

# 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

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ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

SB 91 - FINAL VERSION

27Apr2011... 1415h  
06/22/11 2293CofC

2011 SESSION

11-0766  
06/05

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4 ordinance, regulation, code, or administrative practice requiring the installation of automatic fire  
5 suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure  
6 used only for residential purposes. Notwithstanding any provision of law to the contrary, no  
7 municipality or local land use board shall enforce any existing ordinance, regulation, code, or  
8 administrative practice requiring the installation or use of automatic fire suppression sprinklers in  
9 any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park  
10 as defined in RSA 205-A:1, II.  
11           2 Effective Date. This act shall take effect July 1, 2011.

# Committee Minutes

ATTENDANCE

**SENATE CALENDAR NOTICE  
PUBLIC AND MUNICIPAL AFFAIRS**

- ✓ Senator John Barnes, Jr. Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator David Boutin
- ✓ Senator Amanda Merrill
- ✓ Senator Nancy Stiles

START: 9:31 AM  
STOP: 10:07 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof:  Calendar  Bill Status

Date: January 27, 2011

**HEARINGS**

**Tuesday**

**2/1/2011**

**PUBLIC AND MUNICIPAL AFFAIRS**

**State House 100**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** PLEASE NOTE ROOM CHANGE LOCATION.

- 9:00 AM SB85 naming a bay in the town of Meredith Johnson Bay.
- 9:15 AM HB77 relative to amendments to warrant articles.
- 9:20 AM SB91 relative to automatic fire suppression sprinklers.
- 10:20 AM SB115 relative to observing voter check-in.
- 10:30 AM SB73 establishing a committee to study local options for evergreen clauses.

**Sponsors:**

**SB85**

- |                       |                       |                      |                      |
|-----------------------|-----------------------|----------------------|----------------------|
| Sen. Jeanie Forrester | Sen. John Barnes, Jr. | Rep. Robert Greemore | Rep. Colette Worsman |
| Rep. Dennis Fields    | Sen. David Boutin     | Sen. Jeb Bradley     | Sen. Peter Bragdon   |
| Sen. Sharon Carson    | Sen. Lou D'Allesandro | Sen. Tom De Blois    | Sen. John Gallus     |
| Sen. Gary Lambert     | Sen. Sylvia Larsen    | Sen. Chuck Morse     | Sen. Bob Odell       |
| Sen. Jim Rausch       |                       |                      |                      |

**HB77**

- |                       |                        |                       |                   |
|-----------------------|------------------------|-----------------------|-------------------|
| Rep. Kathleen Hoelzel | Rep. Timothy Comerford | Sen. John Barnes, Jr. | Sen. David Boutin |
| Rep. Gene Chandler    | Rep. Shawn Jasper      | Rep. Joe Duarte       |                   |

**SB91**

- |                        |                       |                      |                    |
|------------------------|-----------------------|----------------------|--------------------|
| Sen. David Boutin      | Sen. John Barnes, Jr. | Sen. Jeb Bradley     | Sen. Tom De Blois  |
| Sen. John Gallus       | Sen. Fenton Groen     | Sen. Andy Sanborn    | Sen. Raymond White |
| Rep. William Infantine | Rep. Kenneth Hawkins  | Rep. Jennifer Coffey | Rep. Leo Pepino    |
| Rep. Thomas Keane      |                       |                      |                    |

**SB115**

- |                    |                   |                 |                       |
|--------------------|-------------------|-----------------|-----------------------|
| Sen. David Boutin  | Rep. Shawn Jasper | Rep. Joe Duarte | Sen. John Barnes, Jr. |
| Sen. Sharon Carson |                   |                 |                       |

**SB73**

- |                       |                    |                     |                      |
|-----------------------|--------------------|---------------------|----------------------|
| Sen. Lou D'Allesandro | Sen. Sylvia Larsen | Sen. Amanda Merrill | Rep. Daniel Sullivan |
|-----------------------|--------------------|---------------------|----------------------|

Debra Martone 271-3092

Sen. John Barnes, Jr.

Chairman

# Public and Municipal Affairs Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Deb Martone, Legislative Aide

**RE:** Hearing report on SB 91 – relative to automatic fire suppression sprinklers.

**HEARING DATE:** February 1, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Forrester, Merrill, Boutin and Stiles.

**MEMBERS OF THE COMMITTEE ABSENT:** Senator Barnes.

**Sponsor(s):** Senators Boutin, Barnes, Bradley, De Blois, Gallus, Groen, Sanborn and White; Representatives Infantine, Hawkins, Jennifer Coffey, Pepino and Keane.

