

Bill as Introduced

SB 91 - AS INTRODUCED

2011 SESSION

11-0766
06/05

SENATE BILL **91**

AN ACT relative to automatic fire suppression sprinklers.

SPONSORS: Sen. Boutin, Dist 16; Sen. Barnes, Jr., Dist 17; Sen. Bradley, Dist 3; Sen. De Blois, Dist 18; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Sanborn, Dist 7; Sen. White, Dist 9; Rep. Infantine, Hills 13; Rep. Hawkins, Hills 18; Rep. Jennifer Coffey, Merr 6; Rep. Pepino, Hills 11; Rep. T. Keane, Merr 13

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill prohibits municipalities from requiring automatic fire suppression sprinklers in certain dwellings.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 91 - AS INTRODUCED

11-0766
06/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to automatic fire suppression sprinklers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 New Paragraph; Power to Amend State Building Code and Establish Enforcement Procedures.
- 2 Amend RSA 674:51 by inserting after paragraph IV the following new paragraph:
- 3 V. No municipality or local land use board as defined in RSA 672:7 shall adopt or enforce
- 4 any ordinance, regulation, code, or administrative practice requiring the installation of automatic
- 5 fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a
- 6 structure used only for residential purposes.
- 7 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Sterling, Ches. 7
April 12, 2011
2011-1414h
06/05

Amendment to SB 91

- 1 Amend the bill by replacing section 2 with the following:
- 2
- 3 2 Effective Date. This act shall take effect July 1, 2011.

Proposed

Rep. Sterling, Ches. 7
April 12, 2011
2011-1415h
06/05

Amendment to SB 91

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Paragraph; Power to Amend State Building Code and Establish Enforcement Procedures.

4 Amend RSA 674:51 by inserting after paragraph IV the following new paragraph:

5 V. No municipality or local land use board as defined in RSA 672:7 shall adopt any
6 ordinance, regulation, code, or administrative practice requiring the installation of automatic fire
7 suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure
8 used only for residential purposes.

9 2 Effective Date. This act shall take effect July 1, 2011.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 91

BILL TITLE: relative to automatic fire suppression sprinklers.
DATE: April 12, 2011
LOB ROOM: 301 **Time Public Hearing Called to Order:** 10:00 am
Time Adjourned: 12:30 pm

(please circle if present)

Committee Members: Reps. ~~Ferrante~~, ~~Sterling~~, ~~B. Patten~~, ~~Lockwood~~, ~~Accornero~~, ~~Gelanger~~, ~~Burt~~, ~~Coffey~~, ~~Copeland~~, ~~Moore~~, ~~Munch~~, ~~Shackett~~, ~~Stroud~~, ~~DeStefano~~, ~~Roberts~~, ~~Hooper~~ and ~~Tatro~~

Bill Sponsors: Sen. Boutin, Dist 16; Sen. Barnes, Jr., Dist 17; Sen. Bradley, Dist 3; Sen. De Blois, Dist 18; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Sanborn, Dist 7; Sen. White, Dist 9; Rep. Infantine, Hills 13; Rep. Hawkins, Hills 18; Rep. Jennifer Coffey, Merr 6; Rep. Pepino, Hills 11; Rep. T. Keane, Merr 13

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Boutin – sponsor – SB91 is consumer friendly legislation. Prohibition will help maintain housing affordability. Quotes for system range from \$4-5 per sq ft. \$8,000-10,000 per typical single family home. Sprinklers do not work when there is no power. Generators cost \$5,000-7,000 per unit. Sprinkler systems require maintenance and repair. Cannot determine the cost benefits of sprinklers. Insurance savings would be \$60-98. Sprinkler systems do not add to the value of the home. We don't need to add any difficulties to the purchase of new homes in New Hampshire. Requiring sprinkler systems is not about local control but is an additional tax on the construction of new homes. Ans. - Would believe that my estimate of the cost of a total generator installation is too low. Ans. - The legislation would not allow back door. Ans. - This should not be handled at the local level because this is an unnecessary tax on new home buyers. Ans. - This would not impact the older homes that might be more needing sprinklers than new, state-of-the-art structures.. Ans. - This does the same thing as HB109. Need both to protect the consumer. If sprinklers were required, it would require major work to manufactured housing units. Ans. - Re: Towns that have already adopted sprinkler requirements we should strive to have a uniform code across the state. Ans. - Don't know how would remove existing ordinance but this would take precedence. Ans. - There are very serious fires and it is not unusual to have mutual aid and some communities are purchasing larger pumpers/tankers to respond to remote fires. Ans. - Have not seen evidence of whether lives are saved or not by sprinklers.

Rep. John T. O'Connor – Oppose. Town of Derry has in its ordinance this requirement. Can have different kinds of suppression systems. Ans. - The requirement for sprinklers is in the subdivision ordinance. Cistern is a large tank that does not require a pump. The sprinkler can be an alternative to the

cistern requirement in areas where there is considerable ledge. We do have a building restriction for workforce housing. Ans. - The fire department makes sure the cisterns are filled.

***Nancy K. Johnson** – NH Planners Association – Oppose. Opposition is because it takes away local control. Sprinklers save lives. Estimate that sprinklers increase mortgage costs about \$15 per month over a 30-year mortgage. Ans. - Town has responsibility for the protection of life and safety of citizens. Ans. - Have no empirical evidence for life savings.

Rep. Gionet – Support. My constituents want to live their lives without interference. If a home can afford to put in alarms it should be enough.

Steve McCusker – Deputy Chief of Durham Fire Department – Oppose. For 30 years the fire service has been aware of the things we need to give people in their own homes and we need help from people to help us save their lives. In slow times the manpower in our departments have been decreased and we don't have the personnel to educate the public. NFPA has millions of dollars to modify commercial sprinkler systems for residential purposes. Every fire death is needless. There are about 3,500 fire related deaths per year in the U.S. They occur in one's and two's between the hours of 11 p.m. to 7 a.m. It takes a fire death to get more equipment. Give long narrative description of the history of a development somewhere but don't get the point of his narrative. Technological fire safety improvements are made on the backs of people who have died from fire or smoke inhalation. Everyone was happy to install sprinklers when economic times were good. The opposition to sprinklers only came when houses weren't selling any more. Ans. - Sprinkler system more important as down sizing of fire departments is taking place. Ans. - Don't know of any fire deaths that have occurred in NH where sprinklers were involved. Ans. - Possible that a smoke inhalation death could occur before a sprinkler is set off. Ans. - Smoke detectors and fire alarms are not enough. Ans. - Safety laws are necessary evils.

***Michael Williams** – NHMA – Oppose. We would prefer this to be in the tool box of local communities. We would also oppose a mandatory requirement for sprinklers either.

***Richard Wood** – NH Fire Prevention Society and Nashua Fire/Rescue Oppose. NFPA requires a super majority of 70% to add to codes. A lot of time was spent on this issue in the last session in the building code. A study committee found that this should be addressed at the local planning level. Personal choice must be weighed against the public good. We have land use regulation at the local level to take into account individual differences in communities. This is not a new issue. Nashua has had sprinklers for over 20 years. Scottsdale adopted universal sprinklers in 1985 and over 15 years had no fire deaths in sprinklered homes but had in unsprinkled ones. Option for sprinklers adds flexibility to development design where increased density and decreased roadway can impact costs of new homes. NFPA codes does not necessarily require an electric backup system. Policy issues include reduced need to buy apparatus and to grant abatements to buildings whose fire damage was limited by sprinklers. Sprinklers can limit the growth of local government expenses. Ans. - Individual rights should be considered when they impact community rights. Ans. - This bill would prevent community with negotiating with developers.

