

BILL006(23)
Testimony

MISC. COMM. 586

COUNCIL

COUNCIL Meeting

Meeting Date: Nov 1, 2023 @ 10:00 AM

Support: 2

Oppose: 1

I wish to comment: 4

Name: Ted Kefalas	Email: tkefalas@grassrootinstitute.org	Zip: 96813
Representing: Grassroot Institute of Hawaii	Position: I wish to comment	Submitted: Oct 30, 2023 @ 01:11 PM
Name: Rocky Mould	Email: rmould@hsea.org	Zip: 96816
Representing: Hawaii Solar Energy Association (HSEA)	Position: I wish to comment	Submitted: Oct 31, 2023 @ 08:08 AM
Name: Julia Fink	Email: julia@aiahonolulu.org	Zip: 96813
Representing: AIA Honolulu	Position: I wish to comment	Submitted: Oct 31, 2023 @ 11:59 AM
Name: Nathaniel Kinney	Email: nkinney@hrcc-hawaii.com	Zip: 96817
Representing: Hawaii Regional Council of Carpenters	Position: Oppose	Submitted: Oct 31, 2023 @ 01:48 PM
<p>Testimony:</p> <p>The Hawaii Regional Council of Carpenters is in favor of a self-certification in limited circumstances, for instance in minor tenant and improvement contracts that do not deal with issues that could endanger the health and safety of occupants. However, we believe that large development projects (like Chapter 32 rental housing projects) should go through the normal permitting process...especially when you consider the fact that several of these projects "lack a general coordination and completeness of designs", and insufficient, or missing information that prevents verification of code compliance" according to DPP's "History & Explanation of Ord. 19-8".</p>		
Name: Stefanie Sakamoto	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA Hawaii	Position: Support	Submitted: Oct 31, 2023 @ 02:02 PM
Name: Christopher Delaunay	Email: cdelaunay@prp-hawaii.com	Zip: 96813
Representing: Pacific Resource Partnership	Position: I wish to comment	Submitted: Oct 31, 2023 @ 02:30 PM
Name: ryan sakuda	Email: ryan@gcahawaii.org	Zip: 96819
Representing: General Contractors Association of Hawaii	Position: Support	Submitted: Nov 1, 2023 @ 07:28 AM

Nov. 1, 2023, 10 a.m.
Honolulu Hale
Honolulu City and County Council

Comments on Bill 6 (2023), CD1

Aloha Chair Waters, Vice-Chair Kia'āina and other Councilmembers,

Thank you for considering [Bill 6 \(2023\), CD1](#), which would allow building applications to be reviewed by professionals qualified to self-certify that the plans and other data in the applications are in compliance with all applicable laws.

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

Under a self-certification regime, professionals such as architects, engineers and other experts designated by the Honolulu 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.

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 after 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. In fiscal 2023, New Yorkers could expect their building permits to be approved in about 18 days.³

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

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

³ "[Mayor's Management Report](#)," New York City, September 2023, p. 328.

The city has also implemented several safeguards to help ensure that all buildings meet code. According to the 2023 New York City Mayor’s Management Report, city auditors randomly review roughly 20% of self-certified permits to deter cheating.⁴

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

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.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

⁴ Ibid, p. 328.

⁵ “[Self-Certification Permit Program](#),” City of Chicago, Feb. 25, 2022.



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**

Wednesday, November 1, 2023

Dear Chair Waters and Council Members:

The Hawaii Solar Energy Association (HSEA) **offers comments on the latest draft of Bill 6 (2023)**, which enables a limited self-certification program for permitting in ordinance. HSEA recommends expanding eligibility to 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 obstacles and delays in the commercial market 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.

Self-certification has the potential to drive meaningful progress towards Hawaii's critical renewable energy, climate, and economic development priorities. If implemented effectively, self-certification will save cost and time for building permit officials, businesses, and residents with equal or greater compliance and mitigation of risk.

HSEA and other stakeholders have been working diligently with the City administration at the leadership and departmental level to effect improvements in the permitting process. We



Hawaii Solar Energy Association
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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 in the commercial market. 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.

