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# A BILL FOR AN ACT

RELATING TO THE BUILDING CODE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
3 by adding a new section to be appropriately designated and to  
4 read as follows:

5 "§46- Hawaii state building code; amendments. (a) Any  
6 county may submit to the Hawaii state building code council  
7 established by section 107-22 a proposal to amend the Hawaii  
8 state building code set forth in section 107-25(a); provided  
9 that the proposed amendment shall apply only to the county that  
10 makes the submission.

11 (b) The Hawaii state building code council shall have sole  
12 authority to determine whether to approve any amendment under  
13 subsection (a)."

14 SECTION 2. Chapter 107, Hawaii Revised Statutes, is  
15 amended as follows:

16 1. By adding a new section to part II to be appropriately  
17 designated and to read:



1            "§107-        Natural disaster preparedness commission; duties.

2        (a) There is established a natural disaster preparedness  
3 commission. The commission shall be placed within the civil  
4 defense agency of the department of defense, established under  
5 section 128-3, for administrative purposes only. The commission  
6 shall consist of nine members with expertise in climate,  
7 geology, and other relevant scientific disciplines to advise the  
8 Hawaii state building code council on matters related to natural  
9 disasters and the Hawaii state building code.

10        (b) Members of the commission shall be appointed by the  
11 governor pursuant to section 26-34.

12        (c) The commission shall:

13        (1) Conduct annual scientific evaluations to determine the  
14 frequency, location, and intensity of natural  
15 disasters that affect or may affect Hawaii;

16        (2) Determine the necessity and effectiveness of proposed  
17 amendments to the Hawaii state building code that  
18 relate to preparedness for natural disasters; and

19        (3) Submit a written report regarding paragraphs (1) and  
20 (2), including any recommendations, to the Hawaii  
21 state building code council by December 31 of each  
22 year.



1        (d) Members of the commission shall serve without  
2 compensation but shall be reimbursed for expenses, including  
3 travel expenses necessary for the performance of their duties.

4        (e) The Hawaii state building code council shall have sole  
5 authority to determine whether to take action on the  
6 recommendations in the report described in subsection (c)(3);  
7 provided that no amendment to the building code related to  
8 natural disaster preparedness may be adopted by the council  
9 without the commission's concurrence."

10        2. By amending the title of part II to read:

11        "PART II. HAWAII STATE BUILDING CODE [~~AND DESIGN STANDARDS~~]"

12        3. By amending section 107-21 to read:

13        "[~~§~~107-21[~~§~~] **Definitions.** As used in this part:

14        "Council" means the Hawaii state building code council.

15        "Department" means the department of accounting and general  
16 services.

17        [~~"Hurricane resistive criteria" means the design criteria~~  
18 ~~for enhanced hurricane protection areas that are capable of~~  
19 ~~withstanding a five hundred year hurricane event, as developed~~  
20 ~~by the state department of defense for public shelter and~~  
21 ~~residential safe room design criteria.]~~



1 "State building construction" means any building  
2 construction project or program initiated by a state agency or  
3 requiring the use of state funds."

4 4. By amending section 107-22 to read:

5 "[+]§107-22[+] Hawaii [~~State~~] state building code council.

6 (a) There is established a Hawaii state building code council.  
7 The council shall be placed within the department of accounting  
8 and general services for administrative purposes only. The  
9 council shall consist of [~~nine~~] thirteen voting members and  
10 [~~one~~] four nonvoting [~~member, who shall be the comptroller or~~  
11 ~~the comptroller's designee.~~] members. The council members shall  
12 serve no more than two consecutive four-year terms [~~as defined~~  
13 ~~in paragraphs (1) to (6)~~]. The voting members shall [~~include:~~

14 ~~(1) One county building official from each of the four~~  
15 ~~counties appointed by the mayor;~~

16 ~~(2) One member representing the state fire council;~~

17 ~~(3) One member representing the department of health who~~  
18 ~~has significant experience in building mechanical and~~  
19 ~~sewage disposal systems;~~

20 ~~(4) One member representing the department of labor and~~  
21 ~~industrial relations who has significant experience in~~  
22 ~~elevator or fire safety;~~