Mark Dupuis – Rochester Fire Department – Oppose. We have a requirement for sprinklers in multi-family structures. Had 397 home development proposed where part would be sprinkled and if this bill goes through they will be able to back out of the requirement. There was no resistance to our plan from the community. Cost of sprinklers has gone down with the changes in the economy. Under this law I would no longer have the ability to negotiate these kinds of arrangements. In future not likely to have sufficient manpower to work the way we are working now. Ans. - In densely built up areas, sprinklers prevent fires from jumping from building to building.

Paul Morin – NH Home Builders Association – Support. This bill is a logical extension of policies of the state and affordability is the key issue. My industry cannot afford this hit at this time. This bill does not prohibit options. Just prevents mandating sprinklers in all circumstances. You cannot pass a law to retroactively change approved subdivisions to abrogate sprinkler requirements. This does not remove the ability to work with developers.

***Robert Johnson II** – NH Farm Bureau. Support. Wants individual choice in rural areas. Local control should not extend into individual homes. Maintenance and enforcement is going to be an issue as are maintenance of alarm systems.

William Boisvert – Builder from Weare, NH. Support. Against any community telling me what to do. Sprinklers put buyers of workforce housing out of the market. Too much control to municipalities.

***William Degnan** – NH Fire Marshall and Director of the Division of Fire Safety. Oppose. All the prior speakers against this bill are right on target. Just received word on a fatal fire in Deering. This bill takes away local control. This enables green construction. Reduces impact of need for water supply. Study in Maryland showed zero impact on real estate values with or without sprinklers. Developers are crying disaster but it won't necessarily come to pass. This is about preserving local control. Sprinklers will activate before smoke inhalation fatality occurs. Let's not pass the cost of new development on to the taxpayers of the community by not allowing the cost savings to the fire service from sprinklers.

Donald Wintertum – Building a house in Hookset – Support. I don't want a sprinkler system in my new home. Building inspector illegally approved home further from the road than my proposed house. Am waiting to see how this bill comes out to see whether I will build. This will take away the ability of Planning Boards to arbitrarily enforce codes. I am the face of what you are talking about.

Glenn Gidley – Salem Manufactured Homes. Support. We currently have a requirement in Salem for sprinklers. Not reasonably attainable to provide the required water flows. Have had to increase size of water mains and water services. Town has an ordinance that prohibits pumps on water systems to prevent cross connections. Have not be able to do a total installation for less than \$10,000. Have seen fewer replacements of homes because of the cost of the sprinkler systems. Would be in favor of sprinkler ordinances that make them optional. Ask to have manufactured homes specifically included in your bill. Cannot use antifreeze in systems. The sprinkler system alone in the manufactured home is about \$6,000 not including the off-site improvements. Will need 1-1/4 to 1-1/2 inch service line for sprinklers.

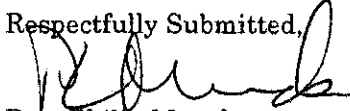
Jean Dineen -NH Association of Realtors. Support. Support because of the effect on workforce housing. We are almost all in agreement up to a point which is whether the municipalities can mandate the installation of sprinklers on a non-negotiated basis. How would installation of sprinklers in a brand new home when it will have no impact on the older homes.

Steven Woitkum – Chief of Danville Fire Department – Oppose. The Town voted in a fire protection ordinance and there has been little resistance in recent years. The motivation for us was to allow the volunteer fire department more time to get to the scene. This is also a fire fighter safety issue.

Jeffrey Emanuelson – Chief of Salem Fire Department. Oppose. Salem enacted the ordinance by vote in 2009. All the model building codes now include a sprinkler system in new construction. Without the sprinklers the code will not have as much protection since the code assumes the presence of the systems. 100% modern code compliant home must have sprinklers. Ans. - Engineered construction materials do not provide the same level of fire resistance as dimensional lumber. The state code does not include latest

FPA 101 although some local communities have adopted codes that allow the lighter weight materials. Ans. - This would nullify the vote of Salem with reference to building codes. The wording about not adopting or enforcing is troublesome with respect to recorded site plans and subdivisions. Ans. - If the community wants it can go backward with installations but it would be their choice.

Respectfully Submitted,



Rep. Philip Munck
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 91

BILL TITLE: relative to automatic fire suppression sprinklers.

DATE: 4-12-11

LOB ROOM: 301 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copelano, Moore, Munck, Shackett, Stroud, DeStefano, Roberts, Hooper and Tatro

Bill Sponsors: Sen. Boutin, Dist 16; Sen. Barnes, Jr., Dist 17; Sen. Bradley, Dist 3; Sen. De Blois, Dist 18; Sen. Gallus, Dist 1; Sen. Groen, Dist 6; Sen. Sanborn, Dist 7; Sen. White, Dist 9; Rep. Infantine, Hills 13; Rep. Hawkins, Hills 18; Rep. Jennifer Coffey, Merr 6; Rep. Pepino, Hills 11; Rep. T. Keane, Merr 13

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Municipal and County Government Committee
April 12, 2011

SB91

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Testimony

Nancy
Johnson



**NH PLANNERS
ASSOCIATION**

Executive Committee

Sarah Marchant
President

Jennifer Czysz
Vice President

Shanna B. Saunders
Secretary

Benjamin Frost, Esq., AICP
Treasurer

Carnille Pattison
*Professional
Development Officer*

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Newsletter Editor

Timothy J. Corwin, Esq.
Legislative Liaison

Jillian Harris
Public Information Officer

Mikaela Engert
Sustainability Coordinator

David Brooks
NNECAPA Legislative Liaison

Julie LaBranche
*Ex-Officio
NNECAPA*

**P.O. Box 617
Concord, NH 03302-0617
603-224-7447
www.nhplanners.org**

April 12, 2011

The Honorable Beverly Ferrante, Chair
House Municipal & County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

Subject: SB 91: relative to automatic fire suppression sprinklers.

Dear Representative Ferrante:

The New Hampshire Planners Association opposes SB 91. Our organization, representing over 200 land use planning professionals in our state, working at all levels of government and in the private sector, is very concerned with the impact that this legislation will have on the ability of municipalities to effectively address important life safety issues which are integral to proper land use planning.

As you know, SB 91 provides that no municipality or land use board may "adopt or enforce any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2-family dwelling unit[.]" The intent of the bill – to prevent unduly burdensome and costly regulations – is laudable.

Ultimately, however, the NHPA believes that imposing sprinkler system requirements is a legitimate and important exercise of the municipality's police power to protect the health, welfare, and safety of the community. As a primarily rural state, there are vast areas of New Hampshire that are a significant distance from fire protection services. In these situations, sprinkler systems are critical to fighting fires and preventing death and destruction of property. HB 109 does permit the adoption of regulations mandating cisterns, dry hydrants, and fire ponds. However, because these require upkeep and maintenance and manpower to operate, they are a poor substitute for close proximity to a fire station and certainly no substitute for an automatic indoor sprinkler system.

Moreover, by our estimates, the cost of a typical fire suppression system for a single family home over the course of a 30 year fixed rate mortgage is approximately \$15.00 per month. We believe that the actual cost of the fire sprinkler system for the homeowner is more than outweighed by the benefits of fire protection.

