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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 11, 2020

TO: The Honorable Roy M. Takumi, Chair  
House Committee on Consumer Protection & Commerce

FROM: Alice L. Lee  
Council Chair

SUBJECT: **HEARING OF FEBRUARY 12, 2020; TESTIMONY IN SUPPORT OF HB 1761, RELATING TO PUBLIC SAFETY**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this bill is to allow counties to regulate the installation of residential fire sprinkler systems.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. This bill recognizes that a prohibition on measures requiring the installation of fire sprinklers in a residential dwelling does not serve the public interest because fire sprinklers can be a reliable and effective way of suppressing residential fires in the early stages.
2. County policymakers understand their communities' needs and have the ability to consult with local fire chiefs and other experts. Therefore, it is appropriate to allow Maui County and other counties the ability to enact regulations related to the required installation of sprinklers in new one- and two-family homes.

For the foregoing reasons, I **support** this measure.



**HOUSE COMMITTEES ON CONSUMER PROTECTION AND COMMERCE, AND JUDICIARY**  
**State Capitol, Conference Room 325**  
**415 South Beretania Street**  
**2:00 PM**

**February 12, 2020**

RE: HOUSE BILL NO. 1761, RELATED TO PUBLIC SAFETY

Chairs Takumi and Lee, Vice Chairs Ichiyama and San Buenaventura, and members of the committees:

My name is Dwight Mitsunaga, 2020 President 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. Our members build the communities we all call home.

**BIA-Hawaii is in strong opposition to H.B. 1761**, which proposes to repeal section 46-19.8, Hawaii Revised Statutes, thereby allowing counties to mandate the installation of a residential fire sprinkler system in all new one and two-family dwellings.

In 2017, the Legislature extended for ten years the law that prohibited the counties from mandating the installation of automatic fire sprinklers in all new one and two-family dwellings (Act 53, 2017 SLH).

The information provided in the bill does not include the following information:

- Builders provide various options for new homes and renovations/remodeled homes. Fire sprinklers are provided at the owner's request, and depending on the location, could cost a considerable amount of money.
- Most of the fire damage and loss occur in homes built prior to upgrades and revisions to the building codes that require the installation of fire walls, smoke detectors and other construction techniques and materials that are intended to minimize losses due to fires.
- Only three (3) states have mandatory fire sprinkler requirements. California, Maryland and Washington, D.C. In the case of Maryland, fire sprinklers are required because most of the state is rural and not serviced by any municipal fire department. Wildfires in California likely prompted the mandate for fire sprinklers in all new one and two-family dwellings, and as a result, California has one of the highest home prices in the nation.



In the 2020 Legislative Session, both Chambers of the Hawaii State Legislature, and Governor Ige's Administration put forward a comprehensive package of bills to improve the quality of life for Hawaii's middle-class families. A large part of the package attempts to address housing affordability. Adding the cost of an automatic fire sprinkler system in a new one or two-family dwelling will raise the cost of housing in Hawaii.

We are in strong opposition to H.B. 1761 and appreciate the opportunity to provide our comments on this matter.



February 12, 2020

The Honorable Roy M. Takumi, Chair  
Committee on Consumer Protection & Commerce  
The Honorable Chris Lee, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, HI 96813

Dear Chair Takumi and Chair Lee:

Subject: House Bill (HB) 1761 Relating to Public Safety

Thank you for the opportunity to provide testimony in support of HB 1761. My name is Shamim Rashid-Sumar, I am a professional fire protection engineer working for the National Ready Mixed Concrete Association (NRMCA) on behalf of the Build with Strength (BWS) coalition. BWS supports HB 1761, to repeal section 46-19.8, Hawaii Revised Statutes, thereby authorizing the counties of the State to adopt codes and regulations regarding the installation of residential fire protection sprinkler systems.

While it is no secret to fire safety professionals that automatic fire sprinklers save lives, reduce property damage, and are in the best interest of public health and safety, there exists a lack of awareness of the real threat of fire to our residences. A number of challenges to fire protection and life safety, which Hawaii and many other states face, have made automatic sprinkler protection even more critical. These challenges include increased population density, proximity of structures, infrastructure, difficulty in fire service and emergency vehicle access, and limited fire protection resources. It has been noted that newer properties are especially vulnerable given reliance on combustible engineered lumber and well as the increase in plastic composition of modern furnishings.

An argument which is made against requirements for automatic sprinkler protection in one- and two-family dwellings is that additional construction requirements would raise the cost of housing. More focus has been provided to building "cheap" at the expense of building safer and more resilient homes. The minimal cost to provide automatic sprinkler systems in residences pales in comparison to the cost to the homeowner to recover from damage or loss of their home due to fire and, of course, the cost of human life, which is not measurable. HB 1761 will better support owners to protect their homes and their families from the threat of fire through installation of a proven fire life safety system – automatic sprinklers.

The Build with Strength coalition encourages these steps toward building responsibly and urges your support of HB 1761. Please do not hesitate to contact me at 917-484-1960 or [ssumar@nrmca.org](mailto:ssumar@nrmca.org) should you have any questions. Thank you again for the opportunity to provide testimony in support.

Respectfully,

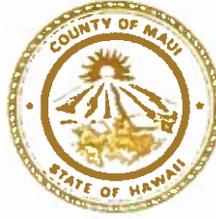
A handwritten signature in black ink that reads "Shamim Rashid-Sumar".

