

**BILL006(23)**  
**Testimony**

**MISC. COMM. 439**

COUNCIL

## **COUNCIL Meeting**

Meeting Date: Aug 9, 2023 @ 10:00 AM

Support: 3

Oppose: 0

I wish to comment: 3

Name: Trey Gordner	Email: trey@gogordner.com	Zip: 96706
Representing: Self	Position: I wish to comment	Submitted: Aug 7, 2023 @ 11:23 AM
<p>Testimony:</p> <p>I have concerns about this bill in its current form. Conceptually, I support the idea of allowing professionals to self-certify compliance for projects that offer little to no additional risk for the public at large. These would include renovation of private residences and solar installations, for example, and projects that are already subject to substantial regulatory scrutiny from State or other government agencies. Such a measure would free up DPP staff to focus on higher-impact projects and maintain the public policy rationale of building permitting and inspection: to ensure the safety of major structures and the health of their occupants.</p> <p>In practice, this bill would permit a much larger range of projects than those described above to self-certify, which I believe could undermine DPP's mission and our community's goals concerning health and safety. Please consider narrowing the scope of eligibility to minor projects.</p>		
Name: Julia Fink	Email: julia@aiahonolulu.org	Zip: 96813
Representing: AIA Honolulu	Position: Support	Submitted: Aug 8, 2023 @ 08:31 AM
Name: Rocky Mould	Email: rmould@hsea.org	Zip: 96816
Representing: Hawaii Solar Energy Association (HSEA)	Position: I wish to comment	Submitted: Aug 8, 2023 @ 09:45 AM
Name: Ted Kefalas	Email: tkefalas@grassrootinstitute.org	Zip: 96813
Representing: Grassroot Institute of Hawaii	Position: I wish to comment	Submitted: Aug 8, 2023 @ 10:15 AM
Name: Stefanie Sakamoto	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA Hawaii	Position: Support	Submitted: Aug 8, 2023 @ 02:41 PM
Name: Evan Oue	Email: eoue@imanaka-asato.com	Zip: 96813
Representing: NAIOP Hawaii	Position: Support	Submitted: Aug 9, 2023 @ 07:40 AM

August 9, 2023

TO: Honorable Tommy Waters, Chair  
Honorable Esther Kia'aina, Vice-Chair  
Honolulu City Council

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

SUBJECT: Bill 6, CD1 (23) Relating to Professional Self-Certification

Dear Chair Waters, Vice-Chair Kia'aina, and Members of the Council,

Aloha, my name is Todd Hassler, 2023 President of AIA Honolulu, writing in **SUPPORT** of Bill 6 CD1 (2023) Relating to Self-Certification and would like to provide **COMMENTS** on language throughout.

AIA thanks the Zoning Committee for the current CD1 that fulfills architect needs for professional insurability and saves elapsed time in permit processing. At this time, we have no comments on Section 1.

#### **Comments on subsections 2 (b), (c), (d), (e), and (h)**

Under Section 2(b), we would like to clarify that the signed, personal verification from the self-certified professional submitted to the Building Official IS the stamp/signature per points 2(b)4. and 5.

Additionally, we recommend relocating 2(b)1. to 1(c)2. Adding the language from 2(b)1. about false information to the beginning of 2(c)2. will allow for a more consistent message within ROH Chapter 18 so that false information is disallowed for ALL permit processes. We also recommend changing "statements" to "information" to match with proposed Bill 44(23) and Chapter 18.

In section 2(d), we would like to see the addition of a signed MOA agreement for owner cooperation with the self-certifying professional, as this would add an additional safeguard against plan-stamping and lack of construction observation resulting in constructed violations of zoning/building codes.

Under Section 2(e)7, we recommend omitting the reference to HRS 464-13 because only a licensed design professional can produce the personal verification previously mentioned as a requirement under 2(b)3, 4, and 5.

Finally, the AIA would like to propose a timeframe for the adoption of administrative rules under 2(h), for example, within 14 months of ordinance approval, given the inclusion of a sunset date for the program.

