

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

MEOH-LENG SILLIMAN
DEPUTY COMPTROLLER
KA HOPE LUNA HO'OMALU HANA LAULĀ

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII'
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWÉ LAULĀ
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

November 17, 2023

VIA ELECTRONIC MAIL

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the State of Hawaii Department of Accounting and General Services Annual Report on The Building Code Council, November 2023, pursuant to Section 107-30, Hawaii Revised Statutes (HRS). In accordance with Section 93-16, HRS, a copy of this report has been transmitted to the Legislative Reference Bureau and the report may be viewed electronically at: <http://ags.hawaii.gov/reports/legislative-reports/>.

Sincerely,

KEITH A. REGAN
Comptroller

Enclosure

bc: Governor's Office
Lieutenant Governor's Office
Legislative Reference Bureau
Legislative Auditor
Department of Budget and Finance

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
ANNUAL REPORT ON
THE STATE BUILDING CODE
COUNCIL NOVEMBER 2023

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

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES (DAGS)
ANNUAL REPORT ON THE STATE BUILDING CODE COUNCIL
NOVEMBER 2023

Summary

Pursuant to Section 107-30, Hawai'i Revised Statutes (HRS), 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. Sections 107-21 – 107-31, HRS, delineate 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 to work on national model building code updates and amendments. The meetings are held in virtual and open forum pursuant to HRS Chapter 92 and the Governor's emergency proclamations. 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 code.

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; and (3) businesses and an economy in Hawaii which are more resilient in the aftermath of disasters. Indeed, updating

building codes generally reduced 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. Leolynne Escalona, County of Kauai
4. Clement Ching, Department of Labor and Industrial Relations
5. Donald Aweau, Director, Hawai'i Emergency Management Agency
6. Daniel Moats, American Institute of Architects, Hawaii State Council
7. Dawn Amano, City and County of Honolulu
8. Gary Lum, State Fire Council
9. Kevin Hirayama, Subcontractors Association of Hawaii
10. Kelly Wilson, County of Hawaii
11. Lance Nakamura, County of Maui
11. Keith Sawamura, Building Industry Association of Hawaii
12. Keith Regan, Comptroller, Department of Accounting and General Services (non-voting)

Achievements During the Year

The following code was adopted

The SBCC did not adopt any codes during the year in accord with to the Governor's Proclamation on Affordable Housing.

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 listed above.

- a. The adoption of the above codes was the result of hundreds of hours of voluntary work by the subject investigative committees. The work on these codes by the investigative committees comprised of broad stakeholder groups, culminating in two years plus effort with consensus amendment packages that incorporated the most cost effective and efficient methods and materials.
- b. A Federal Emergency Management Agency (FEMA) grant to provide funding for updating wind maps for the State of Hawai'i was granted to the Structural Engineering Association of Hawai'i (SEAOH) which updated and distributed the wind maps.

- c. The Council co-sponsored eight trainings on the 2018 International Energy Conservation Code the proposed 2021 IECC, held via zoom.
- d. The four counties are planning to adopt the 2018 editions of the International Residential Code, the International Building Code, and the International Existing Building Code by January 2024. The SBCC was planning to adopt the 2021 edition of the International Energy Conservation Code by January 2024. However, Governor Green's Proclamation on Affordable Housing suspended the authority of the SBCC to amend or update building codes. SBCC code activity will resume when the Proclamation is lifted.

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

Since its inception in 2007, the SBCC has not received 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, the SBCC was 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-time funding appropriations do not significantly address this issue. State 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.