

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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February 1, 2012

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 2124 Relating to Fire Protection

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support H.B. 2124, which amends existing statute requirements for submitting building plans to the Fire Chief for approval with the following revision:

"(a) The county fire chief [may] shall be authorized to require plans and other documentation to show compliance with the fire code and fire and life safety standards for the following: . . ."

The requested revised language mirrors the existing statute, which states that construction or work plans and specifications shall be submitted to the county Fire Chief.

The purpose of this bill is to clarify and update a county Fire Chief's authority to review construction, alteration, and other installation plans and specifications for buildings or properties to meet the minimum fire code requirements. This section used language that was applicable over 30 years ago, and building occupancies and classifications have since changed. Each county Fire Chief's authority varies, depending on agreements with their respective building officials.

It further clarifies that other agencies have jurisdiction in the permit approval process. All aspects of the county's permitting process must be fulfilled in order for a building permit to be approved and issued. This bill does not impose an additional layer of plans

The Honorable Henry Aquino, Chair

Page 2

February 1, 2012

review, nor will it delay or curtail home construction and remodeling projects. Fire code requirement appeals are already a part of the county building code appeal process.

Furthermore, unless the building code directs or references the fire code, building code requirements are followed for all new construction, alteration, or additions. Sections 1.3.3.3 and 1.3.3.6.3 of the Hawaii state fire code, which was approved by Governor Linda Lingle on January 1, 2010, respectively state:

"When a conflict occurs in the requirements for design and construction for new construction of the buildings between this code and the building code, the building code shall apply.

Exception: This code does apply to new construction when this code is specifically referenced from the building code."

"Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to the building code."

The SFC and the HFD urge your committee's support on the passage of H.B. 2124 with the recommended revision.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

January 31, 2012

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 2124 Relating to Fire Protection

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The KFD and the SFC support H.B. 2124, which amends existing statute requirements for submission of building plans to the Fire Chief for approval with the following revision:

"(a) The county fire chief [~~may~~] shall be authorized to require plans and other documentation to show compliance with the fire code and fire and life safety standards for the following: ..."

The requested revised language mirrors the existing statute that states that the plans and specifications for construction or work shall be submitted to the county fire chief.

The purpose of this bill is to clarify and update the county Fire Chief's current authority to review plans and specifications for construction, alteration, and other installations for buildings or properties to meet the minimum requirements of the fire code. This section of statute used language that was applicable over 30 years ago. However, building occupancies and classifications have since changed, and each county Fire Chief's plans review authority varies depending on agreements with their respective building officials. It further clarifies that other agencies have jurisdiction in the permit approval process. All aspects of the county's permitting process must be fulfilled in order for a building permit to be approved and issued. This bill does not impose another additional layer of plans review, nor will it delay or curtail home construction and remodeling projects. Any appeal of fire code requirements is already a part of the county building code appeal process.

The Honorable Henry Aquino, Chair
January 31, 2012
Page 2

Furthermore, unless the building code directs or references the fire code, the building code requirements are followed for all new construction, alteration, or additions. The currently adopted Hawaii state fire code, approved by the Governor on January 1, 2010, Sections 1.3.3.3 and 1.3.3.6.3 respectively state:

"When a conflict occurs in the requirements for design and construction for new construction of the buildings between this code and the building code, the building code shall apply.

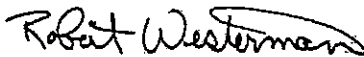
Exception: This code does apply to new construction when this code is specifically referenced from the building code.

Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to the building code."

The KFD and the SFC urge your committee's support on the passage of H.B. 2124 with the recommended revision.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

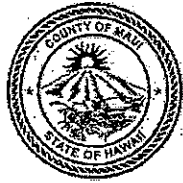
Sincerely,



Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919
EMAIL: fire.dept@mauicounty.gov

January 31, 2012

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 2124 Relating to Fire Protection

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC support H.B. 2124, which amends existing statute requirements for submission of building plans to the Fire Chief for approval with the following revision:

“(a) The county fire chief [~~may~~] shall be authorized to require plans and other documentation to show compliance with the fire code and fire and life safety standards for the following: ...”

The requested revised language mirrors the existing statute that states that the plans and specifications for construction or work shall be submitted to the county fire chief.