Preventing municipalities from ever requiring indoor sprinkler systems is an unwise restriction on a community's ability to protect the health, safety and welfare of its citizens and will result in more harm than good. Therefore, we urge your committee to recommend that SB 91 be found "inexpedient to legislate". Thank you for this opportunity to provide comment on the bill.

Sincerely,

/s/Timothy J. Corwin

Timothy J. Corwin, Esq.
Legislative Liaison



**New Hampshire
Municipal Association**

Michael Williams

April 12, 2011

Hon. Beverly Ferrante, Chair
House Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, New Hampshire 03301

Re: SB 91

Dear Representative Ferrante:

I write to express the opposition of the New Hampshire Municipal Association to SB 91, which would prohibit any municipality from adopting any ordinance, code, or regulation that requires the installation of fire suppression sprinklers in single- or two-family dwellings.

Our opposition to this bill is not based on the merits of sprinkler requirements. We have no position, and express no opinion, on whether a municipality should require sprinklers in residential buildings. However, we strongly believe this is a decision that should be left to the municipality, not dictated by the state.

Zoning and code enforcement are historically, and appropriately, matters for local regulation. Unfortunately, it is not uncommon for a few citizens who are unhappy with a local zoning decision to seek relief from the state, urging the legislature to take control away from the municipality.

Thus, in recent years we have seen attempts by the legislature—some successful, some not—to preempt municipal regulation of matters such as airplane landing strips, shooting ranges, small wind towers, swimming pools, and even clotheslines. In each case, the legislature was asked to substitute its judgment for that of 234 municipalities, simply because someone was unhappy with decisions made in one town or a few towns.

When this happens, zoning and code enforcement cease to be local matters and become subject to the shifting tides of state politics. In the end, zoning decisions are influenced less by the good sense of the local voters, and more by whichever party happens to control the legislature at a given time.

If this year's legislature decides that no town may require residential fire sprinklers, a future legislature might as easily decide that *all* towns *must* require sprinklers. We would oppose that effort as strongly as we oppose this one.

Hon. Beverly Ferrante

April 12, 2011

Page 2 of 2

Nine years ago, over our objections, the legislature adopted a state building code, which it decreed would be in effect in every municipality in the state, thus partially preempting municipalities' authority to adopt their own codes. In doing so, it authorized municipalities to decide whether to enforce the state code, or leave enforcement to the state fire marshal's office. A year later, the legislature enacted RSA 674:51-a, which states that in addition to enforcing the state building code, "a municipality may adopt by reference any of the codes promulgated by the International Code Conference which are not included in the state building code."

The current state building code is based on the International Building Code (IBC) of 2006. That code does not include a residential fire sprinkler requirement. However, the 2009 version of the IBC, which was adopted by the International Code Conference, does include such a requirement. Under RSA 674:51-a, a municipality currently has the authority to adopt the 2009 IBC, thus establishing a fire sprinkler requirement.

To enact SB 91 would be to change the rules on municipalities yet again. As stated above, we neither support nor oppose sprinkler requirements. We simply believe the issue should be decided locally. We urge the legislature not to interfere, again, in a matter that is appropriately left to municipalities.

For these reasons, we ask the committee to vote *Inexpedient to Legislate* on SB 91. Thank you very much for your time and consideration.

Sincerely,



Michael Williams

Government Affairs Attorney

Richard
Wood



New Hampshire Fire Prevention Society

New Hampshire Chapter of the
International Association of Arson Investigators, Inc.



Marshal Richard Wood, CFM
President
Nashua Fire Rescue
603-589-3465
WoodR@nashuanh.gov

Deputy Michael Hoisington
1st Vice President
Hooksett Fire Department
603-623-7272
mhoisington@hooksettfire.org

Chief Mark Tetreault
2nd Vice President
Barnstead Fire Department
603-435-6691
mwtetreault@metrocast.net

Deputy Thomas Zotti
Secretary/Treasurer
Wolfeboro Fire Department
603-569-1400
wolffiredepchief@metrocast.net

Directors

Deputy Jeff Emanuelson, CFI
Salem Fire Department

Captain Dominick Bellio, CFEI
Rochester Fire Department

Captain Sean Toomey, PE
Concord Fire Department

Ranger Bryan Nowell
DRED, Forest and Lands

Deputy Robert Farley, CFI
NH State Fire Marshal's

Investigator Mitch Cady, CFI
Manchester Fire Department

Investigator Pete Lennon, CFI
Manchester Fire Department

Nathaniel Johnson, PE
Winnepesaukee Associates
Laconia Fire Department (Ret)

April 12, 2011

Honorable Representative Beverly Ferrante, Chair
House Municipal and County Government Committee

Re: In Opposition of SB 91

Thank you for the opportunity to provide comment relative to the proposed Senate Bill 91.

The New Hampshire Fire Prevention Society was organized in 1984 to perpetuate knowledge and excellence in the field of fire science and the advancement of technology in fire science related matters. Today our organizations membership boasts over 200 professionals including Fire Chiefs, Fire Marshals, Fire Inspectors, Fire Investigators, Building Inspectors, and Fire Protection Engineers throughout New Hampshire.

It is our belief that Senate Bill 91 is a broad reaching bill with likely unintended consequences which inhibits local communities from employing proven engineered solutions as part of their overall risk management public policy strategy. In addition, we believe this bill will not only limit government but will ultimately place an unnecessary burden on developers through reduced flexibility as a result.

In these tough economic times, governments are continually faced with policy decisions surrounding effectiveness and efficiency of service delivery. Communities are constantly faced with how to best meet the public safety mandate their citizens demand.

This bill pre-empts a community's ability to adopt regulations to use a proven technology in an overall community risk management program. With cost concerns and shifting of responsibility for traditional governmental services in all levels of government, it seems illogical to prohibit local jurisdictions from determining how to best provide fire services to its community. If the local jurisdiction is responsible for providing the fire and rescue response services, they should have all tools at their disposal, including appropriate regulation as they see fit.

This bill further prevents flexibility in the land use process by prohibiting the use of proven technology and approaches that have a history of assisting with proactive community growth. This bill prevents use of a proactive approach which furthers the goal of limited government by ultimately slowing the overall growth needs of the municipal fire department.

The New Hampshire Fire Prevention Society, a statewide membership organization of municipal fire and building officials, cannot advocate for the removal of any valid tool that allows local officials and developers to work together to assure smart sustainable community development.

We therefore oppose this bill as written and recommend this bill be found Inexpedient to Legislate and allow local communities to continue to regulate themselves!

Thank you for your consideration.



Richard W. Wood, CFPS CBO CFM
President



NEW HAMPSHIRE FARM BUREAU FEDERATION

295 Sheep Davis Road • Concord, New Hampshire 03301-5747 • (603) 224-1934 • Fax (603) 228-8432 • www.nhfarmbureau.org

April 12, 2011

House Municipal and County Government Committee
C/o The Honorable Beverly Ferrante, Chair
Legislative Office Building, Room 301
33 North State Street
Concord, NH 03301

Re: *SB 91, relative to automatic fire suppression sprinklers.*

Dear Madam Chair and Members of the Committee:

The New Hampshire Farm Bureau (NHFB) is a federation of the ten NH county Farm Bureau organizations and consists of over 3,500 Farm Bureau member families statewide. NHFB strongly supports *SB 91*. Proposals to require sprinkler systems in private homes have struck a chord of indignation amongst our membership. Farm Bureau policy is developed by our members through a grassroots, democratic process. At our annual meeting two years ago the 28 elected delegates representing the county Farm Bureau organizations unanimously adopted the following policy resolution:

We support prohibiting the State Building Code, or any local amendment, from including a mandatory fire sprinkler system requirement for residential construction.

