



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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February 5, 2013

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

Dear Chair Aquino:

Subject: H.B. 345 Relating to Fire Protection

I am Robert Westerman, Vice Chair of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support H.B. 345, which seeks to amend the existing statute requirements for submitting building plans to the Fire Chief for approval.

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. In addition, 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 review, nor will it delay or curtail home construction and remodeling projects.

This bill does not impose any additional requirements for state projects. Hawaii Revised Statutes 107-31 states:

"State building code; compliance. The design of all state building construction shall be in compliance with the state building code within one year of its effective date."

The Honorable Henry Aquino, Chair
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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 KFD urge your committee’s support on the passage of H.B. 345.

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

Sincerely,



for

ROBERT WESTERMAN
Chair

RW/LR:cc

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
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February 6, 2013

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

Dear Chair Aquino:

Subject: H.B. 345 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. 345, which seeks to amend the existing statute requirements for submitting building plans to the Fire Chief for approval.

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. In addition, each county Fire Chief's authority varies, depending on agreements with their respective building officials.

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The Honorable Henry Aquino, Chair
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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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Testimony to the House Committee on Public Safety Thursday, February 7, 2013

9:00 a.m.

State Capitol - Conference Room 309

RE: H.B. 345, RELATING TO FIRE PROTECTION

Dear Chair Aquino, Vice-Chair Ing, and members of the committee:

My name is Gladys Marrone, Director of Government Relations for the Building Industry Association of Hawaii (BIA-Hawaii), the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, affiliated with the National Association of Home Builders.

BIA-Hawaii **opposes** H.B. 345, as written. The bill proposes to clarify the authority of the county fire chief to examine building plans and documentation to ensure that they are in compliance with the fire code and life safety standards. It requires the approval of plans and issuance of permits before work may begin.

The existing law, under Section 132-9, HRS, lists the type of structures whose plans are required to be submitted to the county fire chief for review, including hospitals, children's nurseries, hotels, apartment houses, schools, churches, gymnasiums, and nightclubs. This section, however, does not apply to: 1) any such building to be constructed or upon which alterations or additions are to be made, is only one story high, with living accommodations permanently designated and intended for less than twenty-five persons; and 2) any such building to be constructed, or upon which alterations or additions are to be made, is only one story high, and is permanently designated and intended for a total accommodation at any one time of less than one hundred persons.

The clear intent of the law is to govern structures utilized as public gathering places. However, H.B. 345, as written, expands the scope of the county fire chief's jurisdiction to reviewing building plans for **all** structures, including new **and** existing single-family and duplex residences. County fire chiefs would also review plans for **any** change of use or occupancy. If a particular type of occupancy is meant to be addressed, then perhaps it should be clearly and specifically stated in this bill. H.B. 345 reads like it would grant very broad powers to the county fire chiefs.

Thank you for the opportunity to express our views on this matter.