



# STATE OF HAWAII CODE AMENDMENT PROPOSAL

## FORM FOR PUBLIC PROPOSALS TO AMEND THE HAWAII STATE BUILDING CODES

(Form Version 1.0 May 2010)

1)

<b>Name:</b> Karen T. Nakamura		<b>Date:</b> November 18, 2011	
<b>Department/Company:</b> Building Industry Association of Hawaii			
<b>Submitted on Behalf of:</b> Building Industry Association of Hawaii			
<b>Address:</b> P.O. Box 970967			
<b>City:</b> Waipahu		<b>State:</b> HI	<b>Zip Code:</b> 96797-0967
<b>Phone:</b> 808-847-4666	<b>Ext.</b> 7502	<b>Fax:</b> 808-629-7708	
<b>E-mail address:</b> <a href="mailto:ktn@biahawaii.org">ktn@biahawaii.org</a> , <a href="mailto:gqm@biahawaii.org">gqm@biahawaii.org</a>			

2) Indicate appropriate Model Code(s) and Sections to be amended in Hawaii by this Proposal – **2006 Uniform Fire Code, 13.3.2.18, 13.3.2.18.1, and 13.3.2.18.2**

### CODE AMENDMENT PROPOSAL INSTRUCTIONS

*Please provide all of the following items in your code change proposal.*

#### REQUIRED INFORMATION:

The following items are required to be included in your proposal:

1. The proponent shall clearly state the purpose of the proposed code amendment (e.g., clarify the Code; revise outdated material; substitute new or revised material for current provision of the Code; add new Hawaii requirements to the adopted Code; delete current requirements, etc.). Any proposed revisions or additions to tables or figures must be included.
2. The proponent shall justify amending the current code provisions, stating why the proposal is superior to the current provisions of the Model Code. Proposals that add or delete requirements shall be supported by a logical explanation which clearly shows why the current Code provisions are inadequate or overly restrictive, specifies the shortcomings of the current Code provisions in Hawaii, and explains how such proposals will improve the Hawaii State Code.
3. The proponent shall substantiate the proposed code change based on technical information and substantiation. Substantiation provided which is determined as not germane to the technical issues addressed in the proposed code change shall be identified as such, and the proponent shall be notified that the proposal is considered an incomplete proposal and may be held until the deficiencies are corrected.
4. The proponent shall submit a bibliography of any substantiating material submitted with the code change proposal. The proponent shall make the substantiating materials available for review.
5. Per Hawaii Revised Statutes §107-26, the State Building Code Council shall not adopt provisions that relate to administrative, permitting, or enforcement and inspection procedures of each county. Any such code amendments shall be proposed instead to the individual county building officials during the code adoption process of each county.

#### PROPOSAL FORMATTING:

Show the proposal (see form on page 2) using strikeout, underline format. At the beginning of each section, one of the following instruction lines is also needed:

- Revise as follows
- Add new text as follows
- Delete and substitute as follows
- Delete without substitution

The only formatting that is needed is **BOLDING**, ~~STRIKEOUT~~ AND UNDERLINING. Please do not provide additional formatting such as tabs, columns etc. **DO NOT USE THE TRACKING CHANGES OPTION, AUTOMATIC NUMBERING, OR ANY OTHER ADVANCED FORMATTING TOOLS PROVIDED BY WORD.**

*This  
Section  
for  
Official  
Use  
Only*

**Date Considered by Building Official Sub-Committee:** \_\_\_\_\_

**Sub-Committee Action on Proposal:** \_\_\_\_\_

**Reason for Sub-Committee Action:** \_\_\_\_\_

**Action by State Building Code Council:** \_\_\_\_\_

**PUBLIC PROPOSAL FORM TO AMEND THE HAWAII STATE BUILDING CODES**

**Date:** \_\_\_\_\_

# PUBLIC PROPOSAL FORM TO AMEND THE HAWAII STATE BUILDING CODES

## HAWAII CODE AMENDMENT PROPOSAL FORM

(See instructions on page 1)

### Model Code: **UFC-06** (*IBC-09, IEBC, IECC, UFC, IMC, UPC, IRC, etc*)

*Code Sections/Tables/Figures/Standard Proposed for Revision; If the proposal is for a new section, indicate proposed section #.*

