

BILL006(23)
Testimony

MISC. COMM. 396

ZONING (ZON)

ZONING (ZON) Meeting

Meeting Date: Jul 26, 2023 @ 09:00 AM

Support: 5

Oppose: 0

I wish to comment: 4

Name: Marshall Hung	Email: marshallhung@icloud.com	Zip: 96822
Representing: Self	Position: Support	Submitted: Jul 21, 2023 @ 11:53 AM
Name: Ted Kefalas	Email: tkefalas@grassrootinstitute.org	Zip: 96813
Representing: Grassroot Institute of Hawaii	Position: I wish to comment	Submitted: Jul 24, 2023 @ 01:48 PM
Name: Kauanui Sabas	Email: ksabas@hgea.org	Zip: 96813
Representing: Hawaii Government Employee Association	Position: I wish to comment	Submitted: Jul 25, 2023 @ 08:28 AM
Name: Robert Mould	Email: rmould@hsea.org	Zip: 96816
Representing: Hawaii Solar Energy Association	Position: Support	Submitted: Jul 25, 2023 @ 08:59 AM
Name: steven rymsha	Email: steven.rymsha@sunrun.com	Zip: 96793
Representing: Sunrun	Position: I wish to comment	Submitted: Jul 25, 2023 @ 09:15 AM
Name: Gregory Thielen	Email: greg@ccs-hawaii.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Jul 25, 2023 @ 09:39 AM
Name: Evan Oue	Email: eoue@imanaka-asato.com	Zip: 96813
Representing: NAIOP Hawaii	Position: Support	Submitted: Jul 25, 2023 @ 03:53 PM
Name: Julia Fink	Email: julia@aiahonolulu.org	Zip: 96813
Representing: The American Institute of Architects (AIA), Honolulu Chapter	Position: Support	Submitted: Jul 25, 2023 @ 05:31 PM
Name: Stefanie Sakamoto	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA Hawaii	Position: Support	Submitted: Jul 26, 2023 @ 06:51 AM

July 21, 2023

The Honorable Calvin K. Y. Say
Chair, Committee on Zoning
City Council
City & County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Re: Bill 6 (2023), CD 1 - RELATING TO PROFESSIONAL SELF-CERTIFICATION.

Chair Say and Members of the Committee on Zoning,

My name is Marshall Hung, and I am a retired housing developer.

I am writing in support of Bill 6, CD1 and am suggesting the following further amendments.

The primary purpose of this bill is to help alleviate the backlog of building permit applications by providing a self-certification process that would allow design professionals licensed by the State of Hawaii to certify that the plans submitted for a project meet all requirements of the building, electrical, plumbing, fire, and other codes applicable to a project. This self-certification would result in the automatic issuance of a building permit.

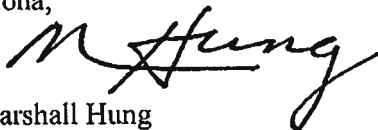
1. Bill 6, CD1 as adopted by this committee at its April 5, 2023 meeting is used as the base for my comments and the suggested amendments are highlighted in yellow in the attached showing the suggested changes.
2. The changes that are suggested are as follows:
 - a. Section 18-5.1(a) is divided into 5 separate subsections:
 - i. Subsection (1) clearly states the elective nature of self-certification. This election is chosen by the applicant, not the building official.
 - ii. Subsection (2) states the qualifications of the design professional who is able to self-certify. I am suggesting that this be a licensed architect with at least 5 years of experience with at least 5 permits issued by the City as well as being in good standing if the design professional is a third-party reviewer. The design professionals who prepare and stamp building permit plans is/are already responsible (liable) for their work so this does not in any way alter that responsibility (liability) for that work. This self-certification process does not in any way alter the current law regarding the allocation of responsibility (liability) for the plans. In fact, as Section 18-5.7, Revised Ordinances of Honolulu, states in part, "nor shall the city, including its officers and employees or any other agents of the city, be held liable for such injury or death by reason of the issuance of any permit under this chapter, or the performance of any inspection by the city or the issuance of a certificate certifying that such work has been inspected and approved by the city" thus making it clear that the City itself is not liable in any event for the issuance of building permits.