Thank you for this opportunity to **SUPPORT** Bill 6.

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

The American Institute of Architects

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

T (808)628-7243  
[contact@aiahonolulu.org](mailto:contact@aiahonolulu.org)  
[aiahonolulu.org](http://aiahonolulu.org)



**Hawaii Solar Energy Association**  
*Serving Hawaii Since 1977*

**Testimony Offering Comments on Bill 6 (2023) Relating to Professional Self-Certification  
Before the Honolulu City Council Committee on Zoning**

**Wednesday, August 9, 2023**

Dear Chair Waters and Council Members:

The Hawaii Solar Energy Association (HSEA) **offers comments on the latest draft of Bill 6 (2023)**, which partially enables third-party review (TPR) and self-certification for permitting in ordinance. **We have concerns about recent amendments that limit the applicability, usefulness, and potential impact of self-certification for solar installations.**

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.

TPR and self-certification programs have the potential to drive meaningful progress towards Hawaii's critical renewable energy, climate, and economic development priorities. 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.

Recent amendments to Bill 6 seem overly prescriptive and limit the potential impact and usefulness of self-certification for solar installations. HSEA prefers prior versions of the bill which would have provided the City with flexibility to implement a viable self-certification program in consultation with industry and stakeholders. This version of Bill 6 moves in the right direction but is also a missed opportunity to implement more meaningful progress.

Thank you for the opportunity to ***offer our comments on Bill 6.***

Respectfully,

***/s/ Rocky Mould***

Rocky Mould  
Executive Director



August 9, 2023

10 a.m.

Honolulu City Council Chambers

**To: Honolulu City and County Council**

**Councilmember Tommy Waters, Chair**

**Councilmember Esther Kiaʻāina, Vice Chair**

**From: Grassroot Institute of Hawaii**

**Ted Kefalas, Director of Strategic Campaigns**

RE: Bill 6 (2023), CD1 — RELATING TO PROFESSIONAL SELF-CERTIFICATION

***Comments Only***

Dear Chair and Councilmembers:

The Grassroot Institute of Hawaii would like to offer its comments on [Bill 6 \(2023\), CD1](#), 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.<sup>1</sup>

Third-party review, which the county already utilizes 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 Department of Planning and Permitting could attest that their building plans comply with all applicable building codes and regulations and automatically receive a permit without going through a DPP or third-party review.

---

<sup>1</sup> 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 about 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.<sup>2</sup>

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; in the first four months of fiscal 2023, New Yorkers could expect their building permits to be approved in about 15 days.<sup>3</sup>

The city has also implemented several safeguards to help ensure that all buildings meet code. For example, New York 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.<sup>4</sup>

Likewise, Chicago has also used a self-certification program with success. Many architects can self-certify building plans and receive a permit within 10 days.<sup>5</sup>

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.

Thank you for the opportunity to submit our comments. Sincerely,

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

---

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

<sup>3</sup> "[Preliminary Mayor's Management Report](#)," New York City, January 2023, p. 282.

<sup>4</sup> "[Back to Basics: Professional Certification — Pros and Cons](#)," Milrose Consultants, July 1, 2015.

<sup>5</sup> "[Self-Certification Permit Program](#)," City of Chicago, Feb. 25, 2022.





**HONOLULU CITY COUNCIL**  
**Honolulu Hale**  
**10:00 AM**

August 9, 2023

RE: BILL 6 - RELATING TO SELF CERTIFICATION

Chair Waters, Vice Chair Kiaaina, 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.



August 8, 2023

Councilmember Tommy Waters Chair  
Councilmember Esther Kia'aina, Vice Chair  
City Council of Honolulu

RE: **Bill 6 – RELATING TO PROFESSIONAL SELF-CERTIFICATION  
CONSERVATION CODE.**  
**Hearing date – August 9, 2023 at 10:00 A.M.**

Aloha Chair Waters, Vice Chair Kia'aina and Members of the Council,

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 Tommy Waters Chair  
Councilmember Esther Kia'aina, Vice Chair  
City Council of Honolulu  
August 8, 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