**What the bill does:** prohibits municipalities from requiring automatic fire suppression sprinklers in certain dwellings.

**Who supports the bill:** Senators Boutin, Barnes, Bradley, De Blois, Gallus, Groen, Sanborn and White; Representatives Infantine, Hawkins, Jennifer Coffey, Pepino, Keane, Groen, Belanger and Christiansen; Robert Johnson, NH Farm Bureau Federation; Ari Pollack, Paul Morin and Tricia Grahame, Home Builders and Remodelers Association of NH; John Ela, Epoch Homes; Adam Schmidt, NH Manufactured & Modular Housing Association; Bob Quinn, NH Association of Realtors; Steven Rancourt;

**Who opposes the bill:** John Raymond, State Fire Marshal's Office; Cordell Johnston and Susan Olsen, NH Municipal Association; Corey Landry, Durham Fire Department; Doug Patch, NH Association of Fire Chiefs;

**Summary of testimony received:**

• Senator Boutin introduced the bill and explained it was a simple bill, which prohibits any adoption or enforcement of regulation requiring the installation of sprinklers in one- and two-family homes. To require such sprinklers is intrusive and costly.



- Senator Stiles asked if Senator Boutin had been a former member of the study committee, to which Senator Boutin replied, “No”.
- John Raymond, Assistant Director, State Fire Marshal’s Office, stated their opposition to the bill. HB 1486 from the 2010 Legislative Session addressed this same issue. The last bullet point from the study committee’s final report recommended municipalities not rely on board mandates to require residential fire sprinklers, but instead allow for the flexibility and creativity of local planning, safety and municipal personnel.
- The State Fire Marshal’s Office does currently support HB 109, relative to authorizing planning boards to require fire sprinklers as a condition of subdivision approval.
- The State Fire Marshal’s Office believes this issue should be left up to local communities to decide on the sprinkler issue. For example, fire stations could be too far away from the home. Perhaps there’s no/not enough water supply to fight a fire. Or an owner could have an extremely steep and icy driveway in the winter. They recommend the bill be voted Inexpedient to Legislate.
- Senator Merrill asked about the current status of HB 109, to which Mr. Raymond replied, “It is still in the Municipal and County Government Committee”.
- Senator Stiles indicated she saw nothing in the bill to prohibit installation of sprinklers if so desired. Mr. Raymond stated it would be up to the locals, but that her assumption was correct.
- Robert Johnson of the NH Farm Bureau Federation testified in strong support of the bill. The Federation currently has 3,500 members statewide. They feel it is a personal choice whether or not to install sprinklers. Individuals themselves are the best qualified to make the decision for their own homes. There is much expense involved in installing sprinklers. The bill is also contrary to workforce housing. The Federation also has concerns with HB 109. They urge the committee to support SB 91.
- Representative Warren Groen of Rochester is a contractor who builds homes as well as commercial construction. He is currently preparing to build a home with a sprinkler system. It is way out in the country, with a driveway that is a half mile long. SB 91 is a choice—not a mandate.
- The cost of \$1.60 per square foot was mentioned. Representative Groen indicated this is neither an adequate cost nor an adequate system. The norm is more like \$4.00 a square foot and up. The bottom line cost for the house

Representative Groen is building is \$9,700, which is, of course, passed on to the owner.

- In a rural area where there's well water, if the electricity is out the sprinkler system won't work. A back-up generator will cost \$5,000-\$7,000. These expenses are not so cut and dry. Damage may occur if a sprinkler system malfunctions. As they age, they may leak. According to Representative Groen, such a requirement should not be mandated onto our citizens.
- Senator Merrill asked if one family in a two-family dwelling should choose a sprinkler, but the other side doesn't, is there potential for one family to suffer. "Absolutely," replied Representative Groen. "But that's a choice they have made moving into a duplex." It's usually a starter home. Do we want to live in an unsprinklered home? Most people vote for not having a sprinkler.
- Corey Landry, Durham Fire Department Chief opposes the bill. The HB 1486 study committee report contained great recommendations. This bill takes away options. Durham requires sprinklers in multi-family homes; that is specific to the town of Durham. The choice should be left up to local government. He requests the committee find the bill Inexpedient to Legislate.
- Paul Morin of the Home Builders and Remodelers Association of NH thanked Senator Boutin for sponsoring the bill. It is a natural extension of HB 1486. It extends a portion of HB 1486 as law currently. The current law expires July 2011. Mr. Morin indicated HB 109 is likely to be amended.
- As a builder, Mr. Morin offers sprinklers to all owners. Very few take it. This bill is not a change in policy or law.
- Representative Will Infantine submitted a letter addressing the cost savings of promoting sprinklers, which he found minimal. Systems can be expensive per square foot. The starting point is around \$5,000.
- Ari Pollack, also representing the Home Builders and Remodelers Association of NH, stated it is the position of the Association that homeowners should make the decision for themselves. This bill would prohibit a mandate.
- Senator Merrill asked if the municipality had flexibility in the ordinance language. Mr. Morin indicated that could be very difficult at times, with the involvement of the Zoning Board of Adjustment.
- Susan Olsen of the NH Municipal Association stated their opposition to the bill. This is a decision which should be left up to individual municipalities.

