Partner/Principal

(and as chair/member- Hawaii Advisory Council on Emergency Management)

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STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII (SEAOH)

TESTIMONY ON HOUSE BILL 1436
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY
HAZARD MITIGATION GRANT

PRESENTATION TO
THE SENATE COMMITTEE ON WAYS AND MEANS

BY

JONATHAN MURAI
President, SEAOH

Chair Tokuda, Vice-Chair Dela Cruz, and Members of the Senate Committee on Ways and Means.

I am Jonathan Murai, President of the Structural Engineers Association of Hawaii. I am testifying in **SUPPORT** of House Bill 1436 which appropriates \$75,000 which will be fully reimbursed by a FEMA grant already awarded to DAGS in November of 2016.

The SEAOH support measures that facilitate the timely adoption of the most recent international building codes with Hawaii specific amendments through the process which initiates at the State Building Code Council (SBCC). Members of the SEAOH helped the Department of Accounting and General Services (DAGS) and the SBCC to apply for the FEMA grant in 2015 as a way to search for funding sources other than the state fulling funding the council to support the executive director and executive assistant positions and related budgetary requirement authorized by HRS 107-23.

This bill helps the state to take advantage of available federal funds to pay for the costs required for the State Building Code Council (SBCC) to complete the Hawaii Administrative Rule making process one time in order to update the state building code. The net cost to the state will be zero since the volunteer members of the SBCC will provide the in-kind soft match required by the FEMA grant. The SEAOH will contribute to this effort.

This bill provides assistance for the SBCC to fulfill its obligations (HRS 107-24) and finally provide an update to the current state building code. The state is currently three iterations behind in updating and adopting the international code standards. By the end of FY 2017-2018 the state will be four iterations behind if the state fails to fund the Hawaii Administrative Rule making process to update the State Building Code. We are on the verge of being last in the nation with a building code based on the 2006 International Building Code.

Structural engineers protect citizens and visitors in the state of Hawaii by ensuring our buildings and infrastructure are strong and durable. Our primary tool to perform this task is the building code. The most recent international building codes provide a model for local adoption which includes all the lessons learned through the tragedy of others who suffer from disasters such as hurricane, earthquake, tsunami and other threats we face here in Hawaii. By funding the State Building Code Council's work you are ensuring that structural engineers use the most up to date tools to build a more resilient Hawaii. **Don't let this available federal funding go to waste.**

Thank you for the opportunity to provide this testimony in **SUPPORT** of HB 1436.