CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 75 (2020)

A BILL FOR AN ORDINANCE

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 extend by one year various deadlines in the Fire Code of the City and County of Honolulu that were established by Ordinance 18-14 and Ordinance 19-4 in light of unexpected business interruptions and job losses associated with Hawaii's COVID-19 shutdowns in 2020.

SECTION 2. Section 20-1.1, Revised Ordinances of Honolulu 1990 ("Fire Code of the City and County of Honolulu"), is amended by amending paragraph (15) to read as follows:

"(15) 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 either 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 code assessment as achieved by a passing score on a building fire and life safety evaluation code assessment 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 evaluation code assessments, 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 code assessment; provided that, all buildings must continue to maintain a passing status on their respective building fire and life safety evaluation code assessment 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 occupants and fire fighters 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 be authenticated as provided under Hawaii Administrative Rules Section 16-

115-9. A building fire and life safety evaluation shall be conducted within [~~three~~] four years from May 3, 2018. Buildings shall comply by passing the building fire and life safety evaluation within [~~six~~] seven years from May 3, 2018, unless compliance is met with an automatic fire sprinkler system as indicated in the building fire and life safety evaluation form, Table 8. 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 code 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 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, and 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 head of the AHJ within 45 days of the date of the completed building fire and life safety evaluation assessment 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 not later than 30 calendar days from the receipt of the appeal. The AHJ shall submit an annual report to the 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 (15), 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 required to undergo a building fire and life safety evaluation code assessment, 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 [~~two~~] three years from the date of notifying the AHJ of its option or selecting 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 (15), 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 vote to opt out of the requirement within [~~three~~] four years of the completion of the building fire and life safety evaluation 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; and 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 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 (15) 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:

(a) An approved automatic fire sprinkler system; or

(b) Alternative fire prevention and fire safety systems as approved by the AHJ,

within [~~12~~] 13 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 buildings 20 floors and over shall be completed within [~~eight~~] nine years from May 3, 2018, common areas for buildings 10 to 19 floors shall be completed within [~~10~~] 11 years from May 3, 2018, and all buildings, regardless of the number of floors, shall be completed within [~~12~~] 13 years from May 3, 2018. An extension to [~~15~~] 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 10 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 [~~hoistways~~] hoist ways and machine rooms are not required to have automatic fire sprinkler protection.

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 is paused, tolled, or suspended."

SECTION 3. In SECTION 2 of this ordinance, ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Carol Fukunaga

Ann Kobayashi

DATE OF INTRODUCTION:

OCT 1 2020

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu