

# REPORT OF THE COMMITTEE ON PUBLIC INFRASTRUCTURE AND TECHNOLOGY

## Voting Members:

Carol Fukunaga, Chair; Andria Tupola, Vice-Chair;  
Brandon J.C. Elefante, Heidi Tsuneyoshi

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Committee Meeting Held  
November 3, 2021

Honorable Tommy Waters  
Council Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Public Infrastructure and Technology, to which was referred Bill 37 (2021) entitled:

"A BILL FOR AN ORDINANCE RELATING TO FIRE SAFETY,"

introduced on September 2, 2021, and which passed First Reading at the September 8, 2021, Council meeting, reports as follows:

The purpose of the Bill is to update the Fire Code of the City and County of Honolulu.

Battalion Chief Reid C. Yoshida of the Honolulu Fire Department ("HFD") testified in support of the most of the provisions proposed in Committee Draft 1. He stated that HFD understands the proposed amendments will provide relief to the condominium associations, cooperative housing corporations, and residential building owners who have articulated grave concerns over the financial difficulties they face in complying with the fire safety ordinance during the COVID-19 pandemic.

HFD does not support the proposed amendment removing signs identifying the lack of sprinklers in individual units in the building's public notification areas. HFD stated that is important for the public to know that the building is not fire sprinklered; however, the chief acknowledged that those buildings whose "opt-out" safety improvement alternatives must also pass the Life Safety Evaluation process.

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

**NOV 10 2021**

COMMITTEE REPORT NO. **315**

# **REPORT OF THE COMMITTEE ON PUBLIC INFRASTRUCTURE AND TECHNOLOGY**

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November 3, 2021  
Page 2

At your Committee's meeting on November 3, 2021, Jane Sugimura from the Hawaii Council of Association of Apartment Owners and Carol Sheitzer testified in support of the Bill.

Your Committee received written testimony in support of the Bill from (AOAO 999 Wilder Avenue, Contessa Condominium, AOAO Makiki Manor, Hawaii Council of Association of Apartment Owners, Palehua Townhouse Association, Associa Hawaii, AOAO Foster Tower, Parkland Gardens AOAO and one individual submitted comments on the Bill.

Your Committee notes that testimonies received demonstrate a need for additional flexibility for residential condo properties to comply with the mandatory fire sprinkler requirements, particularly for pricing their safety alternatives for compliance. Testifiers expressed a willingness to work with the City Council and HFD on obtaining clarification on certain criteria of the Life Safety Evaluation Matrix and support establishment of a Permitted Interaction Group to facilitate discussion and to explore financial assistance to help defray costs of life safety improvements.

Your Committee considered and further amended a proposed posted CD1 version that makes the following amendments:

- A. In the amendatory language in SECTION 2 of the bill, inserts the ordinance number (Ordinance 21-31) for Bill 33 (2021), CD1, which was enacted on September 20, 2021.
- B. In Section 13.3.2.26.2, adds a requirement for the licensed design professional to provide the aggregate score by each category of the building fire and life safety evaluation to the association of apartment owners of a condominium or the cooperative housing corporation, and requires that the scores of the building fire and life safety evaluation be published on the AHJ's website.

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November 3, 2021  
Page 3

- C. In Section 13.3.2.26.2.2, deletes the requirement for a building that has opted to install an automatic fire sprinkler system throughout the building to obtain a building permit or the automatic fire sprinkler system within three years from the date of notifying the AHJ of its option.
- D. In Section 13.3.2.26.2.3, amends verifiable public disclosure to include the posting of the aggregate score of the building fire and life safety evaluation on the AHJ's website and real estate sales disclosures as may be required by Hawaii real estate industry practices. Removes requirement that signs be posted in the building's public notification areas.
- E. In Section 13.3.2.26.2.6, changes the date for compliance with the requirement that a building must be protected by an approved automatic sprinkler system or alternative system from within 13 years of May 3, 2018, to within 15 years of May 3, 2018.
- F. In Section 13.3.2.26.2.7, replaces the tiered compliance schedule for buildings of various heights with a general requirement that the common areas for all buildings shall be complete within 15 years from May 3, 2018.
- G. Makes miscellaneous technical and nonsubstantive amendments.

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Committee Meeting Held  
November 3, 2021  
Page 4

Your Committee on Public Infrastructure and Technology is in accord with the intent and purpose of Bill 37 (2021), as amended herein (the votes for amendment being: Ayes: Elefante, Fukunaga, Tsuneyoshi – 3; Noes: None; Excused: Tupola – 1), and recommends that it pass second reading, be scheduled for a public hearing in the form attached hereto as Bill 37 (2021), CD1, and be referred back to Committee. (Ayes: Fukunaga, Tsuneyoshi – 2; Ayes with Reservations: Elefante – 1; Noes: None; Excused: Tupola – 1.)