This is akin to the State Building Code; NHMA opposed the adoption of same nine years ago. To enact SB 91 would be to change the rules for municipalities again. This issue should be decided locally, with no legislative interference.

- Steven Rancourt is a Pelham builder who supports the bill. \$4.00 a square foot is a pretty accurate number. This is a good bill; please vote in favor of same.

- John Ela of Epoch Homes also supports the bill. They have modular homes which are built in NH and transported all over. It's hard to deal with different regulations. It causes undue problems. Adding sprinklers doesn't increase the appraised value of a home. But it does increase the down payment. It has an impact on the affordability, and locks people out of the market.

- Adam Schmidt, representing the NH Manufactured & Modular Housing Association, stated manufactured homes are built to HUD code and sent to NH. Is the HUD seal still valid if sprinklers are required? The Association supports the bill and the comments of previous speakers.

**Action:** Senator Boutin made a motion of Ought to Pass. Senator Stiles seconded the motion. The vote was 3-1 in favor. Senator Boutin will report the bill out of committee.

dam

[file: SB 91 report]

Date: February 2, 2011

# Speakers

Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: February 1, 2011 Time: 9:20 am Public Hearing on SB 91

SB 91 relative to automatic fire suppression sprinklers.

Name	Representing	Support	Oppose	Speaking?	Yes	No
✓ John Raymond	State Fire Marshal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Senator Raymond White	District #9	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ SENATOR JOHN GALLUS	DISTRICT 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Sen. Beaudoin</del>	<del>District #11</del>	<del><input checked="" type="checkbox"/></del>	<del><input type="checkbox"/></del>	<del>Speaking?</del>	<del><input type="checkbox"/></del>	<del><input checked="" type="checkbox"/></del>
✓ Sen. Bradley	District 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Cordell Johnson <sup>Saxon Olson</sup>	NH Municipal Ass'n	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Robert Johnson, II	NH Farm Bureau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ PAUL MORIN	HOME BUILDERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ REP WARREN GROEN	SELF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Corey Landry	Durham FD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Doug Patch	NH Assn of Fire Chiefs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MP ✓ Will Infante	Manchester ward 6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ PETER GRANAME	Home Builders & Remodelers Assn of NH (HBRANH)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
✓ ARI POWACK	HOME BUILDERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ JON J EA	EPOCH HOMES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Adam Schmitt	NH Manufactured + Modular Housing Assn.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Fenton Groel	District No. 6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>



# Testimony

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**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.

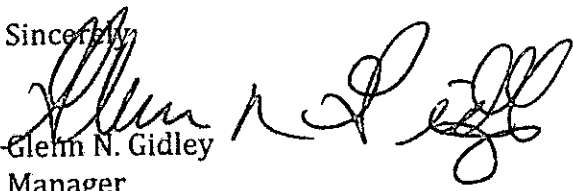
The true cost for sprinklers in manufactured homes, we have installed three thus far, have all exceeded \$8,000.00. If pumps and tanks need to be added the cost is approximately \$2,000.00 more.

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



## **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



1/31/11

To; New Hampshire Legislature

From: Representative Will Infantine

RE: Insurance Savings for Residential Sprinkler Systems

To Whom It May Concern:

I have been asked what the average savings would be on a standard residential home owner policy if the house has a sprinkler system. To provide you with a specific example I have used my own home which does not have a sprinkler system.

My home has a building structure replacement cost of \$285,000. The annual cost for property insurance only is \$750.00. If the house was sprinkled including the basement, attic and closets the discount would be 13% or \$98.00 year. If I has a sprinkler system in all the areas excluding the basement, attic and closets the discount would be 8% or \$60.00 per year.

It would take 30 years to recover the estimated \$3,000 sprinkler system cost by the insurance discount only.

This is one example and a number of variables and rating structures for a number of different insurance carriers will alter these numbers but not significantly.

