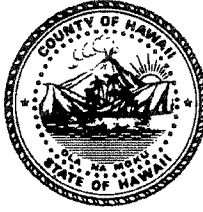


From the office of -  
Council Member  
District 3



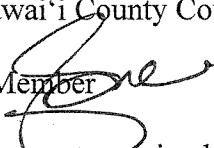
Office: (808) 961-8396  
Fax: (808) 961-8912  
Email: sue.leeloy@hawaiicounty.gov

**SUSAN L.K. LEE LOY**  
25 Aupuni Street, Hilo, Hawai'i 96720

MEMORANDUM

DATE: June 25, 2020

TO: Aaron S.Y. Chung, Council Chair  
and Members of the Hawai'i County Council

FROM: Sue Lee Loy, Council Member 

SUBJECT: Bill No. 179: Public comments received and answered

2020 JUN 25 AM 11:35  
COUNTY CLERK  
COUNTY OF HAWAII

Prior to submittal to the Council, an early version of Bill No. 179 was released to the public on May 29, 2020, with instructions to provide written comments to the Building Division by June 5, 2020.

The Building Division replied to numerous comments, questions, and suggestions received during this period, and categorized the comments as follows:

- Proposed Chapter 5 (Construction Administrative Code) – 111 comments
- Proposed Chapter 5A (Building Code) – 10 comments
- Proposed Chapter 5D (Electrical Code) – 2 comments
- Proposed Chapter 5E (Energy Conservation Code) – 2 comments
- Proposed Chapter 5F (Plumbing Code) – 4 comments

In addition, nine comments were characterized as “out of scope” of this bill.

A matrix of those comments, the justifications, the Building Division’s actions in response, and the letters are attached hereto.

SL:ps  
Att.

Comm. No. 989.1  
Ref. To: P/PW/MTG  
Ref. Date JUL 07 2020

**ADMIN CONSTRUCTION CODE**

| Comment  | Justification   | Action  |
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| <p>Section 5-1-3 Item 8, Agriculture Buildings – can we please provide a special exception/amendment that makes it easier to construct greenhouses for ag purposes. Can we make it easier to permit/construct these types of facilities through exemptions or other means?</p> | <p>There is also a national/international push on indoor agriculture (controlled environments in existing/new buildings). In an effort to promote food safety and security for our community,</p> | <p>5-1-3(8) does not require permitting for Ag structures compliant and administered to HRS 46-88. Ag structures requiring permits would utilize the adopted Appendix C as amended.</p> |
| <p>Section 5-1-4 The IBC version is given in Chapter 5A but not in Chapter 5,</p>  |   | <p>Chapter 5A is specific to installation requirements per the adopted IBC. Administrative provisions are expanded to cover plumbing and electrical.</p>                                |
| <p>Section 5-1-4(b) It appears that the twelve month period and valuation criteria for upgrade requirements is being deleted in favor of an unamended IBC Chapter 34. It appears this will make the code more restrictive in some cases and less restrictive in others.</p>    |   | <p>The provisions of Chapter 34. The building code is the minimum standard for construction.</p>  |
| <p>Section 5-1-4 Previous IBC amendments to 2006 IBC sections 3405.1 and 3410.3.2 are no longer included.</p>  | <p>These may not be needed since there is no longer valuation criteria.</p>   | <p>Acknowledged and will be considered.</p>   |
| <p>Section 5-1-4 Establish methods for non-compliant/as-built buildings to “catch up” Older as-built structure to be reviewed based on the code in effect at the time of construction, which would be determined by property’s appearance in Real Property Tax record</p>      | <p>Eliminates punitive measures and promotes re-use and potential upgrade of existing structures</p>  | <p>An amnesty program has been tried in the past and could be a solution for those willing to “catch up”. This needs to be considered further.</p>                                      |

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| <p>Have a free code compliance inspection option for people to get older homes inspected by building officials without fear of a notice of violation and encourage them to update</p>   |   |  |
| <p>Section 5-1-5 Add Replacement Cost Definition using the Uniform Standards of Professional Appraisal Practice (USPAP)<br/>         "Replacement Cost is the Estimated cost to construct, at current prices in Hawaii as of the effective appraisal date, a substitute for the building being appraised, using modern materials and current standards, design, and layout as determined by a Hawaii licensed property appraiser, or shall be the value set by the national average in the IBC Building Valuation Data<br/>         plus 70% Hawaii cost factor as defined by USPAP or a Hawaii licensed property appraiser."</p> | <p>Common-sense and consistent methodology</p>  | <p>Building valuation not included in the code. Provisions of Chapter 34 are to be used for existing structures.</p> |
| <p>Section 5-1-5 "Factory-built home" means a dwelling or dwelling unit [Housing, any structure or portion thereof, designed primarily for residential occupancy by human beings,] which is either entirely prefabricated or assembled at a place other than the building site.</p>   | <p>Use of "dwelling" and "dwelling unit" suggests a residential occupancy. Omitting "structure or portion thereof" provides clarity that homes utilizing pre-manufactured trusses, wall panels or other built components are excluded from this definition.</p> | <p>Acknowledge the clarification. Modification has been made to specify dwelling and dwelling unit.</p>              |
| <p>Section 5-1-5 Factory-built home. Request confirmation of citation as noted {5-79, citing L101.2 of UBC that defines factory-built housing.} The citation appears to be from the</p>   |   | <p>Yes, IBC is the referenced Code.</p>  |

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| <p>Hawaii County Code 5-79 and referring to IBC Appendix L not the UBC as specified.</p>   |   |   |
| <p>Section 5-2-2 this point is not defined clearly.</p>  | <p>it appears new code will allow the director to deputize a county employee to change work description; i.e. plan review to inspector, clerk to inspector;</p> | <p>This authority is not a new provision, and has been a part of the building code as far back as UBC 1961.</p>   |
| <p>Section 5-2-2 Adopt Rule Making Structure</p>   | <p>Codifies procedure/ensures predictability</p>  | <p>Updated rules to further support this ordinance are being considered.</p>  |
| <p>Section 5-2-3 Collect, calculate, and reporting Building Division performance data. Establish and enforce meaning performance measures for Division and personnel. Implement an internal audit function.</p>  | <p>Adds accountability and transparency for a government function that is currently lacking, forms the basis for continuous system improvement</p>              | <p>Monthly and fiscal reports are already generated.</p>  |
| <p>Section 5-2-22 Good to see the code explicitly support used material.</p>   | <p>N/A</p>  | <p>N/A</p>  |
| <p>Section 5-2-23(d) What about Ag structures &lt;600sf for ag zoned lands.</p>  |   | <p>Agricultural buildings, structures, and appurtenances without electrical power and plumbing systems are exempt from permit and construction code requirements pursuant to HRS 46-88, Hawai'i Revised Statutes, except as otherwise provided for in this construction code. No electrical power and no plumbing systems shall be connected to a building or structure without first obtaining a permit for electrical or plumbing work.</p> |
| <p>Section 5-2-23 Encourage alternative new building techniques (local materials, liaison with UH R&amp;D, adopt affordable housing "smart Code", update zoning to allow more creative neighborhoods, encourage and facilitate ohana or second dwellings, support 3D printed concrete housing)</p> | <p>Promote sustainability, innovation, cost savings, addresses affordability</p>  | <p>Zoning Code is out of scope to DPW. Alternative materials are allowed that meet or exceed the code. Provide listings and testing for equivalency.</p>  |

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| <p>Section 5-3-3(b)(3) 1. Omit item 3) and reinstate its original position under previous Chapter 5 section 5-19.1 (and per IBC 2012 105.2 (8)); OR 2. Describe the temporary permit process and add a time limit, i.e. a temporary permit will be issued within 5 working days.</p>  | <p>There doesn't seem to be any description of the application process for temporary permits, namely, how long it might take for a temporary permit to be issued, and what is required for approval. If it is subject to the same process for a regular building permit, this will greatly increase the timeline for completing projects.</p> | <p>Temporary permit process isn't proposed to be changed and averages two working days after other reviewing agencies and/or departments have reviewed.</p>          |
| <p>Section 5-3-22(a)(4) replacement for maintenance of components, \$4,000 permit threshold. This is far too low for this category. A single door panel can cost \$4,000. It is ridiculous for an owner to have to go through the whole permit process to replace a couple of doors with the same, thus many won't get permits. The value was too low before, and is still too low. Electrical and Plumbing don't have the valuation threshold for repairs, why do other repairs need it?</p> | <p>Value should be changed to \$10,000 or eliminated.</p>   | <p>1975 ordinance \$100; 1978 ordinance \$300 in 1993 value was \$1000, in 2012 ordinance value was \$4000; future values would require considerable evaluation.</p> |
| <p>Section 5-3-22 Eliminate need for Site Drainage Study if no change to permeable surfaces, or run off changes &lt;1% of property size</p>   | <p>Unnecessary</p>  | <p>Drainage study is a function of the Planning department and engineering division of DPW and not under the administration of DPW-Building.</p>                     |
| <p>Section 5-3-22(4) Change value of threshold repair costs.</p>  | <p>\$4000 is a 1973 valuation – in 2020 dollars that is \$23,098</p>  | <p>1975 ordinance \$100; 1978 ordinance \$300 in 1993 value was \$1000, in 2012 ordinance value was \$4000; future values would require considerable evaluation.</p> |
| <p>Section 5-3-22(a)(1)(E)(4) \$4,000 limit too low</p>   | <p>There is almost nothing that can be done for less than \$4000 in present economy.</p>  | <p>1975 ordinance \$100; 1978 ordinance \$300 in 1993 value was \$1000, in 2012 ordinance value was \$4000; future values would require considerable evaluation.</p> |
| <p>Section 5-3-23 Allow Electrical Contractor as sufficient for authorized work for residential, small Ag, as-built</p>   | <p>Simplification, few safety concerns</p>  | <p>Is the proposal to not require permit for electrical work? Section 5-6-1 and 5-6-2 Identify</p>   |

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| work<200 amp   |  | that Electrical contractors shall perform the work per HRS 444 and HRS 448e.  |
| Section 5-3-22(C) Does this mean that any attached decks under 30" above grade will now require a building permit?   | For example, if someone wants to add a deck to their existing house, or extend their existing deck, they now require a building permit even if it's under 30" above grade? Does this apply to slabs as well? | 5-3-22(a)(1)(c) has been modified to clearly state detached decks or platforms less than 30" in height.   |
| Section 5-3-22 Previous Chapter 5 section 5-19.1 (5) has been omitted--- does this mean that TV and radio equipment accessory to R-1 and R-3 occupancies will now require a building permit?     |  | 5-3-22(a)(1) was added but limited to R-3.  |
| Section 5-4-1 People generally need time to "shop around" for contractors once the plans are completed.  | Requiring this information at the time the plans are submitted will likely cause delays and potential for changing them later.   | Sec. 5-4-1 (9) has been modified to require the applicant declare the phases of work, Sec. 5-4-1(10) is notice to the applicant that this information is required, but per the added Sec. 5-4-4, does not have to be provided until prior to issuance of the permit.          |
| Section 5-4-1 Create a separate "track" for Residential and Commercial plan reviews; within Commercial track separate New Build from Tenant Improvements   | Prioritizes building application types, allows less complex applications to be reviewed quicker  | This is the current practice. Non-residential projects are reviewed in the order they are received.   |
| Section 5-4-1 Adopt a consistent checklist of intake items and a flow chart of the permitting process clearly denoting the sequence of required submissions and inspections that can be expected | Eliminates customer confusion  | Checklists are posted at Hawaii county building division website. Required inspections are administered by DPW-building are outlined per Section 5-8-4. For non-residential projects, other agencies may have further inspections required outside the scope of DPW-building. |
| Section 5-4-1 After the authority having jurisdiction implements its electronic filing system, applicants may must submit documents in writing or electronically.                                | The county is moving to electronic review that requires electronic submission. An applicant who is unable to submit electronically can come to the counter and   | This is currently the proposal except that plans will need to be prepared electronically or scanned for review.   |

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| <p>Section 5-4-1(a)(8)(9)(10) information for each contractor or subcontractor engaged to do work. At the time of building permit submittal all of the contractors and subcontractors for a project my not have been selected.</p> | <p>be assisted to create an EnerGov account and file. Planning and Public Works will have counter kiosks in Kona and Hilo for this purpose.</p> <p>This section should explicitly allow this information to be provided at a later time.</p>  | <p>Originally the requirement was proposed at application intake. The HRS and HAR state law requires permits be issued to licensed contractors for electrical/plumbing work. Requirement was before issuance to meet the law requirement.</p>   |
| <p>Section 5-4-2(c)(1) it appears that 24"x36" is the only sheet size that will be accepted. 24x36 is excessively large for some small projects and may not be large enough for other projects.</p>                                | <p>It would be better to have a range, maybe 11x17 minimum to 36x48 maximum.</p>  | <p>The use of electronic plan submittal and review make paper size consistency important. An amendment has been made to "Be drawn to scale upon substantial paper that is of sufficient size that the plans and specification when in print form, are legible without magnification."</p>         |
| <p>Section 5-4-2(1) please do not limit to 24x36</p>   | <p>Please consider other sizes, some state and county departments/agencies use different standard size sheets (22 x 34, 22 x 36, etc.). We also sometimes use 30 x 42. It would also be nice to be able to submit on 11 x 17 or 8 ½ x 11 depending on what is being submitted and that all items are legible without needing magnification.</p> | <p>The use of electronic plan submittal and review make paper size consistency important. An amendment has been made to "Be drawn to scale upon substantial paper that is of sufficient size that the plans and specification when in print form, are legible without magnification."</p>         |
| <p>Section 5-4-2(3) phone number?</p>  |   | <p>Phone numbers on plans are optional for privacy sake but must be provided as part of an application.</p>   |
| <p>Section 5-4-2(c)(4)B Eliminate absolute requirement for plot plan detail for properties over 20 acres or some size limit</p>  | <p>Super excessive on large acreage/ranches</p>   | <p>Site plans are required not only for building division but the other agencies such as Planning department, engineering, SHPD, fire, DOH/COH wastewater reviewing for their jurisdictional responsibilities. Attention to detail of how a proposed project affect the property is required.</p> |

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| <p>Section 5-4-2(c)(4)(E);certified flood zone elevation mark.</p>  | <p>Certified flood zone elevation mark should be explicitly exempted for renovations and alterations which are not changing existing floors or adding additional floor area.</p>   | <p>Acknowledge and will be considered. Administrative provisions apply to building, electrical and plumbing.</p>   |
| <p>Section 5-4-3 Eliminate new building permit requirement for minor electrical or plumbing add-ons during construction</p>   | <p>Recognition of the realities of construction exigencies; time saver at no safety risk</p>   | <p>Additional fixtures define new use/occupancy and needs to be reviewed by other agencies thus new permit.</p>  |
| <p>Section 5-4-3(b)(2) ADD: Trusses manufactured per 2006 IBC section 2303.4.2 Metal-plate-connected trusses, 2012 IBC section 000, 2012 IRC section R802.10.2 &amp; R804.3.7</p> |  | <p>As commenter noted, IBC 2006 section 2303.4.2 includes metal-plate connected trusses. Per 1704.6 Metal-plate connected trusses may also be subject to special inspection.</p>                 |
| <p>Section 5-4-3(b) The truss manufacturer's design print-outs which include the design drawing data listed in the IBC/IRC should be accepted with a single cover stamp.</p>      |  | <p>Agreed. A single stamp would be adequate on the cover of truss design submittals. This is similar to any report or calculations that are prepared by the architect or engineer of record.</p> |
| <p>Section 5-4-3(c)2 Eliminate exemption for structures under 600sf</p>   |  | <p>With the new provisions for Tiny homes, this is appropriate. 5-4-3 (c)2 is amended to remove the 600sf exemption.</p>   |
| <p>Section 5-4-3(c)(2) single story structure of more than 600 sf.</p>  |  | <p>Acknowledge, typo. However Tiny homes needs AR certification.</p>   |
| <p>Section 5-4-3(C)(7) Structures in high seismic zones.</p>  | <p>For Hawaii Island it very often requires an architect and/or engineer to determine if a project is in Category E. Use and configuration of construction can determine if a location that might normally be E can be constructed as D2 and vice versa.</p> | <p>"Irregular" structures cannot be reclassified but many designs can be done in a way that allows the use of the IRC by reclassification as noted.</p>  |
| <p>Section 5-4-3(d) consider changing the retaining wall height requiring a permit from 48" to greater than 30".</p>  | <p>A 4' high un-designed retaining wall can be very dangerous. 30" would be consistent with the requirement for decks.</p>   | <p>Decks above 30" would require fall protection and retaining walls greater than 48" need to be examined for structural stability. The height</p>   |

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| <p>Section 5-4-3(h) HVAC design for one and two family single-family dwellings should be able to use IRC prescriptive design in lieu of an engineer.</p>   |  | <p>exemption is consistent with the current IBC and future IBC model codes.<br/>HVAC design for load calculations, equipment sizing / duct sizing are not prescriptive. However Architect can certify R3 systems.</p> |
| <p>Section 5-4-3(h) should be mechanical engineer</p>  |  | <p>Acknowledge, modified to mechanical, with the exception for R3.</p>  |
| <p>Section 5-4-3(h) Add "or architect" as authorized profession for mechanical plans</p>   | <p>Eliminates architect for residential work. See state statute 464-1, which allows architects "to perform professional services . . . in connection with any projects or the equipment or utilities thereof, or the accessories thereto". Also, former County wording, Section 5-25(c) – "all plans . . . for which a building permit is required shall be prepared, designed or stamped by a duly registered professional engineer or architect"</p> | <p>Reasonable to allow architects to R3 residential; exception added.</p>   |
| <p>Section 5-4-3(i) Excessive regulation for dwellings &gt; 4 bathrooms</p>  | <p>No additional threat to life or safety in a large residence</p>   | <p>Plumbing code waste vent pipe sizes and requirements change from a 3 bathroom house to a 4 +bathroom house and need to be considered and designed appropriately.</p>   |
| <p>Section 5-4-3(i) states that "Plumbing plans and diagrams shall be required for R-3 single and two family dwellings and townhouses that include four or more bathrooms. Will this require a mechanical engineers Stamp.</p> | <p>This will definitely add cost for mid-range construction and delay preparation of plans.</p>  | <p>Exception to 5-4-3(h) includes an architect for R3. If Architects can design plumbing drawings for 4 bedroom homes, they are allowed to do so.</p>   |
| <p>Section 5-4-3(j) Please clarify that the engineer should be a ME</p>  |  | <p>(j) is a general requirement, so to cover all disciplines, licensed professional engineer.</p>   |
| <p>Section 5-4-4 Provide a maximum time frame</p>  |  | <p>Other departmental reviews do not allow for a maximum time frame as they are independent of DPW and the BUILDING division</p>  |

