

Committee Report

CONSENT CALENDAR

February 8, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 377,

AN ACT relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Jaci Grote

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 377
Title:	relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses.
Date:	February 8, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill puts into statute a clear definition for recovery houses throughout our state and provides guidance to protect those individuals in recovery. This bill gives the State Fire Marshal authority to grant exemptions to recovery houses that are unable to meet all fire codes and eliminates the dangerous practice of bypassing fire code standards that protect individuals in recovery houses. The State Fire Marshal testified in support of this bill. Although the NH Coalition of Recovery Residences opposes the bill, they were unable to make the case to the committee that this bill is discriminatory since all recovery houses are able to seek this exemption.

Vote 19-0.

Rep. Jaci Grote
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 377, relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill puts into statute a clear definition for recovery houses throughout our state and provides guidance to protect those individuals in recovery. This bill gives the State Fire Marshal authority to grant exemptions to recovery houses that are unable to meet all fire codes and eliminates the dangerous practice of bypassing fire code standards that protect individuals in recovery houses. The State Fire Marshal testified in support of this bill. Although the NH Coalition of Recovery Residences opposes the bill, they were unable to make the case to the committee that this bill is discriminatory since all recovery houses are able to seek this exemption. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Archived: Tuesday, April 20, 2021 9:30:58 AM
From: Carol McGuire
Sent: Friday, February 12, 2021 12:10:33 PM
To: Miriam Simmons
Cc: Pam Smarling
Subject: Re: FW: Committee reports HB 298 and HB 377
Response requested: Yes
Importance: Normal

Good, except that the organization is NH CORR

On Fri, Feb 12, 2021 at 11:21 AM Miriam Simmons <miriam.simmons@leg.state.nh.us> wrote:

Carol,

Could you review and approve these 2 blurbs from Jaci

Let me know if they are okay to post.

Thank-you

Miriam

From: Jaci Grote <Jaci.Grote@leg.state.nh.us>
Sent: Wednesday, February 10, 2021 1:03 PM
To: Carol McGuire <mcguire4house@gmail.com>
Cc: Pam Smarling <Pam.Smarling@leg.state.nh.us>; Miriam Simmons <miriam.simmons@leg.state.nh.us>
Subject: Committee reports HB 298 and HB 377

Jaci Grote

Representative Jaci Grote

Rockingham District 24 - Rye and New Castle

Executive Departments and Administration

603-235-6287

HOUSE COMMITTEE REPORT

HB 377 - relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses

2/8/2021 Consent – yes

OTP – 19-0

Committee Vote

HB377 puts into statute a clear definition for recovery houses throughout our state and provides guidance to protect those individuals in recovery. This bill gives the fire marshal authority to grant exemptions to recovery houses that are unable to meet all fire codes and eliminates the dangerous bypassing of fire codes standards that protect individuals in recovery houses. The State Fire Marshal testified in support of this bill. Although NH Core opposes the bill, they were unable to make the case to the committee that this bill is discriminatory since all recovery houses are able to seek this exemption.

REPRESENTATIVE GROTE

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 377

BILL TITLE: relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses.

DATE: February 8, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Grote

Seconded by Rep. Goley

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



2021 SESSION

Executive Departments and Administration

Bill #: HB 377 Motion: OTP AM #: _____ Exec Session Date: 2-8-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Judy, Jean L.	X		
Schmidt, Peter B.	X		
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			

19-0

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 377

BILL TITLE: relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses.

DATE: February 4, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 11:25 a.m

Recessed at 11:50 due to technical issues;
...reopened at 3:00 p.m.
Adjourned at 3:35 p.m.

(please circle if present)

ALL PRESENT EXCEPT BAILEY ←
Committee Members: Reps. McGuire, Roy, Sytek, S. Pearson, Yakubovich, Lekas, Alliegro, Bailey, Lanzara, Santonastaso, P. Schmidt, Schultz, Goley, Jevdy, Schuett, Fellows, Fontneau, Grote, M. O'Brien
LABRANCHE

Bill Sponsors:

Rep. Connors

Rep. Snow

Rep. Cornell

Sen. D'Allesandro

Rep. Goley

TESTIMONY

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

HB 377 relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses. (11:25/recessed at 11:50 due to technical issues; reopened at 3:00/closed at 3:35)

Rep. Connors, prime sponsor, introduced the bill. She chaired the Committee to Study State and Municipal Authority Governing Recovery Housing.

This bill mirrors a bill that passed the House but was left on the Senate table last term due to COVID. Following a recommendation of the study committee, the bill provides a clear definition of a recovery house (or sober living house).

