

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JADE T. BUTAY
DIRECTOR

WILLIAM G. KUNSTMAN
DEPUTY DIRECTOR

STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov

January 19, 2024

The Honorable Glenn Wakai, Chair
Committee on Public Safety and
Intergovernmental and Military Affairs
State Senate
State Capitol, Room 407
Honolulu, Hawaii 96813

Dear Chair Wakai:

Subject: Senate Bill (SB) 2229 Relating to Public Safety

I am Kazuo Todd, Chair of the State Fire Council (SFC). The SFC strongly supports SB 2229, 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.

Act 53, 2017 Legislative Session, extended the prohibition of the adoption of any codes or regulations by the counties that require the installation of residential fire sprinklers in one- and two-family dwellings. Act 53 passed the Legislature despite robust evidence that such fire sprinkler systems save lives; reduce injury, property damage, and environmental harm; and have little or no detrimental impact on construction of town homes and one- and two-family dwellings. A review of testimony submitted in support of Act 53 exposed general conjecture that mandatory provisions for the installation of fire sprinkler systems in new town homes and one- and two-family dwellings will substantially raise the cost of construction for these structures. Recent research conducted by the SFC in collaboration with plumbing and fire sprinkler contractors produced estimates \$8,000 - \$15,000 for sprinkler system installation in a new 1,800 square foot single-family residence.

Eighty-five percent of fire deaths occur in the residential structures. Working smoke alarm reliability ranges from 50% to 78%, depending on the study, and may alert

The Honorable Glenn Wakai, Chair

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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 contribute 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.

According to the publication Fire Safety in the United States since 1980 from the National Fire Protection Association (2021), sprinklers not only reduce fatalities by 86 percent — compared to smoke alarms, which decrease risk of death by half — they also cut down on property damages by 70 percent. There's also environmental benefit: Sprinklers flow water typically at 20 to 25 gallons per minute as soon as they're heatactivated, decreasing structural damage, harmful fumes and danger to firefighters when they arrive. On the other hand, a fire hose flows at about 150 gallons per minute after the fire has had time to grow, which in itself releases more noxious fumes and hydrocarbon emissions.

Out of 101 deaths in single-family and townhouse fires between 1992 and 2007 in Prince George's County, MD, where fire sprinklers are required in new construction, not one occurred in a dwelling equipped with a sprinkler system, according to a study by Home Fire Sprinkler Initiative. Homes with a fire sprinkler also accounted for less than 2 percent of people injured in a fire. In the 245 sprinkler activations during a 15-year study, Prince George's Fire Department estimated approximately \$1.3 million in fire damages, versus a potential loss of over \$42 million with no sprinkler system. There were no relative declines in the issuance of single-family construction permits in either Prince George's County in 1992 when sprinkler requirements were imposed on detached homes, or in Montgomery County when detached homes were covered in 2004. In fact, in both instances, the issuance of single-family construction permits surged, in absolute terms and relative to neighboring counties. Although it is unlikely that the sprinkler ordinances actually stimulated construction activity, there is absolutely no indication from the permit data that the fire sprinkler requirements negatively impacted single-family housing construction.

The Honorable Glenn Wakai, Chair
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Automatic fire sprinkler systems may also reduce the potential for a residential dwelling or business building fire will ignite surrounding vegetation and propagate a conflagration to nearby structures and wildland.

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

The SFC strongly urges your committees' support on the passage of SB 2229.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kazuo Todd", written in a cursive style.