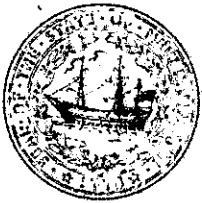
Our membership has taken this position for the following reasons:

- 1.) Personal choice. Individuals are best qualified when making risk management decisions for themselves and their families, particularly in their own home, and in line with their personal resources. Choice and flexibility are needed to make the best individual decisions. We ask, "How far is the line going to be drawn in the name of "public safety?"
- 2.) Claims of insurance savings are overstated or nearly non-existent. (See attached quote.)
- 3.) Installation and maintenance expenses are greatly understated. Rural homes are serviced by well water and many homes are not of conventional stick built construction. Sprinkler requirements pose considerable cost and maintenance issues in these instances.
- 4.) It is contrary to the development of workforce housing. The lack of good, affordable housing for labor is an issue affecting production agriculture and the state's farms in a negative way. (See attached New Hampshire Town and City, January, 2010, pgs. 23&24.)
- 5.) Concern that requiring sprinklers in new construction is only the beginning of a slippery-slope. Soon all homes undergoing remodeling, prior to sale and/or as of a fixed date will have to be equipped with a sprinkler system.

In closing, Farm Bureau wishes to stress our support for educational efforts and information distribution by the Fire Marshall's office so that citizens can make informed decisions. We urge you to vote in favor of *SB 91* and thank you for your time and consideration.

Respectfully submitted,

Robert Johnson, II, Executive Director



STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner

Division of Fire Safety

Office of the State Fire Marshal

J. William Degnan, State Fire Marshal

Office: 110 Smokey Bear Blvd., Concord, NH

Mailing Address: 33 Hazen Drive, Concord, NH 03305

PHONE 603-223-4289, FAX 603-223-4294 or 603-223-4295

TDD Access: Relay NH 1-800-735-2964 ARSON HOTLINE 1-800-400-3526

House Municipal and County Government

Senate Bill 91

AN ACT relative to automatic fire suppression sprinklers

Good afternoon Madam Chairman Ferrante and honorable members of the committee. For the record my name is Bill Degnan, New Hampshire State Fire Marshal, and Director of the Division of Fire Safety. I am opposed to the bill as written while it intends to satisfy the home builders; it has a number of significant unintended consequences that erode the very structure of our local government and creates a threat to public safety by reducing the ability of a community to properly manage fire safety.

This bill:

- This bill removes the most cost effective means of a developer from using property that is scattered and premature in regards to fire protection and/or water supply for fire suppression.
- This bill shifts the cost of fire protection from the new construction to the local community. If the planning board requires a fire pond or cistern the entire local community has to pay for the maintenance and replacement if it fails. If the development needs a fire station the entire local community has to pay for the building, apparatus and manpower.
- This bill by the use of the word “enforce” kills all prior adopted ordinances in a community on residential sprinklers.
- This bill by the use “require” removes the planning board from the ability to exercise their due process in the best interest of the community.
- This bill by the use of the word “enforce” removes the local communities’ ability to come to agreement with a developer to use residential sprinklers as it cannot be enforced.
- This bill by the use of the word “enforce” removes the local communities’ ability to enforce any previous agreements with developers. Which means a developer that was allowed to reduce the road width based on the agreement that the homes would have residential fire sprinklers gets to keep the reduced road width and build homes without sprinklers. This type of action puts the community at risk!



- This bill by use of the words “planning board shall not require” removes the local communities’ ability as part of the local legislative body to enact a residential sprinkler ordinance to manage growth, protect the public and firefighters.
- This bill removes the local communities’ ability to manage fire risk in their own community.

The safety of our built environment has a significant impact on the economy. A fire or other structural catastrophe will lead to lost time from work by the home owner, increased insurance costs for owners and lost tax revenue to mention a few. People also come to visit New Hampshire because we do have a safe environment that has been created over years of hard work by the public officials that serve in each community.

In summary, the bill has far reaching effects which appear to be inconsistent with the philosophy of providing adequate fire and life safety protection for New Hampshire citizens. This bill has some indeterminable fiscal impacts on local government, while at the same time removing some home rule authority. We all know that codes change and evolve with the changing technology of building safety and construction methods.

I ask that you vote ITL to preserve home rule and ensure the safety of our citizens and visitors of New Hampshire.

Degnan, J. William

From: Michael Wright [mwright@townofboscawen.org]
Sent: Monday, April 11, 2011 2:16 PM
To: Degnan, J. William
Subject: SB 91 and HB 109

The Town of Boscawen strongly opposes legislation which removes the local control and democratic process regarding land use board and municipal management of automatic fire suppression sprinklers within our community.

It is clearly inappropriate for the State to usurp power from the local communities on this issue. Circumstances are fact driven within each Town and City whether the necessity for regulating or addressing the matters is required. If the State can demonstrate a universal approach to requiring or denying the use of such systems for each locality, we wait to be convinced. Alternately, let us do our job.

Alan Hardy, Land Use Coordinator/Code Enforcement

Ray Fisher, Life Safety Officer & Fire Chief

Michael Wright, as Town Administrator and on behalf of the Boscawen Board of Selectmen

Information from ESET NOD32 Antivirus, version of virus signature database 6033
(20110411)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



Anthony A. Viscusi, CLU, ChFC, CLTC
General Agent
297 Sheep Davis Road
Concord, NH 03301
Bus: (603) 223-6686
Fax: (603) 223-6690

January 12, 2010

Rob,

Per our discussion regarding sprinkler systems, your premium would be as follows:

	<u>Premium</u>	<u>Savings</u>	<u>%</u>
No Smoke Alarm Devices	\$356		
Smoke Detector & Fire Extinguishers on all floors*	\$343	\$13	3.65
Automatic Sprinkler System	\$331	\$25	7.02

*Current Coverage

If you have any additional questions, please feel free to contact me.

Sincerely,

Anthony A. Viscusi
Agent



Meeting the Workforce Housing Challenge:

A Guidebook for New Hampshire Municipalities

By Rebecca Perkins and Ben Frost

New Hampshire has long faced a housing shortage that threatens to constrict economic growth in the state and change the very character of the communities where we live. Many municipal employees and young adults can no longer afford to live in the communities where they work or grew up. To address this problem, in 2008 the New Hampshire Legislature passed a law that requires every community to provide “reasonable and realistic opportunities” for the development of affordable housing. But this obligation is not new law. In 1991 the New Hampshire Supreme Court said the same thing.

While there are a variety of champions for housing that is affordable to New Hampshire’s labor force, most of the actual decisions affecting housing at the local level fall to municipal land use board members. As volunteers, these board members face significant challenges in understanding the requirements of the law and in implementing solutions that are appropriate for their particular communities and their unique zoning ordinances and land use regulations. As they consider such solutions, board members also confront social pressures of resistance to change and common but misguided notions of what is meant by “affordable housing.”

New Hampshire municipalities regulate land use independently and therefore are inclined to assess their housing supply with a local view, yet the workforce housing statute compels them to look at housing needs on a regional basis. Without local action, the opportunity to effectively address the imbalance in New Hampshire’s housing supply in a thoughtful manner may be lost, and communities may also lose control over the permitting process as developers take legal action against them.