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| <p>Section 5-4-4 Piggyback fast track permitting as incentive in designated special use districts, e.g., Opportunity Zone, Affordable Housing, other areas with relationships to other County priorities to be determined</p> | <p>Boost existing development that boosts the community</p>   | <p>Reasonable with administrative support. But not an item to be codified in DPW Building ordinance. Non-residential projects (R3) require other agencies to review and comment. This code is limited in scope to DPW building. Affordable housing can be addressed by pre DPW Building Division preapproval per Section 5-4-21.</p>             |
| <p>Section 5-4-4 Remove Fire Dept from the Review Process as currently configured and hire dedicated Fire Code reviewers within the Building Dept</p>   | <p>Eliminates a role inconsistent with the main purpose of FD personnel duties and eliminates cross-department delays</p> | <p>Defined by Hawaii County Charter 7-4-2 establish in the county a system of fire protection and prevention. Dedicated Fire Code reviewers, as Marshalls or Lieutenants, are not currently funded but has been considered in cooperation with the Fire Department. This is outside the scope of DPW-building division.</p>                      |
| <p>Section 5-4-4 Eliminate SHPD (historical preservation) review for interior tenant improvements</p>   | <p>Unnecessarily time consuming and generally irrelevant to SHPD mission</p>  | <p>Subject to HRS 6E-42 and HAR 13-284-1 – out of DPW building division scope</p>  |
| <p>Section 5-4-4 Allow option for third party plan review by accredited professional review organizations at applicant expense</p>  | <p>Reduces DPW workload, expedites process</p>  | <p>The building permit process consists of several agencies and departments. Within the building division, the past year has improved substantially. Third party review for other agencies and departments are not within DPW building division's authority.</p>   |
| <p>Section 5-4-4; 5-8-4 Develop system to reduce inconsistency from different reviewers and inspectors – establish and adhere to protocols</p>  | <p>Builds in efficiency as builder knows what to expect from prior experience</p>   | <p>DPW-Building plan review and inspection staff is striving for consistency and continues to do so with regular meeting. Training opportunities. New comments are discouraged during subsequent reviews unless the corrections affect the remainder of the design and not considered by the design professional, or the design has changed.</p> |

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| <p>Section 5-4-4 Provide for third party review</p>   |  | <p>The building permit process consists of several agencies and departments. Within the building division, the past year has improved substantially. Third party review for other agencies and departments are not within DPW building division's authority.</p>  |
| <p>Section 5-4-4 Provide a permitting option like Seattle STFI (Subject to Field Inspection) Program</p>  | <p>This can fast track some easier type projects</p>   | <p>Please clarify this program as there are "Pre-approval" processes in place now as well as a triage system for "Easy" projects. Building division is not the only division reviewing plans for permit. At the point where issues become addressed in the field with the inspector, rather than during the plan review stage, a hostile environment is created rather than a collaborative effort to ensure the structure is built according to approved plans that ensure health and safety.</p>  |
| <p>Section 5-4-5(c) Upon receipt of all required construction documents, the building official shall provide such documents to appropriate state and county departments for comments. In addition, the building official shall review such documents for compliance with this code and other codes the building official is responsible for administering. The departments shall provide their concurrence or provide substantive written comments on the construction documents no later than 30 calendar days from the date the building official sends the required documents to the departments (15 calendar days for second submittal and 5 calendar days for subsequent submittals). The building official may defer consideration of the</p> | <p>To provide measure of accountability and encourage reduced permit processing time and standardized procedures as described on Sections 5-1-2. Purpose of this code.</p> | <p>Management of the plan review process should be and is a department matter of the reviewing agency and based on appropriate timeframes for review by each agency. To force a review could result in arbitrary rejections and additional plan review fees, contrary to the intent of this proposal, and defeat the current procedure of "one bite at the apple". Well prepared applications can be reviewed and comments or approval provided within reasonable timeframes but need to be established by the industry and not the applicant regardless of the potential for contractor liability for compliance. At the point where issues become addressed in the field with the inspector, rather than during the plan review stage, a hostile environment is created</p> |

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| <p>building permit pending receipt of additional information from either the applicant or comments from a reviewing department, in which case the running of time is suspended. If reviewing departments do not provide comments within the required time period, the building official shall consider the department as having no comment on the construction documents, unless the building official requires a response from a reviewing agency as specified above. The failure of any reviewing department to comment within the specified time period shall not relieve the applicant of the responsibility to comply with all applicable laws, whether required by the County, State or United States governments, which may include obtaining other required permits prior to construction. Neither the building official in issuing a permit nor the County of Hawaii shall be responsible for the applicant's failure to comply with any applicable laws. After the time frame for comments has elapsed and the building official has received all required documents, the building official shall review the comments provided and shall approve the permit as submitted, or as it may be modified, or shall disapprove the same and shall express the disapproval and the reasons therefor in writing. {Maui Code of Ordinances, Title 16-</p> |  | <p>rather than a collaborative effort to ensure the structure is built according to approved plans that ensure health and safety.</p> |
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| <p>Buildings and Construction, Chapter 16.26B – Building Code}</p>   | <p>Section 5-4-5 Establish system where, upon satisfactory response to first round of reviewer comments any new comments denying permit must be directed to what the reviewer determines to be an additional problematic area, not the same one already corrected but with another set of eyes looking at it</p>                                 | <p>Controls multiple “bites at the apple” and defends against reviewer inconsistency</p>   | <p>DPW-Building plan review and inspection staff is striving for consistency and continues to do so with regular meeting. Training opportunities. New comments are discouraged during subsequent reviews unless the corrections affect the remainder of the design and not considered by the design professional, or the design has changed.</p> |
| <p>Section 5-4-6(b)(c) How is it solely the applicant’s responsibility to secure a permit within a 180 day time frame when the County and State control the review times? Some SHPD reviews require that a building permit application be made before they will start looking at a project, then their timeline can be years.)</p> | <p>Time should be counted against the 180 days only when the application has been returned to the applicant for corrections. Time in County or State review should not be counted.</p>   | <p>The intent of this provision is to keep the permit applications moving. Building division has applications waiting for pick up for several years. This section has been revised to the applicant has 30 days to pick up and, an additional 60 days to make corrections if needed. (90 days total)</p> |  |
| <p>Section 5-4-6 30 days to return corrected work:</p>   | <p>This is unreasonable as some rejections could entail justification of the rejection, and or just plain technical complexity of the revision. Not to mention, COH vacations, sick calls, etc. A lot of these positions are one man shows. Passing a rejection response to another reviewer has inherent problems which we experience today</p> | <p>The intent of this provision is to keep the permit applications moving. Building division has applications waiting for pick up for several years. This section has been revised to the applicant has 30 days to pick up and, an additional 60 days to make corrections if needed. (90 days total)</p> |  |
| <p>Section 5-4-6 time lines are not long enough A more reasonable correction to all time lines would be 180 days</p>   | <p>What if the owner is out of state and needs to pickup a permit? Currently, the county only accepts original signatures for all paperwork, so currently, we as the draftsman, needs to pickup the application and mail to the out of state client, then wait for them to sign it and return it. The</p>  | <p>The intent of this provision is to keep the permit applications moving. Building division has applications waiting for pick up for several years. This section has been revised to the applicant has 30 days to pick up and, an additional 60 days to make corrections if needed. (90 days total)</p> |  |

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|  | <p>proposed time frame is not adequate in case of unexpected emergencies (incoming hurricane that will delay mailings, pandemics, etc.)</p> <p>In some situations, a customer needs to get a check from the bank as part of a "draw" for their permits, and those can take time as well. Please consider given a longer time frame.</p> <p>What if ejection is asking for a new design, or if the rejection is asking for additional structural calcs (the two portions of an application that can take the longest to accomplish)</p> |  |
| <p>Section 5-4-6 Please delete or revise this section,</p> | <p>sometimes there are delays in obtaining permits other than the construction permit that may cause the people running the permit to not pick up the construction permit in the time allocated. Having to reprocess the permit will add more time, cost and work for everyone involved.</p>   | <p>Administratively COH Building division have 1000s of applications sitting in queue for pick up or are out for correction with the applicant. Too often are projects not pursued in good faith and not a priority and sit several years in limbo with designs to old codes.</p>  |
| <p>Section 5-4-6(b) what does "action" mean?</p>           | <p>A more reasonable correction to all time lines would be 180 days.</p>   | <p>To reduce processing time and resubmittals the intent is to provide a complete package at the time of application that addresses all agencies and departments. Due diligence prior to submittal reduces returns and rejections considerably. "An application for a permit shall be deemed to have been cancelled 180 days after the date of filing, unless such application</p> |

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|  |  | <p>has been pursued in good faith or a permit has been issued. " as well as one or more exemptions with justification. The intent of this provision is to keep the permit applications moving. Building division has applications waiting for pick up for several years. This section has been revised to the applicant has 30 days to pick up and, an additional 60 days to make corrections if needed. (90 days total)</p> |
| <p>Section 5-4-6(a) and (b) Make days consistent on permit pickup and applicant action</p>   | <p>30 days too short a time, both 30 and 60 days quoted in (b) – make all 60 days</p>  | <p>The intent of this provision is to keep the permit applications moving. Building division has applications waiting for pick up for several years. This section has been revised to the applicant has 30 days to pick up and, an additional 60 days to make corrections if needed. (90 days total)</p>   |
| <p>Section 5-4-6(c) 5-4-7 Too short a time to obtain permit</p>  | <p>Unless this is intentional benchmark for County, does not consider County delays</p>  | <p>Administratively COH Building division has several applications sitting in queue for pick up. Too often are projects NOT a priority and sit several years with designs to old codes and the expectation is to honor them. Reasonable extensions of 180 days are allowable. The applicant must be responsible for timing their project with available resources.</p>   |
| <p>Section 5-4-6(C) Does this exclude applications that haven't completed by all department reviews or received a "recommend for issuance" or "recommend return with correction" notice?</p> | <p>For instance, if a "recommend return for corrections" notice is sent prior to Engineering or Building reviews, is time suspended?</p> | <p>Administratively COH Building division have 1000s of applications sitting in queue for pick up or are out for correction with the applicant. Too often are projects not pursued in good faith and not a priority and sit several years in limbo with designs to old codes.</p>  |
| <p>Section 5-4-7 How is it solely the applicant's responsibility to secure a permit within a 180 day time frame when the County and State</p>  | <p>Same question and suggestion as Cancellation of Application section. Time in</p>  | <p>Working with responsible design professionals and doing due diligence prior to submittal reduces returns and rejections considerably.</p>   |

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| <p>control the review times? Some SHPD reviews require that a building permit application be made before they will start looking at a project, then their timeline can be years.</p>   | <p>County or State review should not be counted against the 180 days.</p>                               | <p>"An application for a permit shall be deemed to have been cancelled 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued.." as well as one or more exemptions with justification.</p> |
| <p>Section 5-4-21. Model plans for residential dwellings: preapproval. Please clarify what type of engineer.</p>   |   | <p>As prescribed in HRS 464 and HAR 115. Clarified to identify a structural engineer.</p>   |
| <p>Section 5-4-21 Please clarify what type of engineer</p>   |   | <p>As prescribed in HRS 464 and HAR 115; Clarified to identify a structural engineer.</p>   |
| <p>Section 5-4-21 Propose to strike language stating "Factory-built homes shall include a manufacturer's seal as required by Appendix L of chapter 5A, the commercial building code." Manufacturer's label is the proper terminology and is not required for plan pre-approval. The label is to be affixed to the structure and therefore not part of the plans pre-approval process or permitting process. More in line with inspection process as set forth in Appendix L.</p> |   | <p>The seal is to indicate who the manufacturer is. Maybe not necessary.</p>  |
| <p>Section 5-4-21c; 5-4-21f2<br/>Adopt e-filings and e-signatures instead of wet signatures</p>  | <p>Consistent with modern usage in every other professional field and with EnergyGov implementation</p> | <p>HAR 16-115-9(e) requirement; state law requires all signatures to be original.</p>   |
| <p>Section 5-5-1(c) Language revisions on permit issuance: "The authority having jurisdiction may shall issue a permit . . . provided adequate all pertinent information and detailed statements. . . ."</p>   |   | <p>"Shall" is appropriate provided adequate information and detailed statements have been submitted that are sufficient to indicate compliance with all pertinent requirements of the construction code.</p>  |
| <p>Section 5-5-3 If the new "one permit" requires that plumbing and electrical subcontractors are selected before the issuance of the</p>  |   | <p>Originally the requirement was proposed at application intake. The HRS and HAR state law requires permits be issued to licensed contractors for electrical/plumbing work.</p>  |

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| <p>building permit that will be a big problem for many projects.</p>  |   | <p>Requirement was before issuance to meet the law requirement.</p>   |
| <p>Section 5-5-4 Delete 1 &amp; 2 or increase the time allowed for construction.</p>  | <p>There may be other permitting items that are pending that might push the project completion time.<br/>The timeframe may be too short for certain types of projects.<br/>There could be other issues beyond the control of the permit holder that could push the completion of the project further and cause them not to be able to comply with this requirement.</p> | <p>Permitted projects are afforded the option to request extensions per Section 5-5-5.</p>  |
| <p>Section 5-5-4 Delete or increase the time allowed for construction.</p>  | <p>There may be other permitting items that are pending that might push the project start time.<br/>There may be other issues beyond the control of the owners that cause the construction start date to be pushed. Some may include but not be limited to funding, availability of materials/equipment, contractor is busy with other projects, etc.</p>               | <p>Permitted projects are afforded the option to request extensions per Section 5-5-5.</p>  |
| <p>Section 5-5-6 Develop reliable, consistent repository of archived permit records and a process to prove out missing permits</p>        | <p>Solves problem of missing or unreliable permits, codifies what records (e.g., HELCO records, field book) can be used to substantiate initial permit and usage</p>  | <p>EnerGov is a software solution to allow electronic application and tracking of building permits, plan review, and inspections as well as a repository for permits and drawings.<br/>Provisions specific to whom a permit may be issued, and to who is eligible to do work regarding specialty contractors (i.e. electrical and plumbing) are administered by HRS 444 and 448e.</p> |
| <p>Section 5-6-1 / Section 5-6-2 General Contractor "A" lay piping and electrical ductline</p>  | <p>HAR title 16 ch 77 subch 6 16-77-32(b)</p>   |   |
| <p>Section 5-6-1 should allow for owner builder to obtain a permit for work without identifying an electrical or plumbing contractor.</p> | <p>For small projects owner builders should be able to obtain permits and then shop the project to multiple licenses contractors.</p>   | <p>Sec. 5-4-1 (9) has been modified to require the applicant declare the phases of work, Sec. 5-4-1(10) is notice to the applicant that this information is required, but per the added Sec.</p>  |

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|   | This would give more control to the home owner.   | 5-4-4, does not have to be provided until prior to issuance of the permit.   |
| Section 5-6-2 should allow for owner builders to perform limited electrical and plumbing work without hiring a licensed contractor.   | As the code is currently written, a home owner cannot even change a light switch without hiring an electrician. This is cumbersome, and possibly causing small jobs that should be permitted to go unregulated creating a safety hazard.  | Subject to HRS 444 and HRS 448. Out of Scope for DPW-Building.   |
| Section 5-6-1 / 5-6-2 Electrical work to be performed by a "qualified person" keep the language as is.  |   | Provisions specific to whom a permit may be issued, and to who is eligible to do work regarding specialty contractors (i.e. electrical and plumbing) are administered by HRS 444 and 448e.   |
| Section 5-7-1   | If this modest increase in permitting cost actually allows the County to hire more workers in the DPW for plan review then I am all for it.   | The intent is two fold, COH Hawaii has 1500+ applications awaiting pick up from the applicant. Permit fees are never obtained to cover the executed work. The second Discourage applications submittals that are not intended to be constructed.   |
| Section 5-7-1 add <u>provided all building officials and agencies have completed their reviews and included code references and justification of comments with the "recommend return for correction" notice. Where comments remain unaddressed,</u> | To ensure design professionals have clear understanding of building official's interpretation of code and can address claimed deficiencies within a single re-submittal. It is highly recommended that there is consistent interpretation and enforcement of code and requirements among all building officials to discourage new comments arising in the event multiple building officials review plans, as well as educate the design community so that new and | This is the expected practice of COH plan reviewers. There is no fee for a second submittal. DPW-Building plan review and inspection staff is striving for consistency and continues to do so with regular meetings and training opportunities. New comments are discouraged during subsequent reviews unless the corrections affect the remainder of the design and not considered by the design professional, or the design has changed. |