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

Respectfully,

/s/ Rocky Mould

Rocky Mould
Executive Director



Tuesday, October 31, 2023

Honorable Tommy Waters, Chair
Honolulu City Council

Subject: Bill 6 2023 CD2
Relating to Professional Self-Certification

Dear Chair Waters,

AIA Honolulu has actively participated in Bill 6 discussions to date and has the following **CONCERNS AND COMMENTS** regarding the CD2 version approved October 18, 2023. We request a CD3 version based on following changes:

Definition of Eligible Projects

The CD2 definition very drastically reduces the type and number of SCP permits from earlier discussions. The community and construction industry have hopes that self-certification will reduce permit backlogs. At bare minimum, AIA requests the deletion of struck-through language because CD2 makes most commercial renovation projects ineligible.

Eligible Project. A project that only:

(1) Involves the development of an affordable rental housing project pursuant to ROH Chapter 32;

(2) Consists of commercial building ~~tenant~~ improvements, defined as any interior renovation, ~~alteration, or modification~~ of an existing building used for commercial purposes ~~by a tenant or lessee that does not change the functional use of the building from the use indicated or shown on the previous building permit. The following types of commercial building tenant improvements are not eligible for the self-certification program:~~

- ~~1. (A) All exterior improvements to a commercial building, including but not limited to any modification or alteration to exterior walls that would change the number, size, or location of existing doorways or window penetrations;~~
- ~~2. (B) Any work that would conflict or be inconsistent with the previous building permit plans and approvals;~~
- ~~3. (C) Any work that requires approval by the building board of appeals to deviate from a relevant code; or~~
- ~~4. (D) Any work that involves alternate methods, including the use of structures or components that require materials and methods approval, such as prefabricated buildings; or~~

- (3) Involves a residential project located on lands managed by or under the jurisdiction of, or both, of the State Department of Hawaiian Home Lands.

Discussion: The CD2 definition shows an intent to make Bill 6 frustratingly much less useful to the construction industry and public. Based on our architectural experience, AIA ventures to say that at least half of typical commercial renovation projects will be ineligible under CD2 because:

1. Requirement that SCP can only be used by tenant/lessee of the building prohibits building owner from using SCP. Why is there a difference based on the ownership status of a building?
2. Strictly speaking, which previous building permit is referenced when some buildings have gone through many renovations? Functional use can vary from previous building permit due to technical occupancy definitions in building code. For example, “B” office occupancy differs from “M” mercantile occupancy. Some commercial spaces that were “A” occupancy may become “M” occupancy; depending on what the owner or new tenant requires.
3. Additionally, DPP regulates zoning use as pre-approval in SCP and an owner/tenant may revise the specific existing LUO use to another allowable use in LUO listing. Zoning pre-approval occurs before code-compliant drawings are uploaded. The CD2 is intent on reducing use of SCP and greatly inconveniencing owners/developers of commercial property.
4. Banning all exterior improvements such as updating exterior appearance / storefronts, re-designing / relocating exterior doors and windows; for all typical kinds of commercial renovation in shopping centers and business/hotel-resort districts.
5. Re-purposing existing buildings, the most environmentally-friendly kind of construction, is not allowed under CD2. Even adding parking spaces, EV charging stations, solar panels, handicapped access and landscaping makes project ineligible.
6. Council members have told us they field complaints from churches and schools that renovation permits need to be expedited. CD2 will not allow SCP for these kinds of renovations.

AIA suggests revising Eligible Projects to “commercial and non-residential” - reflecting decades-old agency practice whereby anything that is not single /small family house is permit-processed under “commercial” rules/regulations. CD3 Eligible projects subparagraph (2) would only read “Consists of commercial and non-residential improvements that do not increase size of the existing building.” The word “renovation” needs to be avoided in Bill 6 because it has “technical connotations” where building departments consider maximum 50% replacement dollar value as the threshold. The deleted numbered conditions are being covered by administrative rules.

Definition of Relevant Code

Affordable Rental Projects ROH Chapter 32 (underscored below) must be added to the Definition, otherwise self-certifying professionals will not be able to rely on its waivers from certain life safety requirements such as reduced fire exits.

Relevant Code. The Building Code and Residential Code (ROH Chapter 16), Electrical Code (ROH Chapter 17), Plumbing Code (ROH Chapter 19), Housing Code (ROH Chapter 16A), or Building Energy Conservation Code (ROH Chapter 16B), **Affordable Rental Projects (ROH Chapter 32)** as appropriate, applicable to the work identified in a building permit application and accompanying plans, for which a self-certified professional is licensed.