  
Will Infantine

$$\begin{array}{r} 98 \\ 60 \\ \hline 2 \overline{) 158} \\ \underline{74} \end{array}$$

$$\begin{array}{r} 10 \\ \hline 74 \overline{) 800} \\ \underline{74} \\ \hline 600 \end{array}$$



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



**Public and Municipal Affairs**

SENEATE BILL 91

AN ACT relative to residential fire sprinklers.

Good morning Chairman Barnes and honorable members of the committee. For the record my name is John Raymond, Assistant Director for the State Fire Marshal's Office. I am opposed to this bill as written and offer the following solution.

Residential sprinklers have been around the block a few times. HB ~~1468~~ (1486 jm) from the 2010 legislation has addressed the issue. I will quote the last bullet point from the committee **(It is strongly recommended that municipalities not rely on board mandates to require residential fire sprinklers, but instead allow for the flexibility and creativity of local planning, safety and municipal personnel)** A copy of the bill with the study committee's final report dated November 1, 2010 will be given with my written testimony. Also this legislation session we have supported HB 109 relative to authorizing planning boards to require fire sprinklers as a condition of subdivision approval.

It should be left up to the local communities to decide if residential fire sprinklers are needed. The reasons could be as simple as the fire station is to far from the home. The driveway in the winter is steep and icy. There is no or not enough water supply to fight the fire.

This bill should be voted ITL as the study speaks for itself.

## MEMORANDUM

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**DATE:** November 1, 2010

**TO:** Honorable John H. Lynch, Governor  
Honorable Terie Norelli, Speaker of the House  
Honorable Sylvia B. Larsen, President of the Senate  
Honorable Karen O. Wadsworth, House Clerk  
Tammy L. Wright, Senate Clerk  
Michael York, State Librarian

**FROM:** Representative Susi Nord, Chairman

**SUBJECT:** Final Report on HB 1486, Chapter 282:5, Laws of 2010

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Pursuant to HB 1486, Chapter 282:5, Laws of 2010, enclosed please find the Final Report of the Committee.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

I would like to thank those members of the committee who were instrumental in this study. I would also like to acknowledge all those who testified before the committee and assisted the committee in our study.

Enclosures

cc: Senator Betsi DeVries, member of the committee  
Representative Raymond Gagnon, clerk and member of the committee  
Representative Carol McGuire, member of the committee

# FINAL REPORT

## Establishing a committee to Study Municipal Residential Fire Sprinkler Requirements

**HB 1486, Chapter 282:5, Laws of 2010  
November 1, 2010**

**HB 1486, (Chapter 282:5, Laws of 2010),** Established a committee. The charge of the committee was to study Municipal Residential Fire Sprinkler Requirements.

**PURPOSE OF THE STUDY:** The committee studied existing municipal residential fire sprinkler requirements and whether the interests of safety justify authorizing municipalities to adopt sprinkler requirements for residential structures in the future. Although outside of our charge, the committee also briefly discussed other issues related to sprinkler mandates in residential structures. Related findings from those discussions are included.

**ISSUE:** The House Commerce Committee recommended and Senate Public and Municipal Affairs Committee agreed that while fire sprinklers are an important tool in regulation of fire protection within municipalities, there are problems with blanket mandates which need consideration. The policy questions under consideration are the role of legislation to promote usage of new technology, the appropriate level of government to mandate safety requirements to individual homeowners, the process by which fire code and building code overlap, when code requirements apply to remodeling and the options for homeowners who have special conditions which make a sprinkler mandate arduous to appeal a legislative mandate.

### **PROCESS AND PROCEDURES:**

The following is a review of each meeting. The minutes are attached with more in depth information.

**8/26/2010 2:00:00 PM LOB 302 Organizational Meeting**

**9/2/2010 11:00:00 AM LOB 302 Regular Meeting**

**9/30/2010 10:00:00 AM LOB 302 Regular Meeting**

There was a meeting scheduled for 10/13/2010 but there was no quorum. Those in attendance discussed the second draft of this report.

### **HISTORY:**

House Bill 1486 and House Bill 1191 from 2010 came before House Commerce as a result of sponsors' efforts to address constituent concerns about a proposed state mandate on residential fire sprinklers by the state Building Code review board. At the public hearing for these bills, the House Commerce Committee heard testimony from the public about both the benefits of fire sprinklers as well as the hardships caused by existing municipal mandates. The House Commerce Committee recommended and the House and Senate agreed that the state mandate not be enacted, that a limited moratorium be enacted on new municipal regulations and that a study committee be created to review the issue of residential sprinkler mandates at the municipal level.