Shamim Rashid-Sumar  
Vice President, Fire Codes and Standards

**MICHAEL P. VICTORINO**  
Mayor

**DAVID C. THYNE**  
Fire Chief

**BRADFORD K. VENTURA**  
Deputy Fire Chief



**DEPARTMENT OF FIRE & PUBLIC SAFETY**

COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, HI 96732

February 12, 2020

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

**LATE**

The Honorable Chris Lee, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

Dear Chairs Takumi and Lee:

Subject: House Bill (HB) 1761 Relating to Public Safety

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD strongly supports HB 1761, which repeals Section 46-19.8, Hawaii Revised Statutes, and allows the counties to regulate the installation of residential fire protection sprinkler systems.

The current statute prevents the four counties from incorporating safe building codes particular to their counties or "home rule." The proper forum for national, model building codes to be reviewed, vetted, and adopted at the state level is the State Building Code Council (SBCC), which is represented by a broad spectrum of stakeholders, including the building industry, architects, structural engineers, building, and fire code officials.

The recent fire on Hibiscus Drive near Diamond Head on January 19, 2020, highlights the dangers of fire in an unsprinklered single-family home. It also shows how quickly an uncontrolled fire can spread to residences that are in close proximity. According to the National Fire Protection Association's (NFPA) latest U.S. data, 92% of all civilian structure fire deaths resulted from home structure fires. Few fatal home fires involve installed features of homes. Instead, they usually involve the actions and errors of the occupants in combination with the flaws and vulnerabilities

The Honorable Roy Takumi, Chair

The Honorable Chris Lee, Chair

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of products brought into the home. Research conducted by the National Institute of Standards and Technology has shown that home fires become deadly in as few as three minutes. New and old homes alike are filled with these newer contents and furnishings, which provide less margin for success for smoke alarms and add to the need for fire sprinklers. Modern, lightweight home construction products, especially wood truss roof systems and wood joists, can rapidly fail under fire conditions, which is an extreme risk to fire fighters who respond to a fire. Automatic fire sprinkler systems have proven to be a solution to saving lives and property from fire. Death rates and property loss are substantially reduced when these systems are installed and properly maintained. A comparison of fires in the City and County of Honolulu from 2006 to 2019 revealed 41 to 1 fatalities; 207 to 12 persons injured, and \$332,131,913 to \$21,709,215 estimated damage loss to structures in nonsprinklered to sprinklered structure fires.

The International Residential Code has had a residential fire sprinkler provision since 2009. California and Maryland require sprinklers in new one- and two-family dwellings statewide along with the District of Columbia. Eighteen other states do not have a statewide residential fire sprinkler mandate, but allow local jurisdictions to require them. Twenty-six states prohibit fire sprinklers through legislation or the code adoption process.

Eighty-five percent of fire deaths occur in the home. Working smoke alarm reliability ranges from 50% to 78%, depending on the study, and may alert occupants in time to escape, but do nothing to suppress a fire. The reliability of a residential fire sprinkler system is 96.6%. A fire sprinkler system is designed to extinguish or hinder a fire until fire fighters arrive. It will do this 84% of the time with only one activated sprinkler head using 15 gallons per minute (gpm) in contrast to a fire department hose stream which delivers 150-250 gpm.

There is no equivalent alternative as effective in stopping fires as an automatic fire sprinkler system. Although modern homes have safety building provisions, they are also constructed of lightweight structural components that are susceptible to collapse within a short time from exposure to fire. While gypsum board helps protect floor joists from collapse in a fire, joists unprotected by gypsum board are found in balconies and covered recreation or laundry areas below the second floor. The addition of modern furnishings also contributes to rapid fire acceleration and spread in residences that result in reduced escape times for homeowners and their family.

There is little to no maintenance for a residential fire sprinkler system. A separate domestic and fire sprinkler system is maintained by a visual pressure gauge check and an annual flow test, which can be accomplished using a garden hose. A combined system will not need a flow test since the system operates in conjunction with the domestic system.

The SBCC is continuing its research into the limitations on the use of a 5/8" meter for residential fire sprinkler systems as the NFPA states it will meet the requirements of some homes. This is the standard domestic size meter used on the neighbor islands, which could mean there would be no additional water meter upgrade or cost. We are assured the majority of homes being built will not require a one-inch meter to supply a residential fire sprinkler system.

The Honorable Roy Takumi, Chair

The Honorable Chris Lee, Chair

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Life, safety, property conservation, and environmental protection are priorities for the SFC and the MFD. Allowing the passage of this bill to restrict the installation of an automatic fire sprinkler in new one- and two-family homes increases the risk to the public, property, environment, and fire fighters.

The SFC and the MFD strongly urge your committees' support on the passage of HB 1761.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

Sincerely,



DAVID C. THYNE  
Fire Chief

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI  
DIRECTOR

ANNE EUSTAQUIO  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
830 PUNCHBOWL STREET, ROOM 321  
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Phone: (808) 586-8844 / Fax: (808) 586-9099  
Email: [dlir.director@hawaii.gov](mailto:dlir.director@hawaii.gov)

February 12, 2020

**LATE**

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

The Honorable Chris Lee, Chair  
Committee on Judiciary  
House of Representatives  
State Capitol, Room 433  
Honolulu, Hawaii 96813

Dear Chairs Takumi and Lee:

Subject: House Bill (HB) 1761 Relating to Public Safety

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The current statute prevents the four counties from incorporating safe building codes particular to their counties or "home rule." The proper forum for national, model building codes to be reviewed, vetted, and adopted at the state level is the State Building Code Council (SBCC), which is represented by a broad spectrum of stakeholders, including the building industry, architects, structural engineers, building, and fire code officials.

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The Honorable Chris Lee, Chair  
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Sincerely,



MANUEL P. NEVES  
Chair

MPN/LR:clc