



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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March 25, 2013

The Honorable Angus McKelvey, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: S.B. 682, S.D. 2, H.D. 1 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 S.B. 682, S.D. 2, H.D. 1, 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 facilities, to meet the minimum fire code requirements. The current statute 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."

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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 S.B. 682, S.D. 2, H.D. 1.

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

Sincerely,



ROBERT WESTERMAN
Vice Chair

RW/LR:cc

BIA-HAWAII

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"Building Better Communities"

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Testimony to the House Committee on Consumer Protection & Commerce Monday, March 25, 2013

3:00 p.m.

State Capitol - Conference Room 325

RE: S.B. 682, S.D. 2, H.D. 1, RELATING TO FIRE PROTECTION

Dear Chair McKelvey, Vice-Chair Kawakami, 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.

S.B. 682, S.D. 2, Relating to Fire Protection, 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 County's adopted fire code. It requires the issuance of permits before work may begin.

BIA-Hawaii submits comments.

BIA-Hawaii had opposed the original version of this measure because, as written, the bill would have: 1) not allowed any construction work to begin prior to approval by the County fire chief, even if some agencies have the authority to issue building permits; and 2) expanded 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. Governance over new residential construction lie with the County's building code. We believe very broad powers would have been granted to the County fire chiefs.

Since then, the BIA-Hawaii, the Hawaii Farm Bureau, and the State Fire Council worked on language agreeable to all parties, which is now S.B. 682, S.D. 2, H.D. 1. We understand the goal of the SFC is to update the existing statute to reflect current practice. We will continue to work together to ensure the language is clear so as to avoid any vagueness and misinterpretation.

Thank you for the opportunity to express our views.

kawakami2 - Rise

From: Troy Abraham [tabraham08@gmail.com]
Sent: Friday, March 22, 2013 7:47 PM
To: CPCtestimony
Subject: SB682HD1

I support the enforced prevention and protection of arson and fires for all building and all premises in hawaii county and state.