## FINDINGS:

- The interdisciplinary nature of this issue has created multiple study committees reviewing various questions that relate to legislative requirements regarding residential fire sprinkler mandates. In an effort to maximize our study committee's effectiveness, the members agreed to defer to the efforts of the House Executive Departments and Administration Committee retained bill sub-committee studying HB1631 regarding code requirements for remodeling and the overlap between building code and fire code jurisdiction since these issues are related but otherwise outside the scope of this study.
- A number of other states have considered prohibitions or moratoriums against municipal fire sprinkler mandates. At least one state has required municipalities to demonstrate a comprehensive review of local conditions before they may enact legislation mandating residential fire sprinkler usage. The committee was very interested in the Florida statute which requires municipalities to conduct a thorough economic analysis before enacting a law mandating residential sprinklers.
- Some states specifically require builders to offer the installation of sprinkler systems to homebuyers as a method to promote the expansion of the technology. This is an alternative to a municipal or statewide mandate as a way to legislatively encourage increased use of sprinkler technology in residential settings.
- While estimates varied greatly, testimony indicated the average cost to install a fire sprinkler system in a new single-family residence in New Hampshire seems to be approximately \$5,000. Costs are generally lower in instances where municipal water supply is available and carries adequate pressure to sustain the system. Costs are higher in instances where private tanks and pumps are necessary to supplement municipal water supply or where no municipal water supply is available. Costs relating to maintenance and inspections are additional and reoccurring expenses. It is anticipated that improvements in design and technology will bring the costs down in the future.
- The Committee has concerns about the negative effects of broad residential sprinkler mandates on housing costs, specific industries, and the rights of individual home owners. As an alternative to broad mandates, the Committee explored the current role of planning board input and how to increase board member training around weighing all options to increase fire safety in new residential developments.
- 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. Local fire chiefs and other fire protection personnel play an important role in the planning, design review and construction of new housing. The process works best when the needs of the individual or development are given consideration in context of the larger picture. It is also important to weigh competing policy concerns such as the needs to provide fire safety infrastructure and affordable work force housing.
- Some municipalities, such as Salem, NH have the personnel and resources to perform a professional review process for all new development. In such communities, the ability to evaluate particular circumstances and consider waivers and other relief acts as a safeguard against exclusionary zoning and other abuses. However even with the attention to detail Salem is able to provide, a significant number of residents and developers have issues with their local blanket mandate. The vast majority of New Hampshire municipalities, however, do not provide such levels of staffing, interaction and application review.



- Manufactured and modular housing units present a unique challenge in relation to fire sprinklers. HUD does not require sprinklers in the national standards for manufactured housing, and it is unclear what effect retrofitting sprinklers has on the validity of a HUD seal. Retrofitting sprinklers into already-constructed units can be burdensome and cost-prohibitive for consumers. Differing requirements between municipalities can cause retailers problems since their usual distribution channels may only carry homes with or without sprinklers. The committee heard that for at least one retailer, the residential sprinkler mandate in Salem has caused ongoing difficulties and has still not been completely resolved. In addition, there is the concern about the effect of a mandate on new homes in an existing park. If the park already has adequate fire protection, a mandate requiring adaptation to a HUD approved design is at least redundant and at most could be cost prohibitive to an especially cost sensitive segment of the housing industry. The Committee is extremely concerned that requirements to install fire sprinklers in manufactured and modular housing units operate as a competitive disadvantage for these sectors of the housing industry.
- Whether qualifications are regulated by licensure requirements or local regulations, the complexity of these systems runs contrary to the tradition of allowing New Hampshire homeowners to build, repair and maintain their own residences. There are competing concerns of ensuring systems integrity, not burdening local fire safety personnel with false alarms, and maintaining individual autonomy to maintain one's home.
- 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. The cost benefit analysis of long-term savings from sprinkler installation has not been presented to the committee although even a small savings spread out over the entire population of a town and multiplied by a number of years could be significant.
- There is a risk of equating a fire sprinkler mandate with adequate fire safety protection for an entire town. A residential sprinkler mandate is one of many tools a community may use to address community fire safety; however it is a tool which does not address the full spectrum of services provided by emergency response personnel. The committee is concerned that some municipalities enact broad residential fire sprinkler mandates rather than expand or maintain adequate emergency services by hiring an adequate number of personnel.