- 1        ~~(5) One member representing the Structural Engineers~~  
2        ~~Association of Hawaii; and~~
- 3        ~~(6) One member representing the American Institute of~~  
4        ~~Architects, Hawaii State Council.]~~ be appointed by the  
5        governor pursuant to section 26-34 and shall consist  
6        of:
- 7        (1) The director of the Hawaii housing finance and  
8        development corporation, or the director's designee;
- 9        (2) A representative from the Building Industry  
10       Association of Hawaii, or its successor organization;
- 11       (3) A representative from the Hawaii Construction  
12       Alliance, or its successor organization;
- 13       (4) A representative from the Hawaii Building and  
14       Construction Trades Council, or its successor  
15       organization;
- 16       (5) A representative from the Hawaii Insurers Council, or  
17       its successor organization;
- 18       (6) A representative from the Hawaii Association of  
19       Realtors, or its successor organization;
- 20       (7) A representative from the Honolulu chapter of The  
21       American Institute of Architects, or its successor  
22       organization;



- 1       (8) A representative from the American Council of  
2       Engineering Companies of Hawaii, or its successor  
3       organization;
- 4       (9) A representative from the General Contractors  
5       Association of Hawaii, or its successor organization;
- 6       (10) A representative from the Hawaii Farm Bureau  
7       Federation, or its successor organization;
- 8       (11) A representative from the State fire council, or its  
9       successor organization; and
- 10       (12) Two individuals, who shall not be employees of the  
11       State or any of its political subdivisions, to  
12       represent the interests of homeowners.

13       The nonvoting members shall consist of a county building  
14       official from each of the four counties, appointed by the mayor  
15       of the respective county.

16       (b) [~~Six~~] Eight voting members shall constitute a quorum.  
17       The chairperson and vice chairperson of the council shall be  
18       elected annually from among its members by a majority vote of  
19       [~~the~~] all voting members of the council.

20       (c) Members shall serve without compensation[7] but shall  
21       be reimbursed for expenses, including travel expenses necessary  
22       for the performance of their duties."



1 5. By amending section 107-24 to read:

2 "~~[+]§107-24[+]~~ **Authority and duties of the council.** (a)

3 ~~[Any law to the contrary notwithstanding, the council shall~~  
4 ~~establish a comprehensive state building code.]~~ The council may  
5 adopt any amendments to the Hawaii state building code set forth  
6 in section 107-25(a) upon a vote of approval by a majority of  
7 all voting members of the council; provided that any amendments  
8 adopted shall not exceed minimum standards necessary to protect  
9 public health and safety. The council shall have sole authority  
10 to determine these minimum standards.

11 (b) The council ~~[shall]~~ may appoint a subcommittee  
12 ~~[comprised of]~~ comprising the four nonvoting council members  
13 representing county building officials, whose duty shall be to  
14 recommend any necessary or desirable ~~[state]~~ amendments to the  
15 ~~[model codes-]~~ Hawaii state building code. Any recommended  
16 ~~[state]~~ amendments shall require the unanimous agreement of the  
17 subcommittee~~[-]~~ and shall be approved by a majority vote of all  
18 voting members of the council to be adopted into the Hawaii  
19 state building code.

20 (c) The council may appoint other investigative, technical  
21 expertise committees, which may include council members.



1 (d) The council shall consult with general building  
2 contractor associations and building trade associations to  
3 gather information and recommendations on construction practices  
4 and training relevant to building codes and standards.

5 (e) The council [~~shall~~] may review and adopt, as  
6 appropriate, new model building codes [~~within eighteen months of~~  
7 ~~the official publication date.~~] that are the successors of the  
8 2012 International Building Code established as the Hawaii state  
9 building code pursuant to section 107-25(a); provided that any  
10 model building code adopted shall not exceed minimum standards  
11 necessary to protect the public health and safety.

12 (f) The council may make expenditures for technical  
13 references, equipment and supplies, and other operating  
14 expenses, and may contract for the conduct of research studies  
15 and other technical services.

16 (g) The council shall provide education and technical  
17 training and administrative assistance in the form of services  
18 or grants at the state and county levels relating to the  
19 implementation and enforcement of the Hawaii state building code  
20 adopted pursuant to this part.





1        (h) The council shall have sole authority to determine  
2 whether to approve any amendment to the Hawaii state building  
3 code proposed by a county pursuant to section 46- ."