She said that these houses are crucial to recovery. This bill is not intended to reduce the number of such houses. She said that in Manchester it was found that some housing facilities were using this housing designation to get around life safety codes and taking advantage of a population at risk. Firefighters responding to overdoes calls have found hazardous conditions in locations claiming to be recovery houses. She said this bill is consistent with the Americans with Disabilities Act and allows recovery houses to operate under less stringent conditions. She said that despite good work being done with voluntary certification, there are still abuses.

Paul Parisi, State Fire Marshal, spoke in support.

He stated the conditions under which the less stringent conditions would apply (such as no sprinkler systems) and this bill was developed with input from the Dept. of HHS to strike a balance between the needs of recovery houses and life safety codes. He said that his office was supportive because the bill standardizes how the state handles recovery houses from a fire safety perspective and cites relevant considerations. He answered committee questions as to the frequency of

inspections and egress for basement rooms. He said that the conditions of his support were “equivalencies” to meet the fire codes.

Kim Boch, Executive Director of the NH Coalition of Recovery Residences (NH CORR), spoke in opposition.

Her group was opposed to the bill because she said the Fire Marshal already has this power and that the bill discriminates against a subset of a protected class. She described the history of NH CORR and its purposes and role; that it certifies recovery houses in accordance with national standards. She said the next speaker would speak about the discriminatory aspects of the bill. In **answer to a question** she said that this bill discriminates against those in recovery. FM Parisi said in response that while he already had the power, he said that his bill would make for a state-wide standard.

Christine Wellington, a board member of NH CORR, retired fair housing attorney, former Commissioner of the Human Rights Commission. She spoke also in opposition stating the reasons she felt that this bill was discriminatory.

She said that present law is adequate to protect against “bad actors.” There were **extensive questions and answers** about the discriminatory aspects, distinctions from other congregate living situations.

Chief Dan Goonan, Manchester Fire Chief, spoke in support.

He said there was no intent to be discriminatory, that the purpose was to make it easier for recovery houses and he described the process of approving recovery houses. Chairman McGuire asked Chief Goonan whether the FD check list was, in fact, a bare minimum to meet the fire code for an old house without a sprinkler system.

There were extensive questions of Ms. Boch concerning recovery houses not certified by NH CORR, some that are not up to standards, some receiving out-of-state funding that do not need exceptions, the discrimination due to uneven treatment of congregate housing (e.g. recovery house vs. UNH dorm).

Rep. Goley, co-sponsor, addressed some points made by earlier speakers, in particular saying that this bill relaxes the sprinkler requirement, not imposes tighter restrictions.

Jake Berry, VP of Policy, New Futures spoke without formal position but stated that New Futures supports the efforts of recovery houses and have been addressing these issues for 20 years.

Public hearing adjourned at 3:35 p.m.

Respectfully submitted by,

**Rep. John Sytek
Committee Clerk**

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House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB377 on 2

Support: 4 Oppose: 4 Neutral: 2 Total to Testify: 5

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Wellington, Christine	chriswellington10@comcast.net	603.553.8498	A Member of the Public	NH Coalition of Recovery Residences	Oppose	Yes (5m)	2
Berry, Jake	jberry@new-futures.org	603.493.8781	A Lobbyist	New Futures	Neutral	Yes (3m)	2
Parisi, Paul	paul.j.parisi@dos.nh.gov	603.931.9538	State Agency Staff	NH State Fire Marshal's Office	Support	Yes (2m)	2
Connors, Erika	erika.connors@leg.state.nh.us	603.396.8338	An Elected Official	Myself	Support	Yes (0m)	1
Bock, Kim	executivedirector@nhcorr.org	603.552.0091	A Member of the Public	New Hampshire Coalition of Recovery Residences (NHCORR)	Oppose	Yes (0m)	1
Mombourquette, Donna	donna4hills5@gmail.com	508.839.4855	A Member of the Public	Myself	Oppose	No	2
Jones, Chief Ken	nhfirechiefs@gmail.com	603.424.4911	A Member of the Public	NH Association of Fire Chiefs	Support	No	2
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2
OHiggins, Jennifer	Jennifer.OHiggins@dhhs.nh.gov	603.406.4178	State Agency Staff	DHHS	Neutral	No	2
Lloyd, Sheridan	sheridan.lloyd@myfairpoint.net	603.436.5850	A Member of the Public	Myself	Oppose	No	2

Testimony



VIA ELECTRONIC MAIL

1/28/2021

Representative Carol McGuire
House Executive Departments & Administration Committee

RE: HB 377 – An Act Relative to the Authority of the State Fire Marshal to Grant an Exemption from Fire Code Requirements to Recovery Houses

Dear Rep. McGuire and Members of the Executive Departments & Administration Committee:

We are submitting written testimony in opposition to HB 377. The New Hampshire Coalition of Recovery Residences (NHCORR) is a statewide organization that provides voluntary certification of recovery homes and provides education and training to recovery homeowners, staff, residents and members of the public. NHCORR is the state affiliate of the National Alliance of Recovery Homes (NARR). We serve as the DHHS-approved certifying agency for New Hampshire recovery homes.