**Proponent: Name/Company/Representing:** (DO NOT USE ACRONYMS FOR YOUR COMPANY OR ORGANIZATIONAL NAME)

Karen T. Nakamura/Building Industry Association of Hawaii/Building Industry Association of Hawaii

**Revise as follows (include deletion in strikeout, with modified text/proposed addition underlined, affected Code Section(s) in Bold):**

2006 UFP 13.3.2.18, 13.3.2.18.1, and 13.3.2.18.2

**Delete Without Substitution, as follows:**

#### ~~13.3.2.18 One- and Two-Family Dwellings.~~

~~13.3.2.18.1 All new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with 13.3.2.18.2. [101:24.3.5.1]~~

~~13.3.2.18.2 Where an automatic sprinkler system is installed, either for total or partial building coverage, the system shall be in accordance with Section 9.7 of NFPA 101; in buildings up to and including four stories in height, systems in accordance with NFPA 13R and with NFPA 13D shall also be permitted. [101:24.3.5.2]~~

#### **Reason:**

The Building Industry Association of Hawaii is opposed to the mandating of fire sprinklers in all new single- and two-family dwellings. Once again, the **model** code, which is developed and maintained by national organizations, is being applied uniformly across the State. The entire State does not have the capacity to have residential fire sprinklers. As we have seen recently, there are many areas where the water pressure would be too low to support such fire sprinklers. Yet, this requirement would be imposed without such regard. Additionally, new homes are being constructed with newer, better, and more fire resistant materials. An operable smoke alarm is still the best way to prevent fatalities in a residential fire (CDC). The majority of states across the country has either amended the sprinkler mandate out at the state level, or has passed legislation requiring that no model code be adopted requiring mandatory residential sprinklers.

The following added provision is argued to defer residential fire sprinklers from the fire code to the building code:

1.3.3.3 When a conflict occurs in the requirements for design and construction for new construction of 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.

However, at this time, the building code does not require residential fire sprinklers. Therefore, it seems this language would defer new residential construction to the fire code. If this is not the case then the language needs to be clarified as such. Several Councilmembers, including Breene Harimoto, have expressed their concern with the ambiguous language and have requested more specific language that fire sprinklers are not required by any code in any new residential construction.

NFPA data clearly demonstrates that one- and two-family incidents, injuries, and death continue to decline without the installation of fire sprinklers or the need to mandate fire sprinklers in new homes.

Fire sprinklers in single-family and two-family homes are not cost-effective. During the recent events in Kailua relating to residential fire sprinklers and the Board of Water Supply, residents in Kailua who were required to

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install fire sprinklers in their new additions said they were quoted anywhere from \$10,000 to \$13,000 to install. It is not clear whether this price included connection to the City's water system. (Star Advertiser, October 25, 2011.) Combined with the costs of other new building requirements, more homeowners will be priced out of the already high housing market here in Hawaii.

There are other alternatives, as mentioned by City Councilmember Romy Cachola, such as putting up more fire hydrants that would address more homes, instead of putting the cost and burden on the individual home owner. Council Chair Ernie Martin emphasized that public health and safety should be the government's responsibility, not the private homeowner.

Finally, the ICC does not recommend that the fire sprinkler requirement for new one- and two-family residences that is in the 2009 IRC, be pushed up sooner to afford an opportunity to evaluate the actual costs and implications of the requirement.

These changes, if approved, would significantly increase the cost of constructing new homes and reduce housing affordability. BIA-Hawaii is a strong proponent of safe and affordable homes for the people of Hawaii.

### **List of Supporting Information References (attached):**

State Action on Residential Fire Sprinklers (National Association of Home Builders)

State Action on Residential Fire Sprinklers (Fire Sprinkler Initiative)

**Proposals must be submitted using this form and are to be submitted electronically to Council at [state.bcc@hawaii.gov](mailto:state.bcc@hawaii.gov)** or mailed to the Department of Accounting & General Services, Administrative Services Office, 1151 Punchbowl Street, Room 414, Honolulu, Hawaii 96813