4        6. By amending section 107-25 to read:

5        "~~+~~§107-25~~+~~ Hawaii ~~[State]~~ state building code~~+~~  
6 ~~requirements~~]. (a) There is established a Hawaii state  
7 building code applicable to all construction, except state  
8 building construction, in the State of Hawaii. The Hawaii state  
9 building code shall include~~+~~

10        ~~(1) The latest edition of the state fire code as adopted~~  
11        ~~by the state fire council;~~

12        ~~(2) The latest edition of the Uniform Plumbing Code, as~~  
13        ~~copyrighted and published by the International~~  
14        ~~Association of Plumbing and Mechanical Officials,~~  
15        ~~including its appendices;~~

16        ~~(3) The latest edition of the International Building Code,~~  
17        ~~as published by the International Code Council;~~

18        ~~(4)] Hawaii design standards implementing the criteria~~  
19        ~~pursuant to Act 5, Special Session Laws of Hawaii,~~  
20        ~~2005, as applicable to:~~

21        ~~(A)]~~ (1) Emergency shelters built to comply with hurricane  
22        resistant criteria, including enhanced hurricane



1 protection areas capable of withstanding a five  
2 hundred-year hurricane event as well as other storms  
3 and natural hazards; and  
4 ~~[(B)]~~ (2) Essential government facilities requiring  
5 continuity of operations~~[-]~~, and  
6 ~~[(5) Code provisions based on nationally published codes or~~  
7 ~~standards that include, but are not limited to,~~  
8 ~~residential and hurricane resistive standards for~~  
9 ~~residential construction, fire, elevator, electrical,~~  
10 ~~plumbing, mechanical, flood and tsunami, existing~~  
11 ~~buildings, and energy conservation standards for~~  
12 ~~building design and construction, and onsite sewage~~  
13 ~~disposal.]~~ consist of the 2012 International Building  
14 Code, as amended by the council to remove any  
15 provision that exceeds minimum standards necessary to  
16 protect public health and safety, and as further  
17 amended by the council, as provided by law.

18 (b) All state and county building codes, ordinances, and  
19 regulations in existence on October 1, 2012, shall be superseded  
20 by the Hawaii state building code set forth in subsection (a)."



1 7. By amending section 107-31 to read:

2 "~~[§]107-31[§] State building code; [compliance.]~~  
3 exemption. ~~[The design of all]~~ All state building construction  
4 shall be ~~[in]~~ exempt from compliance with the Hawaii state  
5 building code ~~[within one year of its effective date]."~~

6 8. By repealing section 107-26:

7 "~~[§107-26] State building code; prohibitions.~~ In  
8 adopting a state building code, the council shall not adopt  
9 provisions that:

- 10 ~~(1) Relate to administrative, permitting, or enforcement~~
- 11 ~~and inspection procedures of each county; or~~
- 12 ~~(2) Conflict with chapter 464."~~

13 9. By repealing section 107-27:

14 "~~[§107-27] Exemptions.~~ (a) ~~Upon adoption of rules under~~  
15 ~~this chapter, the design of all state building construction~~  
16 ~~shall be in compliance with the state building code within one~~  
17 ~~year of its effective date, and state building construction~~  
18 ~~shall be allowed to be exempted from:~~

- 19 ~~(1) County codes that have not adopted the state building~~
- 20 ~~code;~~
- 21 ~~(2) Any county code amendments that are inconsistent with~~
- 22 ~~the minimum performance objectives of the state~~



1 ~~building code or the objectives enumerated in this~~  
2 ~~part, or~~

3 ~~(3) Any county code amendments that are contrary to code~~  
4 ~~amendments adopted by another county.~~

5 ~~(b) Exemptions shall include county ordinances allowing~~  
6 ~~the exercise of indigenous Hawaiian architecture adopted in~~  
7 ~~accordance with section 46-1.55." ]~~

8 10. By repealing section 107-28:

9 [ "~~§107-28~~ ~~County building code authority to amend the~~

10 ~~state model building code without state approval.~~ (a) ~~The~~  
11 ~~governing body of each county shall amend the state building~~  
12 ~~code as it applies within its respective jurisdiction, in~~  
13 ~~accordance with section 46-1.5(13), without approval of the~~  
14 ~~council. Each county shall use the model codes and standards~~  
15 ~~listed in section 107-25, as the referenced model building codes~~  
16 ~~and standards for its respective county building code ordinance,~~  
17 ~~no later than two years after the adoption of the state building~~  
18 ~~code.~~

19 ~~(b) If a county does not amend the statewide model code~~  
20 ~~within the two year time frame, the state building code shall~~  
21 ~~become applicable as an interim county building code until the~~  
22 ~~county adopts the amendments." ]~~



1 PART II

2 SECTION 3. Section 6E-15, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "**§6E-15 Regulations, special conditions, or restrictions.**

5 In addition to any power or authority of a political subdivision  
6 to regulate by planning or zoning laws and regulations or by  
7 local laws and regulations, the governing body of any political  
8 subdivision may provide by regulations, special conditions, or  
9 restrictions for the protection, enhancement, preservation, and  
10 use of historic properties or burial sites. These regulations,  
11 special conditions, and restrictions may include appropriate and  
12 reasonable control of the use or appearance of adjacent or  
13 associated private property within the public view, or both,  
14 historic easements, preventing deterioration by wilful neglect,  
15 permitting the modification of local health [~~and building code~~]  
16 provisions, and transferring development rights[-]; provided  
17 that these regulations, special conditions, and restrictions  
18 shall not permit the modification of any building code."

19 SECTION 4. Section 46-1.55, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "**§46-1.55 Indigenous Hawaiian architecture.** (a) Each  
22 county shall adopt ordinances allowing the exercise of



1 indigenous native Hawaiian architectural practices, styles,  
 2 customs, techniques, and materials historically employed by  
 3 native Hawaiians [~~, in the county's building code, including but~~  
 4 ~~not limited to residential and other structures comprised of~~  
 5 ~~either rock wall or wood frame walls covered by thatches of~~  
 6 ~~different native grasses or other natural material for roofs].~~

7 (b) The application of indigenous Hawaiian architecture  
 8 shall be permitted in all zoning districts; provided that it is  
 9 consistent with the intent and purpose of [~~the~~] any uniquely  
 10 designated, special, or historic district.

11 [~~(c) Each county shall adopt or amend its ordinances to~~  
 12 ~~implement this section no later than March 31, 2008. The~~  
 13 ~~ordinance adopted by Maui county shall serve as a model.]"~~

14 SECTION 5. Section 46-15.3, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16 "**§46-15.3 Regulation of adult family boarding home and**  
 17 **care home.** (a) For the purpose of regulation under the Hawaii  
 18 state building code established by section 107-25 and a county's  
 19 life safety code [~~, building code, fire code,~~] or any other  
 20 ordinance of similar purpose, a licensed adult family boarding  
 21 home or licensed care home that provides living accommodations  
 22 for:



1 (1) The operator of the home and operator's family; and  
2 (2) Up to six other persons, not more than three of whom  
3 are incapable of self-preservation because of age or  
4 physical or mental limitations,  
5 shall be deemed a single-family dwelling occupied by a family.

6 (b) For the purpose of this section:

7 [~~"Building code" means an ordinance the purpose of which is  
8 to provide minimum standards to safeguard life or limb, health,  
9 property, and public welfare by regulating and controlling the  
10 design, construction, quality of materials, use and occupancy,  
11 location, and maintenance of all buildings and structures within  
12 the county's jurisdiction and certain equipment specifically  
13 regulated by the ordinance.~~

14 [~~"Fire code" means an ordinance adopted under section 132 3  
15 or an ordinance intended to prescribe regulations consistent  
16 with recognized good practice for the safeguarding to a  
17 reasonable degree of life and property from the hazards of fire  
18 and explosion arising from the storage, handling, and use of  
19 hazardous substances, materials, and devices and from conditions  
20 hazardous to life or property in the use or occupancy of  
21 buildings or premises.]~~



1 "Licensed adult family boarding home" means an adult family  
2 boarding home licensed under chapter 346, part IV.

3 "Licensed care home" means a care home licensed under  
4 section 321-15.6.

5 "Life safety code" means an ordinance the purpose of which  
6 is to establish minimum requirements that will provide a  
7 reasonable degree of safety from fire in buildings and  
8 structures."