In response to this need for assistance, in 2009 New Hampshire Housing assembled an advisory committee to develop written guidance for local action under the workforce housing statute. The resulting resource, *Meeting the Workforce Housing Challenge: A Guidebook for New Hampshire Municipalities*, is now available to help local land use boards to address the requirements of the statute and shape future growth consistent with their vision to create dynamic, healthy communities.

Recent History of Workforce Housing in New Hampshire

New Hampshire’s economic growth over the past two decades outpaced its housing growth and, as the economy boomed, housing developers found it difficult to work around the various barriers in place—including environmental and regulatory barriers, a labor shortage and simple timing—to keep pace with the growth. As the demand for housing outstripped supply, prices were driven up and made living in New Hampshire increasingly expensive for all, but especially difficult for young families.

In 1991, the New Hampshire Supreme Court decided *Britton v. Town of Chester*, 134 N.H. 434, which recognized that the state’s land use statutes contain an obligation of every municipality to provide a reasonable and realistic opportunity for the development of housing that is affordable to low- and moderate-income families. The Court also ruled that every municipality has an obligation to provide for its “fair share” of a region’s current and prospective need for affordable housing, but the Court didn’t define what the term “fair share” meant, and it specifically refused to establish “arbitrary mathematical quotas.”



In the years following the *Britton* case, there were a number of efforts in the New Hampshire Legislature to study the state's housing supply. In 2001, the Legislature created a commission (SB 21) to develop legislation to address the problem of workforce housing. The commission concluded that although there were other factors, the regulatory barriers created by towns had a significant impact on housing costs and were also within the Legislature's capacity to influence. Subsequently, several efforts were made to pass legislation that recognized the relationship between local land use regulations and the cost of housing—and also to codify the Court's rulings in *Britton*. These efforts culminated with the enactment of SB 342 in 2008 (Chapter 299), codified at RSA 674:58 – :61, which went into effect on January 1, 2010.

Even with the current recession, the variety of housing that exists in New Hampshire today does not satisfy the need for workforce housing in many areas of the state. Nor should short-term economic trends be regarded as a means by which a municipality might escape its obligations under the workforce housing statute. It is a law that was based on a decades-long problem that will take a sustained effort to resolve.

Requirements of the Statute

The workforce housing statute codified the *Britton* decision by requiring each community to provide a reasonable and realistic opportunity to develop workforce housing, while providing "maximum feasible flexibility" to meet the general legal obligation in a manner that is most appropriate to its circumstances. What will constitute a "reasonable and realistic opportunity" is determined by a few specific requirements: (1) the municipality's

land use ordinances and regulations cannot facially (openly) discriminate against housing for families or in certain income ranges; (2) the collective impact of those ordinances and regulations must allow for the economic viability of a project to develop workforce housing; (3) workforce housing of some type must be allowed on a majority of the residentially-zoned land in the community; and (4) multi-family housing with at least five units per structure must be allowed somewhere in this area.

"Workforce housing" and "affordability" both have been terms of art, but they now have specific statutory definitions. A home is considered "affordable" to a household if 30 percent or less of the household's income is spent on housing costs. "Workforce housing" is ownership housing that is affordable to a family of four earning up to 100 percent of the median income for the area, or rental housing that is affordable to a family of three earning up to 60 percent of the median income for the area. Workforce housing is generally considered to include a broader range of incomes than traditional notions of affordable or "low-income" housing.

While municipalities cannot be expected to control many of the other costs associated with housing construction, they can control things such as lot sizes and densities, building setback and road frontage requirements,

and road design standards, among others. For some communities, compliance with the workforce housing statute may be as simple as some technical adjustments to these standards. For other municipalities, however, compliance could also involve a more proactive approach that provides incentives for workforce housing development balanced against measures to preserve the landscape we all cherish. Innovative provisions such as dense village centers, conservation subdivision design, inclusionary zoning and form-based codes can accomplish these dual goals. For any municipality to meet the requirements of the statute should not threaten the appearance or composition of the community, including rural landscapes, if it engages in a thoughtful planning process.

Communities that do not promote opportunities for the development of workforce housing must demonstrate that they already have their regional "fair share" of affordable housing. Data from regional planning commissions may be useful in determining whether the "fair share" exists, but there is no standard methodology used to calculate it. Municipalities that determine they have satisfied the "fair share" requirement should carefully document that finding, as it is an assertion that might need to be defended if a developer takes legal action against the community under the workforce housing statute.

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If a developer believes that the municipality's regulations do not provide the opportunity to develop workforce housing, he or she can challenge either the local board's denial of an application or the restrictions placed upon the application. Under the statute, the community can use as a defense that its housing stock contains its fair share of current and foreseeable regional need for workforce housing. If this defense fails or if the municipality otherwise does not comply with the statute, the court can then order the "builder's remedy," in which the court allows a reasonable project to proceed without further review by local boards.

The Municipal Guidebook

The *Meeting the Workforce Housing Challenge* guidebook (the *Guidebook*) is designed to assist local land use boards in addressing the requirements of the workforce housing statute. Municipalities are likely to confront several challenges as they undertake this work, including understanding the statute, reviewing the town's individual situation to determine the changes needed for compliance, and confronting the social and political pressures associated with these changes. The *Guidebook* can help directly with at least the first two challenges and, to a degree, the third, if those pressures can be eased through greater public understanding of the statute's requirements and purpose.

Under the workforce housing statute, developers' challenges to local land use regulations and ordinances and to the decisions made under them will be viewed by the court in light of a municipality's efforts toward compliance with the statute's requirements. An underlying purpose of the *Guidebook* is to serve as a standard to guide municipal actions, and against which a reviewing court may measure those actions. The steps outlined in the *Guidebook* will help a local land use board to create a record that demonstrates the

municipality's understanding of the statute and its efforts in meeting its legal requirements.

The *Guidebook* is divided into major substantive sections: after an introduction of the statute and the history behind it, Chapter 2 discusses and explains the terms used in the workforce housing statute.

Chapter 3 explains how local land use boards should approach the difficult question of "economic viability." This section reviews the complete costs of housing development, providing land use board members with an overview of the complex array of cost factors faced by developers to help board members distinguish those factors that they can influence from those they cannot. A developer's "pro forma" is provided, along with illustrative examples.

In Chapter 4, the *Guidebook* outlines the steps involved in conducting a "self-audit" of a municipality's housing stock, which may in turn lead to a "fair share" analysis. The purpose of the self-audit is simply to gain an understanding of the nature of the local housing market, both ownership and rental housing. A fair share analysis may have already been conducted by the regional planning commission, though this is not required, nor is it required for the municipality to

The steps outlined in the Guidebook will help a local land use board to create a record that demonstrates the municipality's understanding of the statute and its efforts in meeting its legal requirements.



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HOUSING

from page 25

conduct a fair share analysis. The chapter reviews changes that should be considered to zoning ordinances and land use regulations as a means of providing the opportunity for the development of workforce housing.

Chapter 5 concludes the *Guidebook* with a discussion of how local boards should deal with applications for workforce housing. The statute contains a variety of procedural provisions that must be observed, but there are additional steps that may be particularly useful to land use boards as they seek to provide an impartial review of proposals in a manner that is consistent with the statutory requirements.

