



Amending the Fire Safety Ordinance

Honolulu council seeks input from condo associations on impacts of implementing Bill 37

Bill 37, pending in the City Council, is the most recent attempt to address the city's fire safety ordinance that was enacted in 2018 as a result of the fire at the Marco Polo.

Amendments to the ordinance proposed by Bill 37 address issues and/or situations that have arisen as a result of the implementation of the ordinance. The ordinance mandates the installation of fire sprinkler systems in residential high-rise buildings unless the building chooses to do pass a Life Safety Evaluation (LSE) conducted by a licensed professional.

To date, almost 300 buildings have completed their LSE, with 16 buildings getting passing scores.

The remaining 280-plus are required to make repairs or



install fire safety equipment—such as upgraded fire alarm systems—to get a passing score and avoid having to install a fire sprinkler system in their buildings.

There is no dispute that the deadlines currently in the ordinance are unrealistic given the number of buildings that still need to get a passing score by spending time and money to do repairs and install appropriate fire safety equipment in their buildings.

The COVID-19 pandemic that began in March 2020 has caused substantial disruption to the implementation of the ordinance. The pandemic slowed down completion of LSEs in 2020 by limiting access to buildings. Business closures led to the loss of jobs and steady employment, which reduced associations' cash flow, i.e., payments of rent and maintenance fees required by condo associations to pay for LSEs and the recommended repairs and equipment to get a passing score. The supply chain for the parts, materials and equipment required to repair/upgrade buildings or be installed in order to get a passing score have been delayed in transit, and there is no information as to when those parts, materials and equipment will arrive in Hawaii—and what the cost will then be to incorporate them into buildings to get a passing score. Also, there have been concerns regarding

Oahu Extraction
24/7 Island Wide Emergency Services

Emergency response | Water damage removal

24/7 HOURS SERVICE

Licensed, Insured & Certified
Ph: (808) 330-6212

- Island wide estimates and services
- Water damage restoration
- Mold Remediation
- Reconstruction Services
- Direct Insurance Billing
- Structural Drying Services
- Infrared Thermal Imaging Inspection
- Flood, Sewage, and Mold Cleaning

BBB ACCREDITED BUSINESS | A+ Rating | In-Depth Inspection CERTIFIED

See Fire Safety on page 42

Fire Safety

Continued from page 40

the subjectivity of the licensed professionals in scoring on the LSEs.

Bill 37 seeks to amend the ordinance as follows:

- Require the licensed professionals who conduct LSEs to provide LSE scores to the AAOs or to cooperative housing corporations, and requires the scores to be published on the Honolulu Fire Department's website. [Sect. 13.3.2.26.2]

- Delete the requirement for a building that has opted to install an automatic fire sprinkler system throughout the building to obtain a building permit for the system within three years from the date of notifying the Honolulu Fire Department of its option. [Sect. 13.3.2.26.2.2.]

- Remove the requirement that signs be posted in a building's public notification areas that there are no sprinklers in the building. [Sect. 13.3.2.26.2.3]

- Change the date for compliance with the requirement that a building must be protected by an approved au-

tomatic sprinkler system or alternative system from within 13 years of May 3, 2018, to within 15 years of May 3, 2018. [Sect. 13.3.2.26.2.6]

- Replace the tiered compliance schedule for buildings of various heights with a general requirement that common areas for all buildings shall be completed within 15 years from May 3, 2018. [Sect. 13.3.2.26.2]

- Establish a "permitted interaction group" to consider technical changes to the LSE scoring matrix.

These and other changes to the ordinance will provide relief to condominium associations that are facing daunting logistical and financial challenges in trying to comply with the ordinance. Condominium associations that are experiencing challenges in complying with the ordinance will be invited to share their experiences, concerns and suggestions with the permitted interaction group that will be established by Bill 37, and the information obtained will be shared with the Honolulu Fire

Department, which is in charge of administering and monitoring compliance with the ordinance.

Any condo association wishing to participate in the "permitted interaction group" (PIG) on the implementation of the fire safety ordinance should contact Councilmember Carol Fukunaga's office at (808) 768-5006 and let her staff know that they wish to be notified of the establishment of the PIG so that they can participate and share information with other associations experiencing the same challenges.

Hopefully, the discussion in the PIG will result in meaningful and positive changes to the ordinance that will allow condo associations to overcome the current challenges and obstacles that are interfering or impeding their efforts to comply with the ordinance. ❖

Jane Sugimura is a Honolulu attorney specializing in condominium law. ysugimura@paclawteam.com