9 SECTION 6. Section 132-2, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§132-2 General power to make rules.** Subject to chapter  
12 91, the fire chief of each county may adopt rules which shall  
13 not be inconsistent with the provisions of any [~~ordinance~~] law  
14 relating to the protection of persons and property against fire.

15 Such rules may relate to:

16 (1) Prevention of fires, [~~and~~] the inspection of  
17 property[~~]~~ periodically or otherwise, [~~or for~~] the  
18 prevention of or reduction of loss by fire, or [~~to~~  
19 ~~promote~~] promotion of the safety of persons in case of  
20 fire;

21 (2) Manufacture, storage, sale, and use of combustibles  
22 and explosives;





1 (3) Installation and maintenance of automatic[7] or other  
2 fire alarm systems[7] and fire extinguishing  
3 equipment; and

4 (4) Fire escape and other means of exits from or access to  
5 buildings or parts of buildings or other property in  
6 case of fire, including the exterior approaches to  
7 exits of places of assembly."

8 SECTION 7. Section 132-3, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§132-3** ~~[Adoption of state]~~ State fire code. (a) The  
11 state fire council shall, after public hearings pursuant to  
12 chapter 91, ~~[adopt]~~ propose a state fire code setting forth  
13 minimum requirements relative to the protection of persons and  
14 property from fire loss, including without limitation:

15 (1) ~~[the]~~ The storage, handling, and use of hazardous  
16 substances, materials, and devices; and

17 (2) ~~[the]~~ The control of conditions hazardous to life or  
18 property in the design, use, or occupancy of buildings  
19 and premises.

20 ~~[The state fire code shall become part of the state building~~  
21 ~~code as provided in section 107-25.]~~



1        (b) The state fire council shall meet annually to [review  
2 and amend the state fire code.]:

3        (1) Determine the necessity of amending the state fire  
4 code; and

5        (2) If necessary, submit proposed amendments to the state  
6 fire code to the Hawaii state building code council.

7        (c) The Hawaii state building code council shall have sole  
8 authority to determine whether to adopt the state fire code or  
9 any amendments thereto proposed by the state fire council.

10       (d) The adoption into the Hawaii state building code of  
11 the state fire code or any amendments thereto shall be approved  
12 by a majority vote of all voting members of the Hawaii state  
13 building code council."

14       SECTION 8. Section 132-16, Hawaii Revised Statutes, is  
15 amended by amending subsection (b) to read as follows:

16       "(b) In addition to [~~adopting~~] proposing to the Hawaii  
17 state building code council a state fire code pursuant to  
18 section 132-3, the state fire council shall:

19       (1) Administer the requirements for reduced ignition  
20           propensity cigarettes, in accordance with chapter  
21           132C; and



1           (2) Serve as a focal point through which all applications  
2           to the federal government for federal grant assistance  
3           for fire-related projects shall be made. Upon the  
4           receipt of any such federal grants, the state fire  
5           council shall administer those federal grants."

6           SECTION 9. Section 514A-61, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8           "(b) In the case of a project which includes one or more  
9 existing structures being converted to condominium status:

10           (1) A statement by the declarant, based upon a report  
11           prepared by an independent [~~Hawaii-registered~~] Hawaii-  
12           registered architect or engineer, describing the  
13           present condition of all structural components and  
14           mechanical and electrical installations material to  
15           the use and enjoyment of the condominium;

16           (2) A statement by the declarant of the expected useful  
17           life of each item reported on [~~it~~] pursuant to  
18           paragraph (1) or a statement that no representations  
19           are made in that regard;

20           (3) A list of any outstanding notices of uncured  
21           violations of the Hawaii state building code or



1           [~~ether~~] municipal regulations, together with the cost  
2           of curing these violations;

3           (4) A statement whether the project is on a lot, or has  
4           structures or uses, which do not conform to present  
5           zoning requirements;

6           provided that paragraphs (1), (2), and (3) apply only to  
7           apartments that may be occupied for residential use, and only to  
8           apartments that have been in existence for five years."