HB 377 proposes to permit the State Fire Marshal to grant certain exemptions to recovery homes that are NHCORR-certified. It also imposes a number of conditions that must be met in order for a NHCORR-certified home to be eligible for the exemptions. Many of the requirements appear to exceed the applicable standards of existing state law for dwellings.

While we greatly appreciate the recognition that the proposed legislation accords our organization and we acknowledge the sincere efforts of the bill's sponsors, we are concerned that this legislation impermissibly singles out members of a protected class group in violation of the federal Fair Housing Act (FHA). In addition, we do not feel that this legislation is necessary in light of the existing body of state and local health and safety statutes, regulations and ordinances that cover dwellings as well as the mechanisms for obtaining exemptions.

Residents of recovery homes are recognized as persons with disabilities under both the FHA and the Americans with Disabilities Act (ADA). They cannot be singled out for disparate treatment based on their status. We believe that this is exactly what this legislation does. First the law, if passed, is only applicable to residences housing persons in recovery from substance use. Second, it only applies to recovery homes that are NHCORR-certified. Third, it imposes conditions for obtaining exemptions that appear to be much more stringent than existing law imposes on

similarly-situated dwellings. For instance, the bill requires monthly fire drills; a sprinklered heating system; annual fire inspections; and installation of specified fire suppression and alarm systems.

For these reasons, we request that this Committee vote HB 377 as inexpedient to legislate.

Sincerely,

Kim E Bock

Kim Bock, Executive Director

Kristine Paquette, Board Chair

Suzanne Boisvert, Board Member

Evan Draper, Board Member

Steve Draper, Board Member

Michelle Leclerc, Board Member

Andy Moser, Board Member

Donna Mombourquette, Board Member

Adam Moulton, Board Member

Kathleen Ryan, Board Member

Christine Wellington, Board Member

Dave Berry, Board Member

Cc: HB 377 Sponsors


Rep. Erika Connors

Rep. Patricia Cornell

Rep. Jeffrey Goley

Rep. Ken Snow

Sen. Lou D'Allesandro

Archived: Wednesday, April 7, 2021 12:15:25 PM
From: [Kim Bock](#)
Sent: Friday, January 29, 2021 2:35:34 PM
To: ~House Executive Departments and Administration
Cc: [Kristine Paquette](#); [Christine](#); [Donna Mombourquette](#)
Subject: HB 377 Testimony
Importance: Normal
Attachments:
[HB377Letter \(1\).pdf](#) 

Good Afternoon,

I represent the New Hampshire Coalition of Recovery Residences (NHCORR) and have requested to testify before the committee about HB 377 as it affects Recovery Residences certified by NHCORR. Attached is our position and request that the committee withdraw HB 377 because of its discriminatory nature.

Thank you for your consideration and I look forward to speaking with all of you Thursday, Feb. 4th.

Kim

--

Kim Bock



Executive Director
NHCORR
2 1/2 Beacon St,
Concord, NH 03301
p:603.715.1514 c:603.552.0091

Archived: Wednesday, April 7, 2021 12:15:25 PM
From: Parisi, Paul
Sent: Wednesday, February 3, 2021 10:28:16 PM
To: ~House Executive Departments and Administration
Subject: State Fire Marshal Testimony - HB 377
Importance: Normal
Attachments:
FMO Position Paper - HB 377.pdf ;

Please see attached – Thank you.