The Honorable Calvin K. Y. Say
Chair, Committee on Zoning
July 21, 2023
Page 2

- iii. Subsection (3) lists exclusions for (A) single family and two-family homes covered by the International Residential Code and (B) buildings over 60 feet.
 - iv. Subsection (4) is the same as the current draft CD 1.
 - v. Subsection (5) specifies self-certification.
3. There are myriad details that can be addressed by the administrative rules suggested in SECTION 2 of this bill. Among these would be clarifications to be sure that this self-certification process is ministerial, not discretionary, so that the intent of the bill – speeding up the building permit process - is not mired down in details subject to the administrative discretion which has led us to the situation we now find ourselves in to begin with.

Thank you for the opportunity to submit this testimony.

Aloha,


Marshall Hung



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2023), CD1

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO PROFESSIONAL SELF-CERTIFICATION.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to help alleviate the backlog of building permit applications and reviews by giving the building official the authority to allow other outside means of building permit application review for compliance with pertinent codes.

SECTION 2. Chapter 18, Article 2, Revised Ordinances of Honolulu 2021 ("General Provisions"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"§ 18-2. Rules.

The director may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this chapter."

SECTION 3. Section 18-5.1, Revised Ordinances of Honolulu 2021 ("Issuance—Posting—Transfer"), is amended by amending subsection (a) to read as follows:

- "(a) (1) The building official shall review the application, plans, specifications, computations, and other data filed by an applicant for a permit ~~[shall be reviewed by the building official.]~~ , or, at the written request of an applicant, cause the same to be reviewed by a qualified third- party reviewer or professional authorized to self-certify that the plans, specifications, computations, and other data are correct, accurate, and in compliance with all applicable laws.
- (2) An architect duly licensed by the State of Hawaii shall be deemed to be authorized to so self-certify under this §18.5.1(a)(1). Such architect shall be licensed for a minimum of five (5) years, shall have received approvals from the building official of no less than five (5) permits pursuant to this §18.5.1(a), and, if such architect is duly qualified and registered with the building official as a third party reviewer as set forth in Sections 20-7-2 through 20-7-6 of the Department of Planning and Permitting's Administrative Rules, such designation is in good standing and has not been revoked.
- (3) Any such self-certification shall not be applicable to projects that are governed by the International Residential Code for One- and Two-Family Dwellings under §16-1.2 or are greater than 60 feet in height.
- (4) The building official ~~[shall]~~ may also cause ~~[such]~~ the plans, specifications,



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2023), CD1

computations, and other data to be reviewed by [any] other [appropriate-
department of the city and the State to review] governmental entities to determine
compliance with laws [and ordinances] under their [jurisdiction-] respective
jurisdictions.

(5) If (i)(A) the building official is satisfied that the work described in [an-
application for permit and the plans filed therewith conform to the requirements of
this code and other] the plans, specifications, computations, and other data
comply with all pertinent laws and ordinances[,] or (B) the plans, specifications,
computations and other data filed by an applicant are self-certified under the
provisions of this §18.5.1(a), and (ii) the fee specified in §18-6.1 has been paid,
the building official shall issue a permit therefor to the applicant; provided that no
permit [shall] may be granted for the moving of any building or structure or
portion thereof that has deteriorated or been damaged to an extent greater than
50 percent of the cost of replacement (new) of such building or structure."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **6 (2023), CD1**

A BILL FOR AN ORDINANCE

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 6 (2023), CD1

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval; provided that the amendments to the Revised Ordinances of Honolulu 2021 made in SECTION 3 of this ordinance are repealed seven years after the effective date of this ordinance.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

February 16, 2023
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20_____.

RICK BLANGIARDI, Mayor
City and County of Honolulu



July 26, 2023

9 a.m.

Honolulu City Council Chambers

To: Honolulu City and County Council, Committee on Zoning

Councilmember Calvin Say, Chair

Councilmember Tyler Dos Santos-Tam, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: Bill 6 (2023) — RELATING TO PROFESSIONAL SELF-CERTIFICATION

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [Bill 6 \(2023\)](#), which would allow building applications to be reviewed by qualified third-party reviewers or professionals qualified to self-certify that the plans and other data are in compliance with all applicable laws.

