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January 29, 2020

The Honorable Clarence Nishihara, Chair  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
The State Senate  
State Capitol, Room 214  
Honolulu, Hawaii 96813

Dear Chair Nishihara:

Subject: Senate Bill (SB) 2130 Relating to the State Fire Code

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support SB 2130, which proposes to amend the adoption process of the state fire code to conform to other state building codes.

One of the SFC's responsibilities is to adopt the state fire code, which is required to comply with the requirements of Hawaii Revised Statutes (HRS), Chapters 91 and 92. Chapter 91 requires that public notices, which cost approximately \$2,000, be posted in the five different Hawaii news publications for public hearings. The administrative rules process is cumbersome and time-consuming in addition to the time and effort it takes to review and amend the national fire code. Chapter 92 requires that meetings and discussions on the state fire code comply with Sunshine Law requirements in an open public forum. Since the state fire code is one of the Hawaii State building codes, it must also be approved by the State Building Code Council (SBCC) after being approved by the SFC. Other Hawaii State building codes, which include residential, plumbing, energy, and electrical codes, are adopted by the SBCC under Chapter 92 without public hearings or the administrative rules process.

The SFC believes adequate comment opportunities can be provided without public hearings through the following methods:

1. Conduct public meetings in an open forum under HRS Chapter 92
2. Publicly post the state fire code Investigative Committee meetings that initially review and amend the national fire code

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3. Notify state fire code stakeholders during the review and adoption process

The SFC and the HFD urge your committee's support on the passage of SB 2130.

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

Sincerely,



MANUEL P. NEVES  
Chair

MPN/LR:cn



**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS**  
**State Capitol, Conference Room 414**  
**415 South Beretania Street**  
**1:45 PM**

**January 31, 2020**

**RE: SENATE BILL NO. 2130, RELATING TO THE STATE FIRE CODE**

Chair Nishihara, Vice Chair Wakai, and members of the committee:

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 strongly opposed to SB 2130**, which proposes to amend the process for adoption of the state fire code.

The purpose of the bill is to repeal the requirement for the state fire code to be adopted after public hearings pursuant to chapter 91, Hawaii Revised Statutes, and instead require the state fire code to be adopted pursuant to chapter 92, Hawaii Revised Statutes, which is more of an governmental administrative process, thus does not require public input.

At a time when there is a need for more government transparency, we question why the adoption of the fire code should not involve a public hearing. Government mandates such as these add to the cost of housing, which in Hawaii is already unaffordable for many local families.

We are finding more and more mandates which impact housing affordability hidden in various codes that are being adopted at the national level with very little, if any, public input. Agencies and manufacturers who benefit from the new codes have been actively involved at the national level. Once the new codes are adopted at the national level, the state and/or county could amend the code prior to adoption at the local level. The state review is conducted by the State Building Code Council, made up of a majority of government interests. The only real public opportunity to comment is at the county level where the respective County Council must adopt the new code.

We would caution against disallowing a full public vetting of the State Fire Code prior to adoption as some of the elements in the code, such as mandating the installation of fire sprinklers in all new one and two family dwellings, will have a significant impact on future home prices.

We are strongly opposed to SB 2130, and appreciate the opportunity to express our views on this matter.

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