KAZUO TODD
Chair

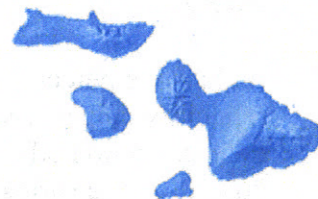
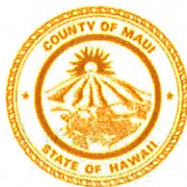
KT/GL:

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY

COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
www.mauicounty.gov

January 22, 2024

The Honorable Glenn Wakai, Chair
Committee on Public Safety and
Intergovernmental and Military Affairs
State Senate
State Capitol, Room 407
Honolulu, HI 96813

Dear Chair Wakai,

SUBJECT: SENATE BILL (SB) 2229 RELATING TO PUBLIC SAFETY

I am Bradford K. Ventura, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department. The SFC strongly supports SB 2229, 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 statutes prevents the four counties from incorporating safe building codes particular to their counties or "home rules." 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.

Act 53, 2017 Legislative Session, extended the prohibition of the adoption of any codes or regulations by the counties that require the installation of residential fire sprinklers in one- and two-family dwellings. Act 53 passed the Legislature despite robust evidence that such fire sprinkler systems save lives; reduce injury, property damage, and environmental harm; and have little or no detrimental impact on construction of town homes and one- and two-family dwellings. A review of testimony submitted in support of Act 53 exposed general conjecture that mandatory provisions for the installation of fire sprinkler systems in new town homes and one- and two-family dwellings will substantially raise the cost of construction for these structures. Recent research conducted by the SFC in collaboration with plumbing and fire sprinkler contractors produced estimates \$8,000 - \$15,000 for sprinkler system installation in a new 1,800 square foot single-family residence.

Eighty-five percent of fire deaths occur in the residential structures. 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 contribute 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.

According to the publication *Fire Safety in the United States since 1980* from the National Fire Protection Association (2021), sprinklers not only reduce fatalities by 86 percent — compared to smoke alarms, which decrease risk of death by half — they also cut down on property damages by 70 percent. There's also environmental benefit: Sprinklers flow water typically at 20 to 25 gallons per minute as soon as they're heat activated, decreasing structural damage, harmful fumes and danger to firefighters when they arrive. On the other hand, a fire hose flows at about 150 gallons per minute after the fire has had time to grow, which in itself releases more noxious fumes and hydrocarbon emissions.

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The Honorable Glenn Wakai, Chair

January 22, 2024

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Automatic fire sprinkler systems may also reduce the potential for a residential dwelling or business building fire will ignite surrounding vegetation and propagate a conflagration to nearby structures and wildland.

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

The SFC strongly urges your committees' support on the passage of SB 2229.

If you have any questions, please contact SFC Administrative Specialist Gary Lum at (808) 723-7169 or glum@honolulu.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'BK Ventura', is positioned above the typed name.

BRADFORD K. VENTURA
Fire Chief

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 23, 2024

TO: The Honorable Senator Glenn Wakai, Chair
and Members of the Committee on Public Safety and Intergovernmental
and Military Affairs

FROM: Alice L. Lee
Council Chair

A handwritten signature in cursive script, appearing to read "Alice L. Lee", is written over the printed name and title.

SUBJECT: **HEARING OF JANUARY 24, 2024; TESTIMONY IN SUPPORT OF
SB 2229, RELATING TO PUBLIC SAFETY**

Thank you for the opportunity to testify in **support** of this important measure to allow counties to determine the requirements for 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. Repeal of the State preemption statute will allow each county to weigh the need, cost, and benefit of residential fire sprinkler systems and determine and implement county-appropriate regulations.
2. This measure is part of the State Fire Council's legislative package.
3. Counties generally have authority on matters of public safety, and residential fire sprinkler systems should no longer be an exception to that power.

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

ocs:proj:legis:23legis:23testimony:sb2229_paf24-002(4)_ebm



January 23, 2024

Senator Glenn Wakai, Chair
Senator Brandon Elefante, Vice Chair
Members of the Committee on
Public Safety and Intergovernmental and Military Affairs

RE: **SB 2229 – RELATING TO PUBLIC SAFETY**
Hearing date – January 24, 2024 at 3:01 p.m.