Expanding the use of third- party reviewers and self-certification could meaningfully slash Honolulu's permitting backlog, which now stands at about six months.¹

Third-party review, which the county has already utilized to some extent, allows property owners and builders to contract with private vendors to review their building permits.

Under a self-certification regime, professionals such as architects, engineers and other experts designated by the DPP could attest that their building plans complied with all applicable building codes and regulations and automatically receive a permit without going through a DPP or third-party review.

¹ Ian Bauer, "[City director reports drop in Honolulu building permit backlog](#)," Honolulu Star-Advertiser, July 21, 2023.

Other municipalities across the country use both of these mechanisms to minimize permitting delays. For example, Johns Creek, Georgia, a town of 80,000, contracts with a private entity to review its most complicated permits, such as for hospitals, while allowing its civil servants to review standard permits, such as for homes. This helps the city avoid permitting backlogs. In fact, permits in Johns Creek are often issued within five to 10 days of when they are applied for.²

Self-certification has also worked in other cities. For example, New York City has employed a self-certification process for decades. This has helped speed up the building process without sacrificing public safety, especially since the city has implemented several safeguards to help ensure that all buildings meet code.

For example, the city's Department of Buildings randomly audits 20% of self-certified plans, and architects can lose their professional certification privileges or endure harsher penalties for failure to comply with code.³

Chicago has also used a self-certification program with success. Many architects can self-certify building plans and receive a permit within 10 days.⁴

Lest anyone fear that self-certification could lead to unsafe buildings, many architects and engineers would likely ask third-party reviewers to double-check their findings for more complicated projects. Building code inspectors would also still perform routine inspections on the buildings during their construction, and again upon their completion.

Councilmembers Calvin Say and Esther Kia'āina have both proposed amendments to the bill. Whatever other language is adopted, we suggest the committee allow self-certification to continue for at least the seven years suggested in Councilmember Say's amendment — if not indefinitely.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

² Joe Kent, "[Testimony: Hawaii County could use 'Konno' exceptions to address permit backlog](#)," Grassroot Institute of Hawaii, Nov. 3, 2022.

³ "[Back to Basics: Professional Certification — Pros and Cons](#)," Milrose Consultants, July 1, 2015.

⁴ "[Self-Certification Permit Program](#)," City of Chicago, Feb. 25, 2022.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

City Council
City and County of Honolulu
Committee on Zoning

Testimony by
Hawaii Government Employees Association

July 26, 2023

BILL 6 (2023) — RELATING TO PROFESSIONAL SELF-CERTIFICATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO wishes to provide comments on Bill 6 which grants the building official authority to allow other outside means of building permit application review for compliance with pertinent codes.

We represent most employees within the Department of Planning and Permitting (DPP), including Building Plans Examiners and Building Plans Engineers, among others. These employees meet the existing qualifications and standards established by the department and can make independent determinations in reviewing plans in a timely manner. Permanently allowing third-party reviewers to review permit applications contradicts what has customarily and historically been performed by civil service employees within the DPP.

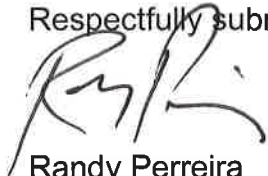
We acknowledge that the DPP is currently facing a seemingly insurmountable permit backlog and fully recognize that it has created a negative ripple effect on the people of Oahu, including small businesses, working families, and our local economy. **We respectfully ask that the bill be amended to include a sunset date (repeal) of two years, after the effective date of this ordinance.** Third-party reviews should be a short-term and temporary solution. Two years is a reasonable amount of time for the DPP and the City to develop and execute a plan to invest in its current and future workforce. Our expectation of this plan includes: increasing the pay for employees involved in the permitting process, providing other recruitment and retention incentives, and to hire and train new staff.

The DPP and the City needs to invest in their current and future workforce. They continue to face massive vacancy rates due to the City's inability to successfully recruit and retain qualified employees. Raising the pay along with providing other incentives for public employees who are involved in the permitting process is a step in the right direction. In October 2022, the Civil Beat reported on the current salary range for building plans examiners, noting that the salaries of the vast majority of plans examiners in the

department met the federal government's definition of "low income" for individuals in Honolulu. By offering a competitive salary, the DPP should be able to fill long-standing vacancies, which in-turn, will reduce the permit backlog.

