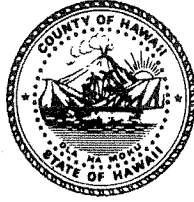


Susan L.K. Lee Loy
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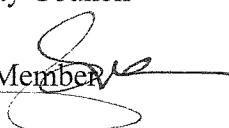
HAWAI'I COUNTY COUNCIL

25 Aupuni Street, Hilo, Hawai'i 96720

MEMORANDUM

DATE: August 2, 2021

TO: Maile Medeiros David, Council Chair; and
Members of the Hawai'i County Council

FROM: Susan L.K. Lee Loy, Council Member 

SUBJECT: Proposed Amendments to Bill No. 44; an Ordinance Amending the Hawai'i County Code 1983 (2016 Edition, As Amended), Relating to the County Construction Code by:

- 1) Adopting New Chapters 5B (Residential Building Code) and 5C (Existing Building Code);
- 2) Amending Chapter 5 (Construction Administration Code): Sections 5-1-2, 5-1-3, 5-1-5, 5-2-2, 5-2-3, 5-2-4, 5-4-21, 5-8-4, and 5-10-1;
- 3) Amending Chapter 5A (Building Code): Sections 5A-1-3, 5A-1-6, 5A-3-21, 5A-3-22, and 5A-3-27;
- 4) Amending Chapter 5D (Electrical Code): Sections 5D-1-3, and 5D-1-6;
- 5) Amending Chapter 5E (Energy Conservation Code): Section 5E-1-6; and
- 6) Amending Chapter 5F (Plumbing Code): Section 5F-1-6.

Please see below proposed amendments to Bill No. 44. These proposed amendments are illustrated in Ramseyer format with respect to the contents of Bill No. 44; material to be deleted is bracketed and stricken and new material is underscored. If these proposals are adopted, draft language that would incorporate these changes into Bill No. 44 is attached.

1. In SECTION 1 of Bill No. 44 that amends Section 5B-2-1 (International Residential Code adopted), on page 5 of the bill, Subsection (a) would be amended as follows:

“(a) The “International Residential Code for One- and Two-family Dwellings, 2018 Edition,” as published in 2017 by the International Code Council, Incorporated, 500 New Jersey Avenue, 6th Floor, Washington, DC 20001, is adopted by reference and made a part of this code, subject to any amendments set forth in this chapter. Hereinafter, the “International Residential Code for One- and Two-family Dwellings, 2018 Edition,” shall be referred to as the “International Residential Code.” The appendices of the International Residential Code are not adopted unless otherwise provided in this chapter.

- (1) The following appendices of the International Residential Code are adopted by reference and made a part of this ~~[chapter]~~ code, subject to any amendments set forth in ~~[administrative rules or]~~ this chapter:
 - (A) Appendix H, Patio Covers;
 - (B) Appendix M, Home Day Care – R-3 Occupancy; and
 - (C) Appendix Q, Tiny ~~[Housing]~~ Houses.
 - (2) The following appendix is added to the International Residential Code and made a part of this ~~[chapter]~~ code, subject to any amendments set forth in ~~[administrative rules or]~~ this chapter: Appendix U, Factory-built Housing.”
2. In SECTION 1 of Bill No. 44 that amends Paragraph 5B-2-1(d)(4), (Section R202, “Definitions” of the IRC), on page 7 of the bill, the definition of “Building” would be amended as follows:

“BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to any structure mounted on wheels such as a trailer, wagon or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.

To the extent context otherwise permits and/or requires, the definitions of “building” as used in the following chapters of the Hawai‘i County Code: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E, the energy conservation code; and 5F, the plumbing code; are incorporated by reference herein.”

3. In SECTION 1 of Bill No. 44 that amends Section 5B-3-2 (Appendices of the International Residential Code adopted), on page 39 of the bill, Section 5B-3-2 would be amended as follows:

“SECTION 5B-3-2. Appendices of the International Residential Code adopted.