Definition of Self-Certification Program

Revise CD2 insurance definition struck-through below:

~~“The self-certified professional is insured with professional liability insurance, issued by an issuer [typo in Bill 6 CD2] authorized to insure such risks in the State, with minimum policy limits (per claim and in the aggregate for all claims made during the policy period) in the amounts specified by rule adopted by the Building Official pursuant to subsection (h); and”~~

AIA requests CD3 insurance definition underlined below:

The self-certified professional is insured with professional liability insurance, issued by an insurer authorized to insure such risks in the State, with aggregate of 1 million dollars and per claim limit as determined by the insured. A policy shall be maintained during the entire period during which self-certifications are performed; extending to issuance of certificates of occupancy.

Discussion: Professional liability is a claims-made policy and is renewed on an annual basis. “Certificate of occupancy” is when the obligation ends and could extend beyond the SCP ordinance repeal date. **Lay people mistakenly think liability is a policy specific to the project; it is not project specific. Architects are not responsible for construction costs added due to permit processing, the owner must pay.** Conversations with other jurisdictions with successful SCP programs (such as Phoenix, AZ) deduced that SCP is not especially risky over and above standard permit processing. Allowing the insured to determine coverage per claim recognizes the variety of project risks/valuations/clients that an insured faces during a policy period. Per claim requirements are often set by our design contracts, so architects will have one less business complication under part-time SCP service to the City.

Section 2 (b) (7) - Revise CD2 Training Class definition struck-through below:

~~(7) The self-certified professional has attended a training class provided by the Department, which provides attendees with an overview of the department's self-certification program rules and selected provisions of the ROH. The self-certified professional will receive a certificate of completion upon demonstrating substantial comprehension of the materials covered in the training class, which may involve satisfactory results on written evaluations administered by the Department as a part of the training class.~~



AIA requests CD3 Training Class definition underscored below:

(7) The eligible professional has submitted a self-certified professional application and \$100 non-refundable fee to the department and is authorized to attend a training class provided periodically by the Department providing attendees with an overview of the self-certification program, administrative rules and selected provisions of the ROH. Upon training class completion, a license will be issued for the entire period until repeal of this ordinance.

Discussion: These training and registration details have been discussed with DPP and accepted. Having this language in the ordinance allows a faster implementation of this program.

In conclusion, the AIA is hopeful that the SCP suggested will be a beneficial tool in alleviating the backlog of building permits and allow professionals to continue their work to bolster the county economy.

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

Sincerely,

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



HONOLULU CITY COUNCIL
Honolulu Hale
10:00 AM

November 1, 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, in its current form.

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.

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.

Testimony of
Pacific Resource Partnership

City Council
City & County of Honolulu
Councilmember Tommy Waters, Chair
Councilmember Esther Kiaʻāina, Vice Chair

Bill 6 (2013), CD2—Relating To Professional Self-Certification
Wednesday, November 1, 2023

Aloha Chair Waters, Vice Chair Kiaʻāina, and Members of the Council:

Pacific Resource Partnership (PRP) **provides comments.**

We believe self-certification for tenant improvements for commercial projects and residential projects located on lands managed by the State Department of Hawaiian Home Lands would be a good compromise and help alleviate some of the Department of Planning and Permitting backlog. This proposed amendment will also help to alleviate the backlog of individuals who are currently on the DHHL waiting list.

Thank you for this opportunity to submit written testimony.



November 1, 2023

TO: Honorable Tommy Waters, chair, honorable Esther kiaaina, vice chair, Honolulu city council

SUBJECT: **Support of bill 6.** Relating to Professional Self-Certification

HEARING

DATE: Wednesday, November 1, 2023

TIME: 10:00 a.m.

PLACE: City Council Chamber

Dear Chair Waters, Vice Chair Kiaaina and Members of the Council,

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately five hundred (500) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. Our mission is to elevate Hawaii's construction industry and strengthen the foundation of our community.

GCA is in **support** of Bill 6, which attempts to reduce the backlog of building permit applications by allowing other means of building permit review.

This measure will aid in the review of permit applications and reduce permit delays. This will expedite construction and lead to decreased project costs.

Thank you for considering out testimony in support.