BILL058(24)
Testimony

MISC. COMM. 566

COUNCIL

COUNCIL Meeting

Meeting Date: Dec 11, 2024 @ 10:00 AM

Support: 0

Oppose: 1

I wish to comment: 1

Name:	Email:	Zip:
Geena Thielen	geena@ccs-hawaii.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Dec 9, 2024 @ 08:12 PM
Name:	Email:	Zip:
Geena Thielen	ssakamoto@imanaka-asato.com	96789
Representing:	Position:	Submitted:
BIA Hawaii	I wish to comment	Dec 10, 2024 @ 06:43 PM

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Honolulu City Council
City Council Chamber
Wednesday December 11, 2024
10:00 AM

RE: Bill 58, CD1 Relating to the Building Code

Chair Waters, Vice Chair Kia'aina, and members of the Council,

I am writing today to request the Council **DEFER** action on Bill 58, CD1 Relating to the Building Code. The reason for this request has to do with my role on the Building Board of Appeals (BBA). To be clear I am testifying in my individual capacity, not as an official representative for the BBA.

I have now served on the BBA for approximately 1 ½ years and in that time we continue to see many cases of homeowners that have run afoul of the DPP bureaucracy. Many times this is due to unpermitted work executed by prior owners. As it stands now our current standard of review, which is contained in Bill 58, is very limited. We can only intervene in actions taken by the Building Official that "is based on an erroneous finding of material fact, is based on arbitrary or capricious decision making, or is a manifest abuse of discretion." Because this is such a high bar to clear we almost never reverse or modify a decision, even when we believe it would be right to do so.

When I joined the BBA I did so with the impression that we were being called upon to use our expertise and judgement to sperate the bad actors from the honest mistakes and pass judgement accordingly. Our lack of discretion prevents this from happening. It is of course the will of the Council that should define the role the BBA plays in this process. It just seems like this Bill presents a golden opportunity to discuss this issue further.

Sincerely,

Geena Thielen
President

HONOLULU CITY COUNCIL
Honolulu Hale
10:00 AM

December 11, 2024

RE: Bill 58 - RELATING TO THE BUILDING CODE

Chair Waters, Vice Chair Kiaaina, and members of the Council:

My name is Geena Thielen, Codes 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.

Thank you for the opportunity to provide testimony on Bill 58, Relating to the Building Code.

Our testimony today is to raise the alarm regarding amendment 13 affecting Section 107.4 Amended construction documents. While most of this language is not new, it is still concerning. The idea is that any change from permitted plan, no matter how trivial, requires plan amendments be prepared and resubmitted to DPP for approval. This in effect requires applicants to go back through the permit review process multiple times, thus clogging the system and slowing construction projects. The problem is that this law as written formalizes and supports the so-called “zero-tolerance policy” implemented by DPP.

Prior to the implementation of the zero tolerance policy inspectors were given the discretion to determine when changes in a project rose to the level that required a permit amendment. When zero tolerance was put into effect and BIA members began complaining of the impact, we worked with the then- DPP Deputy Director and staff to come up with a list of common sense triggers that would require resubmittal. These included items such as a change to square footage, a change of use (i.e. Living Room to Bedroom) or added plumbing fixtures. Since the departure of the former Deputy Director our members have again started experiencing problems with the broad interpretation of “any changes”. To set this zero tolerance policy into law without these restrictions prevents the ability for minor changes to be made and accepted in the field as they should be.

We would request that the Council instruct the affected stakeholders to work together to come up with a reasonable standard of what should require an amended set of drawings to be submitted. Barring that happening we would request this amendment be removed from the bill in its entirety. Thank you for your consideration on this important matter.