2019 legislative session ended May 2, 2019 on divisive note with House locking out senators from traditional closing ceremonies usually held as joint activity. AIA Hawaii sends this report beginning with bills that passed and are of interest to architects. Report closes with bills of interest to architects that failed to pass.

**HB 820 HD1 SD1 CD1**  
Relating to Housing

Lawmakers appropriated $150,000 for a state agency to study and develop a plan to build high-rise leasehold condominiums on state land for sale to Hawaii residents. The program, proposed by Senator Stanley Chang, is modeled on public housing in Singapore. AIA "supported the intent" at urging of AIA Honolulu Housing Committee.

**SB 385 SD1 HD2 CD1**  
Relating to Professional and Vocational Licensing

Repeals defaults on student loans, student loan repayment contracts, and scholarship contracts as grounds for sanctioning professional (architect) and vocational licenses. AIA took no position on this bill.

**SB 767 SD1 HD1 CD1**  
Relating to Contractors

 Raises the threshold under the contractor licensing law's handyman exemption from $1,000 to $1,500 and makes it applicable only to the cost of labor and materials. AIA took no position on this bill.

**SB 1394 SD2 HD2 CD1**  
Relating to Historic Preservation

Establishes a historic preservation income tax credit. Repeals on 12/31/2024. AIA took no position on this bill. Funds available for tax credit are very limited and require DLNR rule making.

**SCR3 / HCR4 Residential fire sprinkler task force**

"AIA Honolulu" is listed as a task force member along with other State Building Code Council members. AIA position: SUPPORT INTENT. Passed.

**Keyword "Architect"**

**SB 202 Repeals all DCCA-based licensing boards.**

AIA position: OPPOSE to ensure bill is not heard or dead. Bill was not heard.

**SB 617 / HB 202 Relating to Energy Efficiency (solar water heater state mandate for single family residences)**  
Provides penalties / fines for false attestation on variance applications. Requires applicants (architect or mechanical engineer) to provide further documentation for using a demand water heater device in lieu of a solar water heater or renewable energy technology system. Allows agency coordinator to exercise discretion in denying variance applications. Several similar bills; many of which focus more on tax credits for energy efficient water heating systems.

AIA position: MONITOR to ensure variance is still allowed and that architect is allowed to
apply for it. AIA did not take any position re tightening up variance requirements. Governor and DBEDT said they do not want to discipline architects; leaving it to DCCA licensing board. Reportedly, none of the bills tightening the variance passed 2019 session.

**HB 1586 Creates State of Hawaii Department of Environment** by reorganizing state functions from DOH, DBEDT, etc. State Building Code part of new department. AIA position: **MONITOR.** Bill language gutted and passed to establish Stadium Development Authority. Authorizes issuance of $150 million general obligation bonds.

**Keyword "Architecture"**

**SB 821 / HB 928/ HB1435 Relating to Gender Equity "baby diaper changing station"** in all public accommodations and state-funded buildings. AIA position: **SUPPORT.** House bills either not heard or failed to be heard in Senate. Senate bill made it to conference committee, but failed to find agreement or urgency between conferees.

**SB 1496 / HB 1559 Authorize HCDA to permit one building up to 768 feet within each master plan area.** AIA position: **NO ACTION.** Generally AIA Hawaii defers to AIA Honolulu on local urban design issues. Bills were killed in both chambers after the idea met with widespread derision.

**SB 987 / SB 1289 / HB 557 "solar water heater mandate"** See SB 617.

**HB 608 Art in Public Places Fund** redirects 1% of CIP funding to DOE student art programs. AIA position: **OPPOSE.** Bill not heard because it was from House minority caucus.

**HB 479 "Aloha Homes Authority"** created to develop affordable homes on state land in TOD districts. To be governed by board, one member from "architecture industry." See HB 820 above.

**Keyword "Airport Corporation"**

**SB 666 / SB 1281 / SB 1536 / HB 1377 / HB 1055 "Airport Corporation"** to manage airports in lieu of HDOT who is accused of being too slow. AIA position: **MONITOR** to ensure QBS still required for design professional services. For third session in a row, these bills failed to be heard at some critical deadline and are "dead" once again. As this is first year of legislative biennium, the bills could be resurrected next year.

**Keyword "Procurement" "Public Private Partnership P3"**

**HB 889 Relating to Public Private Partnerships** Establishes working group within State Department of Accounting & General Services to study P3 and propose innovative project delivery. AIA position: **COMMENT.** Comments were sent related to clarifying language, P3 is far more than design-build; and the seeming legislative misconception that P3 is a kind of "free money." The bill reached conference committee, but
failed to find consensus or urgency for passage.

SB 1326 Requires hours billed to state contract over $100K to be reported by the contractor using proprietary software.
AIA position: OPPOSE. Similar legislation introduced by software vendor in 26 other states. AIA components and engineering organizations teamed up to kill all of these bills.

Keywords "State Building Code"

SB 240 / HB 562 Requires IGCC be framed as one of state building codes.
AIA position: OPPOSE. State Building Code Council also opposed at this time. Board comment building codes should not deal with this class of construction waste operations. Bills heard but failed to meet critical deadlines for passage.

SB 623 Deletes requirement for all 4 counties to be unanimous with respect to code amendments. AIA position: OPPOSE. Bill not heard.

SB 653 Electric vehicle charging station at all public buildings.
AIA position: NO ACTION. While AIA supports new technology related to transportation, we have not spent our limited "political capital" on the issue. Passed Senate, but bill failed to be heard at House Finance Committee. See SB 1000.

SB 627 / HB 494 reinstates State Building Code administrative rules requirement
AIA position: OPPOSE. Bills not heard in either chamber.