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| <p>Section 5-7-1 Opposed to fee schedule increasing the plan review fee depending on the amount of times a plan is returned for corrections.</p> <p>The fee schedule is not clear either if the rejection "count" is based on all departments that review the set of plans, or only the building division. This is important because each department has their own set of regulations and if each department rejects it just once for petty things, that could be between 4 or 5 rejections total. Currently policy is all departments are to review the plans and reject at the end, but that is not happening consistently.</p> | <p>future plan submittals are developed accurately and completely in the first submittal at the onset of the permitting process.</p> <p>Rejections numerous times where one (1) plan reviewer would reject the plans for a correction, then another plan reviewer would review it after a correction is done and subsequently reject based on their review for a different issue altogether. The proposed plan fee increases would open the county reviewers to "penalize" any draftsman or owner they do not like, either professionally or personally. In addition, it could open the doors for the county to encourage rejections, just to increase profits.</p> <p><b>This could encourage abuse by county personnel.</b></p> | <p>To reduce processing time and resubmittals the intent is to provide a complete package at the time of application that addresses all agencies and departments. New comments are discouraged during subsequent reviews unless the corrections affect the remainder of the design and not considered by the design professional, or the design has changed.</p> |
| <p>Section 5-7-1(b) good deterrent to not reading directions and wasting the plan reviewer's time.</p> <p>Section 5-7-1(a) Please clarify when would this get assessed</p>  |   | <p>To reduce processing time and resubmittals the intent is to provide a complete package at the time of application that addresses all agencies and departments.</p> <p>Per Section 5-7-1 shall accompany the application, plans at submittal.</p>  |
| <p>Section 5-7-1(b) Please delete this section or find another way to get the people submitting the plans to reduce the number of resubmittals.</p>   | <p>There are occasions where the reason for the multiple submittals is the plan review process itself.</p>  | <p>Without a proposal, continued work without permit occurs creating risk to health life and safety.</p>   |
| <p>Section 5-7-3(b) Dwellings over 1,401 sf fees are no longer based on square footage unless it is a pre-approved model plan. Item C from the old fee table was moved into the pre-</p>  |   | <p>The basis of permit fees has not changed for model home plans and all others over 1400 square feet. The location of the fee schedule was changed for clarity. The ICC valuation table</p>   |

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| <p>approved table in section 5-7-2 but was not included in section 5-7-3 (b).</p>  |   | <p>is updated twice a year and used without a multiplier.</p>  |
| <p>Section 5-7-1(b) RE additional plan review fees, add phrase at end of sentence after "submittal" to cover review omissions: "caused by the applicant. No fee shall be charged for subsequent submittal cause by a reviewer error or oversight."</p> |   | <p>"one bite at the apple" applies to plans that come back with corrections addressed and identified without changes to the remainder of the design. When corrections affect the remainder of the design and not considered by the design professional, or the design has changed, additional comments are justified.</p>  |
| <p>Section 5-7-1(b) Only one plan reviewer should be involved with the plan submittal.</p>   | <p>Gotten review rejections two to 3 times because a different plan checker looks at the plans each time it is dropped off, and each finds something new that they think should be addressed.</p> | <p>DPW-Building plan review and inspection staff is striving for consistency and continues to do so with regular meetings and training opportunities. New comments are discouraged during subsequent reviews unless the corrections affect the remainder of the design and not considered by the design professional, or the design has changed.</p>             |
| <p>Section 5-7-1(b) Very common for plans to be rejected by Planning, then engineering, then health so, three times before even getting to building. Is wording for only building department or is it all departments.</p>                             |   | <p>To reduce processing time and resubmittals the intent is to provide a complete package at the time of application that addresses all agencies and departments. New comments are discouraged during subsequent reviews unless the corrections affect the remainder of the design and not considered by the design professional, or the design has changed.</p> |
| <p>Section 5-7-1(c) delete paragraph</p>   | <p>Excessive for minor revisions</p>  | <p>Regardless of revision scope, time is required to review record the change, and inspect.</p>  |
| <p>Section 5-7-3 How will fees be structured/assessed if a permit is requested for only electrical, or only plumbing work?</p>   |   | <p>The fees will be calculated based on valuation data provided by the applicant.</p>  |
| <p>Section 5-7-3(c) RE Valuation of construction costs, change language to "the most recent issue of the International Code Council building valuation data"</p>   |   | <p>5-7-2-(c) states the determination of average construction costs shall be based upon the most recent building valuation data published by the ICC.</p>  |

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| <p>Section 5-7-3(d) Remove punitive penalties for work begun without permit</p>   | <p>Does not necessarily create more compliance</p>      | <p>The fine should be a deterrent to starting work or building and asking for forgiveness "as-built" which defeats the intent of reviewing for health and life safety.</p>   |
| <p>Section 5-7-3(h) RE exemption from permit fees, add "(3) or any project by a registered 501.c.3 non-profit organization"</p> <p>Section 5-7-4(c) The ICC building valuation data appears to require a permit fee multiplier unique to each jurisdiction in order to calculate a valuation. Where will this value be published? How often will it be updated?</p> |   | <p>Administration, review and inspections are all still required for projects whether applied for by non-profit or for profit entities.</p> <p>Increasing permit fees was not the intent of this code. Aside from the permit application review fee, and resubmittal fee. Permit fees remain the same. A multiplier is not used and the valuation table is updated on the ICCSafe Website twice a year. A multiplier may be considered for the future. Implementation and roll out will be communicated to the public should this occur.</p> |
| <p>Section 5-7-5 "Extra or regulatory inspections". Item (a) is understandable as it is often that inspections are called for "in hopes of being ready" .....or depending on weather in the case of concrete pours there may be issues out the control of an owner or contractor.</p>   |   | <p>Under slab/foundation, framing, final inspections for electrical, plumbing, building are all included in the permit fee.</p> <p>Extra inspections as indicated in 5-7-5(a) only applies to inspection scheduled for work not complete or ready for inspection. These fees are required to be paid upon requesting the subsequent inspection.</p>  |
| <p>Section 5-7-5(b) RE fees for extra inspections, delete paragraph</p>   | <p>Should be part of the more expensive permit fees</p> | <p>Regular inspections are included in permit fee. As written, additional inspection fee is assessed to projects where inspections were scheduled but not ready for inspection or unaddressed correction notices. Scheduling, Coordination, drive time, justifies these fees.</p>  |
| <p>Section 5-7-5 Verbiage is hard to understand here--- Do we have 30 days or 60 days? Does this mean we have 30 days to notify you that</p>  |   | <p>The intent of this provision is to keep the permit applications moving. Building division has applications waiting for pick up for several years. This section has been revised to the</p>  |

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| <p>we are working on it, and an additional 30 days to re-submit? What happens on day 31?</p>  |   | <p>applicant has 30 days to pick up and, an additional 60 days to make corrections if needed. (90 days total)</p>  |
| <p>Section 5-7-5 Previous Chapter 5 section 5-36(b) has been removed. So what about people who want an inspection where no permit has been issued, or are seeking general requirements regarding the health, safety, or welfare of people?</p>  |   | <p>Definition for courtesy inspection change to regulatory inspection; is intended to satisfy adult day care, childcare, liquor etc. Courtesy inspection was misused/misinterpreted to conduct an inspection for projects before permit is issued.</p> |
| <p>Section 5-8-2(b) Allow for verification of the work through a letter by the architect/engineer similar to the allowance made in Section 5-8-2.b.1 Residential Installations (the previous paragraph)</p>   | <p>Phrasing of this paragraph is an open door for abuse of as-built projects. . In the past this was considered acceptable, of late the county has not been accepting such letters.</p> | <p>Non residential may include installations with several disciplines involved. Building, structural, electrical, mechanical/plumbing, fire. A single letter by an architect or engineer not responsible for that work is not appropriate.</p>         |
| <p>Section 5-8-2(b)1 should be reconsidered.</p>  |   | <p>Inspection staff does everything to be communicative to inspect/schedule inspections with the requestor. Clarification indicates a letter and inspection report be stamp and signed by the professional of record.</p>                              |
| <p>Section 5-8-2(b)(1) "In residential installation, if the permitted work is covered or concealed without an inspection, the contractor will provide verification that the concealed work complies with all the provisions of the construction code in a letter stamped and signed by the professional of record who is licensed in the State of Hawaii, as an architect or professional <del>civil</del> or structural engineer.... "</p> |   | <p>Verification of covered or concealed installations without inspection is required to be conducted by a licensed professional. Requirement of an inspection report added to 5-8-2(b)(1)</p> <p>Removed "civil" from 5-8-2(b)(1)</p>                  |
| <p>Section 5-8-2 Is it being proposed that the only condition that architects and engineers will be allowed to conduct inspections is if the AHJ does not respond within 2 days after the scheduled inspection?</p>   |   | <p>Yes. If the area inspector cannot meet the required timeline per this code, the a/e will be allowed to accept responsibility for the work that is concealed by providing a field report similar to what would be expected of a COH inspector.</p>   |

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| <p>Section 5-11-1 Adopt a simple Building Code Variance process</p>  |  | <p>Variations from the minimum requirement for life and safety as prescribed by the building code must be critically examined.</p> <p>Process to approve alternative materials equipment, design, or methods of construction is outlined per Sec. 5-2-23</p>    |
| <p>DPW can stop work order for residential or commercial work, <u>without complaint required.</u></p>  | <p>The shame game in Hawaii is outdated, people need to be held responsible for decisions that affect life and safety.</p>   | <p>Section 5-10-2 indicates a notice and order shall be served to the parties responsible for the violation. Section 5-10-2(c) indicates a cease and desist.</p>  |
| <p>DPW will no longer accept plan-stamped drawings submitted by draftsman.</p>   |  | <p>Architects and Engineers stamp and certification on the plans are required by HRS 464 and HAR 115. Plans stamped by an architect and or an engineer represent the document was prepared by or under their supervision of such architect and or engineer.</p> |
| <p>5B and 5C; why are these chapters not included in the draft?</p>  |  | <p>These chapters will be included upon adoption of these codes.</p>  |
| <p>Where does one go for residential construction during the period before Ch 5B is adopted? If residential is intended to use Ch 5A for the interim, that confuses the new structure of the Construction Code.</p>  | <p>Why not include abbreviated Chapters 5B and 5C and use those chapters to clearly state how these types of construction will be treated in the interim. e.g. Chapter 5B, R-3 uses chapter 5A or the 2012 IRC with State amendments until the IRC is adopted by the County; Chapter 5C, existing buildings use 2006 IBC Chapter 34 until the existing building code is adopted.</p> | <p>Thank you for this request clarification. To address this, reference to "commercial building code" will be removed from the title of 5A. As COH adopts the 2102 IBC and IRC these clarification will be further amended.</p>                                 |
| <p>Section 11 Work performed under a permit issued before the effective date of this ordinance and which is inspected on or after the effective date shall be approved if it meets the requirements of <del>either this code</del> <del>or</del> the code <del>being</del></p> | <p>To provide consistent enforcement and mitigate financial burden placed on owners to submit revisions and delay the construction progress.</p>   | <p>Acknowledge the requested clarification, updated section to section 16.</p>  |

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| <p><del>replaced by this ordinance.] in effect at time of the permit was issued.</del></p>  |  | <p>Acknowledge the requested clarification. This section is specific to this ordinance and the consolidation of the independent chapters. Provided an application is submitted prior to the effective date. If the applications are considered complete meeting the requirements of either the new ordinance or the old chapters 5, 9 and 17; then the applications will be approved.</p> |
| <p>Section 12 This ordinance shall apply to all applications for permits to be issued pursuant to chapters 5, 9, and 17, Hawaii County Code, that are deemed complete by the Department of Public Works on or after the effective date of this ordinance. An application accepted before the effective date shall be approvable if it meets the requirements of <del>either this ordinance or</del> the code <del>[being replaced by the ordinance.]</del> in effect at the time the application was submitted.</p> | <p>To provide consistent enforcement and mitigate financial burden placed on owners to submit revisions and delay the construction progress.</p> |   |
| <p>Is this software intended to launch to the public when this Construction Code becomes effective?</p>   |  | <p>No, the admin code is framework for administrative provisions and future building/electrical/energy/plumbing codes.</p>  |
| <p>Is this software intended to launch to the public when this Construction Code becomes effective?</p>   |  | <p>No, the admin code is framework for administrative provisions and future building/electrical/energy/plumbing codes.</p>  |
| <p><b>BUILDING CODE (5A)</b></p>  |  |   |
| <p><b>Comment</b></p>   | <p><b>Justification</b></p>  | <p><b>Action</b></p>  |
| <p>Section 5A-1-5 Unclear if intention is to include language regarding "As Built" construction here or elsewhere, but it needs to be addressed in more detail in the Rule</p>  |  | <p>This section states that permitted structures and uses may continue without changes to meet the newer adopted codes. Unpermitted work is a risk to life, health and safety. As-built permits are processed the same as permits for new work, and have the same requirements of a building permit, and must comply with this code.</p>  |

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| <p>Section 5A-2-1 you will be adopting 2006 IBC?</p>  |  | <p>Current proposal is the framework in preparation for November adoption of IBC 2012 and IRC 2012.</p>  |
| <p>Section 5A-2-1 The previous adoption of the 2006 IBC, Chapter 5 Section 5-3, adopts the 2006 IBC, excludes Chapter 1 of the IBC.</p>   | <p>This ordinance does not appear to exclude Chapter 1 yet many of the sections in Chapter 5 are covering similar topics. This could lead to confusion over which sections are applicable.</p>   | <p>Language to remove Chapter 1 of 5A updated. Section 5A-2-1(d)</p>   |
| <p>Section 5A-2-1 At the end of this section the draft ordinance says "insert rest of provisions presently found in 5-71, 5-74 through 5-76, and 5-78 through 5-83 The current amendment to section 903.2.7 Group R. Automatic sprinkler. is brought in and continues to exempt R-3 from the sprinkler requirement.</p> |  | <p>HRS 46-19.8 restricts Hawaii county from requiring the installation in any new or existing detached one-or two family dwelling unit in a structure used only for residential purposes. All installation amendments from Ch 5 Building code have been included: 903.3.2.7 Exception for R-3 residential is included.</p> |
| <p>Appendix Y – Add grandfather clause to exempt already existing tiny homes from the proposed amendments and only require compliance for new home construction.</p>  | <p>We appreciate that the county would like to update codes to allow for more affordable housing in tiny homes. To uphold the intent of this idea, it is an imperative to include a clause that would allow for the proposed codes to only apply to future tiny homes, while allowing exemptions for those already existing. Without this, the passing of the code amendments would make many existing tiny homes illegal. Many of these homes have been lived in safely and securely by the owners for many years. Making existing tiny homes illegal would be counter to increasing public access to more affordable housing opportunities. As builders of our own tiny home, being acknowledged and exempted from the proposed amendments</p> | <p>Prior to these amendments there was no compliance path for tiny homes with lofts to be permitted. Any home previously permitted, will not be subject to these amendments. However unpermitted homes shall comply with Chapter 5.</p>  |

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| <p>No Appendix M for thatched roofs No Amendments to Appendix C: Group U for agricultural buildings<br/> No Appendix U for hurricane sheltering<br/> No Appendix W for Hawai'i Wind design provisions<br/> No Appendix X, for Indigenous Hawaiian Architecture Structures</p> | <p>is extremely important to us so that we may not suddenly become regulated out of our home.</p>   | <p>The draft provided for review did not include these sections for the sake of brevity. All installation requirements and amendments per the existing chapter 5 will be incorporated to the ordinance.</p>                      |
| <p>Appendix Y – are Tiny Homes allowed on any type of zoned lot?<br/> Appendix Y does not address the use of approved trailers in lieu of traditional foundations. Is this code proposing that tiny homes cannot be built on trailers?</p>                                    | <p></p>   | <p>This is a planning department question. N/A<br/> Tiny homes on trailers or not, shall be supported by a permanent foundation.</p>   |
| <p>Y105.1.5- Maximum loft size<br/> Increase the ratio</p>  | <p>If a tiny house is 20' x 8', then the maximum loft size is 53.33 sf, or 8' x 6.67' This is barely larger than a queen-sized bed (roughly 5' x 7'). It is likely that a loft would be especially needed the smaller the footprint becomes, but with this provision, the loft gets smaller as the total footprint decreases...</p> | <p>This is a design element. If the owner needs more than 1/3 the floor area, then they should consider a two story home.</p>  |
| <p>Y105.2.3 --- Alternating tread devices. This section references lofts with a maximum of 200 sf.</p>  | <p>If the definition of a tiny house (Y102) states a maximum area of 500 sf, and Y105.1.5 states that the loft can't exceed 1/3 of the room that it's in, then the absolute maximum a loft can ever be is 500sf/ 3= 166.67 sf, not 200 sf...</p>  | <p>The tiny home appendix is from the IRC 2018. The reference to 200sf or less is the only exception to allow alternating tread for mezzanines and lofts from the IRC 2018, and that was needed to identify the allowed use.</p> |

| <b>ELECTRICAL CODE (SD)</b>   |   |  |
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| <b>Comment</b>  | <b>Justification</b>  | <b>Action</b>  |
| Section 5D-1-3 Eliminate requirement for Electrical Engineer to do the electric plan pages for an R3 residence  | A licensed contractor taking responsibility is assurance enough   | 5D-1-3 does not require an Electrical engineer for R3 residences. 5-4-3 exempts this requirement provided the installation shall not be located in a flood zone, or service size does not exceed 200A. |
| Section 5D-1-3 Eliminate need for an Electrical Engineer for work on one 110 V circuit provided work is done by licensed electrician  | Not just on his or her own property but for all R3 properties   | 5D-1-3 does not require an Electrical engineer to work on 110V circuits.   |
| <b>IECC (SE)</b>  |   |  |
| <b>Comment</b>  | <b>Justification</b>  | <b>Action</b>  |
| There does not appear to be any changes to the previously adopted amendments to the 2015 IECC. If changes have been made the County should make professionals and the public aware of them. |   | Administrative provisions were removed.  |
| IECC was developed on the mainland. Obvious omissions and conflicts in the IECC and HCECC.  | Over 90% of construction on the island of Hawaii is Single family residential without HVAC                  | Further investigation of IECC and future adoptions are continuously considered. Provide comment to the State Building Code Council as the noted concerns are statewide.                                |
| <b>PLUMBING CODE (SF)</b>   |   |  |
| <b>Comment</b>  | <b>Justification</b>  | <b>Action</b>  |
| Section 508.4.5   | An exception should be added. No permanent ladder required for R-3  | Exception for to 508.4.5 added   |
| Section 1101.11.1   | An exception should be added. No roof drains or gutters required for R-3 roofs without parapets.            | Roof drainage requirements for residential are defined by IRC. The amendment was a state amendment to the reference for sizing the requirement should roof drains be required.                         |
| Subsec 13Z7.3   | Since the county is requiring the medical gas systems be installed by a qualified Medical Gas Installer and | A request of the engineer of record to provide a statement that the verification and certification tests conducted comply with the installation  |

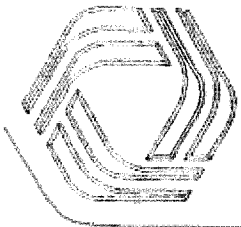
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| Please delete the requirement for a licensed mechanical engineer to provide a statement of compliance. | inspection/approval by a Certified Medical Gas System Verifier, there is no need for an additional layer of review/approval/verification above and beyond what is normally done by the engineer of record for other plumbing systems. | requirements is in line with observation of a construction per HAR 16-115. |
| Provide language for T&P drain or remove the requirement   | Plumbing section has been enforcing T&P valves for solar hot water heaters to drain from the roof to 6" above grade.  | Amendment added 5F-2-1(C)12  |

**Out of Scope**

**The following comments and questions were deemed "Out of Scope" because they do not apply to the current code changes.**

- adoption of the universal building code which applies more to the mainland and does take into consideration that this is the tropics, with that in mind modify the code accordingly.
- Please keep in mind the impact on costs and expenses that proposed code changes will have on housing costs.
- Why not work on updating the system to actually provide enforcement on existing codes? Many rural areas here are full of completely unpermitted shacks and dwellings where NO county codes have ever been followed. This brings down property values for the law abiding residents, poses a fire danger to everyone, and also poses health dangers because of dwellings with no septic or other way to effectively deal with human waste.
- Suggestion: Since the exact date of final approval will not be known in advance the effective date should be two weeks after approval so that there is time to notify design professionals and the public.
- Public notification: hold until proper response can be made
- Directors have the ability to make rules, and that doesn't work. Rule making by committee with public input and county council approval based on their district's needs.
- Educational Qualifications: ALL Planning and DPW employees should have a minimum 2 year Associate in Science degree or equivalent in plan reading, and or drafting technology. I'm all for OJT just not in this field of work. At the very least any applicant will have the basic knowledge of plan development and the ability to read it.
- To implement these code changes under the current mechanism of execution will result in the same or worse debacle we the public experience today. The mechanism of execution needs an overhaul.