Respectfully submitted,

  
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Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON NOV 10 2021

COMMITTEE REPORT NO. 315



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**A BILL FOR AN ORDINANCE**

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RELATING TO FIRE SAFETY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to update the Fire Code of the City and County of Honolulu.

SECTION 2. Section 20-1.1, Revised Ordinances of Honolulu 1990 ("Fire Code of the City and County of Honolulu"), as amended by Ordinance 21-3, Ordinance 21-14, and Ordinance 21-31, is amended by amending paragraph (18) to read as follows:

"(18) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

**13.3.2.26.2** Compliance shall be with an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems in accordance with the requirements of a building fire and life safety evaluation as achieved by a passing score on a building fire and life safety evaluation pursuant to Ordinance 18-14. Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluations, which shall consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code on a form prescribed by the AHJ in accordance with Section 20-4.4. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be required to undergo the building fire and life safety evaluation; provided all buildings continue to maintain a passing status on their respective building fire and life safety evaluation or maintain the codes and standards for automatic fire sprinkler systems that are current and applicable at the time the building permit application is submitted for approval. A passing score on the evaluation provides a minimum level of fire and life safety to fire fighters and occupants that is approved by the AHJ. A building fire and life safety evaluation shall be prepared by a licensed design professional or a building's authorized representative under the supervision of a licensed design professional, be stamped with the licensed design professional's authorized seal or stamp, and authenticated as provided under Hawaii Administrative Rules, Section 16-115-9. The licensed design professional shall provide the scores by each category of the building fire and life safety evaluation to the association of apartment owners of a condominium or the cooperative housing corporation. A building fire and



## A BILL FOR AN ORDINANCE

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life safety evaluation shall be conducted within four years from May 3, 2018, and the licensed design professional shall submit a copy of the authenticated building fire and life safety evaluation to the AHJ in accordance with Section 20-4.3, the aggregate score of which shall be published on the AHJ's website. Buildings shall comply by passing the building fire and life safety evaluation within seven years from May 3, 2018, unless compliance is met with an automatic fire sprinkler system as indicated in Table 8 of the building fire and life safety evaluation form. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are used to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluation assessments or maintain an automatic sprinkler system that complies with this chapter and the building code at the time of the evaluation. For the purposes of this section, "existing high-rise residential building" means the same as "existing [high-rise] highrise residential building" as defined in Section 20-5.1.

**13.3.2.26.2.1** The association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building may appeal the final building fire and life safety evaluation score, the resulting fire safety requirements for the building, as assessed by the licensed design professional, or the determination of the AHJ by filing a written request for an appeal to the director or the head of the AHJ within 45 days of the date of the completed building fire and life safety evaluation or the AHJ's determination of the building's fire and life safety requirements, whichever is later. The request for an appeal shall include a statement of the basis for appeal, supporting documentation, if any, and the relief requested. The director or head of the AHJ shall render a decision on the appeal no later than 30 calendar days from the receipt of the appeal. The AHJ shall submit an annual report to the City Council on the appeals filed for existing high-rise residential buildings and the disposition of the appeals.

**13.3.2.26.2.2** Except as otherwise provided in this paragraph (18), which establishes the life safety evaluation system and authorizes owners of existing high-rise residential buildings to opt out of approved automatic sprinkler systems through a life safety evaluation process, existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system in accordance with this chapter and the building code. Existing high-rise residential buildings that opt to install an automatic fire sprinkler system throughout the building shall not be



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 37 (2021), CD1

## A BILL FOR AN ORDINANCE

required to undergo a building fire and life safety evaluation, but shall be required to apply for and obtain a building permit through a State-licensed specialty contractor for the automatic fire sprinkler system ~~[within three years from the date of notifying the AHJ of its option]~~ or ~~[selecting]~~ select the option on the building fire and life safety evaluation code assessment form, Table 8.