The purpose of this bill is to clarify and update the county Fire Chief's current authority to review plans and specifications for construction, alteration, and other installations for buildings or properties to meet the minimum requirements of the fire code. This section of statute used language that was applicable over 30 years ago. However, building occupancies and classifications have since changed, and each county Fire Chief's plans review authority varies depending on agreements with their respective building officials. It further clarifies that other agencies have jurisdiction in the permit approval process. All aspects of the county's permitting process must be fulfilled in order for a building permit to be approved and issued. This bill does not impose another additional layer of plans review, nor will it delay or curtail home construction and remodeling

The Honorable Henry Aquino, Chair
Page 2
January 31, 2012

projects. Any appeal of fire code requirements is already a part of the county building code appeal process.

Furthermore, unless the building code directs or references the fire code, the building code requirements are followed for all new construction, alteration, or additions. The currently adopted Hawaii state fire code, approved by the Governor on January 1, 2010, Sections 1.3.3.3 and 1.3.3.6.3 respectively state:

"When a conflict occurs in the requirements for design and construction for new construction of the buildings between this code and the building code, the building code shall apply.

Exception: This code does apply to new construction when this code is specifically referenced from the building code.

Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to the building code."

The MFD and the SFC urge your committee's support on the passage of H.B. 2124 with the recommended revision.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



JEFFREY A. MURRAY
Fire Chief

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

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Universal Construction, Inc.

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Mega Construction

Scotty Anderson
Pacific Rim Partners

Sunny Waish
Hunt Building Company, Ltd.

W. Bruce Barrett
Castle & Cooke Homes Hawaii, Inc.

Testimony to the House Committee on Public Safety and Military Affairs
Thursday, February 2, 2012
9:00am
State Capitol, Room 309

RE: HB 2124, Relating to Fire Protection

Dear Chair Aquino and Members of the Committee:

My name is Karen Nakamura, Chief Executive Officer 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.

BIA-Hawaii is strongly opposed to HB 2124 and requests that it be HELD by your committee.

HB 2124 would exceed the intent of the original law and allow the fire department to review ALL buildings for fire code and fire safety compliance. An additional burden and layer of review would be added by this bill, slowing down construction projects even further.

Furthermore, HB 2124 is absolute in its requirement that "no construction shall commence" until plans and specifications are approved by the county fire chief. This language leaves the homeowner with no means of recourse or appeal except to modify their plans to meet whatever requirement is imposed.

The construction industry is one of Hawaii's main economic drivers and its reach in Hawaii's economy is broad and deep; any disruption to the industry has far-reaching consequences for the State's total economy. During this precarious time, when economic recovery depends on the revival of the construction industry, H.B. 2124 will delay or curtail home construction and remodeling projects.

Residential remodeling will be driven into the underground economy due to higher costs and it will further eliminate the need for licensed contractors and building permits. The unintended consequences of this legislation would be more homeless families, higher construction costs, and a higher shortage of homes.

Mailing address: P.O. Box 970967, Waipahu, HI 96797 Street address: 94-487 Akoki St., Waipahu, HI 96797-0967;
Telephone: (808) 847-4666 Fax: (808) 440-1198 E-mail: info@biahawaii.org; www.biahawaii.org

Finally, the Legislature has expressed its desire to streamline the permitting process and to reduce regulation in an effort to get construction projects moving so that our economy can bounce back and the people of Hawaii can get back to work. HB 2124 is at completely at odds with that goal.

BIA-Hawaii is strongly opposed to HB 2124 and requests that it be HELD by your committee.

Thank you for the opportunity to submit our testimony.

Sincerely,

Karen J. Nakamura

EVP/CEO
BIA-Hawaii



*Hawaii
Aquaculture &
Aquaponics Association*

THE HOUSE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Representative Henry J.C. Aquino, Chair
Representative Ty Cullen, Vice Chair

DATE: Thursday, February 2, 2012
TIME: 9:00 a.m.
PLACE: Conference Room 309
State Capitol
415 South Beretania Street

RE: Testimony in strong opposition to HB 2124 RELATING TO FIRE PROTECTION

Dear Chair Aquino, Vice Chair Cullen, and Committee Members:

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing Hawaii's aquaculture and aquaponics industry statewide is in strong opposition to HB 2124, "Relating to Fire Protection". This bill is indicated to be a simple housekeeping bill. However, in reality, it would impose a new, onerous and unnecessary layer of bureaucracy that would likely result in significant delays and added costs to even the smallest building projects or use of property. As written, it could require permission from a county fire chief for almost any activity whatsoever on all public and private lands and for all public or private buildings and structures. Since "structure", "property", "life safety standards" and "change in occupancy" are not defined, this bill could require Fire Department review of structural plans for even the most basic activities involving the use of buildings, structures, or property. In short, HB 2124 is unnecessary and would codify Orwellian "Big Brother" oversight over the basic legal right of quiet and unimpaired use and enjoyment of property. Current law is directed towards public buildings and should remain as such.