Aloha Chair Wakai, Vice Chair Elefante and members of the committee,

Thank you for allowing NAIOP Hawaii to submit testimony in **OPPOSITION** to SB 2229 – RELATING TO PUBLIC SAFETY. NAIOP Hawaii is the Hawaii chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

SB 2229 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. NAIOP opposes the repeal of HRS § 46-19.8 which will lead to a requirement to install fire sprinkler systems which are unnecessary and would have negative unintended consequences on housing projects.

Primarily, NAIOP is concerned that repealing HRS § 46-19.8 will allow the counties to mandate installation of a residential fire sprinkler systems that cost a significant amount of money and will raise the cost of affordable housing. Developers are required to build 30% of their development to be affordable housing. The increased cost associated with installation of residential fire sprinkler systems in all new one and two-family dwellings will be reflected in the cost of affordable housing units.

Moreover, most residential properties are privately owned or maintained by an association. Therefore, mandating installation of a fire sprinkler system will significantly raise the monthly maintenance costs for each homeowner. Alternatively, there are other safety measures including smoke detectors and fire extinguishers are much more economically feasible and address the safety concerns intended to be resolved by the measure. **Further, as of October 2023,**

Senator Glenn Wakai, Chair
Senator Brandon Elefante, Vice Chair
January 23, 2024
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the median home price on Oahu was \$1,090,000. Adding the mandatory cost of an automatic fire sprinkler system in a new one or two-family dwelling will further raise the cost of housing in Hawaii and increase the cost of living for Hawaii residents.

Most importantly, the rising costs associated with installing the required fire sprinkler systems may prevent projects from penciling out. Ultimately, in order for projects to be constructed developers will need to pass on the costs to buyers. In conjunction with the rising interest rates, an increase in price of affordable housing will result in less residents that can afford to buy a house or unit. Accordingly, this bill would be inconsistent with addressing the need to create more affordable housing which is a priority of the legislature.

For these reasons we urge you to defer SB 2229. Thank you for the opportunity to testify on this measure.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a long horizontal stroke extending to the right.

Reyn Tanaka, President
NAIOP Hawaii

SB-2229

Submitted on: 1/23/2024 2:18:01 PM

Testimony for PSM on 1/24/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Dean Uchida	Testifying for BIA Hawaii	Oppose	Remotely Via Zoom

Comments:

Testimony will be submitted prior to hearing.

LATE



**HAWAII STATE SENATE
COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS
Conference Room 225 & Videoconference
State Capitol
3:01 PM**

January 24, 2024

Subject: SB 2229 - RELATING TO PUBLIC SAFETY

Honorable Senators Wakai, Chair, Elefante, Vice Chair and members of the Committee:

My name is Max Lindsey, Government Relations Committee Chair 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.

SB 2229 proposes to repeal section 46-19.8, Hawaii Revised Statutes, to allow the counties to determine the proper requirements for fire sprinkler systems in residences.

Section 46-19.8 currently states:

Fire sprinklers; residences. No county shall require the installation or retrofitting of automatic fire sprinklers or an automatic fire sprinkler system in:

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

We understand the heightened concerns regarding fire protection in light of the tragic wildfires on Maui in the summer of 2023. We believe that an objective review of what happened in Lahaina should be done to identify the underlying problems and develop solutions to prevent or at least minimize damages caused by wildfires in the future.

The following are excerpts from an article in "American City and County" written by Andy Castillo and dated September 14, 2023:

"A recent report from the Insurance Institute for Business and Home Safety's (IBHS) research division unpacks why the fire was so devastating—and attributes the survival of some buildings to modern construction techniques. Conversely, older, dense construction without fire protection allowed the fire to spread through the community unchecked.

"High winds drove the fire, which entered the community of Lahaina through adjoining grasslands. It spread quickly once the built environment was ignited, and the resulting conflagration overwhelmed first response resources," reads the report, "IBHS Early Insights: Lahaina Fire—2023."