Paul J. Parisi
State Fire Marshal

Department of Safety | Division of Fire Safety
New Hampshire State Fire Marshal's Office (FMO)

Physical: 110 Smokey Bear Boulevard (IPOC), Concord NH
Mailing: 33 Hazen Drive
Concord, NH 03305

Office: 603-223-4289
Direct: 603-223-4293
Fax: 603-223-4294
Arson Hotline: 1-800-400-3526
Email: paul.parisi@dos.nh.gov

"Saving lives and property through education, engineering & enforcement"



Web Site Address: <http://www.nh.gov/safety/divisions/firesafety>
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Archived: Wednesday, April 7, 2021 12:15:25 PM

From: Erika Connors

Sent: Thursday, February 4, 2021 8:20:18 AM

To: ~House Executive Departments and Administration

Subject: Fwd: FMO Testimony - HB 377

Importance: Normal

Attachments:

image008.png image009.png image005.png image006.png image007.png FMO Position Paper - HB 377.pdf

Please see the attached testimony from State Fire Marshall Paul Parisi in regards to HB377

Representative Connors,

Here is my testimony for HB 377. I didn't see a place where I could upload it....is it possible you could get it to the ED&A? I have also copied Representative Goley, perhaps he could also get it to them. I did register to speak in favor on the website. Thank you!

Paul

█

█

Paul J. Parisi
State Fire Marshal

Department of Safety | Division of Fire Safety
New Hampshire State Fire Marshal's Office (FMO)

Physical: 110 Smokey Bear Boulevard (IPOC), Concord NH

Mailing: 33 Hazen Drive

Concord, NH 03305

Office: 603-223-4289

Direct: 603-223-4293

Fax: 603-223-4294

Arson Hotline: 1-800-400-3526

Email: paul.paris@doh.nh.gov

"Saving lives and property through education, engineering & enforcement"

Web Site Address: <http://www.nh.gov/safety/divisions/firesafety>

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Bill as
Introduced

HB 377 - AS INTRODUCED

2021 SESSION

21-0455

10/05

HOUSE BILL **377**

AN ACT relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses.

SPONSORS: Rep. Connors, Hills. 15; Rep. Cornell, Hills. 18; Rep. Goley, Hills. 8; Rep. Snow, Hills. 19; Sen. D'Allesandro, Dist 20

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows substance-free recovery houses to be granted an exemption by the state fire marshal for certain requirements of the state fire code.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses.

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

1 1 New Section; Fire Marshal; Exemption for Recovery Houses. Amend RSA 153 by inserting
2 after section 10-c the following new section:

3 153:10-d Exemption for Recovery Houses.

4 I. An owner or operator of a recovery house which is in compliance with rules adopted by the
5 commissioner of health and human services under RSA 172-B:2, V for the voluntary registry for
6 operators of recovery houses or who is certified by the New Hampshire Coalition of Recovery
7 Residences may apply to the state fire marshal and maybe granted an exemption under RSA 153:5,
8 IV from certain requirements of the state fire code, provided the following requirements are in place:

9 (a) A properly maintained electrical system.

10 (b) A properly maintained heating system, inspected and tagged annually by a qualified
11 service technician, including a domestic sprinkler head over the unit and smoke separation from
12 living area.

13 (c) Properly maintained cooking appliances.

14 (d) Street number of the recovery house posted and visible from the street.

15 (e) No smoking within 10 feet of the building unless approved by the local fire
16 department.

17 (f) A written evacuation plan submitted to and approved by the local fire department.

18 (g) Monthly evacuation drills must be conducted with documentation available for
19 review onsite.

20 (h) Basement living spaces shall have an exit directly to grade.

21 (i) The facility shall have a minimum of 200 gross square feet per resident.

22 (j) At least one escape window in each sleeping room. An escape window shall comply
23 with the state fire marshal's most recent informational bulletin document relative to size and
24 dimensions.

25 (k) Installed interconnected smoke and carbon monoxide alarms, electrically powered
26 with battery backup, on each level and in each sleeping room. Ten-year battery alarms with wireless
27 interconnectivity may be substituted for electrically powered alarms. For occupancies exceeding 8
28 occupants, the installation of a complete fire alarm system, with carbon monoxide detection,
29 including automatic notification to the local fire department shall be required.

30 (l) Annual compliance inspection by the local fire department.

HB 377 - AS INTRODUCED

- Page 2 -

1 (m) If the travel distance to an exit is greater than 75 feet, or for occupancies with living
2 space above the second floor regardless of travel distance, there shall be 2 remote means of egress
3 from each floor.

4 (n) A 24-hour emergency contact person with contact information and the approved
5 building occupant load shall be posted in the common area of the building so it is readily visible to
6 the fire department.

7 II. In this section, "recovery house" means a residence that provides a safe, healthy, family-
8 like, substance-free living environment that supports individuals in recovery from addiction and is
9 centered on peer support and a connection to services that promote long-term recovery; provided that
10 "recovery housing" shall not include a halfway house or any other facility requiring a license
11 pursuant to RSA 151.

12 2 Effective Date. This act shall take effect 60 days after its passage.