- Either delete requirement for Director of PW to be an Engineer or add to requirements MBA or significant administrative experience (realize this is a Charter Amendment issue). Administration and public accountability are totally different from engineering, and qualification changes realign the position's duties with the actual job



# Walter Stewart Fullerton Architect • Land Planner • Consultant

75-5656 Kuakini Hwy., Suite 103  
Kailua Kona, Hawaii 96740 • (808) 326-9611

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June 4, 2020

Hawaii County Building Division  
West Hawaii Civic Center  
74-5044 Ane Keohokalole Highway  
Kailua Kona, HI 96740

Comments to consider for adoption of the new construction code for the County of Hawaii.

Proposed Code Amendments, continued research for 5E the energy conservation code.  
Justification, amend to consider Health and safety issues  
Contact information, See Letterhead

To whom it may concern:

**The IECC was developed on the mainland where standards and codes considered primarily the Four Seasons as a paradigm, consequently, all thought patterns, concepts, research methods, theories, postulates, and scientific standards formed the basis for the IECC.** There are two Hawaiian seasons described as winter "Kau", November to April with an average temperature of 78 degrees Fahrenheit, and summer, "Hooilo", with an average temperature of 85 degrees Fahrenheit. **The average temperature difference is 7 degrees** (emphases added).

**There are obvious omissions and conflicts in the IECC/HCECC.** Extremely important for the Hawaii Islands are humidity, mold, dry rot, fungi, and mildew, which have been virtually ignored. Average ambient relative humidity in Hawaii, ranges from the 60's to the 80's. Fungi grows in temperatures from 68 to 87 degrees Fahrenheit and are killed at 104 degrees Fahrenheit, which means that the year around temperature range in Hawaii is nearly perfect for fungi growth. Fungi growth is encouraged by high humidity. The high humidity in Hawaii, exacerbates Respiratory disease conditions such as asthma, colds, flu, and pandemics. **All buildings and occupants are at risk when buildings are not allowed to breathe.** Colds, flu, and certain other respiratory conditions caused by high humidity needs to be carefully considered.

## **Building Mycology:**

Building affects the health of occupants in many ways, for example, **Building Related Illnesses (BRI), Sick Building Syndrome (SBS), Respiratory Syncytial Virus (RSV), Allergy and Environmental Health Problems (AEHP).** The most common building health problems are attributed to the lack of natural and proper ventilation, dampness and condensation resulting in mold growth, mildew, house dust mites, airborne fungi spores, and a

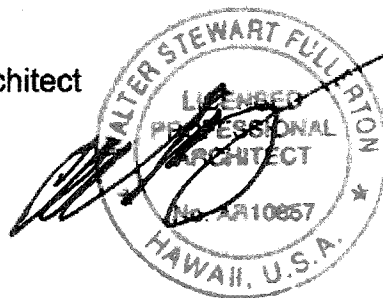
range of other fungal and insect pests, aggravating respiratory problems and allergies. We must learn the basics learned from the past and present flu and pandemics. The population spends 90 percent of their time indoors.

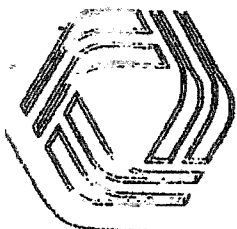
Hawaii County has eight recognized climate zones and two subordinate sub zones. The other islands in Hawaii, have apparently, not identified climate zones. Most residents of Hawaii live on the coastal areas where year around temperature averages are comfortable as compared to all other States. Heating and/or cooling (HVAC), for single family dwellings has not been required or necessary. When HVAC is required by a client, Architects, Mechanical Engineers, and the IECC should apply. Relative humidity defines comfort levels and needs to be considered seriously! **Over 90 percent of construction on the Island of Hawaii is single family residential without HVAC!**

**It is unfortunate that Hawaii is being subjected to serious energy measures prevalent in temperate zones and the erroneous heat loss adaptations for heat gain in our tropical zone. The result of the IECC standards, for most of Hawaii, are the significant increases in the already high construction costs and Building Permit delays. Protection of the public life safety must be the first consideration!**

I strongly encourage that Hawaii County reexamine the Hawaii County IECC with licensed professionals. At present, confusion is rampant!

Walter Stewart Fullerton, Architect  
Expiration: 4-30-2022





# Walter Stewart Fullerton Architect • Land Planner • Consultant

75-5656 Kuakini Hwy., Suite 103  
Kailua Kona, Hawaii 96740 • (808) 326-9611

## **CURRICULUM VITAE, WALTER STEWART FULLERTON**

Licensed Architect Hawaii, No. AR-10857 (2003)

Licensed Architect, Nevada, No. 781 (1972)

Licensed General Contractor, Nevada No. 16728 (no limit)

University of Nevada, Reno, NTI, School of Engineering:  
Lectured seven years -- Engineering, codes and construction technology

Northern Nevada Community College, Reno  
Lectured three years -- Codes, architecture and construction technology

Carpenters Union, Northern Nevada:  
Lecture/workshop -- Codes, plan reading and construction estimating  
(Journeymen Carpenters)

UBC & IBC, "Special Inspector", construction, certified Nevada  
(High rise, Large commercial, Multi-family and Industrial)

HUD -- Nationally certified construction inspector, multi-family residential.

Construction forensic Investigator, expert witness:  
FBI -- Investigation, research and testimony -- construction fraud.  
FDIC -- Investigation, research and testimony -- construction fraud.  
Private sector -- Architecture, engineering, construction, ADA, Codes, Fire,  
fungi, Construction fraud and trip/slip and fall.

INTERNATIONAL COUNCIL OF BUILDING OFFICIALS -- Professional member:  
Contract "Plans Examiner" Life Safety; Structural and ADA.

INTERNATIONAL CODE COUNCIL -- Professional member.

Nevada State Board of Architecture:  
Founder and Chairman of Code of Ethics Committee  
Founder and Chairman of Investigative Committee  
Chairman of Legislative Committee  
Licensing Judge for NCARB Design and Site Planning examinations.  
Originated and followed through to Law the Nevada Residential Designer  
licensing addition to NRS 623.

Western Mountain region AIA Design Awards Chairman.

Plumas County, California, Certified Plans Examiner, Structural and Life Safety, Uniform Building Code, International Residential Code, International Building Code, and California Building Code.

Truss designer, Silver State Truss, Inc., Gamerville, Nevada.

CI, CONSTRUCTION INSPECTORS, founded by Walter Stewart Fullerton, in 1979. Providing Special Inspection services for Lenders, and Governmental Agencies on complex projects, viz. High rise, Commercial, Industrial, Educational, Multifamily projects, Single family Subdivisions, and Federal Agencies. All Inspectors were certified by ICBO and ICC in all disciplines.

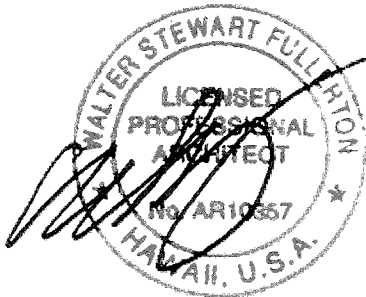
SPECIAL INSPECTOR, Nevada, Hawaii, and California, fungi in single family dwellings, condominiums and multifamily dwellings. Investigated and collected samples for laboratory testing and recommended remediation measures.

As a General Contractor, projects included, High rise, Commercial, Industrial, Condominiums, Multifamily, Residential Subdivisions, and educational projects.

Architect for LEAR JET and LEAR FAN aircraft hangers and production facilities, Reno, Nevada.

Special Inspector for Nellis Air Force Base facilities, Las Vegas, Nevada.

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## Ogata, Shelly

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**From:** Jack Gaw <jackgaw@gmail.com>  
**Sent:** Saturday, May 30, 2020 3:46 PM  
**To:** Building Div internet mail; counciltestimony@hawaiiicounty.com  
**Subject:** Building Code Changes

Sirs and Madam:

I am emailing my input regarding proposed changes to the Building Code. As the code and changes are complex, I would like to only submit my general opinion regarding the proposal. As you work on the changes, please keep in mind the impact on costs and expenses that these proposals will have on housing costs. Changes are not without economics costs and does a disservice to citizens if you drive us housing costs for everyone. The marginal benefit must be weighed against costs and impact on housing construction. Furthermore, keep in mind whether these proposals are changes addressing problems that are non-existent or minimal.

Please, let's not increase housing construction costs without good cause and where there is a non-existent problem.

Thank you.

Jack Gaw  
Hilo Resident

Ogata, Shelly

---

**From:** richard@bidleman.net <rbidleman@gmail.com>  
**Sent:** Monday, June 01, 2020 9:49 AM  
**To:** Building Div internet mail  
**Subject:** Building code changes/modifications

The single biggest criticisms I have heard over the years has been the adoption pretty much of the universal building code which applies more to the mainland and does take into consideration that this is the tropics. With that thought in mind, modify the code accordingly.

I have built two homes here.

Richard Bidleman

## Ogata, Shelly

---

**From:** Daniel Bona <bonadesign@aol.com>  
**Sent:** Sunday, May 31, 2020 1:36 PM  
**To:** Building Div internet mail  
**Subject:** code amendments input

Aloha,

Just saw on a Facebook post that there is a 5 day comment period on the last draft of the Building code. Seems like there should be a better way to let the island professionals know about these things, But anyway.....

The Residential parts are not in the draft, I assume because it will not be adopted until November.

**When will those proposed changes be available?**

Only question that confused me in the text was,  
For the commercial Adoption Article 2 (5A-2-1) says you will be adopting the **2006 IBC**.  
Is this correct?

-----  
The biggest NEW thing in this code that **should be evaluated and defined thoroughly** is the plan review fees and resubmit fees.

The addition of a plan review fee is reasonable and hope that the money will go to increased staff, and expediting the process.

Part 5-7-1(b) which says the second submittal (for corrections) is free, but the third is an additional \$250, fourth, \$500 and \$1000 for subsequent .

This seems like it will be a good deterrent to not reading directions and wasting the plan reviewers time,  
BUT,

If you will be charging this resubmitted fee, It is imperative and Reasonable that

**ONLY ONE PLAN REVIEWER SHOULD BE INVOLVED WITH THE PLAN SUBMITTAL.**

I have personally gotten plan review rejections two to 3 times because a different plan checker looks at the plans each time it is dropped off, and each finds something new that they think should be addressed.

And what about plan rejections from (plan review comments) Other departments ?

It is very common for plans to be rejected by Planning.

Then rejected by engineering for something else.

Then rejected by Heath,

so can be submitted 3 times before even getting to Building.

Wording should be included that the plan review fee is only for building department or it is for all departments?

Thanks for allowing some input into this, and looking forward to being part of the discussion on Residential amendments,

Daniel Bona

## Ogata, Shelly

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**From:** Daniel Bona <bonadesign@aol.com>  
**Sent:** Sunday, May 31, 2020 2:45 PM  
**To:** Building Div internet mail  
**Subject:** code ammendment input 5-3-22 (4)

Just noticed 5-3-22 (4)

At first glance I didn't give it any regard because it looked like it did before.  
But that is the problem.

The Building code has had this random \$4000 limit on repairs (Over a 12 month period) for at least 20 years.

Has anyone tried to have repairs done by a licensed contractor recently?  
There is almost Nothing that can be done for less than \$4000 in present economy.

This Number should be looked at, and really should be raised to reflect that prices have gone up considerably in 20 years.

Thanks,

Daniel Bona

## Ogata, Shelly

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**From:** Nimr Tamimi <nimr.tamimi@epinc.pro>  
**Sent:** Friday, June 05, 2020 2:18 PM  
**To:** Building Div internet mail  
**Subject:** COH Draft Construction Code  
**Attachments:** COH Draft Construction Code 5-26-20 Comments nimr tamimi.pdf

Aloha, thank you very much for this opportunity, please find attached our comments for the Draft Construction Code.

Have a wonderful weekend!

Thank you



Nimr Tamimi, P.E., LEED AP | Principal/CEO  
**ENGINEERING PARTNERS**  
Direct (808) 930-7823 | Main (808) 933-7900  
[nimr.tamimi@epinc.pro](mailto:nimr.tamimi@epinc.pro) | [www.epinc.pro](http://www.epinc.pro)  
Hawaii | Las Vegas | Manila

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# County of Hawaii

## Construction Code Draft

5-26-20

Review Comments by:

Nimr Tamimi, P.E.  
(808) 930-7823  
[nimr.tamimi@epinc.pro](mailto:nimr.tamimi@epinc.pro)

June 5, 2020

Comments:

General:

- Reference is made to the use of EnerGov, my last interaction/discussion with people familiar with this program is that it is not properly functioning. Have the issues been resolved? Is it ready to be released?

Section 5-1-3. Scope; exceptions

- Item 8, Agriculture Buildings – can we please provide a special exception/amendment that makes it easier to construct greenhouses for ag purposes. There is also a national/international push on indoor agriculture (controlled environments in existing/new buildings). In an effort to promote food safety and security for our community, can we make it easier to permit/construct these types of facilities through exemptions or other means?

Section 5-4-2. Plans, specifications, and other data.

- Item 1, Be drawn to scale upon substantial 24 inch by 36-inch paper
  - Please consider other sizes, some state and county departments/agencies use different standard size sheets (22 x 34, 22 x 36, etc.). We also sometimes use 30 x 42. It would also be nice to be able to submit on 11 x 17 or 8 ½ x 11 depending on what is being submitted and that all items are legible without needing magnification.
- Item 3, c, the name and address of the person who prepared the plans
  - Should we add phone numbers also?

Section 5-4-3. Engineers and architects; work

- Item h, Mechanical plans, .....
  - Please clarify that the engineer should be a licensed Mechanical Engineer vs just professional engineer. This happens in other area of this document, please review and clarify the intent.
- Item j, The authority having jurisdiction may.....

- Please clarify that the engineer should be a licensed Mechanical Engineer vs just professional engineer. This happens in other area of this document, please review and clarify the intent.

Section 5-4-4. Review of application.

- Provide a maximum time frame for the review process
- Provide for certified 3<sup>rd</sup> party review similar to the City and County of Honolulu
- Provide a permitting option like Seattle's STFI program, Subject to Field Inspection. This can fast track some easier types of projects.

Section 5-4-6. Cancellation of application.

- Please delete or revise this section, sometimes there are delays in obtaining permits other than the construction permit that may cause the people running the permit to not pick up the construction permit in the time allocated. Having to reprocess the permit will add more time, cost and work for everyone involved.

Section 5-4-21. Model plans for residential dwellings; preapproval.

- Item c, 1 To apply for pre-approval of a model plan, .....
  - Please clarify what type of engineer is meant by professional engineer. This happens in other area of this document, please review and clarify the intent.
- Item f, 2 Construction drawings for pre-approved model home designs, .....
  - Please clarify what type of engineer is meant by professional engineer. This happens in other area of this document, please review and clarify the intent.

Section 5-5-4. Expiration.

- Item a, 1 & 2
  - Delete these items or increase the time allowed for construction
    - There may be other permitting items that are pending that might push the project completion time
    - The timeframe may be too short for certain types of projects.
    - There could be other issues beyond the control of the permit holder that could push the completion of the project further and cause them not to be able to comply with this requirement.
- Item a, 3 180 consecutive days after the date of issuance.....
  - Delete or increase the time allowed for commencement of construction
    - There may be other permitting items that are pending that might push the project start time
    - There may be other issues beyond the control of the owners that cause the construction start date to be pushed. Some may include but not be limited to funding, availability of materials/equipment, contractor is busy with other projects, etc.

Section 5-7-1. Permit plan review; general.

- Item a, A fee shall be assessed for plan reviews.....
  - Please clarify when would this get assessed
- Item b, No additional plan review fee will be.....
  - Please delete this section or find another way to get the people submitting the plans to reduce the number of resubmittals. There are occasions where the reason for the multiple submittals is the plan review process itself.

Section 5-8-2. Work shall be visible for inspection.

- Item b, 2 Non-Residential Installations.....
  - Allow for verification of the work through a letter by the architect/engineer similar to the allowance made in Section 5-8-2.b.1 Residential Installations (the previous paragraph)

Section 5F-2-1. Uniform plumbing code adopted.