## RECOMMENDATIONS:

- That the legislature study ways to improve the appeal process at the local level. Unfortunately there are different levels of redress available in different towns and cities as a result of the different resources each municipality makes available. There is also the possibility of a conflict when an individual wants to appeal the decision of the official who later makes the decisions to issue permits and certificates of occupancy. The appeal process should be timely and accessible and there should be clear guidance about when it is appropriate to overturn a municipal mandate.
- Enhancement and/or documentation of the process for examining fire protection as part of the approval process for new residential development. Similar to growth management ordinances or workforce housing initiatives, the Committee believes that a set of uniform criteria might apply to the issue of adequate fire protection. For example, municipal planners could review fire protection, including relative distances to fire stations, fire personnel response time, hydrants, credible water sources and other fire protection infrastructure in considering the alternatives for fire protection with respect to a proposed new development. Such alternatives could include hydrants linked to existing municipal water systems, new or existing fire ponds, development-specific fire cisterns, or other fire suppression methods. Where none of these alternatives exist or are practical, in-home fire sprinkler systems could be required for those developments that would otherwise be considered scattered or premature. Where they do exist, planning boards may grant relief from certain safety related requirements when fire sprinklers are included within a development proposal.
- Further study of the feasibility of requiring municipalities to conduct a thorough economic assessment prior to implementing a residential sprinkler mandate. The assessment could include items from the Florida statute such as an assessment of the tradeoffs and specific cost savings and benefits of fire sprinklers for future owners of property; an assessment of the cost savings from any reduced or eliminated impact fees if applicable; the reduction in special fire district tax, insurance fees, and other taxes or fees imposed and the waiver of certain infrastructure requirements including the reduction of roadway widths, the reduction of water line sizes, increased fire hydrant spacing, increased dead-end roadway length and a reduction in cul-de-sac sizes relative to the costs from fire sprinkling.
- Continued cooperation between the residential home building and remodeling industry and fire safety professionals. These professionals should find ways to increase residential sprinkler usage without using the force of legislation such as ideas for public education and possibly a joint summit. It is also recommended that the Municipal Association and the Local Government Center work on ways to increase the awareness among planning board members of when and where sprinkler requirements are appropriate.
- Special consideration should be given to manufactured and modular housing when implementing residential sprinkler requirements. There are numerous circumstances for both the homeowner and the industry which make residential fire sprinkler mandates particularly problematic for manufactured and modular housing.
- It is strongly recommended that municipalities not rely on broad mandates to require residential fire sprinklers, but instead allow for the flexibility and creativity of local planning, safety and municipal personnel.<sup>1</sup>

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<sup>1</sup> This recommendation was not unanimous. One member felt that the wording was too strong and should be softened. The other three felt that the language was appropriate.

## *APPENDICES LISTING*

*Appendix A: Meeting Minutes from August 26, 2010*

*Appendix B: Meeting Minutes from September 2, 2010*

*Appendix C: Meeting Minutes from September 30, 2010*

<p><b>HB 1486, Chapter 282:5, Laws of 2010 COMMITTEE</b></p>
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### **COMMITTEE MEMBERS:**

Representative Susi Nord, chair  
Representative Raymond Gagnon, clerk  
Representative Carol McGuire  
Senator Betsi DeVries

*The commission members would like to thank the following individuals for their contributions to this report:*

Representative Raymond Gagnon for his excellent minutes  
Pam Smarling, House Commerce Committee Researcher  
NH State Fire Marshall William Degnan  
Chief Kevin Breen and Fire Marshal Jeff Emanuelson of Salem, NH  
Richard Wood, Nashua Fire Rescue, NH Fire Prevention Society  
Shawn Murray, NH Fire Chiefs Association  
Paul Morin, Tricia Grahame and Ari Pollack of the NH Home Builders and Remodelers Association

Senator David Boutin  
Legislative Office Building, Room 102  
33 North State St.  
Concord, N.H. 03301

Honorable Senator Boutin:

I write to express my opposition to SB 91, a bill that would prohibit the inclusion of fire sprinkler requirements in one and two family homes in any state or local residential and fire building codes. This bill puts New Hampshire residents and firefighters at risk. I strongly urge you to reconsider the passage of this bill.

Every major model safety code now requires home fire sprinklers in new construction. In 2006 three major NFPA codes were revised to include the requirement for home fire sprinklers in new construction of one- and two-family dwellings. In 2008, the International Code Council voted to add a similar provision to the 2009 edition of *International Residential Code*. This occurred through a process properly vetted by both private and public concerns and not influenced by any single special interest group. The standard of home fire safety has been set. National model codes represent minimum standards of safety to protect people in their homes. U.S. consumers expect that the products they buy, including their homes, come equipped with the minimum standards of safety.

