

SB 2390

RELATING TO FIRE PROTECTION

Description:

Amends requirements for submission of building plans to the fire chief for approval.

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dilir.director@hawaii.gov

January 25, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 2390 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 S.B. 2390, which amends 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 purpose of this bill is to clarify and update the county Fire Chief's authority to review plans and specifications for construction, alteration, and other installations for buildings or properties. This section of the 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.

This bill proposal broadly defines the Fire Chief's jurisdictional authority to review building plans for all counties. Although it varies, each county has a building permit approval process that includes the fire department. Unless the building code directs or references the fire code, the building code requirements are followed. All aspects of the county's permitting process must be fulfilled in order for a building permit to be approved and issued.

The Honorable Will Espero, Chair

Page 2

January 25, 2012

The SFC and the HFD urge your committee's support on the passage of S.B. 2390 with the recommended revision.

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

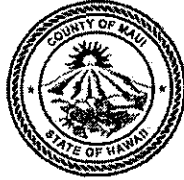
Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth G. Silva". The signature is written in a cursive style with a large, sweeping initial "K".

KENNETH G. SILVA
Chair

KGS/LR:cn

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 25, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 2390 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 S.B. 2390, which amends 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 purpose of this bill is to clarify and update the authority of the county Fire Chief to review plans and specifications for construction, alteration, and other installations for buildings or properties. This section of the 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.

This bill proposal broadly defines the Fire Chief's jurisdictional authority to review building plans for all counties. Although it varies, each county has a building permit approval process that includes the fire department. Unless the building code directs or references the fire code, the building code requirements are followed. All aspects of the county's permitting process must be fulfilled in order for a building permit to be approved and issued.

The Honorable Will Espero, Chair
Page 2
January 25, 2012

The MFD and the SFC urge your committee's support on the passage of S.B. 2390 with the recommended revision.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray". The signature is fluid and cursive, with a prominent loop at the end.

JEFFREY A. MURRAY
Fire Chief

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 24, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 2390 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 S.B. 2390, which amends 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 purpose of this bill is to clarify and update the authority of the county Fire Chief to review plans and specifications for construction, alteration, and other installations for buildings or properties. This section of the 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.

This bill proposal broadly defines the Fire Chief's jurisdictional authority to review building plans for all counties. Although it varies, each county has a building permit approval process that includes the fire department. Unless the building code directs or references the fire code, the building code requirements are followed. All aspects of the county's permitting process must be fulfilled in order for a building permit to be approved and issued.

The Honorable Will Espero, Chair
Page 2
January 24, 2012

The KFD and the SFC urge your committee's support on the passage of S.B. 2390 with the recommended revision.

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

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a prominent loop at the end of the last name.

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

2012 Officers

President

Dean I. Asahina
Universal Construction, Inc.

President-Elect

Greg Thielen
Complete Construction Services Corp.

Vice President

Brian Adachi
BKA Builders, Inc.

Treasurer

Timothy J. Waite
Simpson Strong-Tie Co., Inc.

Secretary

Michael J. Brant
Gentry Homes, Ltd.

Special Appointee-BUILDER

Paul D. Silen
Hawaiian Dredging Construction Co., Inc.

Special Appointee-Associate

Craig Washofsky
Servco Home & Appliance Distribution

Immediate Past President

James Byxbee
Homeworks Construction, Inc.

**Executive Vice President/
Chief Executive Officer**

Karen T. Nakamura
BIA-Hawaii

2012 Directors

Clifton Crawford
C&J Contracting, Inc.

David S. Chang
CS Design Builders

Dean Uchida
SSFM International, Inc.

Gary T. Okimoto
Honolulu Wood Treating

Guy J. Shindo
First Hawaiian Bank

James Dixon
Island Insurance Company, Ltd.

Karin L. Holma
Bays Lung Rose & Holma

Mark Kennedy
HASEKO Construction Kamakana, LLC

Marnie Koga Hursty
Mega Construction

Scotty Anderson
Pacific Rim Partners

Sunny Walsh
Hunt Building Company, Ltd.

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

January 26, 2012

Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Capitol, Room 231
Honolulu, Hawaii 96813

RE: SB 2390, Relating to Fire Protection

Dear Chair Espero and Members of the Committee:

I am 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 SB 2390 and requests that it be HELD by your committee.

SB 2390 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.

Furthermore, SB 2390 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. Particularly at this time, as Hawaii's economy is approaching the brink of recovery from the last decade's historic recession, the State can ill-afford to cripple one of its most important economic engines. During this precarious 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.

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

The unintended consequences of this legislation would be more homeless families, higher construction costs, and a higher shortage of homes.

Finally, the Legislature has expressed their 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 2390 is at completely at odds with that goal.

BIA-Hawaii is strongly opposed to SB 2390 and requests that it be HELD by your committee.

Thank you for the opportunity to submit our testimony.

Sincerely,

Handwritten signature of Karen I. Nakamura in cursive script.

EVP/CEO
BIA-Hawaii



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

JANUARY 26, 2012

HEARING BEFORE THE
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

TESTIMONY ON SB 2390
RELATING TO FIRE PROTECTION

Room 224
2:50 PM

Chair Espero, Vice Chair Kidani, 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 SB 2390**, 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. As written, it could require permission from a county fire chief for almost any activity whatsoever.

Section 132-9, which SB 2390 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, SB 2390 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 SB 2390 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 SB 2390 provides no funding to offset this burden. In addition, 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.

The Hawaii Farm Bureau Federation is currently supporting other bills introduced this session 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. SB 2390, 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 prohibit 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. SB 2390 would add to those burdens and we therefore oppose the bill.