- Item c, 20, Subsection 1327.3.....
  - Please delete the requirement for a licensed mechanical engineer to provide a statement of compliance. Since the county is requiring the medical gas systems be installed by a qualified Medical Gas Installer and inspection/approval by a Certified Medical Gas System Verifier, there is no need for an additional layer of review/approval/verification above and beyond what is normally done by the engineer of record for other plumbing systems.

## Ogata, Shelly

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**From:** Paul Donoho <paul@pdonoho.com>  
**Sent:** Thursday, June 04, 2020 5:14 PM  
**To:** Building Div internet mail  
**Subject:** Commentary regarding Hawai'i County 2020 Draft Construction Code  
**Attachments:** LET Building Code Comments 200604.pdf

Mahalo for allowing the professional community to be a part of the process.

 Paul M. Donoho, Architect  
PO Box 1727  
Honoka'a, HI 96727  
P: 808.756.4061  
W: <http://www.pdonoho.com/>



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PAUL M. DONOHO  
ARCHITECT

June 4, 2020

County of Hawaii Department of Public Works  
Building Division  
Aupuni Center, 101 Pauahi Street, Suite 7  
Hilo, Hawai'i 96720-4224

**RE: Commentary regarding Hawai'i County 2020 Draft Construction Code**

### **Chapters 5B and 5C**

Question: Why are these chapters not included in this draft of the construction code? In section 2 of the proposed ordinance it appears as though Chapter 5 is repealed in its entirety. Chapter 5A is intended to apply to commercial construction. Where does one go for residential construction during the period before Chapter 5B is adopted? If residential is intended to use Chapter 5A for the interim that confuses the new structure of the Construction Code. Not including Chapters 5B and 5C at this time will require more extensive modification to Chapter 5 when those chapters are adopted.

Suggestion: Why not include abbreviated Chapters 5B and 5C and use those chapters to clearly state how these types of construction will be treated in the interim. e.g. Chapter 5B, R-3 uses chapter 5A or the 2012 IRC with State amendments until the IRC is adopted by the County; Chapter 5C, existing buildings use 2006 IBC Chapter 34 until the existing building code is adopted.

### **Section 5-1-4. Existing Buildings**

Comment: The IBC version is given in Chapter 5A but not in Chapter 5, Section 5-1-4(b)

Comment: It appears that the twelve-month period and valuation criteria for upgrade requirements is being deleted in favor of an unamended IBC Chapter 34. It appears this will make the code more restrictive in some cases and less restrictive in others.

Comment: Previous IBC amendments to 2006 IBC sections 3405.1 and 3410.3.2 are no longer included. These may not be needed since there is no longer valuation criteria.

### **Section 5-2-22**

Comment: GREAT to see the code explicitly support used material, especially here in Hawaii to relieve the overburdening of our landfills.

### **Section 5-3-22. Building work; exempt**

Comment: (a)(4) replacement for maintenance of components, \$4,000 permit threshold. This is far too low for this category and most especially in light of the cost of construction in Hawaii. A single door panel can cost \$4,000. It is ridiculous for an owner to have to go through the whole permit process to replace a couple of doors with the same, thus many won't get permits. The value was too low before, and is still too low. Electrical and Plumbing don't have the valuation threshold for repairs and can often cost well over \$4,000 themselves, why do other repairs need it?

Suggestion: Value should be changed to \$10,000 or eliminated. Also considering the rate at which construction costs change setting such a low limit, or any limit at all, means a constant and consistent need to revise this language to keep this in touch with reality on the ground and encourage compliance.

#### **Section 5-4-1. Application for permit**

Comment: (a)(8)(9)(10) information for each contractor or subcontractor engaged to do work. At the time of building permit submittal all of the contractors and subcontractors for a project may not have been selected.

Suggestion: This section should explicitly allow this information to be provided at a later time. Especially for non-profit groups, religious organizations, low income projects, we need to be able to “go out to bid” with completed sets of documents to at least attempt to get the best value for these less advantaged groups to even carry out their projects. Forcing this to happen before the very long permit approval process only lengthens the already long process further stressing these folks who do not have the margins to continue to absorb this.

#### **Section 5-4-2. Plans, specifications, and other data.**

Comment: (c)(1) it appears that 24”x36” is the only sheet size that will be accepted.

24x36 is excessively large for some small projects and may not be large enough for other projects and is an entirely random and arbitrary decision. Please be aware that arbitrarily large sheet sizes do in fact increase cost to our residents trying to get the structures they need, not only for the printing of those sets required for permits but for the printing for all those involved in the process (contractors, subs, suppliers, clients, banks, bonding agencies, etc...).

Suggestion: It would be better to have a range, 11x17 minimum to 36x48 maximum.

Suggestion: (c)(4)(E) Certified flood zone elevation mark should be explicitly exempted for renovations and alterations which are not changing existing floors or adding additional floor area.

#### **Section 5-4-3. Engineers and architects; work**

Suggestion: (b)(2) Trusses manufactured per 2006 IBC section 2303.4.2 Metal-plate-connected trusses, 2012 IBC section 000, 2012 IRC section R802.10.2 & R804.3.7. The truss manufacturer’s design print-outs which include the design drawing data listed in the IBC/IRC should be accepted with a single cover stamp.

Comment:

(c)(7) Structures in high seismic zones. For Hawaii Island it very often requires an architect and/or engineer to determine if a project is in Category E. Use and configuration of construction can determine if a location that might normally be E can be constructed as D2 and vice versa.

Suggestion: (h) HVAC design for one and two family single-family dwellings should be able to use IRC prescriptive design in lieu of an engineer.

#### **Section 5-4-6. Cancellation of application.**

(b) Thirty days to take action on deficient application. (c) 180 days to obtain permit.

Question: How is it solely the applicant’s responsibility to secure a permit within a 180-day time frame when the County and State control the review times? Some SHPD reviews require that a building permit application be made before they will start looking at a project, then their timeline can be years. Add this as well on top of archeological reviews, subdivision process, etc... and a simple local developer just trying to get some quality, decent, usable space onto the market has to float this thing for years upon years.

Suggestion: Time should be counted against the 180 days only when the application has been returned to the applicant for corrections. Time in County or State review should not be counted. 180 days for the review of single family-residential does seem entirely out of scale.

#### **Section 5-5-3. Designation of person, contractor, or subcontractor who will do work.**

Comment: If the new “one permit” requires that plumbing and electrical subcontractors are selected before the issuance of the building permit that will be a big problem for many projects.

#### **Section 5-4-7. Applications made prior to subsequent changes in applicable laws.**

Comment: Same question and suggestion as Cancellation of Application section. Time in County or State review should not be counted against the 180 days.

**Section 5-7-3. Permit**

Comment: (b) Fee Schedule. Dwellings over 1,401 sf fees are no longer based on square footage unless it is a pre-approved model plan. Item C from the old fee table was moved into the pre-approved table in section 5-7-2 but was not included in section 5-7-3 (b).

Question: (c) Valuation. The ICC building valuation data appears to require a permit fee multiplier unique to each jurisdiction in order to calculate a valuation. Where will this value be published? How often will it be updated?

**Chapter 5A. Article 2. Section 5A-2-1**

Comment: The previous adoption of the 2006 IBC, Chapter 5 Section 5-3, adopts the 2006 IBC, excludes Chapter 1 of the IBC.

This ordinance does not appear to exclude Chapter 1 yet many of the sections in Chapter 5 are covering similar topics. This could lead to confusion over which sections are applicable.

Comment: At the end of this section the draft ordinance says "insert rest of provisions presently found in 5-71, 5-74 through 5-76, and 5-78 through 5-83

The current amendment to section 903.2.7 Group R. Automatic sprinkler. is brought in and continues to exempt R-3 from the sprinkler requirement.

**Chapter 5E. Energy Conservation Code.**

Comment: There does not appear to be any changes to the previously adopted amendments to the 2015 IECC. If changes have been made the County should make professionals and the public aware of them with enough time for our community to be able to effectively react.

**Chapter 5F. Plumbing.**

Suggestions:

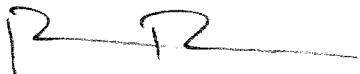
**Section 508.4.5 Access.** An exception should be added. No permanent ladder required for R-3

**Section 1101.11.1 Primary Roof Drainage.** An exception should be added. No roof drains or gutters required for R-3 roofs without parapets.

**SECTION 13.**

Suggestion: Since the exact date of final approval will not be known in advance the effective date should be two weeks after approval so that there is time to notify design professionals and the public.

Sincerely,

A handwritten signature consisting of a stylized 'R' followed by a horizontal line and another 'R'.

## Ogata, Shelly

---

**From:** Ryan Takahashi <ryan@hemep.com>  
**Sent:** Thursday, June 04, 2020 5:38 PM  
**To:** Building Div internet mail; Matsumoto, Robyn; Tanaka, Neal  
**Subject:** Comments from the Electrical Industry on Proposed County Building Administrative Code  
**Attachments:** HEMEP.HICounty.BuldingAdminCode.comments.060420.pdf

Dear Division Chief Robyn Matsumoto and Deputy Chief Neal Tanaka:

Thank you for requesting public input on these matters.

Attached you will find comments from a large conglomerate of stakeholders in the electrical industry of the State of Hawaii and County of Hawaii.

Please feel free to contact me with any questions or comments.

Aloha,  
Ryan Takahashi  
Hawaii Electricians Market Enhancement Program  
(808) 846-2374



**HAWAII  
ELECTRICIANS**

**ECAH**

1935 HAU STREET, ROOM 300 • HONOLULU, HAWAII 96819 • PHONE (808) 841-6169 • FAX (808) 847-4596

June 4, 2020

County of Hawaii  
Department of Public Works Building Division  
101 Pauahi Street, Suite 7  
Hilo, HI 96720

VIA EMAIL TO: cohbuild@hawaiicounty.gov

RE: Proposed Amendments to the County's Building Administrative Code

Dear Public Works Building Division:

Hawaii Electricians Market Enhancement Program (HEMEP), an organization representing over 100 Hawaii State Licensed Electrical Contractors, the Electrical Contractors Association of Hawaii, and nearly 3,400 Members of the IBEW Local 1186, would like to submit comments on the proposed amendments to the Building Administrative Code.

### **ELECTRICAL PERMITS ISSUED TO LICENSED ELECTRICAL CONTRACTORS**

As public and worker safety is the top priority of the County's Building Division, it is important to have strict policies of "to whom" electrical permits may be issued, and "who" may perform electrical work.

Electrical Contractors (using Licensed Electricians) adhere to the training, continuing education, safety standards, and installation methods that are outlined in the National Electric Code (NEC), and should always and exclusively be the responsible contractor to which a permit is issued for electrical work.

We fully support the County moving towards the adoption of the 2017 NEC, as updated versions include the most current safe installation requirements.

The County also requires electrical work to be performed by a "qualified person" (Section 5D-1-6), which is defined as an electrician licensed under HRS 448E. We again, fully support this requirement as it truly considers public and worker safety, and is an important term to apply to any and all electrical work that is performed in the County.

### **IMPORTANT DISTINCTIONS IN THE CONTRACTOR LAW AND ELECTRICIAN LAW**

Hawaii has an important "dual licensing" requirement when it comes to electrical work. It is essential to understand that HRS 444 is the Contractor Law that regulates who may "contract, or offer, to perform work"; while HRS 448E is the "performance" regulations for electrical work; requiring specific licensing for person(s) actually performing the work that was contracted or offered.

The Board of Electricians and Plumbers (BEP), the governing authority of HRS 448E, has consistently stated that their jurisdiction to require licensing is within *premises*, or property/boundary lines (*BEP-Aug. 1999; BEP-April 2005; BEP-Oct. 2008; BEP-Dec. 2015*).

BEP also stated that County Building Departments have the jurisdiction to require licensing related to permit requirements (*BEP-Aug. 2009*), where they specifically stated “*if the county requires an electrical permit, it may be clearer that licensed electrical contractors and licensed JE or JS licenses are also required to perform the work*”.

We would ask the County of Hawaii to continue with that clarity by requiring that permits issued for electrical are only issued to licensed Electrical Contractors using licensed Electricians.

### **COMMON MISAPPLICATION BY “A” GENERAL ENGINEERING CONTRACTORS**

A-General Contractors often refer to a Hawaii Administrative Rule (HAR) Section 16-77-32(b). A portion of this rule states: “*A general engineering contractor may also install duct lines, provided that the installation of conductors is performed by a contractor holding the C-13 electrical classification*”. The term “duct line” is used broadly in construction, but it may also include “electrical conduit”.

The rule clearly reflects that to actually complete the electrical installation; an electrical contractor would be required. By referencing only this administrative rule, proponents also fail to recognize the “dual licensing requirements” that this State has related to ALL electrical work.

While the administrative rule may indicate that an A-General could *contract* to install duct lines in accordance with HRS 444, the A-General would still be required to adhere to the NEC for the installation, and be subject to HRS 448E, in that a duly licensed electrician would be required to perform the duct line work inside premises/property/boundary lines.

Again, the often referred to carve out for duct line (electrical conduit) work in the administrative rule, DOES NOT offer an exemption to the licensing laws in HRS 448E – Electricians and Plumbers; nor should it be an exclusion from the County’s permit requirements of issuing electrical permits to licensed electrical contractors and requiring performance by “qualified person(s)” aka Licensed Electricians.

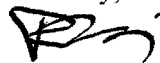
### **CONTINUE WITH THE EXISTING PROCEDURES**

For these reasons, HEMEP requests that the County Public Works Building Division continue with the longstanding requirement to have a duly licensed Electrical Contractor be required to pull any permit with electrical phases. In a “1-permit” system, an Electrical Contractor should be declared on such a permit, and for permits that ONLY have electrical work, an Electrical Contractor should be the issued party.

This provides the best practices for public and worker safety, as well as for the County. Permits with electrical work are issued for properties (premises, property, boundary lines) within the jurisdiction of the County. All the existing ordinances, laws, and codes line up so that as the County enforces compliance with the permit, the applicable NEC, electrical contractors, and licensed electricians work in sync.

Thank you very much for the opportunity to provide comments. We thank you for your continued efforts in adopting current codes. We are available to respond to any questions or comments you may have.

Sincerely,



Ryan Takahashi  
Director of Compliance

## Ogata, Shelly

---

**From:** Lisa <ls.vollbrecht@gmail.com>  
**Sent:** Friday, June 05, 2020 10:35 AM  
**To:** Building Div internet mail  
**Subject:** Comments on County Building Administrative Code amendments

### Proposed code amendment:

Section 5A-3- 27. Appendix Y; Tiny Houses

ADD - Grandfather clause to exempt already existing tiny homes from the proposed amendments and only require compliance for new home construction.

### Justification for the amendment:

We appreciate that the county would like to update codes to allow for more affordable housing in tiny homes. To uphold the intent of this idea, it is an imperative to include a clause that would allow for the proposed codes to only apply to future tiny homes, while allowing exemptions for those already existing. Without this, the passing of the code amendments would make many existing tiny homes illegal. Many of these homes have been lived in safely and securely by the owners for many years. Making existing tiny homes illegal would be counter to increasing public access to more affordable housing opportunities. As builders of our own tiny home, being acknowledged and exempted from the proposed amendments is extremely important to us so that we may not suddenly become regulated out of our home.

We have not yet been able to review the burden of applying the entirety of the International Residential Code in relation to new tiny home construction. We hope there is another opportunity for public comment so that we may address this more fully with additional time beyond the week that was available during this comment period.

### Contact information for additional follow-up:

Email: [ls.vollbrecht@gmail.com](mailto:ls.vollbrecht@gmail.com)  
Phone: 808-343-5327

Thank you for this opportunity to comment,  
Lisa Vollbrecht and Dakin Retzlaff

## Ogata, Shelly

---

**From:** John Hetherington <hetharch@gmail.com>  
**Sent:** Friday, June 05, 2020 3:01 PM  
**To:** Building Div internet mail  
**Subject:** comments regarding proposed new "Construction Code"

Aloha All,

We were given very short notice to review this document and the proposed changes, but here are a few comments and notes based on my preliminary review.

- 1) It would be nice to see the tables noted in "Section 1. Background" before finalizing any changes.
- 2) Regarding Section "5-1-2. Purpose". It is not clear from this statement how requests for permits would be handled. It would be nice to see a sample form before finalizing and changes. Will there be only 1 form and if so....can we assume that for a single family dwelling that one permit will cover plumbing, electrical and building work.
- 3) How will fees be structured/assessed if a permit is requested for only electrical, or only plumbing work? Does the ICC valuation data mentioned in the table in "Section 5-7-3.Permit" deal with electrical or plumbing repair items that would need a permit?
- 4) Section 5-4-3(i) states that "Plumbing plans and diagrams shall be required for R-3 single and two family dwellings and townhouses that include four or more bathrooms. Will this require a mechanical engineers Stamp. This will definitely add cost for mid-range construction and delay preparation of plans.
- 5) Section 5-7-1 under Article 7 Fees. If this modest increase in permitting cost actually allows the County to hire more workers in the DPW for plan review then I am all for it.
- 6) Section 5-7-5 "Extra or regulatory inspections". Item (a) is understandable as it is often that inspections are called for "in hopes of being ready".....or depending on weather in the case of concrete pours there may be issues out the control of an owner or contractor.
- 7) Section 5-7-5 "Extra or regulatory inspections" Item (b) If I understand this correctly then for a single family home. Normally there are at least:
  - a. underslab inspections which could include building, electrical and plumbing work. (3)
  - b. framing, plumbing and electrical rough-in (3)
  - c. plumbing, electrical and building finals (3)So the total fees paid for such a residential project for inspections would be \$900.00. How would that be paid, when would that be paid? Paid when calling for inspection? Paid if inspection passes cleanly? because fees are noted for "second inspections"
- 8) Section 5-8-2. "Work shall be visible for inspection" Item (b)(1). While I understand the need to deal with as-built conditions, there are a ton of them on this Island.....the phrasing of this paragraph is an open door for abuse in my opinion. Should be reconsidered. In the past this was considered acceptable, of late the county has not been accepting such letters. This definitely needs to be clarified and have input from the Architects and Engineers who will be dealing with this type of situation.
- 9) Tiny home section is good... happy it's there
- 10) it may be because this is a draft or that no changes to these are proposed, but there appear to be several appendices missing.