The facts are clear. Home fire sprinklers save lives. Each year, approximately 3,000 people die in home fires. Sprinklers would have saved the vast majority of them. If you have a reported fire in your home, the risk of dying decreases by about 80 percent when sprinklers are present. You may have heard the opposition say that having a smoke alarm increases survivability by 99.45%, however, they fail to mention that, considering the fact that 3,000 people die, on average, each year in comparison to 400,000 structure fires, the chances of survival is 99% without taking into consideration any safety feature. The goal is not about increasing the chances of survival, but reducing the risk of dying.

Additionally, people in homes with sprinklers are protected against significant property loss—sprinklers reduce the average property loss by 74% per fire. The approximately 400 communities nationwide that have enacted some type of home fire sprinkler requirement have seen similar results – lives saved and less destruction from fire compared to communities with no home fire sprinkler requirement.

NH SB91 ignores the success of a proven technology, and denies communities the ability to provide this life-saving protection to their citizens. NFPA is against any proposal that removes this requirement from the code, thus reducing the established minimum standards of life safety in one- and two-family homes. Amending the requirement out of the code equates substandard housing.

I urge you to rescind this bill.

Sincerely,



Robert F Duval  
Director, Northeast Region

NFPA  
1 Batterymarch Park  
Quincy, MA 02169

1cc: GSK

**The mission of the international nonprofit NFPA, established in 1896, is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education.**



## New Hampshire Municipal Association

February 1, 2011

Hon. John S. Barnes, Jr., Chairman  
Public & Municipal Affairs Committee  
State House, Room 302  
Concord, New Hampshire 03301

*Re: SB 91*

Dear Sen. Barnes:

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. John S. Barnes, Jr.

February 1, 2011

Page 2 of 2

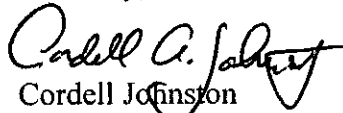
Nine years ago, over our objections, the legislature adopted a state building code, which it decreed would be in effect in every municipality in the state, thus partially preempting municipalities' authority to adopt their own codes. In doing so, it authorized municipalities to decide whether to enforce 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,



Cordell Johnston  
Government Affairs Counsel

# Committee Report



STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: February 1, 2011

THE COMMITTEE ON Public and Municipal Affairs  
to which was referred Senate Bill 91

AN ACT                    relative to automatic fire suppression sprinklers.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF:    3-1

AMENDMENT #        s

Senator David R. Boutin  
For the Committee

Debra Martone 271-3092

## New Hampshire General Court - Bill Status System

**Docket of SB91**

Docket Abbreviations

**Bill Title:** relative to automatic fire suppression sprinklers.*Official Docket of SB91:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/19/2011	S	Introduced and Referred to Public and Municipal Affairs, <b>SJ 3</b> , Pg.35
1/27/2011	S	Hearing: 2/1/11, Room 100 State House, 9:20 a.m.; <b>SC9</b>
2/8/2011	S	Committee Report: Ought to Pass, 2/16/2011; <b>SC11</b>
2/16/2011	S	Ought to Pass, MA, VV; OT3rdg, <b>SJ 6</b> , Pg.57
2/16/2011	S	Passed by Third Reading Resolution, <b>SJ 6</b> , Pg.61
2/16/2011	H	Introduced and Referred to Municipal and County Government; <b>HJ 19</b> , Pg.439
4/6/2011	H	Public Hearing: 4/12/2011 10:00 AM LOB 301
4/6/2011	H	Executive Session: 4/14/2011 10:00 AM LOB 301
4/14/2011	H	Majority Committee Report: Ought to Pass with Amendment #1415h for April 27 (Vote 12-5: RC); <b>HC 33</b> , PG.1070
4/14/2011	H	Proposed Majority Committee Amendment <b>#2011-1415h</b> ; <b>HC 33</b> , PG.1081
4/14/2011	H	Minority Committee Report: Inexpedient to Legislate; <b>HC 33</b> , PG.1070
4/27/2011	H	Amendment #1415h Adopted, VV; <b>HJ 40</b> , PG.1375
4/27/2011	H	Ought to Pass with Amendment #1415h: MA <b>RC 223-91</b> ; <b>HJ 40</b> , PG.1375-1377
5/25/2011	S	Sen. Barnes Moved Nonconcur with House Amendment 1415h; Requests C of C, MA, VV; <b>SJ 18</b>
5/25/2011	S	President Appoints: Senators Barnes, Boutin and Merrill
6/1/2011	H	House Accedes to Senate Request for C of C (Rep Bettencourt): MA VV; <b>HJ 48</b> , PG.1669
6/1/2011	H	Speaker Appoints: Reps Sterling, Ferrante, B.Patten, and Burt; <b>HJ 48</b> , PG.1669
6/2/2011	S	Committee of Conference Meeting: 6/7/2011, 10:30 a.m., Room 100, State House
6/7/2011	S	Conferee Change; Senator Forrester Replaces Senator Merrill; <b>SJ 20</b> , Pg.547
6/9/2011	H	Conference Committee Report <b>#2011-2293c</b> , House AM + New AM, Filed; <b>HC 49</b> , PG.1675
6/22/2011	H	Conference Committee Report #2293c Adopted, <b>RC 284-92</b>
6/22/2011	S	Conference Committee Report 2293c; Adopted, VV
6/22/2011	H	Enrolled
6/22/2011	S	Enrolled
7/13/2011	S	Vetoed by Governor 07/13/2011