The HAAA is currently supporting bills that would reduce the cost and construction time of low-risk farm structures by exempting such structures from county building permit requirements. HB 2124, with its overreaching requirements that every structure or change in use or occupancy be subject to approval by county fire chiefs and "other agencies having jurisdiction," would circumvent and prohibit the relief that such an exemption would provide for Hawaii's farmers and ranchers. For these multiple reasons and more, we therefore strongly oppose HB 2124, and ask that it not be passed out of committee.

Thank you for the opportunity to comment,



Ronald P. Weidenbach
HAAA President



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272
Fax: (808) 848-1921 • Email: info@hfbf.org
www.hfbf.org

FEBRUARY 2, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

TESTIMONY ON HB 2124
RELATING TO FIRE PROTECTION

Room 224
2:50 PM

Chair Aquino, Vice Chair Cullen, and Members of the Committee:

I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF strongly opposes HB 2124, which would create vast new and burdensome responsibilities for county fire departments, would duplicate the responsibilities of county building departments, and would impose a new layer of bureaucracy that would add delays and costs to even the smallest building projects. While it purports to "clarify and update the authority of the county fire chief," in fact its sweeping language greatly extends that authority. As written, it could require permission from a county fire chief for almost any activity whatsoever.

Section 132-9, which HB 2124 proposes to amend, currently requires county fire chiefs to approve construction plans only for large, public structures such as hospitals, hotels, and schools. In contrast, HB 2124 would allow county fire chiefs to review "Construction, alteration, rehabilitation, or addition to any building, structure, or property;" "Change in use of buildings or property, or change in occupancy;" and "Installation or alteration of any procedures, equipment, property, or structure for any life safety or fire protection systems, including one- and two-family dwellings." Since "structure", "property", "life safety standards" and "change in occupancy" are not defined, these clauses could require Fire Department review of structural plans every time a house is painted, a house or apartment is rented, a new baby is brought home from the hospital, an electrician installs a light

switch, or a fire extinguisher (or almost any other item that qualifies as "property") is purchased.

Even if HB 2124 were modified to exclude the most excessive of these possibilities, it would still require county fire departments to review the construction and alteration of single-family housing. This alone would add a substantial burden of staffing and paperwork to the fire departments – not to mention everyone who builds or buys a home – and HB 2124 provides no funding to offset this burden. Under existing Hawaii law, fire codes are part of county building codes and are included in county building departments' review of permit applications. Requiring fire departments to approve these applications would duplicate the efforts of the building departments.

Further, although Section 2, part (a) of HB 2124 states that the county fire chief may require documentation to show compliance with the fire code, Section 2, part (b) states that **"No work shall be authorized or commenced before the building plans and specifications are approved by the county fire chief and other agencies having jurisdiction, and the issuance of required permits."** This latter section implies that the fire chief must approve all construction.

The Hawaii Farm Bureau Federation is currently supporting bills that would reduce the cost and construction time of low-risk non-residential farm structures by exempting these structures from county building permit requirements. This exemption is necessary to allow farmers to build structures to protect their crops and equipment from thieves, vandals, and the weather. Without these reasonable exemptions, the State's goal of greater food self-sufficiency will be forestalled. HB 2124, with its requirement that every structure be subject to approval before construction, not only by county fire chiefs but by "other agencies having jurisdiction," would pre-empt the relief that such an exemption would provide for Hawaii's farmers and ranchers.

In this time of economic hardship, not only Hawaii's farmers, but all Hawaii's citizens need relief from the costs and delays of excessive bureaucratic snarl. HB 2124 would add to those burdens. We therefore oppose HB 2124, and ask that it not be passed out of committee.

I can be reached at (808) 848-2074 if you have any questions. Thank you for the opportunity to testify.



Alan Shintani INC.
GENERAL CONTRACTOR BC 13068

February 2, 2012

Rep. Aquino, Chair
Rep. Cullen, Vice Chair
Members of the Committee on Public Safety and Military
State Capitol, Room 309
Honolulu, Hawaii 96813

RE: SB 2124, Relating to Fire Protection

Dear Chair Aquino, Vice Chair Cullen, and Members of the Committee:

Alan Shintani, Inc. is strongly opposed to HB 2124 and request that it be HELD by your committee.