No Appendix M for thatched roofs

No Amendments to Appendix C: Group U for agricultural buildings

No Appendix U for hurricane sheltering

No Appendix W for Hawai'i Wind design provisions

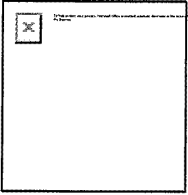
No Appendix X, for Indigenous Hawaiian Architecture Structures

Aloha John

contact information is below

Hetherington Architecture, LLC  
John L. Hetherington, Architect  
73-4520 Aniani Street  
Kailua Kona, HI 96740  
808-938-3498  
[hetharch@gmail.com](mailto:hetharch@gmail.com)  
Hawaii Lic. AR-14938

<http://hetherington-architecture.com>



## Ogata, Shelly

---

**From:** John Makoff <johnm@goodfellowbros.com>  
**Sent:** Wednesday, June 03, 2020 9:35 AM  
**To:** Building Div internet mail  
**Subject:** Comments to Draft Construction Code

Dear County

The current draft construction code fails to address several state laws that effect licensed contractor in the county of Hawaii.

HAR Title 16 Chapter 77 C-37A and C43 (Both a subset of an "A" licensed Contractor in the state of Hawaii.)

C-37a Sewer and drain line contractor. To install sewer lines from house to city sewer with connections, and to install septic tanks, package sewage treatment plants, and related work, within property lines.

C43 Sewer, sewage disposal, drain, and pipe laying contractor. To Construct concrete and masonry sewer disposal plants, sewage lift stations, septic tanks, and appurtenances thereto; to lay all types of piping for storm drains, water, and gas lines, irrigation and sewers, manholes in connection with the above work; and repairing and reconditioning of the pipelines, including the excavation, grading, trenching, backfilling, paving, and surfacing in connection therewith:

HAR Title 16 Chapter 22 Chapter 77 Subchapter 6 16-77-32 (b)

(b) The "A" General engineering contractor may also install poles in all new pole lines and replace poles, provided that the installation of the ground wires, insulators, and conductors is performed by a contractor holding the C-62 pole and line classification. The "A" general engineering contractor may also install ductlines, provided that in the installation of conductors is performed by a contractor holding the C-13 electrical classification.

HAR Title 16 Chapter 80 16-80-3 Definitions

"Plumbing Work" ..... However, this provision shall not prohibit other properly licensed contractors from performing any exterior piping work five feet or more outside the building line without licensed plumbers. ....

In summary. The draft construction code fails to recognize that an "A" licensed contractor in that state of Hawaii has the right under state law to install sewer, drain, septic tanks, storm drains, water, gas lines, irrigation 5 feet outside the building without having a licensed plumber or plumbing license. It also fails to recognize that an "A" licensed contractor in the state of Hawaii can install electrical ductlines 5 feet outside the building without a licensed electrician.

The current DPW requires a plumbing or electrical permit (conduits only) when working outside the 5 foot perimeter of a building. Assuming this permit is still going to be required. Article 6. Eligibility to Work fails to address that a "A" licensed contractor in the state of Hawaii can complete Plumbing work and Electrical work (ductlines only) 5 feet outside the building without a licensed plumber or electrician. This Clarification needs to be added to Section 5-6-1 (b) and Section 5-6-1 (c) to prevent licensed contractors under the state of Hawaii law from completing work within the county of Hawaii.

Section 5-6-2 (b) and (c) also fail to address the same facts.

Thank you for your time.

**John Makoff**

*Regional Manager – Big Island*

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Waikoloa, HI 96738  
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[www.goodfellowbros.com](http://www.goodfellowbros.com)



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## Ogata, Shelly

---

**From:** Maria Gacula <maria.gacula@hpmhawaii.com>  
**Sent:** Friday, June 05, 2020 2:33 PM  
**To:** Building Div internet mail  
**Cc:** Darryl Oliveira  
**Subject:** Construction Code Draft Comments  
**Attachments:** Construction Code Draft Comments (HPM).pdf

Aloha,

Please see enclosed and attached, comments and proposed amendments to the new Construction Code for the County of Hawaii.

Prepared by: Maria Gacula  
345 Kanoelehua Ave  
Hilo, HI 96749  
(808) 934-4255  
maria.gacula@hpmhawaii.com

### Construction Code Draft – Requests for Clarification

*Reference: Cover letter, section A, regarding use of EnerGov Software.*

Is this software intended to launch to the public when this Construction Code becomes effective? If so, what is the implementation plan or guidelines for submitting applications and construction documents?

*Reference: Section 5-2-33. Building work; exempt. D) regarding detached one-story accessory structures of U occupancy.*

Does Construction Code address and/or provide justification of the omission of one-story detached accessory structures that do not exceed 600 square feet for agricultural zoned lands currently cited in Hawaii County Code 5-19. Permit required, Exception #18?

*Reference: Section 5-4-6. Cancellation of application. (c) 180 days to obtain permit*

Does this exclude applications that haven't completed by all department reviews or received a "recommend for issuance" or "recommend return with correction" notice? For instance, if a "recommend return for corrections" notice is sent prior to Engineering or Building reviews, is time suspended?

*Reference: Appendix Y Tiny Houses*

Are Tiny Homes allowed on any type of zoned lot?

### Construction Code Draft – Proposed Amendments

*Reference: Section 5-1-5. Definitions*

Proposed Code Amendment:

"Factory-built home" means a dwelling or dwelling unit [~~housing, any structure or portion thereof, designed primarily for residential occupancy by human beings,~~] which is either entirely prefabricated or assembled at a place other than the building site.

*Justification: Use of "dwelling" and "dwelling unit" suggests a residential occupancy. Omitting "structure or portion thereof" provides clarity that homes utilizing pre-manufactured trusses, wall panels or other built components are excluded from this definition.*

*Reference: Section 5-4-5. Action on application*

Add:

c) Upon receipt of all required construction documents, the building official shall provide such documents to appropriate state and county departments for comments. In addition, the building official shall review such documents for compliance with this code and other codes the building official is responsible for administering. The departments shall provide their concurrence or provide substantive written comments on the construction

documents no later than 30 calendar days from the date the building official sends the required documents to the departments (15 calendar days for second submittal and 5 calendar days for subsequent submittals). The building official may defer consideration of the building permit pending receipt of additional information from either the applicant or comments from a reviewing department, in which case the running of time is suspended. If reviewing departments do not provide comments within the required time period, the building official shall consider the department as having no comment on the construction documents, unless the building official requires a response from a reviewing agency as specified above. The failure of any reviewing department to comment within the specified time period shall not relieve the applicant of the responsibility to comply with all applicable laws, whether required by the County, State or United States governments, which may include obtaining other required permits prior to construction. Neither the building official in issuing a permit nor the County of Hawaii shall be responsible for the applicant's failure to comply with any applicable laws. After the time frame for comments has elapsed and the building official has received all required documents, the building official shall review the comments provided and shall approve the permit as submitted, or as it may be modified, or shall disapprove the same and shall express the disapproval and the reasons therefor in writing.

*{Maui Code of Ordinances, Title 16-Buildings and Construction, Chapter 16.26B – Building Code}*

*Justification: To provide measure of accountability and encourage reduced permit processing time and standardized procedures as described on Section 5-1-2. Purpose of this code.*

Reference: Section 5-7-1. Permit plan review; general.

Proposed code amendment:

(b) No additional plan review fee will be assessed for a second submittal, provided all building officials and agencies have completed their reviews and included code references and justification of comments with the “recommend return for correction” notice. Where comments remain unaddressed, plan review fees for subsequent submittals shall be: \$250 for a third submittal; \$500 for a fourth submittal; and \$1000 for each additional submittal.

*Justification: To ensure design professionals have clear understanding of building official’s interpretation of code and can address claimed deficiencies within a single re-submittal. It is highly recommended that there is consistent interpretation and enforcement of code and requirements among all building officials to discourage new comments arising in the event multiple building officials review plans, as well as educate the design community so that new and future plan submittals are developed accurately and completely in the first submittal at the onset of the permitting process.*

Reference: Section 11

Proposed code amendments:

Work performed under a permit issued before the effective date of this ordinance and which is inspected on or after the effective date shall be approved if it meets the requirements of [~~either this code or~~] the code [~~being replaced by this ordinance.~~] in effect at time of the permit was issued.

*Justification: To provide consistent enforcement and mitigate financial burden placed on owners to submit revisions and delay the construction progress.*

Reference: Section 12

Proposed code amendments:

This ordinance shall apply to all applications for permits to be issued pursuant to chapters 5, 9, and 17, Hawaii County Code, that are deemed complete by the Department of Public Works on or after the effective date of this ordinance. An application accepted before the effective date shall be approvable if it meets the requirements of [~~either this ordinance or~~] the code [~~being replaced by the ordinance.~~] in effect at the time the application was submitted.

*Justification: To provide consistent enforcement and mitigate financial burden placed on owners to submit multiple plan review submittals and/or revisions and delay project progress.*

Prepared by: Darryl Oliveira

16-166 Melekahehiwa Street

Keaau, HI 96749

(808) 966-5622

[Darryl.oliveria@hpmhawaii.com](mailto:Darryl.oliveria@hpmhawaii.com)

Article 1, Section 5-1-5. Definitions, page 5

- 1) Factory-built home. Request confirmation of citation as noted {5-79, citing L101.2 of UBC that defines factory-built housing.} The citation appears to be from the Hawaii County Code 5-79 and referring to IBC Appendix L not the UBC as specified.

Article 4 Division 2. Pre-approval, Section 5-4-21. Model plans for residential dwellings: pre-approval, (c) Application for model plan pre-approval (2), page 24

- 1) Propose to strike language stating “Factory-built homes shall include a manufacturer’s seal as required by Appendix L of chapter 5A, the commercial building code.” Manufacturer’s label is the proper terminology and is not required for plan pre-approval. The label is to be affixed to the structure and therefore not part of the plans pre-approval process or permitting process. More in line with inspection process as set forth in Appendix L.

**Thank you,**

**Maria Gacula**

HPM HOMES PROGRAM MANAGER


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380 KANOELEHUA AVENUE • HILO, HI 96720

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June 5, 2020

County of Hawaii Public Works – Building Division  
Aupuni Center, 101 Pauahi St, Suite 7  
Hilo, HI 96720

**Subject: Construction Code Draft Comments**

Aloha,

Please see enclosed within this document, comments and proposed amendments to the draft of the New Construction Code for the County of Hawaii.

Sincerely,



Maria Gacula  
HPM Homes Program Manager  
[maria.gacula@hpmhawaii.com](mailto:maria.gacula@hpmhawaii.com)  
(808) 934-4255

Prepared by: Maria Gacula  
345 Kanoelehua Ave  
Hilo, HI 96749  
(808) 934-4255  
maria.gacula@hpmhawaii.com

## Construction Code Draft – Requests for Clarification

*Reference: Cover letter, section A, regarding use of EnerGov Software.*

Is this software intended to launch to the public when this Construction Code becomes effective? If so, what is the implementation plan or guidelines for submitting applications and construction documents?

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*Reference: Section 5-4-5. Action on application*

Add:

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*Justification: To provide measure of accountability and encourage reduced permit processing time and standardized procedures as described on Section 5-1-2. Purpose of this code.*

Reference: Section 5-7-1. Permit plan review; general.

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Reference: Section 11

Proposed code amendments:

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*Justification: To provide consistent enforcement and mitigate financial burden placed on owners to submit revisions and delay the construction progress.*

Reference: Section 12

Proposed code amendments:

This ordinance shall apply to all applications for permits to be issued pursuant to chapters 5, 9, and 17, Hawaii County Code, that are deemed complete by the Department of Public Works on or after the effective date of this ordinance. An application accepted before the effective date shall be approvable if it meets the requirements of ~~[either this ordinance or]~~ the code ~~[being replaced by the ordinance.]~~ in effect at the time the application was submitted.

*Justification: To provide consistent enforcement and mitigate financial burden placed on owners to submit multiple plan review submittals and/or revisions and delay project progress.*

Prepared by: Darryl Oliveira  
16-166 Melekahiwa Street  
Keaau, HI 96749  
(808) 966-5622  
[Darryl.oliveria@hpmhawaii.com](mailto:Darryl.oliveria@hpmhawaii.com)

## Article 1, Section 5-1-5. Definitions, page 5

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## Ogata, Shelly

---

**From:** Wilson, Kelly  
**Sent:** Tuesday, June 02, 2020 2:11 PM  
**To:** Tanaka, Neal; Erickson, Neil  
**Subject:** FW: County Codes

**From:** Aaron Spielman <aaron@naneastudios.com>  
**Sent:** Monday, June 01, 2020 9:50 AM  
**To:** Wilson, Kelly <Kelly.Wilson@hawaiicounty.gov>  
**Subject:** Re: County Codes

Hi Kelly – happy Monday. Hope you are keeping your sanity?

Just saw this...do you know why there is not more time to submit amendments?

<https://bigislandnow.com/2020/05/30/county-seeking-input-on-code-amendments/> - not the best written article

Anything that you want me to submit?

I want to submit:

1. DPW can stop work order for residential or commercial work, without complaint required. The shame game in Hawaii is outdated, and people need to be held responsible for decisions that affect life safety.
2. DPW will no longer accept plan-stamped drawings submitted by draftsman.

Mahalo | Aaron

**Aaron J. Spielman**, AIA, NCARB  
**Principal Architect**

**Nanea Studios Inc.**  
PO Box 437301  
Kamuela, HI 96743

v. (808) 937-5511  
e. [aaron@naneastudios.com](mailto:aaron@naneastudios.com)

[www.naneastudios.com](http://www.naneastudios.com)

## Ogata, Shelly

---

**From:** Mendonca, Ashlee  
**Sent:** Thursday, June 04, 2020 4:07 PM  
**To:** Tanaka, Neal; Matsumoto, Robyn  
**Cc:** Atalig, Adeloisa; Pent, Naomi  
**Subject:** FW: IECC input  
**Attachments:** 20200604\_034906.PDF

Aloha Neal and/or Robyn,

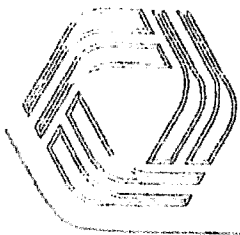
For your review and handling. Received via Public Works email.

Thank you,  
Ashlee

**From:** Walter Fullerton [mailto:wfskona@gmail.com]  
**Sent:** Thursday, June 04, 2020 4:02 PM  
**To:** public\_works email <public\_works@hawaiicounty.gov>  
**Subject:** IECC input

Attached is my input.

Thank you for your time,  
Walter S. Fullerton



# Walter Stewart Fullerton Architect • Land Planner • Consultant

75-5656 Kuakini Hwy., Suite 103  
Kailua Kona, Hawaii 96740 • (808) 326-9611

June 4, 2020

Hawaii County Building Division  
West Hawaii Civic Center  
74-5044 Ane Keohokalole Highway  
Kailua Kona, HI 96740

Comments to consider for adoption of the new construction code for the County of Hawaii.

Proposed Code Amendments, continued research for 5E the energy conservation code.  
Justification, amend to consider Health and safety issues  
Contact information, See Letterhead

To whom it may concern:

**The IECC was developed on the mainland where standards and codes considered primarily the Four Seasons as a paradigm, consequently, all thought patterns, concepts, research methods, theories, postulates, and scientific standards formed the basis for the IECC.** There are two Hawaiian seasons described as winter "Kau", November to April with an average temperature of 78 degrees Fahrenheit, and summer, "Hooilo", with an average temperature of 85 degrees Fahrenheit. **The average temperature difference is 7 degrees** (emphases added).

**There are obvious omissions and conflicts in the IECC/HCECC.** Extremely important for the Hawaii Islands are humidity, mold, dry rot, fungi, and mildew, which have been virtually ignored. Average ambient relative humidity in Hawaii, ranges from the 60's to the 80's. Fungi grows in temperatures from 68 to 87 degrees Fahrenheit and are killed at 104 degrees Fahrenheit, which means that the year around temperature range in Hawaii is nearly perfect for fungi growth. Fungi growth is encouraged by high humidity. The high humidity in Hawaii, exacerbates Respiratory disease conditions such as asthma, colds, flu, and pandemics. **All buildings and occupants are at risk when buildings are not allowed to breathe.** Colds, flu, and certain other respiratory conditions caused by high humidity needs to be carefully considered.

## **Building Mycology:**

Building affects the health of occupants in many ways, for example, **Building Related Illnesses (BRI), Sick Building Syndrome (SBS), Respiratory Syncytial Virus (RSV), Allergy and Environmental Health Problems (AEHP).** The most common building health problems are attributed to the lack of natural and proper ventilation, dampness and condensation resulting in mold growth, mildew, house dust mites, airborne fungi spores, and a

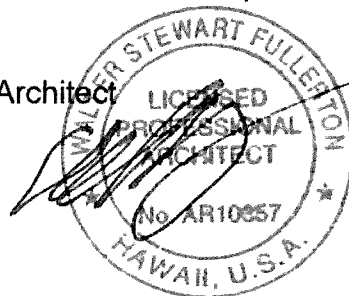
range of other fungal and insect pests, aggravating respiratory problems and allergies. We must learn the basics learned from the past and present flu and pandemics. The population spends 90 percent of their time indoors.

Hawaii County has eight recognized climate zones and two subordinate sub zones. The other islands in Hawaii, have apparently, not identified climate zones. Most residents of Hawaii live on the coastal areas where year around temperature averages are comfortable as compared to all other States. Heating and/or cooling (HVAC), for single family dwellings has not been required or necessary. When HVAC is required by a client, Architects, Mechanical Engineers, and the IECC should apply. Relative humidity defines comfort levels and needs to be considered seriously! **Over 90 percent of construction on the Island of Hawaii is single family residential without HVAC!**

**It is unfortunate that Hawaii is being subjected to serious energy measures prevalent in temperate zones and the erroneous heat loss adaptations for heat gain in our tropical zone. The result of the IECC standards, for most of Hawaii, are the significant increases in the already high construction costs and Building Permit delays. Protection of the public life safety must be the first consideration!**

I strongly encourage that Hawaii County reexamine the Hawaii County IECC with licensed professionals. At present, confusion is rampant!