The following appendices of the International Residential Code are ~~[hereby]~~ adopted ~~[and incorporated]~~ by reference ~~[herein]~~ and made a part of this code, subject to ~~[the]~~ any amendments ~~[hereinafter]~~ set forth in this article:

- (1) Appendix H, Patio Covers;
 - (2) Appendix M, Home Day Care – R-3 Occupancy; and
 - (3) Appendix Q, Tiny Houses.”
4. In SECTION 2 of Bill No. 44 that amends Paragraph 5C-2-1(d)(4), (GENERAL DEFINITIONS), on page 53 of the bill, the definition of “Building” would be amended as follows:

“BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to, any structure mounted on

wheels such as a trailer, wagon or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.”

5. In SECTION 1 of Bill No. 44 that amends Section 5B-3-3 (Appendix Q; Tiny Houses), on page 43 of the bill, the titles of the following paragraphs and section would be corrected by replacing the “Y” in their titles with “AQ”: paragraphs Y105.2.4 (Ships ladders); Y105.3 (Loft guards); Y105.4 (Loft smoke alarms); Y105.5 (Loft location); SECTION Y106 (EMERGENCY ESCAPE AND RESCUE OPENINGS); and Y106.1 (General). As amended, the titles of these paragraphs and SECTION would read as follows:

“~~[Y105.2.4]~~ AQ105.2.4 Ships ladders.”

“~~[Y105.3]~~ AQ105.3 Loft guards.”

“~~[Y105.4]~~ AQ105.4 Loft smoke alarms.”

“~~[Y105.5]~~ AQ105.5 Loft location.”

“SECTION ~~[Y106]~~ AQ106
EMERGENCY ESCAPE AND RESCUE OPENINGS”

“~~[Y106.1]~~ AQ106.1 General.”

6. In SECTION 11 of Bill No. 44 that amends Section 5-4-21, on page 63 of the bill, Subsection (c) would be amended as follows:

“(c) Application for model plan pre-approval.

- (1) To apply for pre-approval of a model plan, three sets of complete working drawings and specifications that bear the wet seal and signature of a person who is licensed in the State of Hawai‘i as an architect or professional structural engineer shall be submitted to the authority having jurisdiction.
- (2) Factory-built homes shall include a manufacturer’s ~~[seal]~~ label as required by Appendix U of chapter 5B, the residential building code.
- (3) A plan review fee for pre-approved model plans shall be assessed per model home design in accordance with section 5-7-2.”

Thank you for your attention to this matter.

SLL:lc
Att.

ATTACHMENT

Incorporates the provisions of this floor amendment into
the affected provisions of Bill No. 44.

1. In SECTION 1 of Bill No. 44 that adds Section 5B-2-1, on page 5 of the bill, Subsection (a) would be amended to read as follows:

“(a) The “International Residential Code for One- and Two-family Dwellings, 2018 Edition,” as published in 2017 by the International Code Council, Incorporated, 500 New Jersey Avenue, 6th Floor, Washington, DC 20001, is adopted by reference and made a part of this code, subject to any amendments set forth in this chapter. Hereinafter, the “International Residential Code for One- and Two-family Dwellings, 2018 Edition,” shall be referred to as the “International Residential Code.” The appendices of the International Residential Code are not adopted unless otherwise provided in this chapter.”

(1) The following appendices of the International Residential Code are adopted by reference and made a part of this code, subject to any amendments set forth in this chapter:

- (A) Appendix H, Patio Covers;
- (B) Appendix M, Home Day Care – R-3 Occupancy; and
- (C) Appendix Q, Tiny Houses.

(2) The following appendix is added to the International Residential Code and made a part of this code, subject to any amendments set forth in this chapter: Appendix U, Factory-built Housing.”