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



P.O. Box 757
Kailua, HI 96734
Ph. (808) 263-4900
Fax (808) 263-5966
www.ccs-hawaii.com

January 25, 2012

Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Capitol, Room 231
Honolulu, Hawaii 96813

RE: SB 2390, Relating to Fire Protection

Dear Chair Espero and Members of the Committee:

I am Greg Thielen, President and RME of Complete Construction Services. I am a Small Business Owner and have over 20 years experience in the Construction Industry.

I am strongly **OPPOSED TO SB 2390** and request you hold this bill in your committee.

The permitting process is onerous enough as it is. There are too many different entities requiring reviews and bogging projects down in needless delays and costly requirements. The legislature has recognized this and has proposed and passed measures to ease this burden. Please do not add to the problem by passing this bill.

Thank you for the opportunity to provide this testimony.

Sincerely,

Greg Thielen
President/RME



Alan Shintani Inc.
GENERAL CONTRACTOR BC 13068

January 26, 2012

Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Capitol, Room 231
Honolulu, Hawaii 96813

RE: SB 2390, Relating to Fire Protection

Dear Chair Espero and Members of the Committee:

Alan Shintani, Inc. is strongly opposed to SB 2390 and request that your committee HOLD it.

SB 2390 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. SB 2390 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 2390 is completely at odds with this goal.

Alan Shintani, Inc. is strongly opposed to SB 2390 and request that it be HELD by your committee.

Thank you for the opportunity to submit my testimony.

Sincerely,

President
Alan Shintani, Inc

THE GENTRY COMPANIES



January 26, 2012

The Honorable Will Espero, Chair
Senate Committee on Public Safety, Government
Operations and Military Affairs
State Capitol, Room 211
Honolulu, HI 96813

RE: S.B. 2390, Relating to Fire Protection

Dear Senator Espero and Members of the Committee:

My name is Debbie Luning, Director of Government Affairs for Gentry Homes, Ltd., testifying in **strong opposition** to S.B. 2390, 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



THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

DATE: Thursday, January 26, 2012
TIME: 2:50 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

RE: Testimony in strong opposition to SB 2390 RELATING TO FIRE PROTECTION

Dear Chair Espero, Vice Chair Kidani, and Committee Members:

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing Hawaii's aquaculture and aquaponics industry statewide must respectfully testify in opposition to SB 2390, "Relating to Fire Protection". This bill would impose a new layer of bureaucracy that would add delays and 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, SB2390 would codify Orwellian "Big Brother" oversight over the basic legal right of quiet and unimpaired use and enjoyment of property.

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. SB 2390, 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 SB 2390, and ask that it not be passed out of committee.

Thank you for the opportunity to comment.

Respectfully submitted,

A handwritten signature in black ink that reads "Ronald P. Weidenbach". The signature is written in a cursive, flowing style.

Ronald P. Weidenbach
HAAA President



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii

January 25, 2012

President

Douglas Lee, P.E.
Brown and Caldwell
Ph: (808) 523-8499

President-Elect

Terrance Arashiro, P.E.
Austin, Tsutsumi & Assoc.
Ph: (808) 533-3646

Treasurer

Mike Street, P.E.
Bowers + Kubota Consulting
Ph: (808) 836-7787

Secretary

Beverly Ishii-Nakayama, P.E.
Shigemura, Lau, Sakanashi,
Higuchi & Assoc.
Ph: (808) 942-9100

Past President

Sheryl Nojima, P.E., Ph.D.
Gray Hong Nojima & Assoc.
Ph: (808) 521-0306

National Director

John Katahira, P.E.
The Limtiaco Consulting Group
Ph: (808) 596-7790

Directors

Joel Yuen, P.E.
Insynergy Engineering
Ph: (808) 521-3773

Robin Lim, P.E.
Geolabs
Ph: (808) 841-5064

William H.Q. Bow, P.E.
Bow Engineering
Ph: (808)941-8853

Ginny M. Wright
Executive Director
P.O. Box 88840
Honolulu, HI 96830
Ph: (808) 234-0821
Cell: (808) 741-4772
Fax: (808) 234-1721
Email: gwright@acechawaii.org
Website: www.acechawaii.org

Senate Committee on Public Safety, Government Operations, and Military Affairs
Hearing Date: Thursday, January 26, 2:50 p.m., Conference Room 224

Honorable Senators Will Espero, Chair; Michelle Kidani, Vice Chair; and Members of the Senate Committee on Public Safety, Government Operations, and Military Affairs

Subject: SB 2390, Relating to Fire Protection
TESTIMONY IN OPPOSITION

Dear Chair Espero, Vice Chair Kidani, and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH) represents 65 member firms with over 1,800 employees throughout Hawaii, most of which are small businesses. Our members include highly qualified engineers, land surveyors, and scientists involved in the design of buildings and infrastructure. Engineers and architects are strong protectors of public safety through designs that comply with building and fire codes.

SB 2390 appears to add an additional burden that exceeds the current building and fire codes. The existing law requires county fire chief review of plans for certain types of buildings, such as hospitals, child-occupied facilities, apartment buildings, hotels, and gathering places. SB 2390 would require county fire chief review of every "construction, alteration, rehabilitation, or addition to any building, structure or property", or for "change in use of buildings or property, or change in occupancy".

Existing building and fire codes provide for the appropriate level of scrutiny according to the type of building. Furthermore, the burden that would be imposed by SB 2390 would severely delay the progress of construction in Hawaii. We know that the legislature has expressed their desire to reduce regulations and to get projects moving so that construction workers can return to work and provide an income for their families. This bill is counter to that goal.

We appreciate the opportunity to provide testimony in opposition to SB 2390. Please do not hesitate to contact us if you have any questions regarding our testimony.

Respectfully submitted,

AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII

Douglas Lee, P.E.
President