Walter Stewart Fullerton, Architect  
Expiration: 4-30-2022



## Ogata, Shelly

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**From:** Val Colter <val.colter@yahoo.com>  
**Sent:** Tuesday, June 02, 2020 7:09 PM  
**To:** Building Div internet mail  
**Subject:** Fw: Testimony in OPPOSITION to portions of new Public Works Bill

I could rewrite all this in my own words. But why? I agree with Taylor 100%

Aloha,  
Val Colter  
808-769-2949  
val.colter@yahoo.com

----- Forwarded Message -----

**From:** Taylor McMahel <tmcmahel@yahoo.com>  
**To:** cohbuild@hawaiicounty.gov <cohbuild@hawaiicounty.gov>  
**Sent:** Tuesday, June 2, 2020, 1:57:29 PM HST  
**Subject:** Testimony in OPPOSITION to portions of new Public Works Bill

Testimony in OPPOSITION to portions of new Public Works Bill

Aloha;

I would like to offer my feedback / testimony in OPPOSITION to certain portions of the drafted Public Works Bill. In particular, my two (2) points of opposition lie in the plan review fees (section 5-7-1), as well as the timelines given in building permit applications (section 5-4-6).

I understand the needs for a review plan fee to help cover the expense of county departments reviewing and approving a building permit application, then the owner either (a) changes their mind on the design and subsequently cancels the application, or (b) owners sell the land and new owners cancel an application so they may design their own. With the cancellation, the county does not get any fees to cover their time spent.

However, I am in opposition to the fee schedule of increasing the plan review fee depending on the amount of times a plan is returned for corrections.

As a draftsman myself, I have encountered numerous times where one (1) plan reviewer would reject the plans for a correction, then another plan reviewer would review it after a correction is done and subsequently reject based on their review for a different issue altogether. The proposed plan fee increases would open the county reviewers to "penalize" any draftsman or owner they do not like, either professionally or personally. In addition, it could open the doors for the county to encourage rejections, just to increase profits.

The fee schedule is not clear either if the rejection "count" is based on all departments that review the set of plans, or only the building division. This is important because each department has

their own set of regulations and if each department rejects it just once for petty things, that could be between 4 or 5 rejections total. Currently policy is all departments are to review the plans and reject at the end, but that is not happening consistently.

***This could encourage abuse by county personnel.***

If this situation was to occur, it stands to reason that every time a plan is rejected, it is easier and financially more viable for the client to “cancel the application”, correct the drawings, and then resubmit new. Five (5) resubmittals at \$50 proposed is cheaper than the schedule shows for the same plan being returned five times. Is the county willing to do all those cancellations and new applications that will be happening just so clients don't pay so much. (Keep in mind the way it is written, the increase in fee structure is for the same application, not subsequent ones with different application numbers)

I feel a better option would be for the county to review the plans as a “team” and all be on the same page of what is needed. Many times, I have been asked to provide things that are clearly not required in the published regulations, but the next project I do with the same situation does not need it because someone else reviewed it.

To minimize the amount of times a project is returned for corrections, the county should be proactive and complete their rejection notices accurately. So far, all they do is note what is rejected, but do not reference a section of the code they are basing the rejection on, even though that portion (reference) is on their rejection page. This would help draftsman, even owners that submit their own plans, from knowing where to look for clarification.

The second portion of the bill I strongly oppose is the time deadlines currently (section 5-4-6). I know from experience some owners leave their projects at the county for months on end, sometimes even years. But the time lines given in the bill are not long enough.

The county is proposing 30 days to pickup a permit or plan review letter (section 5-4-6a). What if the owner is out of state and needs to pickup a permit? Currently, the county only accepts original signatures for all paperwork, so currently, we as the draftsman, needs to pickup the application and mail to the out of state client, then wait for them to sign it and return it. The proposed time frame is not adequate in case of unexpected emergencies (incoming hurricane that will delay mailings, pandemics, etc.)

In some situations, a customer needs to get a check from the bank as part of a “draw” for their permits, and those can take time as well. Please consider given a longer time frame.

In section 5-4-6b, it mentions that if “action” is not taken within 60 days of picking up a rejected application, the application is deemed cancelled. In some situations, 60 days is not needed if the rejection is asking for a new design, or if the rejection is asking for additional structural calcs (the two portions of an application that can take the longest to accomplish). What does it mean “action”, and how would the county work with the design professionals if it is determined a correction is in the process of being completed, but not within the timelines.

A more reasonable correction to all time lines would be 180 days.

Please reconsider the portions of the bills referenced above and please consider how it would impact owners, which we are all trying to serve, with a goal of mutual understanding and respect between everyone.

Mahalo for allowing me to submit this testimony.

***Taylor McMahel***

McMahel Design LLC

Owner of McMahel Design LLC, a drafting company servicing the state since 2000

## Ogata, Shelly

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**From:** Alayna Kilkuskie <alaynakilkuskie@gmail.com>  
**Sent:** Friday, June 05, 2020 5:20 PM  
**To:** Building Div internet mail  
**Subject:** Input Sought on Upcoming County Code Changes

Sorry I'm a bit late!

The following are observations and questions/ issues that arose while reviewing the proposed construction code.

Thanks for your consideration! ☺

Alayna Lokelani Kilkuskie | Architect

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License # AR-17390

**A. Regarding:** Section 5-3-3 (b) (3): Temporary permits required.

Structures, buildings, platforms, construction trailers, water tanks, or fences used during the construction of a permitted structure.

**Issue:**

There doesn't seem to be any description of the application process for temporary permits, namely, how long it might take for a temporary permit to be issued, and what is required for approval.

If it is subject to the same process for a regular building permit, this will greatly increase the timeline for completing projects.

**Proposed solutions:**

1. Omit item 3) and reinstate its original position under previous Chapter 5 section 5-19.1 (and per IBC 2012 105.2 (8)); OR
2. Describe the temporary permit process and add a time limit, i.e. a temporary permit will be issued within 5 working days.

**B. Regarding:** Section 5-3-22 (C)---

**Issue:** Does this mean that any attached decks under 30" above grade will now require a building permit? For example, if someone wants to add a deck to their existing house, or extend their existing deck, they now require a building permit even if it's under 30" above grade? Does this apply to slabs as well?

**C. Regarding:** Section 5-3-22 -

**Issue:** Previous Chapter 5 section 5-19.1 (5) has been omitted--- does this mean that TV and radio equipment accessory to R-1 and R-3 occupancies will now require a building permit?

**D. Regarding:** Section 5-4-1 (8, 9, 10): Application for permit.

**Issue:** People generally need time to "shop around" for contractors once the plans are completed. Requiring this information at the time the plans are submitted will likely cause delays and potential for changing them later.

**Proposed solution:**

1. Give applicants the option to submit the information at the time the application is submitted OR prior to issuance of the building permit. This way, they will have the time between submitting the application and issuance of permit to find contractors, and be less likely to change contractors later.

**E. Regarding:** Section 5-4-6 - Cancellation of application.

**Issue:** Verbiage is hard to understand here--- Do we have 30 days or 60 days? Does this mean we have 30 days to notify you that we are working on it, and an additional 30 days to re-submit? What happens on day 31?

**F. Regarding:** Section 5-7-5. Extra or regulatory inspections

**Issue:** Previous Chapter 5 section 5-36(b) has been removed. So what about people who want an inspection where no permit has been issued, or are seeking general requirements regarding the health, safety, or welfare of people?

**G. Regarding:** Section 5-8-2 (b) (1) Residential Installations.

“In residential installation, if the permitted work is covered or concealed without an inspection, the contractor will provide verification that the concealed work complies with all the provisions of the construction code in a letter stamped and signed by the professional of record who is licensed in the State of Hawaii, as an architect or professional civil or structural engineer.... “

Further, section 5-43 (e) of previous Chapter 5 states “Owner builders will be required to have inspections, unless done by a licensed contractor or certified by licensed architects/engineers” has been removed.

**Issue:** Is it being proposed that the only condition that architects and engineers will be allowed to conduct inspections is if the AHJ does not respond within 2 days after the scheduled inspection?

**H. Regarding:** Appendix Y, Tiny Houses.

**Issue:** Appendix Y does not address the use of approved trailers in lieu of traditional foundations. Is this code proposing that tiny homes cannot be built on trailers?

**I. Regarding:** Y105.1.5- Maximum loft size.

“The aggregate floor area of a loft shall not be greater than one- third of the floor area of the room or space in which they are located.”

**Issue:**

If a tiny house is 20' x 8', then the maximum loft size is 53.33 sf, or 8'x 6.67' This is barely larger than a queen-sized bed (roughly 5' x 7'). It is likely that a loft would be especially needed the smaller the footprint becomes, but with this provision, the loft gets smaller as the total footprint decreases...

**Proposed Solution:** Increase the ratio?

**J. Regarding:** Y105.2.3 --- Alternating tread devices.

**Issue:** This section references lofts with a maximum of 200 sf.

If the definition of a tiny house (Y102) states a maximum area of 500 sf, and Y105.1.5 states that the loft can't exceed  $\frac{1}{3}$  of the room that it's in, then the absolute maximum a loft can ever be is  $500sf / 3 = 166.67$  sf, not 200 sf...



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## Ogata, Shelly

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**From:** Shaun Roth <shaunroth@hawaii.twcbc.com>  
**Sent:** Wednesday, June 03, 2020 11:55 AM  
**To:** Building Div internet mail  
**Cc:** Matsumoto, Robyn; Tanaka, Neal  
**Subject:** Input Sought on Upcoming County Code Changes  
**Attachments:** 2020-CofH-ConstructionCode-Comment-ShaunRoth-060320.pdf

County of Hawaii;

I am submitting comments and suggestions related to the CONSTRUCTION CODE - DRAFT 5/26/20.

One pdf file is attached.

Aloha,

Shaun Roth, AIA

Roth Kimura LLP

PO Box 624, Holualoa HI 96725

808-324-6073 office

[shaunroth@alum.mit.edu](mailto:shaunroth@alum.mit.edu)

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The following comments, proposed code amendments, and justification are submitted by Shaun Roth. These are my personal comments and do not necessarily reflect the position of AIA Hawaii State Council, AIA Honolulu, or AIA Hawaii Island Section.

Shaun Roth, AIA  
Roth Kimura LLP  
PO Box 624, Holualoa HI 96725  
808-324-6073 office  
[shaunroth@alum.mit.edu](mailto:shaunroth@alum.mit.edu)

### **Chapters 5B and 5C**

Question: Why are these chapters not included in this draft of the construction code? In section 2 of the proposed ordinance it appears as though Chapter 5 is repealed in its entirety. Chapter 5A is intended to apply to commercial construction. Where does one go for residential construction during the period before Chapter 5B is adopted? If residential is intended to use Chapter 5A for the interim that confuses the new structure of the Construction Code. Not including Chapters 5B and 5C at this time will require more extensive modification to Chapter 5 when those chapters are adopted.

Suggestion: Why not include abbreviated Chapters 5B and 5C and use those chapters to clearly state how these types of construction will be treated in the interim. e.g. Chapter 5B, R-3 uses chapter 5A or the 2012 IRC with State amendments until the IRC is adopted by the County; Chapter 5C, existing buildings use 2006 IBC Chapter 34 until the existing building code is adopted.

### **Section 5-1-4. Existing Buildings**

Comment: The IBC version is given in Chapter 5A but not in Chapter 5, Section 5-1-4(b)

Comment: It appears that the twelve month period and valuation criteria for upgrade requirements is being deleted in favor of an unamended IBC Chapter 34. It appears this will make the code more restrictive in some cases and less restrictive in others.

Comment: Previous IBC amendments to 2006 IBC sections 3405.1 and 3410.3.2 are no longer included. These may not be needed since there is no longer valuation criteria.

### **Section 5-2-22**

Comment: Good to see the code explicitly support used material.

### **Section 5-3-22. Building work; exempt**

Comment: (a)(4) replacement for maintenance of components, \$4,000 permit threshold. This is far too low for this category. A single door panel can cost \$4,000. It is ridiculous for an owner to have to go through the whole permit process to replace a couple of doors with the same, thus many won't get permits. The value was too low before, and is still too low. Electrical and Plumbing don't have the valuation threshold for repairs, why do other repairs need it?

Suggestion: Value should be changed to \$10,000 or eliminated.

### **Section 5-4-1. Application for permit**

Comment: (a)(8)(9)(10) information for each contractor or subcontractor engaged to do work. At the time of building permit submittal all of the contractors and subcontractors for a project may not have been selected.

Suggestion: This section should explicitly allow this information to be provided at a later time.

### **Section 5-4-2. Plans, specifications, and other data.**

Comment: (c)(1) it appears that 24"x36" is the only sheet size that will be accepted.

24x36 is excessively large for some small projects and may not be large enough for other projects.

Suggestion: It would be better to have a range, maybe 11x17 minimum to 36x48 maximum.

Suggestion: (c)(4)(E) Certified flood zone elevation mark should be explicitly exempted for renovations and alterations which are not changing existing floors or adding additional floor area.

### **Section 5-4-3. Engineers and architects; work**

Suggestion: (b)(2) Trusses manufactured per 2006 IBC section 2303.4.2 Metal-plate-connected trusses, 2012 IBC section 000, 2012 IRC section R802.10.2 & R804.3.7. The truss manufacturer's design print-outs which include the design drawing data listed in the IBC/IRC should be accepted with a single cover stamp.

Comment:

(c)(2) No architect or engineer required for R-3 under 600 sf.

(c)(7) Structures in high seismic zones. For Hawaii Island it very often requires an architect and/or engineer to determine if a project is in Category E. Use and configuration of construction can determine if a location that might normally be E can be constructed as D2 and vice versa.

Suggestion: Eliminate the exemption for structures under 600 sf.

Suggestion: (d) consider changing the retaining wall height requiring a permit from 48" to greater than 30". A 4' high un-designed retaining wall can be very dangerous. 30" would be consistent with the requirement for decks.

Suggestion: (h) HVAC design for one and two family single-family dwellings should be able to use IRC prescriptive design in lieu of an engineer.

**Section 5-4-6. Cancellation of application.**

(b) Thirty days to take action on deficient application. (c) 180 days to obtain permit.

Question: How is it solely the applicant's responsibility to secure a permit within a 180 day time frame when the County and State control the review times? Some SHPD reviews require that a building permit application be made before they will start looking at a project, then their timeline can be years.

Suggestion: Time should be counted against the 180 days only when the application has been returned to the applicant for corrections. Time in County or State review should not be counted.

**Section 5-5-3. Designation of person, contractor, or subcontractor who will do work.**

Comment: If the new "one permit" requires that plumbing and electrical subcontractors are selected before the issuance of the building permit that will be a big problem for many projects.

**Section 5-4-7. Applications made prior to subsequent changes in applicable laws.**

Comment: Same question and suggestion as Cancellation of Application section. Time in County or State review should not be counted against the 180 days.

**Section 5-7-3. Permit**

Comment: (b) Fee Schedule. Dwellings over 1,401 sf fees are no longer based on square footage unless it is a pre-approved model plan. Item C from the old fee table was moved into the pre-approved table in section 5-7-2 but was not included in section 5-7-3 (b).

Question: (c) Valuation. The ICC building valuation data appears to require a permit fee multiplier unique to each jurisdiction in order to calculate a valuation. Where will this value be published? How often will it be updated?

**Chapter 5A. Article 2. Section 5A-2-1**

Comment: The previous adoption of the 2006 IBC, Chapter 5 Section 5-3, adopts the 2006 IBC, excludes Chapter 1 of the IBC.

This ordinance does not appear to exclude Chapter 1 yet many of the sections in Chapter 5 are covering similar topics. This could lead to confusion over which sections are applicable.

Comment: At the end of this section the draft ordinance says "insert rest of provisions presently found in 5-71, 5-74 through 5-76, and 5-78 through 5-83

The current amendment to section 903.2.7 Group R. Automatic sprinkler. is brought in and continues to exempt R-3 from the sprinkler requirement.

**Chapter 5E. Energy Conservation Code.**

Comment: There does not appear to be any changes to the previously adopted amendments to the 2015 IECC. If changes have been made the County should make professionals and the public aware of them.

**Chapter 5F. Plumbing.**

Suggestions:

**Section 508.4.5 Access.** An exception should be added. No permanent ladder required for R-3

**Section 1101.11.1 Primary Roof Drainage.** An exception should be added. No roof drains or gutters required for R-3 roofs without parapets.

**SECTION 13.**

Suggestion: Since the exact date of final approval will not be known in advance the effective date should be two weeks after approval so that there is time to notify design professionals and the public.

**Ogata, Shelly**

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**From:** Wendy Laros <wendy@kona-kohala.com>  
**Sent:** Friday, June 05, 2020 2:49 PM  
**To:** Building Div internet mail  
**Cc:** Dennis Boyd  
**Subject:** Kona-Kohala Chamber Input for County Code Changes  
**Attachments:** Kona-Kohala Chamber Code Comments June 5, 2020.pdf

Aloha Department of Public Works Building Division,

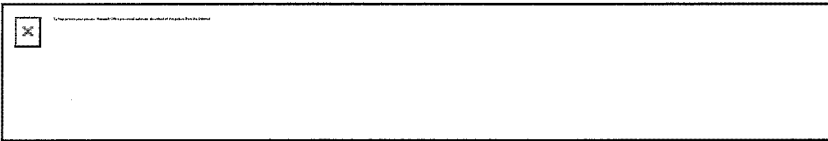
Attached you will find comments from the Kona-Kohala Chamber of Commerce Permitting Task Force on Hawai'i County's proposed new Administrative Code Bill, Chapter 5.

Please note, we apologize if some of this information doesn't line up, but we did our best to provide comments to specific areas in the code.