Meeting the Challenge

The state's new workforce housing statute presents a variety of challenges

to municipalities. New concerns, such as economic viability, may require approaches that are unfamiliar to local land use boards. But, for the most part, municipalities need to address the various regulations that add costs and, above all, uncertainty and subjectivity to the housing development process. Realizing that the solution is some simple zoning and regulatory changes, and recognizing that these changes will not alter the character of the housing in a community or fundamentally change its residents, is an important step toward building the political will to meet the requirements of the workforce housing statute.

Rebecca Perkins is a third-year student at Cornell Law School and provided assistance in the development of Meeting the Workforce Housing Challenge. She is a native of Stratham, NH. Ben Frost is the director of public affairs at

New Hampshire Housing. For further information, contact Ben at bfrost@nhhfa.org or 603.310.9361.

Copies of Meeting the Workforce Housing Challenge will be distributed to all of the state's planning boards. It is also available online at www.nhhfa.org, along with the newly-updated Housing Solutions handbook, which provides a broader range of suggestions for "housing-friendly" changes to local zoning ordinances and land use regulations as well as case studies from throughout the state.

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To order, call 800.852.3358, ext. 100, or e-mail publications@nhlgc.org.

SALEM MANUFACTURED HOMES, LLC

PO Box 54

Salem, NH 03079

603-898-2144

- Town of Salem adopted sprinkler requirement approximately two years ago
- Since then we have installed three homes with sprinklers; all cost at least \$10,000.00 with water main improvements
- Design requires 26 gallons per minute and approximately 30 psi
- Typical well does not produce this water; typical municipal water on $\frac{3}{4}$ service does not produce this volume
- Town of Salem will not allow pumps on municipal water system due to potential cross contamination of system
- Manufactured homes have little if any ability to store pumps/tanks - typical tank requirement is 300 gallons
- Systems can't be winterized with anti-freeze; therefore, snow birds are required to drain and refill the system which was recently quoted to us at costing approximately \$400.00 annually
- These requirements have deterred many manufactured home owners from upgrading their units to a new safer more energy efficient manufactured home
- The current ban on sprinklers, which does not apply to Salem, has devastated our business and creates an unfair advantage to our competitors in neighboring towns which currently have no sprinkler requirements

- Please join the following states and make sprinklers a voluntary choice and not a mandate:

- Alabama
- Arizona
- Florida
- Georgia
- Idaho
- Louisiana
- Maine
- New Jersey
- New Mexico
- North Dakota
- South Dakota
- Texas
- Utah
- Virginia
- Washington
- West Virginia
- Wisconsin

SALEM MANUFACTURED HOMES, LLC

**PO Box 54
Salem, NH 03079
603-898-2144**

April 12, 2011

Fire Sprinkler Requirements

Dear Legislators,

Thank you for considering a ban on residential sprinklers. Currently the Town of Salem requires sprinkler systems for one and two family dwellings, including manufactured homes. Since this code took effect approximately two years ago, the results have been devastating to our family business.

Most manufactured homes are placed in parks or on private lots with wells. The water volume and pressure requirements are approximately 26 gallons per minute and approximately 30 psi. Most manufactured home communities and private sites do not have this amount of water supply.

The true cost for sprinklers in manufactured homes, we have installed three thus far, have all exceeded \$8,000.00. If pumps and tanks need to be added the cost is approximately \$2,000.00 more.

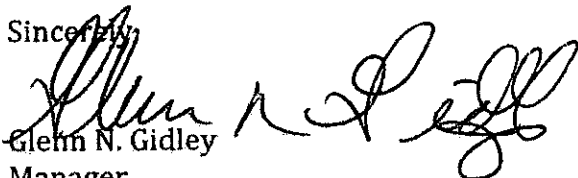
This equates to approximately \$7.00 per square foot for a typical manufactured home. We find many customers who simply cannot afford the additional \$8,000.00 - \$10,000.00 cost for sprinklers in our homes. The sprinkler requirement has deterred many manufactured home owners from upgrading their units to new homes in our town.

The real problem with sprinklers is the water supply, most manufactured home parks in New Hampshire are not designed to newer subdivision regulation and simply do not have the volume/pressure to accommodate the sprinkler requirements. All of our installations have required expensive water main upgrades or a 300 gallon tank and pump which is virtually impossible to locate in a manufactured home.

Please make sprinklers a choice for home owners and not a mandate that many cannot afford. Thank you for your consideration in this matter.

Sincerely,

Glenn N. Gidley
Manager



SB 91 Concerns

**NH Fire Prevention Society
And
NH Association of Fire Chiefs**

Main Themes

- HB 1486 Study
- Public Safety
- Cost
- Local Control
- Summary

HB 1486 last session

- Residential Sprinkler use in NH was debated and studied extensively last session
- State was Prohibited from adopting statewide building or fire construction codes requiring sprinklers in detached 1 and 2 family dwellings used exclusively for residential purposes.

HB 1486 Study Findings

- "Because of the flexibility to weigh all options, the municipal planning process appears to be the most appropriate place to focus on fire protection and should continue to examine fire sprinklers as one of several alternatives to achieving an adequate level of fire protection."
- "On an individual basis, installation of fire sprinklers does not save a great deal of money on homeowners insurance but the insurance industry may consider municipal mandates when calculating a community ISO rating."

Public Safety

- Fire Department capabilities vary by jurisdiction based on local taxpayer's service demands.
- Residential Sprinklers have a greater than 30 year history and have proven themselves as a valuable, cost effective building system.

A small fire starts in your home.

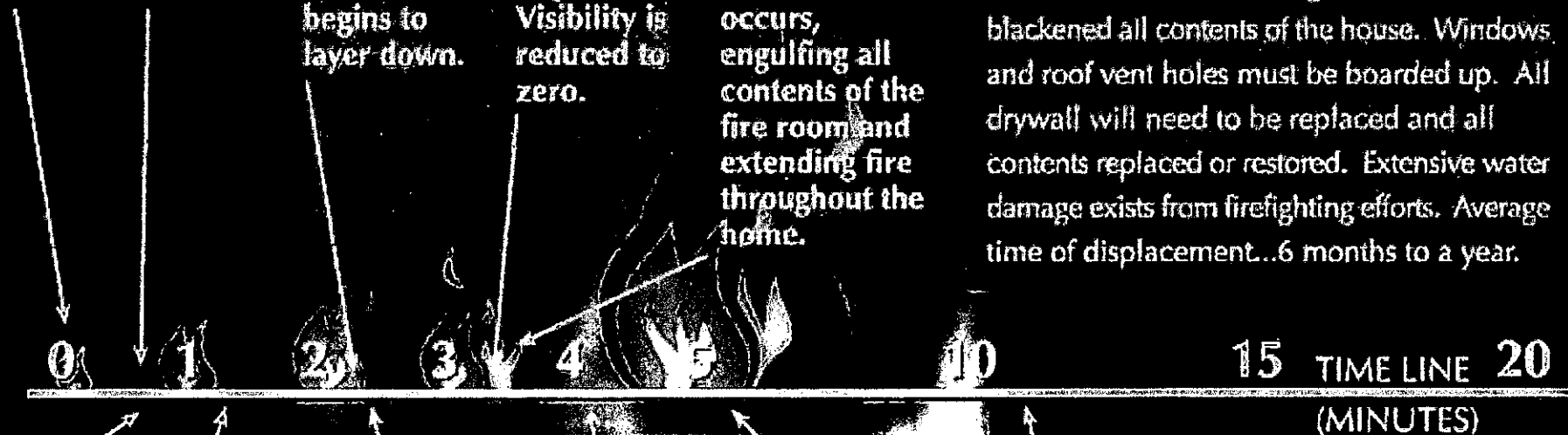
Smoke reaches the smoke detector

Ceiling temperature reaches 165 degrees. Smoke begins to layer down.