While 2,200 structures were destroyed by the flames, a residential development built between 2019 and 2020 was notably spared. The report attributes its survival at least in part to modern, fire-retardant construction. The exterior of several ignited (but weren't destroyed), no houses were lost. The development's fire-resistant roof coverings, non-combustible exterior walls, wind-rated attic vents—prevented embers from entering the attic space—and sparse vegetation, which didn't allow the fire to spread between buildings, are highlighted in the report.

“Hawaii’s modern building code has high-wind requirements that introduced elements that helped newer construction resist wildfire conditions,” the report says, noting that 80% of Lahaina’s structures were residential at the time of the fire, and of those, most were built between 1960 and 1980. Hawaii currently uses the 2018 International Residential Code, the 2018 International Building Code, and NFPA 1 as the statewide fire code.

“Older construction, built prior to the common use of central air conditioning systems, is designed for cooling and ventilation by natural means which makes it more susceptible to ember entry. It does not appear likely that any structures were built with wildfire as a primary risk. Newer construction had the high-wind protection elements required by Hawaii’s building codes,” the report continues.”

BIA-Hawaii is in strong opposition to SB 2229, which is similar to SB 448 from the 2022 Legislative Session; both bills proposed 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 as an “option,” 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 two states have mandatory fire sprinkler requirements: California and Maryland. 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.

Simply put, BIA-Hawaii is not anti-sprinkler, but pro-affordable housing, and pro-consumer choice. As of December 2023, the median new home price on Oahu was \$1,000,000. Adding the cost of an automatic fire sprinkler system in a new one or two-family dwelling will further raise the cost of housing in Hawaii.

We are in **strong opposition** to SB 2229 and appreciate the opportunity to provide our comments on this matter.

**HONOLULU FIRE DEPARTMENT
KA 'OIHANA KINAI AHI O HONOLULU
CITY AND COUNTY OF HONOLULU**

636 SOUTH STREET • HONOLULU, HAWAII 96813
PHONE: (808) 723-7139 • FAX: (808) 723-7111 • WEBSITE: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



LATE

SHELDON K. HAO
FIRE CHIEF
LUNA NUI KINAI AHI

JASON SAMALA
DEPUTY FIRE CHIEF
HOPE LUNA NUI KINAI AHI

January 23, 2024

The Honorable Glenn Wakai, Chair
Committee on Public Safety and
Intergovernmental and Military Affairs
The State Senate
State Capitol, Room 407
Honolulu, Hawai'i 96813

Dear Chair Wakai:

Subject: Senate Bill (SB) 2229 Relating to Public Safety

I am Sheldon K. Hao, Fire Chief of the Honolulu Fire Department (HFD). The HFD strongly supports SB 2229, 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 specific 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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fire sprinkler contractors produced estimates of \$8,000-\$15,000 for a sprinkler system installation in a new 1,800-square foot single-family residence.

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The Honorable Glenn Wakai, Chair
Page 3
January 23, 2024

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Automatic fire sprinkler systems may also reduce the potential for a residential dwelling or business building fire and surrounding vegetation that may potentially spread to nearby structures and wildland.

Life, safety, property conservation, and environmental protection are priorities for the HFD. Requiring the installation of an automatic fire sprinkler in new one- and two-family homes will substantially decrease the risk to the public, property, environment, and fire fighters.

The HFD strongly urges your committee's support on the passage of SB 2229.

Should you have questions, please contact SFC Administrative Specialist Gary Lum at 808-723-7169 or glum@honolulu.gov.

Sincerely,

SHELDON K. HAO
Fire Chief

SKH/GL:cn

LATE

SB-2229

Submitted on: 1/24/2024 10:38:02 AM

Testimony for PSM on 1/24/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

I oppose repealing section 46-19.8. Doing so may require (force) retro fitting of single family homes determined by the respective counties.

Many residents will not be able to fund retro fitting their homes, myself included, deemed necessary by the respective counties.