Thank you for the opportunity to provide comments on Bill 6.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Perreira', is written over the typed name.

Randy Perreira
Executive Director



Hawaii Solar Energy Association
Serving Hawaii Since 1977

**Testimony Supporting the CS1 draft of Bill 6 (2023) Relating to Professional Self-Certification
Before the Honolulu City Council Committee on Zoning**

Wednesday, July 26, 2023

Dear Chair Say and committee members:

The Hawaii Solar Energy Association (HSEA) **supports the current CD1 draft (CS1) of Bill 6 (2023)**, which enables both third-party review (TPR) and self-certification for permitting in ordinance. **We have concerns with the newly proposed CD1 drafts (EK1 and CS2) and offer our comments below.**

HSEA members include the majority of locally owned and operated renewable energy companies doing business in the state of Hawaii along with leading global cleantech manufacturers and service providers that invest and sell in our market. We employ thousands of residents in diverse green economy jobs that are innovating, designing, and building Hawaii's pathway to a renewable energy future. We advocate for policies that help Hawaii achieve critical climate and resilience goals by enabling residents and businesses to invest in and benefit from the transition to clean energy. These investments provide reliable and affordable power that reduces energy cost burden and contributes to Hawaii's energy security as we decarbonize our economy and electric grid.

Permitting bottlenecks and backlogs have impeded progress and added unnecessary cost, time, and risk to Hawaii's renewable energy transition. This impacts all residents and businesses in Hawaii, particularly those that have not yet been able to install or participate in a solar and energy storage project. As new federal, state, and local programs are introduced to bring the cost of solar and energy storage systems down for residents, and systems become more available and accessible to underserved communities, permitting delays have emerged as a primary obstacle to progress.

Bill 6 represents a key building block to implementing effective TPR and self-certification programs by allowing qualified third-party reviewers or duly licensed design professionals to review or certify compliance of permit applications prior to inspection. If implemented effectively, TPR and self-certification programs will save cost and time for building permit officials, businesses, and residents with equal or greater compliance and mitigation of risk.



Hawaii Solar Energy Association
Serving Hawaii Since 1977

HSEA and other stakeholders have been working diligently for years with City administration at the leadership and departmental level to effect improvements in the permitting process. We continue to offer our assistance and expertise to fix issues with current systems and help implement internal process changes. Recently, there has been encouraging progress, and we appreciate DPP's efforts, but there is still work to do. HSEA and its members look forward to continued dialog with the City Administration, Council, and stakeholders to improve the system through ordinance or executive action.

We support the CD1 - CS1 draft because it gives DPP and stakeholders flexibility to design a viable self-certification program that would represent a meaningful incremental improvement over the current state of affairs. We have concerns with the proposed EK1 draft because it removes the option of self-certification by duly licensed design professionals. We have concerns with the proposed CS2 draft because it prohibits self-certification for commercial and sub-divided properties. These market segments represent a significant proportion of potential new installations on Oahu going forward. If self-certification is barred from these segments, it will increase costs dramatically, reduce investment opportunities, and damage our economy at a time when we can ill afford it.

Thank you for the opportunity to testify in ***support of the CS1 draft and offer comments on the EK1 and CS2 proposed drafts*** of this measure.

Respectfully,

/s/ Rocky Mould

Rocky Mould
Executive Director



Legislative Testimony of Sunrun Inc. to the to the City & County of Honolulu City Council
Before the Committee on Zoning
July 26, 2023

IN SUPPORT of Bill 6 (2023) – Relating to Professional Self-Certification

Dear Chair Say, Vice Chair Dos Santos-Tam, and distinguished Members of the Committee on Zoning,

Sunrun supports the current CD1 draft (CS1) of Bill 6 (2023), which authorizes third party review (TPR) and self-certification for permitting.

Sunrun is the nation's leading home solar, battery storage and energy services company, and has a long and proud history in Hawai'i with office and warehouse locations on O'ahu, Maui, and Hawai'i Islands. We employ more than 350 professions across the islands, including sales/marketers, customer experience professionals, and installation team members including electrical inspectors, technicians, forepersons and warehouse personnel.