Ceiling temperature reaches 1,000 degrees. Visibility is reduced to zero.

Ceiling temperature reaches 1,400 degrees. Flashover occurs, engulfing all contents of the fire room and extending fire throughout the home.

The fire room and all contents are completely destroyed. Heat damage extends throughout the entire house, burning or melting all items within 5 feet of the ceiling. Smoke has blackened all contents of the house. Windows and roof vent holes must be boarded up. All drywall will need to be replaced and all contents replaced or restored. Extensive water damage exists from firefighting efforts. Average time of displacement...6 months to a year.



You are awakened by the smoke detector.

You investigate and find a fire.

You awaken other family members and go to a neighbor to call 911.

You give the 911 operator the information and the fire department is notified.

The fire department responds.

The fire department arrives, assesses the situation and applies 250 gpm to fire areas. Windows are broken and holes are cut in the roof to vent fire gases and smoke.



CHULA VISTA FIRE SCENARIO

TIME vs. PRODUCTS of COMBUSTION

FLASHOVER

No one survives flashover

PRODUCTS OF COMBUSTION



of smoke alarms didn't work in homes that had fires*



of fire deaths occurred in home fires in which smoke alarms sounded*

Without fire sprinklers, odds of escaping decrease significantly

SMOKE ALARM ACTIVATES

RESIDENTIAL SPRINKLER ACTIVATES

COMMERCIAL SPRINKLER ACTIVATES

FIREFIGHTERS OPEN HOSE NOZZLES

FIRE GROWTH UNRESTRICTED

FIRE GROWTH RESTRICTED

FIRE GROWTH RESTRICTED

DETECTION OF FIRE

DISPATCH

RESPONSE TO FIRE

SETUP

FIGHTING FIRE

TIME VARIES

TIME DIRECTLY MANAGEABLE BY FIRE DEPARTMENT

0 1 2 3 4 5 6 7 8 9 10 TIME (in minutes)

Based upon national averages

Scottsdale Report:

A 15-year study

- Scottsdale Sprinkler Ordinance implemented 1/1/86 and evaluated through 1/1/01
 - 41,408 homes have sprinklers (more than 50%)
- 598 home fires, 49 fires in sprinklered homes
 - No deaths in sprinklered homes
 - 13 people died in homes without sprinklers
 - 92% controlled with two heads or less

Scottsdale Report: A 15-year study

- Less water damage in sprinklered homes
 - Sprinkler systems discharged an average of 341 gallons of water/fire
 - This compares to an average of 2,935 gallons of water/fire that would have been released by firefighter hoses

Scottsdale Report:

A 15-year study

- Less fire damage in sprinklered homes
 - Average fire loss per single family sprinklered fire incident: \$2,166
(15 yrs, 49 fires)
 - Average fire loss per unsprinklered residential incident: \$45,019
(1998-2001 86 fires)

Cost

- National Average \$1.61 per Ft²
- Scottsdale Experience \$1.14 (1985) \$.59 (1995)
- Local NH Data 8/2010 – 3/2011

Town	Sq Ft	Price	Per ft	Water Supply	Average
Nashua	4300	\$9,400.00	\$2.19	Municipal	
Concord	2350	\$4,500.00	\$1.91	Municipal	
Lebanon	2340	\$4,000.00	\$1.71	Municipal	\$1.94
Lebanon	4340	\$10,965.00	\$2.53	Well	
Hollis	4800	\$9,000.00	\$1.88	Well	
Hollis	4160	\$9,500.00	\$2.28	Well	\$2.23

Fire Protection Approach

■ **Reactive Fire Protection**

- *Traditional fire service organization; where a problem has occurred before it is addressed with passive building codes and the hope that the fire department resources that have been amassed, will be able to beat the clock and arrive soon enough to have a positive impact on the emergency incident.*

■ **Proactive Fire Protection**

- *This philosophy is accomplished by embracing new, proven technology and built in protection, like automatic sprinkler and early detection systems, combined with an aggressive code enforcement and strong public education programs.*

Local Control

- All community public safety services are provided by the local jurisdiction with local tax dollars
- Land use issues are addressed at the local level based on local land use regulations as adopted by the local legislative process.
 - Assures development does not create an undo burden on local government, thus the taxpayer.
 - Assures developments are built with adequate infrastructure to assure once homes are built, the cost for this infrastructure does not shift to the local taxpayer.
 - Varies substantially from municipality to municipality

Summary

- Sprinklers are proven tools used in land use and provide flexibility for developers
- Sprinklers are compatible with a Limited Government Philosophy
- Each community is unique thus assuring smart community growth through local land use boards is required to protect the taxpayer.
- Local communities have a vested interest in protecting it's tax base.
- WE therefore request you find this bill ITL and allow local decentralized control.

Questions?

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 91

BILL TITLE: relative to automatic fire suppression sprinklers.

DATE: April 14, 2011

LOB ROOM: 301

Amendments:

Sponsor: Rep. Sterling OLS Document #: 2011 1415

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Belanger

Vote: 13-4 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sterling

Seconded by Rep. Ferrante

Vote: 12-5 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 91

BILL TITLE: relative to automatic fire suppression sprinklers.

DATE: 4-14-11

LOB ROOM: 301

Amendments:

Sponsor: Rep. Coffey Sterling OLS Document #: 2011-1415 h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) on 1415 h

Moved by Rep. Coffey

Seconded by Rep. Belanger

Vote: (Please attach record of roll call vote.) 13-4

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Sterling

Seconded by Rep. Ferrante

Vote: (Please attach record of roll call vote.) 12-5

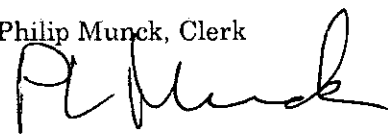
CONSENT CALENDAR VOTE: YES NO (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk



MUNICIPAL AND COUNTY GOVERNMENT

Bill #: SB 91 Title: sprinklers

PH Date: 4 / 12 / 11 Exec Session Date: 4 / 14 / 11

Motion: _____ Amendment #: 2011-1415h

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry		✓
Belanger, James P	✓	
Burt, John A		✓
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W	✓	
Munck, Philip L	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E		✓
Hooper, Dorothea D		✓
Tatro, Bruce L	✓	
TOTAL VOTE:	13	4

Committee Report

REGULAR CALENDAR

April 14, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred SB91,

AN ACT relative to automatic fire suppression sprinklers. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. John A Burt

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**
Bill Number: **SB91**
Title: **relative to automatic fire suppression
sprinklers.**
Date: **April 14, 2011**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS WITH AMENDMENT**

STATEMENT OF INTENT

Rep. John A Burt for Municipal and County Government: The bill prohibits ordinances, regulations, codes and administrative practices requiring fire sprinklers in one and two family homes. This is a safeguard to personal liberty by preserving an individual's choice whether or not to purchase such a system for their home. The committee heard testimony regarding the considerable expense of the system, accessory components and ongoing maintenance costs associated with these systems, placing a significant financial burden on new home buyers. The recommendation of the committee to pass SB 91 follows the overwhelming and non-partisan support for HB 109 which prevents planning boards from requiring fire sprinklers and HB 1486 from 2009 removing fire sprinklers from the statewide building code. Passage of this bill is consumer friendly for NH home buyers.

