

# **BIA-HAWAII** LATE TESTIMONY BUILDING INDUSTRY ASSOCIATION

*"Building Better Communities"*

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**Testimony to the Senate Committee on Public Safety, Intergovernmental and Military Affairs**  
**Tuesday, February 5, 2013**  
**2:45 p.m.**  
**State Capitol - Conference Room 224**

**RE: S.B. 682, RELATING TO FIRE PROTECTION**

Dear Chair Espero, Vice-Chair Baker, 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 **strongly opposes** S.B. 682, Relating to Fire Protection, which 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, S.B. 682 would expand 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. County fire chiefs would also review plans for **any** change of use or occupancy. S.B. 682 would grant very broad powers to the county fire chiefs.

Thank you for the opportunity to express our **strong opposition** to S.B. 682.

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# LATE TESTIMONY

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

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FEBRUARY 5, 2013

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

TESTIMONY ON SB 682  
RELATING TO FIRE PROTECTION

Conference Room 224  
2:45 PM

Chair Espero, Vice Chair Baker, and Members of the Committee:

I am **Dean Okimoto, President of the Hawaii Farm Bureau Federation (HFBF)**. Organized since 1948, the HFBF is comprised of 1,950 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.

I am sending this testimony to express the **strong opposition of the Hawaii Farm Bureau Federation to SB 682**, "Relating to Fire Protection." SB 682 is similar to last year's SB 2390, which failed to pass during the 2012 session. It 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.

HRS 132-9, which SB 682 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 or repaired.

While some of these examples may seem extreme, it is not hard to find situations in which arbitrary changes in administrative procedures have resulted in hardship for affected citizens. As one instance, we cite last year's controversy over the distance of buildings in Kailua from fire hydrants, which held up homeowners' renovations due to the unexpected imposition of sprinkler requirements. A further example is DLNR's recent decision to charge "highest and best use" rates for agricultural leases, threatening the livelihoods of leasehold farmers. The language of SB 682 is simply too broad, and leaves too much scope for unintended consequences.

Even if SB 682 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 682 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 simply duplicate the efforts of the building departments.

SB 682 also conflicts with last year's Act 114, which provides exemptions from county building permit requirements for nonresidential agricultural buildings and structures. SB 682's requirement that "No work shall be authorized or started before plans and specifications are approved and necessary permits are issued by the county fire chief and other agencies having jurisdiction" could negate the permit relief provided to farmers and ranchers by Act 114.

Further, HFBF is currently supporting bills that would reduce the cost and construction time of low-risk farm structures by exempting these structures from county building code requirements. We feel that this exemption is necessary to encourage the development of much-needed agricultural infrastructure in order to further the State's goal of greater self-sufficiency. SB 682, 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 682 would add to those burdens. We therefore oppose SB 682, and ask that it not be passed out of committee.

Thank you for the opportunity to testify.

# LATE TESTIMONY

**SB682**

Submitted on: 2/4/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brian K. Adachi	BKA Builders Inc.	Oppose	No

# LATE TESTIMONY

**SB682**

Submitted on: 2/4/2013

Testimony for PSM on Feb 5, 2013 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Thielen	Complete Construction	Oppose	No