Permitting is one of the largest remaining roadblocks to widespread distributed energy resource (DER) adoption, and this bill would address longstanding permitting issues that impede progress on Hawai'i's renewable energy and climate resilience goals by enabling alternative pathways for permit approval. Allowing licensed architects and engineers to certify that project plans are compliant with all relevant codes will decrease the current months-long permitting backlog. We support this measure in conjunction with other efforts by the Department of Planning and Permitting (DPP) to address and streamline permitting for residential energy projects, such as the implementation of SolarAPP+ to automate and further expedite permitting.

Hawai'i has a 100% renewable portfolio standard (RPS) by 2045,¹ and DER systems are critical to achieving the state's RPS goals. In 2020, solar power generated nearly 17% of the state's total electricity, largely due to the rapid uptake of small-scale, customer-sites solar systems.² In 2021, Hawaiian Electric (HECO) achieved 38% renewable generation, attributed to "a full year of geothermal production and an increase in private rooftop solar."³ Further, rooftop solar is the leading contributor to Hawai'i's clean energy portfolio making up 44.6% of all renewable energy in the state.⁴ Continued implementation of rooftop solar has proven to be a strong component of the state's renewable energy generation and contributes to a more resilient energy system. TPR and self-certification will expedite the installation of rooftop solar by reducing time and costs for residents, permitting officials, and contractors – allowing customers to benefit from their systems sooner. The implementation of TPR and self-certification will also allow building permit officials to spend more time on larger and more complicated projects, resulting in the county re-focusing resources where they are needed most.

¹ <https://energy.hawaii.gov/what-we-do/clean-energy-vision/>

² <https://www.eia.gov/state/?sid=III#tabs-1>

³ <https://www.hawaiianelectric.com/hawaiian-electric-hits-38-renewable-energy-in-2021>

⁴ <https://www.hawaiianelectric.com/about-us/performance-scorecards-and-metrics/renewable-energy>

Sunrun appreciates the ongoing efforts of DPP and City Council to address the county's permitting backlog, and appreciates the improvements that have been made over the past few months in particular. We have concerns with the proposed EK1 draft because it removes the option of self-certification by duly licensed design professionals. Additionally we have concerns with the proposed CS2 draft because it prohibits self-certification for commercial and sub-divided properties. These market segments represent a significant proportion of potential new installations on Oahu going forward. If self-certification is barred from these segments, it will increase costs and delay investment opportunities. While this progress is encouraging, there is still work to be done. Sunrun supports Bill 6 CS1 draft and offer comments on the EK1 and CS2 proposed drafts. Mahalo for the opportunity to provide testimony on this critical bill. As a national solar, storage and energy services company, Sunrun has a broad view of states' clean energy policies and stands ready to assist Hawai'i with its policy goals.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Rymsha', with a long horizontal flourish extending to the right.

Steven Rymsha
Director Grid Solutions, Public Policy
steven.rymsha@sunrun.com
808-220-7377

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Lic# BC-23115

Honolulu City Council
Committee on Zoning
City Council Chamber
Wednesday July 26, 2023
9:00 AM

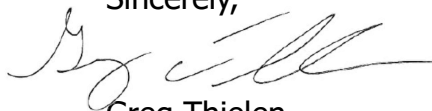
RE: Bill 6 Relating to Professional Self-Certification

Chair Say, Vice Chair Dos Santos-Tam, and members of the committee,

I am writing with **COMMENTS** to Bill 6 Relating to Professional Self-Certification. While I am a supporter of the self-certification process, I have misgivings about this bill as drafted. The core problem as I see it is that the Bill retains too much discretionary control and authority in the hands of the "building official". Prior legislative attempts to alleviate permit backlogs such as 3rd Party, OTR-60 and Bill 7 90-day requirement have not been successful for this same reason. In order for self-certification to be successful, I suggest moving to a concept where the "building official" needs to be required to issue a building permit provided certain conditions are met.

If Bill 6 can be amended to address this concern, it stands a good chance of succeeding where other measures have not. This will reduce permit processing time as well as lightening the load on DPP staff to handle the remaining projects.