2. In SECTION 1 of Bill No. 44 that amends Paragraph 5B-2-1(d)(4), (Section R202, “Definitions” of the IRC), on page 7 of the bill, the definition of “Building” would be amended to read as follows:

“BUILDING. [~~Any one or two-family dwelling or portion thereof, including townhouses, used or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, or any accessory structure. For the definition applicable in Chapter 11, see Section N1101.6.] Any structure used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to any structure mounted on wheels such as a trailer, wagon or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.~~

To the extent context otherwise permits and/or requires, the definitions of “building” as used in the following chapters of the Hawai‘i County Code: 5A, the building code; 5B, the residential building code; 5C, the existing building code; 5D, the electrical code; 5E,

the energy conservation code; and 5F, the plumbing code; are incorporated by reference herein.”

3. In SECTION 1 of Bill No. 44 that amends Section 5B-3-2 (Appendices of the International Residential Code adopted), on page 39 of the bill, Section 5B-3-2 would be amended to read as follows:

“SECTION 5B-3-2. Appendices of the International Residential Code adopted.

The following appendices of the International Residential Code are adopted by reference and made a part of this code, subject to any amendments set forth in this article:

- (1) Appendix H, Patio Covers;
- (2) Appendix M, Home Day Care – R-3 Occupancy; and
- (3) Appendix Q, Tiny Houses.”

4. In SECTION 2 of Bill No. 44 that amends Paragraph 5C-2-1(d)(4), (GENERAL DEFINITIONS), on page 53 of the bill, the definition of “Building” would be amended to read as follows:

“BUILDING. Any structure [utilized] used or intended for supporting or sheltering any use or occupancy. The term shall include but not be limited to any structure mounted on wheels such as a trailer, wagon or vehicle which is parked and stationary for any 24-hour period, and is used for business or living purposes; provided, however, that the term shall not include a push cart or push wagon which is readily movable and which does not exceed 25 square feet in area, nor shall the term include a trailer or vehicle, used exclusively for the purpose of selling any commercial product therefrom, which hold a vehicle license and actually travels on public or private streets.”

5. In SECTION 1 of Bill No. 44 that amends Section 5B-3-3 (Appendix Q; Tiny Houses), on page 43 of the bill, the following paragraphs would be amended to read as follows:

“AQ105.2.4 Ships ladders. Ships ladders accessing lofts 200 square feet or less shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

AQ105.3 Loft guards. Loft guards shall be located along the open side(s) of lofts located more than 30 inches (762 mm) above the main floor. Loft guards shall be not less than 36 inches (914 mm) in height or one-half the clear height to the ceiling, whichever is less. Loft guards are not required at the loft accessing means connection to the loft.

AQ105.4 Loft smoke alarms. *Lofts shall be equipped with a minimum of one photoelectric-type smoke alarm complying with Section R314.*

AQ105.5 Loft location. *Lofts shall not be located directly above a permanently installed cooking appliance. Permanently installed cooking appliances shall not be located within 12 inches (304.8 mm) horizontally of a loft open edge, measured to the vertical plane of the loft edge.*

SECTION AQ106
EMERGENCY ESCAPE AND RESCUE OPENINGS

AQ106.1 General. *Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings.*

Exception: *Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed with the bottom of their clear opening no more than 44 inches (1118 mm) above the loft floor provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.*

6. In SECTION 11 of Bill No. 44 that amends Section 5-4-21, on page 63 of the bill, Subsection (c) would be amended to read as follows:

“(c) Application for model plan pre-approval.

- (1) To apply for pre-approval of a model plan, three sets of complete working drawings and specifications that bear the wet seal and signature of a person who is licensed in the State of Hawai'i as an architect or professional structural engineer shall be submitted to the authority having jurisdiction.
- (2) Factory-built homes shall include a manufacturer's ~~[seal]~~ label as required by Appendix ~~[L]~~ U of chapter ~~[5A, the building code]~~ 5B, the residential building code.
- (3) A plan review fee for pre-approved model plans shall be assessed per model home design in accordance with section 5-7-2.”