Would you be so kind to let me know that you received this email and have the document with our cover letter and comments? Appreciate it!

Sincerely,

**Wendy J. Laros, M.Ed.**  
**Executive Director, Kona-Kohala Chamber of Commerce**



Kona-Kohala Chamber of Commerce  
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# Kona-Kohala

## CHAMBER OF COMMERCE

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June 5, 2020

David Yamamoto, P.E.  
Department of Public Works Director  
County of Hawai'i  
101 Pauahi Street, Suite 7  
Hilo, Hawai'i 96720

Dear Mr. Yamamoto,

Attached you will find comments from the Kona-Kohala Chamber of Commerce Permitting Task Force on Hawai'i County's proposed new Administrative Code Bill, Chapter 5. The Chamber has designated Permitting as one of its top three priorities. Our Permitting Task Force includes Chamber members from throughout the development and small business community who have been working for over a year on developing input to support improvements and efficiency in the county permitting process.

These efforts began as a result of Chamber members' consensus that the current Hawai'i County permitting process constitutes a significant barrier to economic development and that it's in all of our best interests to work towards clarification of the process, the regulations, and the practice of permitting in the county. Now, with the current economic crisis that places a premium on innovative thinking and efficient execution, those interests are more apparent than ever before.

The Permitting Task Force has heard firsthand from the Department of Public Works and County Council personnel regarding the current status of permitting in the county and plans for the future, is participating in EnerGov implementation planning, and has had wide-ranging discussions and solicited input from concerned parties in the business community. These efforts have all contributed to our comments.

We are concerned that while the proposed Rules as currently constituted include many deadlines and requirements for the public, there are none for the county.

We look forward to working with the Council's Committee on Public Works, the Council at large, and the Department of Public Works in continuing efforts towards the development of a permitting process that works more efficiently for all the parties in the community.

Sincerely,

*Wendy Laros*

Wendy Laros  
Executive Director  
Kona-Kohala Chamber of Commerce

*Dennis Boyd*

Dennis Boyd  
Permitting Task Force Chair  
Kona-Kohala Chamber of Commerce

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### Kona-Kohala Chamber of Commerce

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**Kona-Kohala Chamber of Commerce**  
**Permitting Task Force Comments on Proposed Chapter 5, Construction Code**  
**June 5, 2020**

**5-1-4**

Establish methods for non-compliant/as-built buildings to “catch up”  
Older as-built structure to be reviewed based on the code in effect at the time of construction, which would be determined by property’s appearance in Real Property Tax record  
Have a free code compliance inspection option for people to get older homes inspected by Building officials without fear of a notice of violation and encourage them to update  
*Eliminates punitive measures and promotes re-use and potential upgrade of existing structures*

**5-1-5**

Either delete requirement for Director of PW to be an Engineer or add to requirements MBA or significant administrative experience (realize this is a Charter Amendment issue)  
*Administration and public accountability are totally different from engineering, and qualification changes realign the position’s duties with the actual job*

**5-1-5**

Add Replacement Cost Definition using the Uniform Standards of Professional Appraisal Practice (USPAP)  
“Replacement Cost is the Estimated cost to construct, at current prices in Hawaii as of the effective appraisal date, a substitute for the building being appraised, using modern materials and current standards, design, and layout as determined by a Hawaii licensed property appraiser, or shall be the value set by the national average in the IBC Building Valuation Data plus 70% Hawaii cost factor as defined by USPAP or a Hawaii licensed property appraiser.”  
*Common-sense and consistent methodology*

**5-2-2**

Adopt Rules Making Structure  
*Codifies procedure/ensures predictability*

**5-2-23**

Encourage alternative new building techniques (local materials, liaison with UH R&D, adopt affordable housing “smart Code”, update zoning to allow more creative neighborhoods, encourage and facilitate ohana or second dwellings, support 3D printed concrete housing)  
*Promote sustainability, innovation, cost savings, addresses affordability*

**5-2-3**

- **Collect, calculate, and report Building Division performance data**
- **Establish and enforce meaningful performance measures for the Division and personnel**
- **Implement an internal audit function**

*Adds accountability and transparency for a government function that is currently lacking, forms the basis for continuous system improvement*

**5-3-22**

Eliminate need for Site Drainage Study if no change to permeable surfaces, or run off changes <1% of property size

*Unnecessary*

**5-3-22(4)**

Change value of threshold repair costs

*\$4000 is a 1973 valuation – in 2020 dollars that is \$23,098*

**5-3-23**

Allow Electrical Contractor as sufficient for authorized work for residential, small Ag, as-built work <200 amp

*Simplification, few safety concerns*

**5-4-1**

Create a separate “track” for Residential and Commercial plan reviews; within Commercial track separate New Build from Tenant Improvements

*Prioritizes building application types, allows less complex applications to be reviewed quicker*

**5-4-1**

Adopt a consistent checklist of intake items and a flow chart of the permitting process clearly denoting the sequence of required submissions and inspections that can be expected

*Eliminates customer confusion*

**5-4-1(b)**

RE paper vs electronic submission, language change: “After the authority having jurisdiction implements its electronic filing system, applicants may must submit documents ~~in writing or~~ electronically.”

*The county is moving to electronic review that requires electronic submission. An applicant who is unable to submit electronically can come to the counter and be assisted to create an EnerGov account and file. Planning and Public Works will have counter kiosks in Kona and Hilo for this purpose.*

**5-4-2(c)(4)B**

Eliminate absolute requirement for plot plan detail for properties over 20 acres or some size limit  
*Super excessive on large acreage/ranches*

**5-4-3(c)(2)**

Wording

*“single story structure **of** more than 600 square feet”*

**5-4-3(h)**

Add “or architect” as authorized profession for mechanical plans

*Eliminates architect for residential work. See state statute 464-1, which allows architects “to perform professional services . . . in connection with any projects or the equipment or utilities thereof, or the accessories thereto”. Also, former County wording, Section 5-25(c) – “all plans . . . for which a building permit is required shall be prepared, designed or stamped by a duly registered professional engineer or architect”*

**5-4-3 (i)**

Re threshold requirement for plumbing plans: Excessive regulation for dwellings  $\geq$  4 bathrooms  
*No additional threat to life or safety in a large residence*

**5-4-3; 5-5-1**

Eliminate new building permit requirement for minor electrical or plumbing add-ons during construction (e.g., single circuits, up to 10 switches, one plumbing fixture of a given type, etc.)  
Issue supplemental E/P permit only. Ditto for  $\geq$ 5% residential square footage additions  
*Recognition of the realities of construction exigencies; time saver at no safety risk*

**5-4-4**

Piggyback fast track permitting as incentive in designated special use districts, e.g., Opportunity Zone, Affordable Housing, other areas with relationships to other County priorities to be determined

*Boost existing development that boosts the community*

**5-4-4**

Remove Fire Dept from the Review Process as currently configured and hire dedicated Fire Code reviewers within the Building Dept

*Eliminates a role inconsistent with the main purpose of FD personnel duties and eliminates cross-department delays*

**5-4-4**

Eliminate SHPD (historical preservation) review for interior tenant improvements

*Unnecessarily time consuming and generally irrelevant to SHPD mission*



**5-4-4**

Allow option for third party plan review by accredited professional review organizations at applicant expense

*Reduces DPW workload, expedites process*

**5-4-4; 5-8-4**

Develop system to reduce inconsistency from different reviewers and inspectors – establish and adhere to protocols

*Builds in efficiency as builder knows what to expect from prior experience*

**5-4-5**

Establish system where, upon satisfactory response to first round of reviewer comments any new comments denying permit must be directed to what the reviewer determines to be an additional problematic area, not the same one already corrected but with another set of eyes looking at it

*Controls multiple “bites at the apple” and defends against reviewer inconsistency*

**5-4-6 (a) and (b)**

Make days consistent on permit pickup and applicant action

*30 days too short a time, both 30 and 60 days quoted in (b) – make all 60 days*

**5-4-6(c) 5-4-7**

Too short a time to obtain permit

*Unless this is intentional benchmark for County, does not consider County delays*

**5-4-21c; 5-4-21f2**

Adopt e-filings and e-signatures instead of wet signatures

*Consistent with modern usage in every other professional field and with EnerGov implementation*

**5-5-1(c)**

Language revisions on permit issuance: “The authority having jurisdiction may shall issue a permit . . . provided adequate all pertinent information and detailed statements . . .”

**5-7-3(h)**

RE exemption from permit fees, add “(3) or any project by a registered 501.c.3 non-profit organization”

**5-5-6**

Develop reliable, consistent repository of archived permit records and a process to prove out missing permits

*Solves problem of missing or unreliable permits, codifies what records (e.g., HELCO records, field book) can be used to substantiate initial permit and usage*

**5-7-1(b)**

RE additional plan review fees, add phrase at end of sentence after “submittal” to cover review omissions: “caused by the applicant. No fee shall be charged for subsequent submittal cause by a reviewer error or oversight.”

**5-7-1(c)**

RE Permit fees, delete paragraph

*Excessive for minor revisions*

**5-7-3(c)**

RE Valuation of construction costs, change language to “the most recent issue of the International Code Council building valuation data”

**5-7-3(d)**

Remove punitive penalties for work begun without permit

*Does not necessarily create more compliance*

**5-7-5(b)**

RE fees for extra inspections, delete paragraph

*Should be part of the more expensive permit fees*

**5-11-1**

Adopt a simple Building Code Variance process

**5A-1-5**

Unclear if intention is to include language regarding “As Built” construction here or elsewhere, but it needs to be addressed in more detail in the Rule

**5D-1-3**

Eliminate requirement for Electrical Engineer to do the electric plan pages for an R3 residence

*A licensed contractor taking responsibility is assurance enough*

Eliminate need for an Electrical Engineer for work on one 110 V circuit provided work is done by licensed electrician

*Not just on his or her own property but for all R3 properties*

## Ogata, Shelly

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**From:** Joe Belisario <joe@hawaiiidesigngroup.com>  
**Sent:** Friday, June 05, 2020 7:34 AM  
**To:** Building Div internet mail  
**Cc:** Kim, Harry; Kamelamela, Joe; Yee, Michael; Yamamoto, David; Tanaka, Neal; Matsumoto, Robyn  
**Subject:** New Construction Code, comments to draft bill

Aloha

The new construction code actually has some good stuff in it. However there are some internal personnel and culture of execution that is not addressed these key obstacles are still there, which destines this new code to multiple interpretation and changes as we experience today with the current code. I submit my comments, but i'm sure they will fall on deaf ears. Here are some of the recommendation and thoughts that may make the changes to any part of the code more efficient and evenly applied to community as whole

1. Public Notification: Draftsman and Licenced professionals started spreading this document around on Sunday May 31st media releases came on June 2nd and 4th. via AIA Shaun Roth resulting in 5 days to comment on a 116 page document.

Solution: HOLD until proper responses can be made, rather than 5 days notice from Social media and the coconut wireless.

2. Directors Still have the ability to make rules, and we know that dosent work, Solution? Rule making by committee with public input and county council approval based on thier districts needs and concerns.

3. Deputizing county employees: it appears the new code will allow the director to deputize a county employee to change work description i.e plan reviewer to inspector, Clerk to inspector? this point is not defined clearly, which leads me to my next point.

4. Educational Qualifications: ALL Planning and DPW employees should have a minimum 2 year Associate in Science degree or equivalent in plan reading, and or drafting technology I'm all for OJT just not in this field of work. At the very least any applicant will have the basic knowledge of plan development and the ability to read it. I know for a fact that we have un or under qualified persons on levels in thier chain of command. equal to have 2 year med student doing surgery.

5. I love the one time review, very good part if executed efficiently.

6. 30 days to return corrected work: This is unreasonable as some rejections could entail justification of the rejection, and or just plain technical complexity of the revision. not to mention, COH vacations, sick calls, etc. a lot of these positions are one man shows. Passing a rejection response to another reviewer has inherent problems which we experience today

7. To implement these code changes under the current mechanism of execution will result in the same or worse debacle we the public experience today. The mechanism of execution needs an overhaul

## *Special Announcement :*

Hawaii Design Group LLC has begun construction of our new stand alone facility located just above Kailua Kona. The Facility will be LEED certified and have operational sustainable components such, permaculture, onsite fish and vermicast worming production, edible landscaping, Solar and Wind generation, Power storage capability in concert with or without netzero option. And of course HDG will be able to integrate the same features into your personalized Residential & Commercial design needs.

Completion date estimated 2021

### *Joe Belisario*

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## Ogata, Shelly

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**From:** Jim Brown <JCBrown\_99@yahoo.com>  
**Sent:** Friday, June 05, 2020 8:53 AM  
**To:** Building Div internet mail  
**Subject:** Proposed amendment County Building Code

I would like to submit the following additions for consideration:

Article 6, Sec 5-6-1 should allow for owner builder to obtain a permit for work without identifying an electrical or plumbing contractor. For small projects owner builders should be able to obtain permits and then shop the project to multiple licenced contractors. This would give more control to the home owner.

Article 6, Sec 5-6-2 should allow for owner builders to perform limited electrical and plumbing work without hiring a licensed contractor. As the code is currently written, a home owner cannot even change a light switch without hiring an electrician. This is cumbersome, and possibly causing small jobs that should be permitted to go unregulated creating a safety hazard.

Thank you.

Jim Brown

## Ogata, Shelly

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Thank you.

Jim Brown

## Ogata, Shelly

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**From:** Heidi Jaworski <mskonasunshine@gmail.com>  
**Sent:** Monday, June 01, 2020 4:21 PM  
**To:** Building Div internet mail  
**Subject:** Re: Comments Regarding Updating county building codes

Seriously Hawaii County Building Department, why bother - when there is only enforcement in very few places. Why not work on updating the system to actually provide enforcement on existing codes? Many rural areas here are full of completely unpermitted shacks and dwellings where NO county codes have ever been followed. This brings down property values for the law abiding residents, poses a fire danger to everyone, and also poses health dangers because of dwellings with no septic or other way to effectively deal with human waste.

Heidi Jaworski  
Ocean View, Hawaii 96737

## Ogata, Shelly

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**From:** Taylor McMahel <tmcmahel@yahoo.com>  
**Sent:** Tuesday, June 02, 2020 1:57 PM  
**To:** Building Div internet mail  
**Subject:** Testimony in OPPOSITION to portions of new Public Works Bill

Testimony in OPPOSITION to portions of new Public Works Bill

Aloha;

I would like to offer my feedback / testimony in OPPOSITION to certain portions of the drafted Public Works Bill. In particular, my two (2) points of opposition lie in the plan review fees (section 5-7-1), as well as the timelines given in building permit applications (section 5-4-6).

I understand the needs for a review plan fee to help cover the expense of county departments reviewing and approving a building permit application, then the owner either (a) changes their mind on the design and subsequently cancels the application, or (b) owners sell the land and new owners cancel an application so they may design their own. With the cancellation, the county does not get any fees to cover their time spent.

However, I am in opposition to the fee schedule of increasing the plan review fee depending on the amount of times a plan is returned for corrections.

As a draftsman myself, I have encountered numerous times where one (1) plan reviewer would reject the plans for a correction, then another plan reviewer would review it after a correction is done and subsequently reject based on their review for a different issue altogether. The proposed plan fee increases would open the county reviewers to "penalize" any draftsman or owner they do not like, either professionally or personally. In addition, it could open the doors for the county to encourage rejections, just to increase profits.

The fee schedule is not clear either if the rejection "count" is based on all departments that review the set of plans, or only the building division. This is important because each department has their own set of regulations and if each department rejects it just once for petty things, that could be between 4 or 5 rejections total. Currently policy is all departments are to review the plans and reject at the end, but that is not happening consistently.

***This could encourage abuse by county personnel.***

If this situation was to occur, it stands to reason that every time a plan is rejected, it is easier and financially more viable for the client to "cancel the application", correct the drawings, and then resubmit new. Five (5) resubmittals at \$50 proposed is cheaper than the schedule shows for the same plan being returned five times. Is the county willing to do all those cancellations and new applications that will be happening just so clients don't pay so much. (Keep in mind the way it is written, the increase in fee structure is for the same application, not subsequent ones with different application numbers)

I feel a better option would be for the county to review the plans as a “team” and all be on the same page of what is needed. Many times, I have been asked to provide things that are clearly not required in the published regulations, but the next project I do with the same situation does not need it because someone else reviewed it.

To minimize the amount of times a project is returned for corrections, the county should be proactive and complete their rejection notices accurately. So far, all they do is note what is rejected, but do not reference a section of the code they are basing the rejection on, even though that portion (reference) is on their rejection page. This would help draftsman, even owners that submit their own plans, from knowing where to look for clarification.

The second portion of the bill I strongly oppose is the time deadlines currently (section 5-4-6). I know from experience some owners leave their projects at the county for months on end, sometimes even years. But the time lines given in the bill are not long enough.

The county is proposing 30 days to pickup a permit or plan review letter (section 5-4-6a). What if the owner is out of state and needs to pickup a permit? Currently, the county only accepts original signatures for all paperwork, so currently, we as the draftsman, needs to pickup the application and mail to the out of state client, then wait for them to sign it and return it. The proposed time frame is not adequate in case of unexpected emergencies (incoming hurricane that will delay mailings, pandemics, etc.)

In some situations, a customer needs to get a check from the bank as part of a “draw” for their permits, and those can take time as well. Please consider given a longer time frame.

In section 5-4-6b, it mentions that if “action” is not taken within 60 days of picking up a rejected application, the application is deemed cancelled. In some situations, 60 days is not needed if the rejection is asking for a new design, or if the rejection is asking for additional structural calcs (the two portions of an application that can take the longest to accomplish). What does it mean “action”, and how would the county work with the design professionals if it is determined a correction is in the process of being completed, but not within the timelines.

A more reasonable correction to all time lines would be 180 days.

Please reconsider the portions of the bills referenced above and please consider how it would impact owners, which we are all trying to serve, with a goal of mutual understanding and respect between everyone.

Mahalo for allowing me to submit this testimony.

**Taylor McMahel**

McMahel Design LLC

Owner of McMahel Design LLC, a drafting company servicing the state since 2000