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB91 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_\_ - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED \_\_\_\_\_ AS AMENDED BY THE HOUSE  
 FINAL VERSION \_\_\_\_\_ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

- 1) COMMITTEE OF CONFERENCE REPORT # 2011-2293
- 2) GOVERNOR'S VETO MESSAGE 07/13/11 CofC

DATE DELIVERED TO SENATE CLERK

07/27/11

BY:

Debra A. Martore  
COMMITTEE AIDE

June 7, 2011  
2011-2293-CofC  
06/09

*Signed by Sen.  
Boutin;  
06/08/11  
DAN*

1 Committee of Conference Report on SB 91, an act relative to automatic fire suppression sprinklers.

2

3 Recommendation:

4 That the Senate recede from its position of nonconcurrence with the House amendment, and  
5 concur with the House amendment, and

6 That the Senate and House adopt the following new amendment to the bill as amended by the  
7 House, and pass the bill as so amended:

8

9 Amend the bill by replacing section 1 with the following:

10

11 1 New Paragraph; Power to Amend State Building Code and Establish Enforcement Procedures.

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

13 V. No municipality or local land use board as defined in RSA 672:7 shall adopt any  
14 ordinance, regulation, code, or administrative practice requiring the installation of automatic fire  
15 suppression sprinklers in any new or existing detached one- or 2-family dwelling unit in a structure  
16 used only for residential purposes. Notwithstanding any provision of law to the contrary, no  
17 municipality or local land use board shall enforce any existing ordinance, regulation, code, or  
18 administrative practice requiring the installation or use of automatic fire suppression sprinklers in  
19 any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park  
20 as defined in RSA 205-A:1, II.

The signatures below attest to the authenticity of this Report on SB 91, an act relative to automatic fire suppression sprinklers.

Conferees on the Part of the Senate

Conferees on the Part of the House

\_\_\_\_\_  
Sen. Barnes, Dist. 17

\_\_\_\_\_  
Rep. Sterling, Ches. 7

\_\_\_\_\_  
Sen. Boutin, Dist. 16

\_\_\_\_\_  
Rep. Ferrante, Rock. 5

\_\_\_\_\_  
Sen. Forrester, Dist. 2

\_\_\_\_\_  
Rep. B. Patten, Carr. 4

\_\_\_\_\_  
Rep. Burt, Hills. 7

## **Governor Lynch's Veto Message Regarding SB 91**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 13, 2011, I vetoed SB 91, an act relative to residential fire sprinklers.

SB 91 prohibits local governing bodies from requiring the installation of a fire suppression sprinkler system in proposed one or two-family residences as a condition of approval for a local permit. While it preserves existing local ordinances requiring automatic sprinkler systems in the communities that have adopted such ordinances, it would eliminate enforcement of any existing ordinance that requires sprinklers in manufactured housing units that are situated in a manufactured housing park.

The State Fire Marshal and numerous local fire departments across the State believe that local officials should continue to have the ability to require automatic sprinkler systems as an option when evaluating new residential construction.

This bill will limit the choices available to communities in meeting local fire control requirements. Instead of providing a range of options, communities will now have to revert to requiring what may be more costly options: fire ponds, cisterns, wider road widths, increasing the size of building lots and increasing the size of distance between buildings.

The decision of whether or not to require automatic sprinkler systems for new or renovated residential development has been, and should remain, a local one. The State should not preempt local decision-making. That is why I vetoed HB 109, a related bill that prohibits local planning boards from adopting regulations requiring sprinklers for one and two family homes in new subdivisions. SB 91, like HB 109, will remove local control over an important issue.

For these reasons, I am vetoing SB 91.

Respectfully submitted,  
John H. Lynch  
Governor  
Date: July 13, 2011