Sincerely,



Greg Thielen
President/RME



July 25, 2023

Councilmember Calvin Say, Chair
Councilmember Tyler Dos Santos-Tam, Vice Chair
Committee on Zoning

RE: **Bill 6 – RELATING TO PROFESSIONAL SELF-CERTIFICATION
CONSERVATION CODE.**
Hearing date – July 26, 2023 at 9:00 A.M.

Aloha Chair Say, Vice Chair Dos Santos-Tam and Members of the Committee,

Thank you for allowing NAIOP Hawaii to submit testimony in **SUPPORT** of **BILL 6 – PROFESSIONAL SELF-CERTIFICATION**. NAIOP Hawaii is the Hawaii chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

Bill 6 seeks to help alleviate the backlog of building permit applications and reviews by giving the building official the authority to allow other outside means of building permit application review for compliance with pertinent codes. Specifically, the measure amends section 18-5.1(a) of the Revised Ordinances of Honolulu 2021 (ROH), to allow review to be conducted by a "qualified third-party reviewer or professional authorized to self-certify that the plans, specifications, computations and other data are correct, accurate and in compliance with all applicable laws."

NAIOP Hawaii stands in support of this measure which will assist in the review of permit applications and expedite the process for development in Honolulu. Self-certification of plans would add a material benefit by decreasing the risk of project permitting and costs of a project. In turn, projects will be enabled to expedite their development process and allow housing units to be produced more efficiently.

We greatly appreciate the work of the council on this measure and would respectfully ask for the opportunity to work together to clarify a few definitions and process concerns there to ensure efficiency in the implementation of the third-party review established in this measure.

Councilmember Calvin Say, Chair
Councilmember Tyler Dos Santos-Tam, Vice Chair
Committee on Zoning
July 25, 2023

Accordingly, NAIOP Hawaii supports this measure due to the impacts that it will have on getting homes built for our residents. Thank you for the opportunity to testify on this measure.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'J Camp', with a stylized flourish at the end.

Jennifer Camp, President
NAIOP Hawaii



July 24, 2023

TO: Honorable Calvin Say, Chair
Honorable Tyler Dos Santos-Tam, Vice-Chair
City & County of Honolulu Zoning Committee

FROM: Todd Hassler, AIA
2023 Board President
American Institute of Architects, Honolulu Chapter

SUBJECT: **Bill 6 (23) Relating to Professional Self-Certification**

Dear Chair Say, Vice-Chair Dos Santos-Tam and Members of the Committee,

My name is Todd Hassler, President of AIA Honolulu **SUPPORTING THE INTENT** and offering **COMMENTS** on Bill 6(23) expediting of building permits using Self-Certifying Professional (SCP) procedures. Our 800+ members need assurance that SCP will have two critical features:

- Professional Self-Certification must be **INSURABLE**. Due to failure to consult with AIA, most previous agency efforts at SCP have had professional liability that is uninsurable under both architect business and professional liability policies.
- Professional Self-Certification must **REDUCE ELAPSED TIME** to obtain building permits.

Bill 6 (23) is devoid of detail and leaves our members skeptical about the practical usability of SCP.

On May 22, 2023, DPP shared a draft of proposed admin rules for AIA comment. Based on our two critical features cited above, the rules failed to satisfy us. "Insurability" is in doubt because the exact language requiring an architect's consenting signature is not in the proposed rules. "Reducing Elapsed Time" is in doubt because architects must have assurance that we can obtain an early permit application number and process our own pre-approvals as was common practice prior to the onset of electronic permit processing around 2014 (an important reason why permit backlog has tripled, while applications created have remained about the same).

While architects are intently interested in expediting permits, SCP is optional, and the currently proposed rules have notable disincentives for both design professionals and owner-applicants, making the current permit process more likely to be selected.

AIA provided a markup of DPP's proposed rules and comments back to DPP on June 5, 2023, reiterating our two critical features above.

The American Institute of Architects

AIA Honolulu
828 Fort Street Mall, Suite 100
Honolulu, HI 96813

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contact@aiahonolulu.org
aiahonolulu.org

Bill 6 (23) has a “sunset date” after seven years of operation.

Adding more disincentive is the short length of time proposed for the SCP program to run after the private sector will have invested time/money for training and revising their business practices. Our understanding is that the process of creating admin rules will take up 20-30% of the “effective window.”

AIA has a draft ordinance to make SCP immediately operational.

