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Testimony of
MARK B. GLICK, Chief Energy Officer

before the
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Tuesday, February 13, 2024
4:00 PM
State Capitol, Conference Room 225 & Videoconference

Providing Comments on
SB 2335

RELATING TO THE STATE BUILDING CODE COUNCIL.

Chair McKelvey, Vice Chair Gabbard, and members of the Committee, the Hawai'i State Energy Office (HSEO) offers comments on SB 2335 which adds four members to the State Building Code Council, slows down the required three-year code adoption cycle to six years, requires the State Building Code Council to carry out cost benefit analyses before making any amendment or update to the codes and standards identified in section 107-25¹ that increase the cost of construction, and clarifies that the counties may adopt and amend building codes after the two-year time frame.

HSEO has concerns with provisions in sections 2 and 3 of the proposed measure.

National codes are updated by national experts in building design and disaster management based on lessons learned from disasters and failure analyses, as well as

¹ Codes identified in HRS section 107-25 include: (1) The state fire code as adopted by the state fire council; (2) The Uniform Plumbing Code, as copyrighted and published by the International Association of Plumbing and Mechanical Officials; (3) The International Building Code, the International Residential Code, and the International Energy Conservation Code, as published by the International Code Council; (4) The National Electrical Code, as published by the National Fire Protection Association; (5) Hawaii design standards ... applicable to (A) Emergency shelters built to comply with hurricane resistant criteria... and (B) Essential government facilities requiring continuity of operations; and (6) Code provisions based on nationally published codes or standards ... in accordance with .. elevator, mechanical, flood and tsunami, existing buildings, and onsite sewage disposal.

advances in technologies.² HSEO is concerned with provisions of this measure that would obstruct or delay the adoption of current building codes, as doing so would reduce the rate at which better designs and technologies are included in Hawai'i's buildings. The importance of timely adoption of building codes and standards is why the Federal Emergency Management Agency uses timely code adoption as a non-negotiable criterion in its funding for disaster mitigation, resilience and recovery projects. This is explained more on the Federal Emergency Management Agency's Building Code Adoption Tracking website.³

Hawai'i Revised Statutes 107-24 states that "the adoption of a code or standard shall be within two years of the official publication date of the code or standard," synchronizing Hawai'i's code adoption with national code adoption. Failure to follow the national cycle could put the health, safety, and welfare of building occupants at risk. Noncompliance could also jeopardize opportunities for federal funding which is often contingent on timely code adoption. Both issues are of deep concern to HSEO.

HSEO notes that up-to-date energy codes are important and cost effective means of reaching Hawaii's energy and decarbonization goals, as discussed in HSEO's [Hawai'i Pathways to Decarbonization Report](#), delivered to the 2024 Hawai'i State Legislature prior to the session and available from the HSEO website, concluding that codes are one of the key drivers of energy efficiency within the state and that "energy efficiency and conservation are the single most important and most cost-effective measure to meaningfully reduce electricity demand..."

HSEO is concerned that the requirement (on page 6, lines 19-21 and page 7 lines 1-2) that the State Building Code Council shall "carry out a cost benefit analysis before making any amendment or update to the codes and standards identified in section 107-25⁴ that increases the cost of construction" has the potential to obstruct

² National Institute of Building Sciences. *Benefits and Challenges of a Timely Code Adoption Cycle*. <https://www.caba.org/wp-content/uploads/2020/04/IS-2018-92.pdf>

³ <https://www.fema.gov/emergency-managers/risk-management/building-science/bcat>

⁴ Codes identified in HRS section 107-25 include: (1) The state fire code as adopted by the state fire council; (2) The Uniform Plumbing Code, as copyrighted and published by the International Association of Plumbing and Mechanical Officials; (3) The International Building Code, the International Residential Code, and the International Energy Conservation Code, as published by the International Code Council; (4) The National Electrical Code, as published by the National Fire Protection Association; (5) Hawaii

code updates. HSEO also observes that the proposed cost benefit analyses may not be necessary. Before building codes reach Hawai'i and are considered for adoption by the State Building Code Council, they are the product of extensive national hearings often involving hundreds of public and private sector participants testifying on behalf of the organizations they represent, including safety and construction experts.

HSEO is also concerned that expanding the State Building Code Council from twelve to sixteen members, by adding four more, would further burden an unfunded and unstaffed body to support additional staff members. The unions, building industry, real estate industry and others, freely express their views in meetings as amendments to codes are being considered.

HSEO believes that the provisions listed above would add a significant unfunded cost burden and duplicate participation that already exists.

Thank you for the opportunity to testify.

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