9           SECTION 10. Section 514B-84, Hawaii Revised Statutes, is  
10          amended by amending subsection (a) to read as follows:

11          "(a) In addition to the information required by section  
12          514B-83, the developer's public report for a project containing  
13          any existing structures being converted to condominium status  
14          shall contain:

15          (1) Regarding units that may be occupied for residential  
16          use and that have been in existence for five years or  
17          more:

18          (A) A statement by the developer, based upon a report  
19          prepared by a Hawaii-licensed architect or  
20          engineer, describing the present condition of all  
21          structural components and mechanical and



- 1           electrical installations material to the use and
- 2           enjoyment of the units;
- 3           (B) A statement by the developer of the expected
- 4           useful life of each item reported on [~~in~~]
- 5           pursuant to subparagraph (A) or a statement that
- 6           no representations are made in that regard; and
- 7           (C) A list of any outstanding notices of uncured
- 8           violations of the Hawaii state building code or
- 9           [~~either~~] county regulations, together with the
- 10          estimated cost of curing these violations;
- 11         (2) Regarding all projects containing converted
- 12          structures, a verified statement signed by an
- 13          appropriate county official that:
- 14           (A) The structures are in compliance with all zoning
- 15           and building ordinances and codes applicable to
- 16           the project at the time it was built, and
- 17           specifying, if applicable:
- 18           (i) Any variances or other permits that have
- 19           been granted to achieve compliance;
- 20           (ii) Whether the project contains any legal
- 21           nonconforming uses or structures as a result



1 of the adoption or amendment of any  
 2 ordinances or codes; and  
 3 (iii) Any violations of current zoning or building  
 4 ordinances or codes and the conditions  
 5 required to bring the structure into  
 6 compliance; or

7 (B) Based on the available information, the county  
 8 official cannot make a determination with respect  
 9 to the matters described in subparagraph (A); and

10 (3) Other disclosures and information that the commission  
 11 may require."

12 SECTION 11. Section 514B-143, Hawaii Revised Statutes, is  
 13 amended by amending subsection (a) to read as follows:

14 "(a) Unless otherwise provided in the declaration or  
 15 bylaws, the association shall purchase and at all times maintain  
 16 the following:

- 17 (1) Property insurance:
  - 18 (A) On the common elements;
  - 19 (B) Providing coverage for special form causes of
  - 20 loss; and
  - 21 (C) In a total amount of not less than the full
  - 22 insurable replacement cost of the insured



1 property, less deductibles, but including  
2 coverage for the increased costs of construction,  
3 if any, due to [~~building code~~] the requirements  
4 of the Hawaii state building code, at the time  
5 the insurance is purchased and at each renewal  
6 date;

7 (2) Commercial general liability insurance against claims  
8 and liabilities arising in connection with the  
9 ownership, existence, use, or management of the  
10 property in a minimum amount of \$1,000,000, or a  
11 greater amount deemed sufficient in the judgment of  
12 the board;

13 (3) A fidelity bond, as follows:

14 (A) An association with more than five dwelling units  
15 shall obtain and maintain a fidelity bond  
16 covering persons, including the managing agent  
17 and its employees who control or disburse funds  
18 of the association, in an amount equal to \$500  
19 multiplied by the number of units; provided that  
20 the amount of the fidelity bond required by this  
21 paragraph shall not be less than \$20,000 nor  
22 greater than \$200,000; and



1 (B) All management companies that are responsible for  
2 the funds held or administered by the association  
3 shall be covered by a fidelity bond as provided  
4 in section 514B-132(a)(3). The association shall  
5 have standing to make a loss claim against the  
6 bond of the managing agent as a party covered  
7 under the bond; and

8 (4) The board shall obtain directors and officers  
9 liability coverage at a level deemed reasonable by the  
10 board, if not otherwise limited by the declaration or  
11 bylaws."

12 SECTION 12. Section 46-19.5, Hawaii Revised Statutes, is  
13 repealed.

14 [~~"§46-19.5 Energy conservation standards for building~~  
15 ~~design and construction.~~ (a) Energy efficiency building  
16 standards based on the design requirements for improvements of  
17 energy utilization in buildings developed and approved by the  
18 American Society of Heating, Refrigerating and Air Conditioning  
19 Engineers, Incorporated (ASHRAE 90.1), shall be incorporated by  
20 each county into its building code by October 24, 1994. The  
21 standards shall apply to all buildings, including state  
22 buildings; provided that the standards for renovated buildings





1 ~~shall only apply to the renovated system or elements of the~~  
2 ~~building.~~

3 ~~(b) The energy efficiency building standards shall not~~  
4 ~~apply to exempted buildings. For the purposes of this section,~~  
5 ~~"exempted building" means:~~

