

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that Act 53, Session Laws  
2 of Hawaii 2017, extended the prohibition of the adoption of any  
3 codes or regulations by the counties that require the  
4 installation of residential fire sprinklers in one- and two-  
5 family dwellings, except to meet fire fighting road access or  
6 water supply requirements. Because of the reliability and  
7 effectiveness of residential fire sprinklers in suppressing a  
8 fire in its initial stages, national residential building codes  
9 have required these sprinklers since 2009.

10       The legislature also finds that a prohibition of any  
11 measure that may be considered and adopted at the local level to  
12 improve and enhance fire survivability and reduce fire losses of  
13 community residents by eighty per cent is not in the best  
14 interest of public health and safety. Residential fire  
15 sprinklers greatly reduce the spread of fire, thereby  
16 significantly lessening property damage and loss. The  
17 legislature further finds that the intensity, severity, and



1 spread of fire in residential buildings are directly related to  
2 building contents and furnishings and, although improvements  
3 have been made in building construction, design, and materials,  
4 the volatility and toxicity of today's synthetic materials allow  
5 untenable conditions to be reached more rapidly. Moreover, the  
6 legislature recognizes that the respective counties face unique  
7 challenges and issues relating to fire protection, including  
8 population density, proximity of structures, infrastructure,  
9 access, and limited fire protection resources.

10 Accordingly, this Act recognizes and re-establishes  
11 individual county authority or "home rule" as to appropriate or  
12 applicable requirements. This concept is recognized,  
13 acknowledged, and supported by the evidence presented in the  
14 National Fire Protection Association's Fire Sprinkler  
15 Initiative. The Fire Sprinkler Initiative's report on  
16 legislation and adoptions notes that two states, California and  
17 Maryland, have statewide requirements for residential fire  
18 sprinklers in new one- and two-family dwellings. However, the  
19 report also notes that eighteen states have no statewide  
20 requirements but allow local jurisdictions to require  
21 residential fire sprinklers. Additionally, the state building



1 code council, established in 2007, is responsible for reviewing  
2 and adopting the latest editions of national model building  
3 codes for the State. The council is also the forum for  
4 discussion by building code experts from the various fields of  
5 building design, construction, safety, and health.

6 Finally, the legislature notes that on November 13, 2018,  
7 the state building code council adopted the state residential  
8 code, which requires all construction of new one- and two-family  
9 dwellings in the State to have residential fire sprinklers  
10 installed.

11 Therefore, the purpose of this Act is to repeal section  
12 46-19.8, Hawaii Revised Statutes, and Act 53, Session Laws of  
13 Hawaii 2017, which amended section 46-19.8, Hawaii Revised  
14 Statutes.

15 SECTION 2. Section 46-19.8, Hawaii Revised Statutes, is  
16 repealed.

17 ~~["§46-19.8] Fire sprinklers; residences. No county shall~~  
18 ~~require the installation or retrofitting of automatic fire~~  
19 ~~sprinklers or an automatic fire sprinkler system in:~~



1       ~~(1) Any new or existing detached one or two family~~  
2           ~~dwelling unit in a structure used only for residential~~  
3           ~~purposes; and~~  
4       ~~(2) Nonresidential agricultural and aquacultural buildings~~  
5           ~~and structures located outside an urban area;~~  
6       ~~provided that this section shall not apply to new homes that~~  
7       ~~require a variance from access road or firefighting water supply~~  
8       ~~requirements." ]~~

9       SECTION 3. Act 53, Session Laws of Hawaii 2017, is  
10       repealed.

11       SECTION 4. Statutory material to be repealed is bracketed  
12       and stricken.

13       SECTION 5. This Act shall take effect upon its approval.

14  
INTRODUCED BY:           *M. D. M.*            
By Request



# S.B. NO. 448

**Report Title:**

State Fire Council Package; Fire Safety; Sprinklers

**Description:**

Repeals section 46-19.8, Hawaii Revised Statutes, and Act 53, Session Laws of Hawaii 2017, which prohibited the counties from adopting codes and regulations that would require the installation or retrofitting of residential fire sprinklers in one- and two-family dwellings and other types of structures.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