**13.3.2.26.2.3** Notwithstanding any other provision of this paragraph (18), the association of apartment owners of a condominium or the cooperative housing corporation of an existing high-rise residential building 10 floors or higher may opt out of the automatic fire sprinkler system requirement; provided that, a majority of unit owners of a condominium or a majority of shareholders of a cooperative housing corporation decide to opt out of the requirement within four years of the completion of the building fire and life safety evaluation, either by vote at a regularly scheduled or special meeting of the owners or shareholders, convened and noticed in accordance with the condominium's or cooperative housing corporation's by-laws, or by written consent in lieu of a vote at a regularly scheduled or special meeting; provided further, that the building receives a passing score on the building fire and life safety evaluation through the implementation of alternative fire prevention and fire safety systems. An association of apartment owners of a condominium or a cooperative housing corporation that has opted out of the automatic fire sprinkler system requirement shall provide verifiable, public disclosure of its action to all current and future owners, shareholders, and residents. Verifiable public disclosure shall include ~~[signs posted in the building's public notification areas]~~ the posting of the aggregate score of the building fire and life safety evaluation on the AHJ's website and real estate sales disclosures as may be required by Hawaii real estate industry practices.

**13.3.2.26.2.4** Each building owner shall, within 180 days from May 3, 2018, file a written statement of its intent to comply with this paragraph (18) with the AHJ for approval.

**13.3.2.26.2.5** The AHJ shall review and respond to the written statement of the owner's intent to comply within 60 days of receipt of the statement of intent to comply.

**13.3.2.26.2.6** Subject to the exceptions in Section 13.3.2.26.2.7, the entire building shall be required to be protected by:



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**A BILL FOR AN ORDINANCE**

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- a. An approved automatic fire sprinkler system; or
- b. Alternative fire prevention and fire safety systems as approved by the AHJ

within [43] 15 years of May 3, 2018, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.7.

**13.3.2.26.2.7** Compliance with the automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems provisions of Section 13.3.2.26.2.2 shall be achieved as follows: Common areas for all buildings ~~[20 floors and over shall be completed within nine years from May 3, 2018, common areas for buildings 10 to 19 floors shall be completed within 11 years from May 3, 2018, and all buildings, regardless of the number of floors,]~~ shall be completed within [43] 15 years from May 3, 2018. An extension to 16 years from May 3, 2018, may be approved by the AHJ; provided that, compliance using an automatic fire sprinkler system in the common areas related to building egress path has been achieved.

**EXCEPTION:** Existing high-rise residential buildings are exempted from the automatic fire sprinkler system requirements in Section 13.3.2.26.2.2 if all dwelling units have exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

**EXCEPTION:** Existing high-rise residential buildings less than ten floors in height can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements in Section 13.3.2.26.2.2.

**EXCEPTION:** Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.

**EXCEPTION:** Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

**EXCEPTION:** Elevator hoist ways and machine rooms are not required to have automatic fire sprinkler protection.





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## A BILL FOR AN ORDINANCE

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**EXCEPTION:** Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.2.

**EXCEPTION:** Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand.

**EXCEPTION:** The time periods and deadlines for compliance set forth in Section 13.3.2.26.2 and Section 13.3.2.26.2.7 shall be paused, tolled, or suspended where a building permit application, or other code application, for projects that relate to those sections or are required for the building to achieve compliance with the requirements of Section 13.3.2.26.2.2 for an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems, when the application is duly filed by a State-licensed specialty contractor for the design, installation, or upgrade of such system, and the review and issuance of the building permit or other code application has not been completed by the reviewing agency within 90 days of such submission to the reviewing agency. The period of time in excess of the 90-day period following timely filing of a complete application, but before issuance of the permit or approval of the application, shall constitute the period of time in which the time period and deadline are paused, tolled, or suspended. The reviewing agency shall process applications filed pursuant to Section 13.3.2.26.2 and Section 13.3.2.26.2.7 in a timely manner, provided that no penalties shall be imposed upon those buildings whose applications have not been processed by the reviewing agency before the deadlines to achieve compliance with the requirements set forth in Section 13.3.2.26.2 and Section 13.3.2.26.2.7 and were submitted to the reviewing agency at least 90 days prior to the respective deadline.

SECTION 3. The AHJ shall continue providing reports to the Council as provided in Section 7 of Ordinance 19-4 every three months following the effective date of this ordinance until all buildings that are required to undertake a building fire and life safety evaluation under Ordinance 18-14 have conducted it or until May 3, 2022, whichever may be later.

SECTION 4. In this ordinance, ordinance material to be repealed is bracketed and stricken and new ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 37 (2021), CD1

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**A BILL FOR AN ORDINANCE**

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of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 5. This ordinance takes effect retroactive to the effective date of Ordinance 21-3.

INTRODUCED BY:

Carol Fukunaga

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DATE OF INTRODUCTION:

September 2, 2021  
Honolulu, Hawai'i

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

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Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
RICK BLANGIARDI, Mayor  
City and County of Honolulu