
A BILL FOR AN ACT

RELATING TO THE HAWAII HURRICANE RELIEF FUND COMPREHENSIVE LOSS
REDUCTION PLAN.

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

1 SECTION 1. The legislature finds that the Hawaii hurricane
2 relief fund is responsible for developing a comprehensive loss
3 reduction plan for the hurricane peril that includes standards
4 for residential and commercial structures and a timetable for
5 the implementation of mandatory mitigation measures, pursuant to
6 section 431P-12, Hawaii Revised Statutes.

7 The legislature further finds that the state building code
8 council, created in 2007, was required to adopt a comprehensive
9 state building code that included the latest editions of
10 nationally recognized building codes and standards for the State
11 of Hawaii. When nationally recognized building codes are
12 updated every three years, the state building code council
13 amends the Hawaii Administrative Rules pertaining to the
14 building code. The process of amending the rules can typically
15 cost between \$75,000 and \$100,000.



1 Pursuant to part II of chapter 107, Hawaii Revised
2 Statutes, the state building code council is also responsible
3 for establishing residential and hurricane-resistant standards
4 related to loss mitigation standards in accordance with section
5 431P-12, Hawaii Revised Statutes. However, the staff and
6 operating expenses of the council have never been funded, thus
7 limiting the council's ability to carry out its responsibilities
8 and resulting in existing standards that do not meet federal
9 requirements for receiving post-disaster aid. Specifically, a
10 condition for receiving assistance from the Federal Emergency
11 Management Agency is that the repair, replacement, or
12 construction of buildings located in hazard-prone areas must at
13 the very least conform to the hazard-resistant standards
14 referenced in the most recent edition of the model building code
15 as of the disaster declaration date.

16 The legislature also finds that the vulnerability of Hawaii
17 buildings to hurricanes directly affects the insurance industry
18 and the availability and cost of hurricane insurance to property
19 owners. Therefore, mitigation of future hurricane losses has a
20 direct benefit to the sustainability of the Hawaii hurricane
21 relief fund and the housing and commercial real estate markets.



1 The legislature believes that it is in the State's interest
2 to clarify the relationship between the Hawaii hurricane relief
3 fund and the state building code council to effectively
4 implement the loss mitigation standards relating to the
5 hurricane peril. However, the legislature has concerns that the
6 Hawaii hurricane relief fund can be used for all rulemaking for
7 the state building codes, not just for hurricane-related
8 building codes, and that such funding for updating hurricane-
9 related building codes and filling positions to implement the
10 codes should be used solely for hurricane-related matters.
11 Clarifying section 431P-12, Hawaii Revised Statutes, will allow
12 the Hawaii hurricane relief fund and the state building code
13 council to carry out their responsibilities in protecting the
14 health and safety of the public and in mitigating future losses
15 from the hurricane peril.

16 The purpose of this Act is to clarify that the
17 comprehensive loss reduction plan of the Hawaii hurricane relief
18 fund shall include implementing building code requirements for
19 hurricane standards in accordance with state building code and
20 design standards.



1 SECTION 2. Section 431P-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[§]431P-12[§]~~ **Mitigation.** The fund shall develop and
4 provide for the implementation of a comprehensive loss reduction
5 plan for the hurricane peril. The plan shall include, and the
6 fund shall sponsor, the development and implementation of state
7 building code hurricane standards only for new residential and
8 commercial structures and separate hurricane standards for
9 existing residential and commercial structures. The plan shall
10 ~~[provide a timetable for implementation of]~~ include funding to
11 support the adoption of administrative rules to implement the
12 hurricane-related building code and design standards of part II
13 of chapter 107 and to implement [mandatory] loss mitigation
14 measures for both new and existing structures[-], where
15 applicable by law."

16 SECTION 3. The state building code council shall submit a
17 report to the legislature no later than January 1, 2019, on the
18 amount of funds used to support the adoption of administrative
19 rules to implement hurricane-related building code and design
20 standards of part II of chapter 107, Hawaii Revised Statutes, as
21 provided for in this Act; the specific codes that were affected;



1 and any positions that were filled using the Hawaii hurricane
2 relief fund and the duties of the position related to work on
3 hurricane-related matters.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2050, and
7 shall be repealed on June 30, 2018, and section 431P-12, Hawaii
8 Revised Statutes, shall be reenacted in the form it which it
9 read prior to the effective date of this Act.



Report Title:

Hawaii Hurricane Relief Fund

Description:

Clarifies that the comprehensive loss reduction plan of the HHRF shall include implementing building code requirements for hurricane standards in accordance with state building code and design standards. (HB1435 HD2)

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