On April 18, 2023, AIA sent DPP a draft for a dedicated Section 18-5.11 of ROH that we believe can be the basis for making SCP operational in the very near future. It relies on the existing Hawaii Admin Rules for DCCA Board of Professional Engineers, Architects, Surveyors and Landscape Architects. It allows for future DPP rules covering more administrative details.

We’ve also created and provided to City Council a list of projects we believe could be eligible for self-certification, the second draft of which is attached here.

Responding to previous testimony opposing Bill 6, architects are not “outside means” for evaluating building code compliance because our license requires building code compliance as part of our standard-of-care. Self-Certification would be performed on a part-time basis concurrent with our professional practice to comply with HRS 46-33.

Intending SCP as the more attractive option to expedite building permits, our draft ordinance satisfies the two critical features cited above. The Committee could decide to enact SCP expediting for less complex permits such as home construction/renovation and tenant improvements for any limited period it will take to fully staff DPP.

Thank you for this opportunity to **SUPPORT THE INTENT** of Bill 6 (23).

Sincerely,

Todd Hassler, AIA
2023 President, American Institute of Architects, Honolulu

Attachment: Proposed eligible projects list



July 24, 2023

DRAFT 2 of Self Certification eligible projects re: Bill 6 (23)

The below chart is organized by IBC Occupancies.

Detail of mandatory audits or engineering peer reviews to be determined **by DPP**.

GROUP A Assembly Occupancy	
<u>New Construction</u> A-2, A-3 25,000 square feet max	<u>Renovation</u> Restaurant, Bar limited to 100 occupants Eligible A Occupancies limited to 300 occupants
GROUP B Business Occupancy	
<u>New Construction</u> 25,000 square feet max 40 feet max above grade plane	<u>Renovation</u> 25,000 square feet (no added floor area) No height restriction
GROUP E Educational Occupancy (K-12)	
<u>New Construction</u> N/A	<u>Renovation</u> Unlimited
GROUP F Factory Occupancy	
<u>New Construction</u> 25,000 square feet max 40 feet max above grade plane	<u>Renovation</u> 25,000 square feet max (no added floor area)
GROUP M Mercantile Occupancy	
<u>New Construction</u> 30,000 square feet max 40 feet max above grade plane	<u>Renovation</u> Unlimited (no added floor area) 40 feet max above grade plane
GROUP R Residential Occupancy	
<u>New Construction</u> R-1, R-2 less than 0.6 FAR R-3, R-4 unlimited	<u>Renovation</u> R-1, R-2 less than 0.6 FAR R-3, R-4 unlimited
GROUP S Storage Occupancy	
<u>New Construction</u> 25,000 square feet max 40 feet max above grade plane	<u>Renovation</u> Unlimited (no added floor area)
GROUP U Utility Occupancy	
<u>New Construction</u> 40 feet max above grade plane	<u>Renovation</u> Unlimited

Note:

1. Projects must be located outside federal floodplain areas.
2. The Department, in its sole discretion, may review a Self-Certification project under standard plan review if the Department determines the project presents an unusual risk or hazard to life or property as determined by the Building Official.
3. Floor areas above are basic allowable and may be increased as allowed by Building Code.



**HONOLULU CITY COUNCIL
COMMITTEE ON ZONING
Honolulu Hale
9:00 AM**

July 26, 2023

RE: BILL 6 - RELATING TO SELF CERTIFICATION

Chair Say, Vice Chair Dos Santos-Tam, and members of the Council:

My name is Max Lindsey, Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

BIA Hawaii is in support of Bill 6, Relating to Professional Self Certification. The intent of this bill is to reduce the backlog of building permit applications by giving the building official the authority to allow other outside means of building permit application review for compliance with pertinent codes.

We are in support of any legislation that would help fix the building permitting process. Allowing for self certification would hopefully be a step in the right direction.

We also concur with the testimony of AIA, which states that the self-certification must be insurable.

The state of Hawaii is in a dire housing crisis. As the Council is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. Approximately 140,436 U.S. households are priced out of buying a home for every \$1000 increase in price, according to the National Association of Home Builders (NAHB). We are in support of legislation that would allow for the building of much-needed housing at every price point in Hawaii.

Thank you for the opportunity to testify.