HB 2124 would exceed the intent of the original law and allow the fire department to review ALL buildings for fire code and fire safety compliance. This will be an additional burden and layer of review added by this bill. HB 2124 is absolute in its requirement that "no construction shall commence" until plans and specifications are approved by the county fire chief. This language does not leave the homeowner with a means of recourse or appeal except to modify their plans to meet whatever requirement imposed.

The construction industry is one of Hawaii's main economic drivers. Its reach in Hawaii's economy is broad and deep; any disruption to the industry has far-reaching consequences for the State's total economy. At this time, as Hawaii's economy is approaching the brink of recovery from the last decade's historic recession, the State cannot afford to cripple one of its most important economic engines. During this uncertain time, when economic recovery depends on the revival of the construction industry, this bill will delay or curtail home construction and remodeling projects. Residential remodeling will be driven into the underground economy due to higher costs and it will further eliminate the need for licensed contractors and building permits. The unintended consequences of this legislation would be more homeless families, higher construction costs, and a higher shortage of homes.

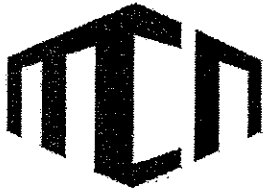
In an effort to get construction projects moving so that our economy can bounce back, Legislature has expressed their desire to streamline the permitting process and to reduce regulation. HB 2124 is completely at odds with this goal.

Alan Shintani, Inc. is strongly opposed to HB 2124 and request that it be HELD by your committee.

Thank you for the opportunity to submit my testimony.

Sincerely,

President
Alan Shintani, Inc



MAUI CONTRACTORS ASSOCIATION

January 31, 2012

Testimony to the House Committee on Public Safety and Military Affairs
Thursday, February 2, 2012
9:00am
State Capitol, Room 309

RE: HB 2124, Relating to Fire Protection

Dear Chair Aquino and Members of the Committee:

I am Jacqueline Haraguchi, Executive Director of the Maui Contractors Association. Maui Contractors Association has over 220 members and has been the voice of the Building Industry in Maui County for over 40 years.

Maui Contractors Association is strongly opposed to HB 2124 and requests that it be held by your committee.

HB 2124 would exceed the intent of the original law and allow the fire department to review ALL buildings for fire code and fire safety compliance. An additional burden and layer of review would be added by this bill, slowing down construction projects even further.

Residential remodeling will be driven into the underground economy due to higher costs and it will further eliminate the need for licensed contractors and building permits. There will be unintended consequences of this legislation.

The Legislature has expressed that they want to streamline the permitting process and to reduce regulation in an effort to get construction projects moving so that our economy can bounce back and the people of Hawaii can get back to work. HB 2124 will not accomplish this goal.

Thank you for the opportunity to submit testimony on HB2124. Should you have any questions, please call my office at (808)871-5733.

Sincerely,

Jacqueline Haraguchi

Jacqueline Haraguchi
Executive Director

THE GENTRY COMPANIES



February 2, 2012

The Honorable Henry Aquino, Chair
House Committee on Public Safety and Military Affairs
State Capitol, Room 211
Honolulu, HI 96813

RE: H.B 2124, Relating to Fire Protection

Dear Representative Aquino and Members of the Committee:

My name is Debbie Luning, Director of Government Affairs for Gentry Homes, Ltd., testifying in **strong opposition** to H.B. 2124, Relating to Fire Protection.

The purpose of this measure is to require the review and approval of construction plans for ALL types of construction prior to commencement of construction. This bill would expand the types of buildings that would require the fire chief's approval to include construction, alteration, rehabilitation, or addition to any building, structure or property. We believe that the provisions in this bill are not only unnecessary, but would also unduly delay the construction approval process.

Expanding the scope of the fire chief's review and approval would be unnecessary in light that there are already county codes in place that must be followed when designing and building a home. In order to receive a building permit, designs must comply with all applicable codes, including fire codes. Review and approval by the fire chief would be a superfluous step and would unduly delay the approval process. It would also be counter to what government has been trying to do for decades – to streamline the governmental approval process.

Time is money in the construction business. The longer a project is delayed, the costlier the home that is built. We urge you, therefore, to please hold this bill in Committee.

Mahalo for your consideration.

Sincerely,

GENTRY HOMES, LTD.


Debra M. A. Luning
Director of Governmental Affairs
and Community Relations