Vote 12-5

Rep. John A Burt
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

SB91, relative to automatic fire suppression sprinklers. **OUGHT TO PASS WITH AMENDMENT.** Rep. John A Burt for the **Majority** of MUNICIPAL AND COUNTY GOVERNMENT. Rep. John A Burt for Municipal and County Government: The bill prohibits ordinances, regulations, codes and administrative practices requiring fire sprinklers in one and two family homes. This is a safeguard to personal liberty by preserving an individual's choice whether or not to purchase such a system for their home. The committee heard testimony regarding the considerable expense of the system, accessory components and ongoing maintenance costs associated with these systems, placing a significant financial burden on new home buyers. The recommendation of the committee to pass SB 91 follows the overwhelming and non-partisan support for HB 109 which prevents planning boards from requiring fire sprinklers and HB 1486 from 2009 removing fire sprinklers from the statewide building code. Passage of this bill is consumer friendly for NH home buyers. **Vote 12-5.**

Original: House Clerk
Cc: Committee Bill File

SB 91, relative to automatic fire suppression sprinklers. OUGHT TO PASS WITH AMENDMENT.

Rep. John A Burt for Municipal and County Government: The bill prohibits ordinances, regulations, codes and administrative practices requiring fire sprinklers in one and two family homes. This is a safeguard to personal liberty by preserving an individual's choice whether or not to purchase such a system for their home. The committee heard testimony regarding the considerable expense of the system, accessory components and ongoing maintenance costs associated with these systems, placing a significant financial burden on new home buyers. The recommendation of the committee to pass SB 91 follows the overwhelming and non-partisan support for HB 109 which prevents planning boards from requiring fire sprinklers and HB 1486 from 2009 removing fire sprinklers from the statewide building code. Passage of this bill is consumer friendly for NH home buyers. Vote 12-5.

A handwritten signature in black ink, appearing to read "John A. Burt". The signature is written in a cursive, flowing style and is positioned diagonally across the lower right portion of the page.

REGULAR CALENDAR

April 14, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on MUNICIPAL AND COUNTY GOVERNMENT to which was referred SB91,

AN ACT relative to automatic fire suppression sprinklers. Having considered the same, and being unable to agree with the Majority, report with the following Resolution: **RESOLVED**, That it is **INEXPEDIENT TO LEGISLATE**.

Rep. Kris E Roberts

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee: **MUNICIPAL AND COUNTY GOVERNMENT**
Bill Number: **SB91**
Title: **relative to automatic fire suppression
sprinklers.**
Date: **April 14, 2011**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill is not just an attempt to limit local control. SB91 is a attempt to issue a state defined one-size fits all ban on the requirement of fire sprinkler systems for new single and two-family homes regardless of local conditions. What would work in some communities wouldn't and doesn't work in places like Keene where some homes are being built miles away from city water and require in excess of 15 minutes; longer in winter, travel time for fire equipment. Nor in communities that don't have paid fire departments. SB91, as amended, removing the word "enforce" leaves open to interpretation. If SB 91 would require any town or city currently having an ordinance requiring fire sprinkler systems to invalidate that ordinance. The sponsors have stated that this is about individual rights and limiting government control, but the government has the requirement to provide a certain level of public safety to every citizen regardless of the costs. One sponsor stated that some communities are buying larger fire equipment to provide fire protection to homes away from the town center; this at the cost of all other property owners in the community. Additionally insurance companies develop community insurance overlays based on fire protection services and local fire codes, again affecting everyone's insurance costs. We shouldn't be using the power of the government to require the majority to assume the cost of the moral hazard. The sponsors of SB91 stated that the high cost of installing sprinkler systems was having a serious negative effect of the construction trades in New Hampshire. Research has shown that the average nation-wide cost of home fire sprinkler systems in new construction is about 1.5%. Even if the NH rate was double the national average and a home fire sprinkler system added \$9,000 to a cost of a new \$300,000 most realtors would confirm that the major components in home sales are quality of schools, community safety and property taxes. The property taxes on that same \$300,000 home would be \$3,000 in Moultonborough, \$6,000 in Hollis and \$9,000 in Keene. If someone is willing to pay in excess of \$180,000 in additionally property taxes over the life of a thirty year mortgage by living in Keene than in Moultonborough it is highly unlikely the cost of a \$4,500-\$9,000 home sprinkler

Original: House Clerk
Cc: Committee Bill File

system plays a factor in that person's home buying decision. The prime sponsors stated that SB91 would reduce the cost of work force housing thus increasing the availability. Firstly there is very little if any, work force house built or is being built outside the community water service, but most important; the House voted to end the state's mandate concerning work force housing to the local communities, now we are being asked to strip local communities of local control by passing a state mandate prohibiting them from acting in the best interest and safety of their communities.

Rep. Kris E Roberts
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

SB91, relative to automatic fire suppression sprinklers. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for the **Minority** of MUNICIPAL AND COUNTY GOVERNMENT. This bill is not just an attempt to limit local control. SB91 is an attempt to issue a state defined one-size fits all ban on the requirement of fire sprinkler systems for new single and two-family homes regardless of local conditions. What would work in some communities wouldn't and doesn't work in places like Keene where some homes are being built miles away from city water and require in excess of 15 minutes; longer in winter, travel time for fire equipment. Nor in communities that don't have paid fire departments. SB91, as amended, removing the word "enforce" leaves open to interpretation. If SB 91 would require any town or city currently having an ordinance requiring fire sprinkler systems to invalidate that ordinance. The sponsors have stated that this is about individual rights and limiting government control, but the government has the requirement to provide a certain level of public safety to every citizen regardless of the costs. One sponsor stated that some communities are buying larger fire equipment to provide fire protection to homes away from the town center; this at the cost of all other property owners in the community. Additionally insurance companies develop community insurance overlays based on fire protection services and local fire codes, again affecting everyone's insurance costs. We shouldn't be using the power of the government to require the majority to assume the cost of the moral hazard. The sponsors of SB91 stated that the high cost of installing sprinkler systems was having a serious negative effect of the construction trades in New Hampshire. Research has shown that the average nation-wide cost of home fire sprinkler systems in new construction is about 1.5%. Even if the NH rate was double the national average and a home fire sprinkler system added \$9,000 to a cost of a new \$300,000 most realtors would confirm that the major components in home sales are quality of schools, community safety and property taxes. The property taxes on that same \$300,000 home would be \$3,000 in Moultonborough, \$6,000 in Hollis and \$9,000 in Keene. If someone is willing to pay in excess of \$180,000 in additionally property taxes over the life of a thirty year mortgage by living in Keene than in Moultonborough it is highly unlikely the cost of a \$4,500-\$9,000 home sprinkler system plays a factor in that person's home buying decision. The prime sponsors stated that SB91 would reduce the cost of work force housing thus increasing the availability. Firstly there is very little if any, work force house built or is being built outside the community water service, but most important; the House voted to end the state's mandate concerning work force housing to the local communities, now we are being asked to strip local communities of local control by passing a state mandate prohibiting them from acting in the best interest and safety of their communities.

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SB 91 Minority Rep

ITL

Rep. Kris Roberts

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A handwritten signature in black ink, appearing to read "Kris Roberts", with a long horizontal flourish extending to the right.