SB 147 / HB 504 Repeal admin rules requirement for adopting State Fire Code
Request of State Fire Council arguing to use same process as rest of "building codes.
AIA position: NO ACTION. Senate bill deferred based on State Fire Council lacking any construction industry voting representatives. House bill not heard.

SB 630 / HB 503 Authorizes counties to require sprinkling of single-family houses
Request of State Fire Council to counter home-builder state law banning counties from requiring fire sprinklers in county building codes.
AIA position: NO ACTION. Bills not heard in either chamber.

Keyword "Building Permit"

SB 397 Requires general contractor and subs to submit tax clearance as condition to obtaining building permits. AIA position: OPPOSE. AIA and City & County of Honolulu opposed bill at House hearing after it passed the Senate. Deferred by House Labor Committee.

SB 430 / HB 870 Exempts certain steel buildings from building permits and building codes. Agricultural district only. AIA position: NO ACTION. Although some architects expressed concern, AIA Hawaii has historically stayed away from these exemption bills. Some have been enacted and then subsequently repealed. Senate bill not heard. House WLH Committee expanded the exemption to include concrete and masonry buildings! But House Judiciary Committee
declined to hear House bill.

**SB 1000 SD2 HD2  Relating to Electric Vehicles**
Prohibits issuance of building permits for all new residential multi-family buildings and new commercial buildings unless a certain percentage of parking stalls are electric vehicle charger ready, subject to superseding county ordinances. AIA took NO POSITION on this bill. Nearly passed conference committee, where it was deferred due to its adverse effect on already stressed building permit application system.

**Keyword "Special Management Area" SMA**

**SB 393 Redefines "development" exempt from major SMA by striking out "less than 7,500 sf floor area" so all buildings will be subject. Reduces $500k threshold down to $125K.**
Negative impact on architects and clients. AIA position: see draft COMMENT below. Passed Senate, but only after Hawaiian Electric Company protested decrease in dollar threshold and had it deleted. Not heard in House; where bill is rumored to be too controversial.

**SB 690 Adds climate change mitigation and adaptation to "functions of state-wide concern." Appropriates funds (currently / customarily blank). Authorizes state to acquire private property threatened by climate change / sea level rise.**
Original language read as reasonable; and AIA submitted favorable COMMENT to Senate AET/WTL/GVO Committees. Bill not heard at Senate Ways and Means as it competed with chairperson's bill.

**SB 1113 / HB 549 Amends policies and procedures to CZM to reduce residential exposure to coastal hazards. Authority shall adopt rules for permits. Shoreline setback increased to minimum 40 feet with no maximum. (currently 20 feet minimum and 40 feet maximum)**
Senate bill not heard at WAM. House bill amended and passed, but not heard at Senate.

Following is draft AIA position statement prepared for Senate Bill 393 SD1 Relating to Coastal Zone Management:

**Immediate progress toward resilient development**

1. Formally adopt the maps created by the Hawaii Climate Change Mitigation & Adaptation Commission that identify areas, now and in the future, that will be impacted by sea level rise. This would allow affected landowners to be informed of the possible designation and raise any concerns they may have through the Administrative Rule making process used to adopt the maps.
2. Integrate 3.2 foot sea level rise SLR-XA into code(s) governing development to function as professional "standard of care" for building design with a level of scientific certainty.

**Establish resilient building design guidelines in lieu of coastal armoring**

Scientific findings call for prohibiting construction of private coastal erosion structures. Reports cite coastal armoring as cause of flanking erosion that accelerates beach loss. DLNR
cites "large slab on grade" concrete construction as particularly vulnerable. Therefore designing and building resilient buildings without relying on sea walls must be done.

AIA recently established a committee for resilient building design guidelines. While there are international and national "best practices" as starting point, AIA believes Hawaii-focused design guidelines will best respect and serve our uniquely diverse geological, topographical, scenic and cultural conditions.

SECTON 4 HRS 205A-2 Delete "revised definition of development"

SD1 adds "…is not situated on a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion…” to "development" exclusion.

1. Including the word "parcel" has effect of changing relatively minor approvals into major permits; irregardless of whether a single-family residence is located per maps cited above, is located with increased shoreline setback, and designed using resilient building design guidelines all taking into account sea level rise vulnerability.

2. Accepting SECTION 6 increase in shoreline setback is justified "by waves, storm surges, high tide, or shoreline erosion." After necessary regulatory changes are made, why should permitting of single-family residence on beachfront parcel be treated over long term any differently than in rest of SMA?

3. On specific parcels "…whenever the authority finds that any excluded use, activity, or operation may have a cumulative impact, or significant environmental or ecological effect on a special management area, that use, activity, or operation shall be defined as "development' for the purpose of this part." per current HRS 205A-22.

SECTON 6 HRS 205A-43 "shoreline setback increase" to have delayed effective date

1."Shoreline setback" in HRS 205A-43 is increased to not less than 40 feet; with NO maximum. It is this sudden shoreline setback increase that adversely design professional businesses and their clients. Designs have been drawn and in various stages of completion. An immediate July 1st increase will cause problems beyond architecture practices to include landowners and your constituents.

2. AIA requests SB 393 SD1 be amended with any increase in shoreline setback to have effective date in the near future. Adoption of maps cited above will give all parties a clearer understanding as to appropriate shoreline setbacks for each impacted property.

3. In AIA experience past bills impacting design and construction had effective date of a future New Year's Day. For example January 1, 2021.

In 2018 session Senate Bill 2969 dealing with these same issues failed to pass the House. Changes to current statute in SECTIONS 4 and 6 are "deeply buried" in Senate Bill 393 and other CZM / SMA bills. While recognizing Hawaii's sea level rise vulnerability addressed in the lengthy language, AIA contends that a "bright light" is not being shined on SECTIONS 4 and 6.