6 ~~(1) Any building owned or leased in whole or in part by~~  
7 ~~the United States; and~~

8 ~~(2) Any building that is deliberately preserved beyond its~~  
9 ~~normal term of use because of historic significance,~~  
10 ~~architectural interest, or public policy or that~~  
11 ~~qualifies for special historic building code~~  
12 ~~provisions.~~

13 ~~For special applications such as hospitals, laboratories,~~  
14 ~~thermally sensitive equipment, computer rooms, and manufacturing~~  
15 ~~and industrial processes, the design concepts and parameters~~  
16 ~~shall conform to the requirements of the application at minimum~~  
17 ~~energy levels, provided that where these special applications~~  
18 ~~are described in the ASHRAE handbook and product directory,~~  
19 ~~applications volume, the criteria described therein shall be~~  
20 ~~used.~~

21 ~~(c) The energy efficiency building standards shall be~~  
22 ~~enforced at the time of construction of a new building or at the~~



1 ~~time of major addition, alteration, or repair of an existing~~  
2 ~~building when the proposed major addition, alteration, or repair~~  
3 ~~must comply with the standards applicable to new buildings under~~  
4 ~~the applicable county building code. No official of the State~~  
5 ~~nor of any county charged with the enforcement of laws or~~  
6 ~~ordinances pertaining to the construction or alteration of~~  
7 ~~buildings or structures shall accept or approve any plan or~~  
8 ~~specification including or pertaining to the design and~~  
9 ~~construction details and standards for a heating or cooling~~  
10 ~~system unless the energy efficiency building standards are met.~~  
11 ~~All such plans and specifications submitted with or in~~  
12 ~~connection with an application for a building or construction~~  
13 ~~permit shall bear the certification by a registered architect or~~  
14 ~~engineer that the plans and specifications comply with the~~  
15 ~~energy efficiency building standards.~~

16 ~~(d) At such time as performance standards that address the~~  
17 ~~overall energy performance of buildings are promulgated pursuant~~  
18 ~~to the Energy Conservation Standards for New Buildings Act of~~  
19 ~~1976, Title III of the Energy Conservation and Production Act,~~  
20 ~~Public Law 94 385, such standards shall be considered for~~  
21 ~~adoption by each county and shall be incorporated into its~~



1 ~~building code in addition to the standard adopted pursuant to~~  
2 ~~subsection (a) above, as required by federal law." ]~~

3 SECTION 13. Section 46-19.7, Hawaii Revised Statutes, is  
4 repealed.

5 ~~[ "~~§46-19.7~~ Individual shower control valves required.~~

6 ~~Every county building code shall require that all showers in new~~  
7 ~~dwelling units shall be equipped with individual shower control~~  
8 ~~valves of the pressure balance or the thermostatic mixing valve~~  
9 ~~type unless the temperature of the water serving the showers is~~  
10 ~~limited to 110 degrees Fahrenheit. The requirements of this~~  
11 ~~section shall be applicable to building permits issued after~~  
12 ~~December 31, 1992." ]~~

13 PART III

14 SECTION 14. There is appropriated out of the general  
15 revenues of the State of Hawaii the sum of \$ or so much  
16 thereof as may be necessary for fiscal year 2012-2013 for the  
17 Hawaii state building code council to carry out its duties.

18 The sum appropriated shall be expended by the department of  
19 accounting and general services for the purposes of this Act.

20 SECTION 15. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so much  
22 thereof as may be necessary for fiscal year 2012-2013 for the



1 natural disaster preparedness commission to carry out its  
2 duties.

3 The sum appropriated shall be expended by the department of  
4 defense for the purposes of this Act.

5 SECTION 16. This Act does not affect rights and duties  
6 that matured, penalties that were incurred, and proceedings that  
7 were begun before its effective date.

8 SECTION 17. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 18. This Act shall take effect on July 1, 2012,  
11 and shall apply to building permits issued after September 30,  
12 2012.



**Report Title:**

Hawaii State Building Code and Council; Natural Disaster Commission; Appropriations

**Description:**

Establishes the Hawaii State Building Code, Hawaii State Building Code Council, and Natural Disaster Preparedness Commission. Effective July 1, 2012. (HB2358 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

