Approved: February 22, 2010
Date

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 3:30 p.m. on February 4, 2010, in Room 144-S of the Capitol.

All members were present except
Representative Michael Peterson, Absent.

Committee staff present:
Mike Heim, Office of the Revisor of Statutes
Kristen Kellems, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Carol Bertram, Committee Assistant

Conferees appearing before the Committee:
Luke Bell, Governmental Affairs, Kansas Association of Realtors
Phil Perry, Government Affairs, Homes Builders Association of Greater Kansas City
Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association
Chris Wilson, Kansas Building Industry Association
William W. Sneed, Legislative Counsel, State Farm Insurance Companies
Sandy Jacquot, League of Kansas Municipalities
Erik Sartorius, City of Overland Park
Gary E. Curmode, Kansas Professional Fire Chiefs Association
Patrick Coughlin, Private Citizen
Tina M. Rakes, International Code Council
Melissa Wangemann, Kansas Association of Counties
Ron Ewing, Southeast Trustee, Kansas State Firefighters Association
Dan McLaughlin, Kansas State Fire Marshal
Ray Bizal, National Fire Protection Association
Jeff Hudson, Kansas Association of Fire Chiefs

Others attending:
See attached list.

After calling the meeting to order, Chair Schwartz drew the Committee's attention to the minutes of January 21, 2010 for their approval. It was moved by Representative Huebert, seconded by Representative Slattery that the minutes of January 21, 2010, be approved as written. The motion carried.

Chair Schwartz opened the hearing on **HB 2515 - Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.**

Mike Heim, Office of the Revisor of Statutes, presented the Committee with an overview of **SB 2515,** stating the bill would prohibit municipalities from adopting or enforcing any ordinances, orders, codes, standards or rules that would require the installation of fire sprinkler protection systems in residential structures. Questions and answers followed.

Proponents

Luke Bell, Governmental Affairs, Kansas Association of Realtors (KAR), appeared before the Committee as a proponent of **HB 2515**, stating that KAR strongly believes that individual consumers should continue to have the freedom of choice to make an informed decision whether to install fire sprinkler protection systems. Also, KAR members believe requiring the installation of fire sprinkler protection systems in new homes will be extremely expensive and will price some families out of the housing market. KAR believes requiring smoke alarms in every residential structure and effective education are the most practical, cost-effective methods to reduce fire injuries and fatalities. (Attachment #1)

Phil Perry, Government Affairs, Home Builders Association of Greater Kansas City (HBA), urged the Committee to support **HB 2515**, stating this legislation will prevent cities or counties from requiring fire

sprinklers. He explained that HBA does not oppose home fire sprinkler technology or the voluntary installation of these fire suppression systems, but the organization's members do oppose the mandatory installation of them. (Attachment #2) Questions and answers followed.

Martha Neu Smith, Executive Director, Kansas Manufactured Housing Association (KMHA), appeared as a proponent for **HB 2515**. She stated KMHA supports this bill because its members feel that fire sprinkler systems are expensive and will drive up the costs of all new housing including entry-level housing. Secondly, she said, the bill does not prohibit fire sprinklers but leaves the choice of including a fire sprinkler system up to the homeowner. She suggested that a technical amendment which would clarify that a manufactured home is a "residential structure" be added to the bill. (Attachment #3)

Chris Wilson, Kansas Building Industry Association (KBIA), appeared in support of **HB 2515**. He stated KBIA supports the bill because (1) residential fire sprinklers should be at the choice of the homeowner, (2) residential fire sprinklers are a cost that will drive many out of home ownership, and (3) residential fire sprinklers do not save additional lives beyond what smoke detectors do. (Attachment #4) Questions and answers followed.

There being no further proponents identified, Chair Schwartz closed the hearing to proponents and opened the hearing to opponents.

Opponents

Bill Sneed, Legislative Counsel, The State Farm Insurance Companies, appeared as an opponent to **HB 2515**, stating the proposed bill is inappropriate and that such decisions should be left to the local municipalities to decide whether such systems are viable for their own communities. (Attachment #5) Questions and answers followed.

Sandy Jacquot, League of Kansas Municipalities, appeared before the Committee in opposition to **HB 2515.** She stated cities need to be able to make good public safety determinations without being preempted by an artificial and unnecessary restriction on their ability to do so. Therefore, this bill is an unwarranted preemption of local control, and she said the League urges the Committee to not report the bill favorably. (Attachment #6) Questions and answers followed.

Erik Sartorius, City of Overland Park, appeared before the Committee in opposition to **HB 2515**, stating the City of Overland Park opposes the usurpation of local control for determining building and safety codes, that the cornerstone of municipal government is the belief that the governing of public affairs should be as close to the people as possible. This belief is exemplified in home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state more than 45 years ago, he said. (Attachment #7) Questions and answers followed.

Gary E. Curmode, Kansas Professional Fire Chiefs Association, appeared in opposition to **HB 2515**. (Attachment #8) He stated this bill would set a precedent of taking code implementation rights away from local entities, and he urged the Committee to reject the bill. Questions and answers followed.

Patrick J. Coughlin, private citizen, spoke in opposition to **HB 2515**. He provided the Committee with a fact sheet listing claims and facts concerning residential sprinklers. (Attachment #9)

Tina Marie Rakes, member of the International Code Council Board of Directors, appeared in opposition to **HB 2515,** stating that the bill undermines the fundamental principle of self-determination which may be exercised by a community with regards to regulations concerning construction. (Attachment #10) Questions and answers followed.

Melissa A. Wangemann, Kansas Association of Counties, appeared in opposition to **HB 2515**. She stated the KAC believes that the State should not be involved in local affairs such as bulding codes. She urged the Committee to not pass **HB 2515**. (Attachment #11) Questions and answers followed.

Minutes of the House Local Government Committee at 3:30 p.m. on February 4, 2010, in Room 144-S of the Capitol.

Ron Ewing, Southeast Trustee for the Kansas State Firefighters Association (KSFFA), appeared in opposition to **HB 2515**, stating the KSFFA believes the proposed bill not only jeopardizes firefighter safety, but public safety and property conservation as well. He urged the Committee to not pass **HB 2515**. (Attachment #12)

Dan McLaughlin, Kansas State Fire Marshal, appeared in opposition to **HB 2515**. He provided the Committee with statistics in regard to home fires, and he urged the Committee to not pass **HB 2515**. (Attachment #13)

Raymond B. Bizal, National Fire Protection Association, appeared in strong opposition to **HB 2515**, stating the bill hinders local fire authorities from determining the best fire protection policy for their communities. (Attachment #14) Questions and answers followed.

Jeff Hudson, Kansas State Association of Fire Chiefs, appeared before the Committee in opposition to **HB 2515**. He stated there are many tools available to help increase fire and life safety: building codes, smoke detectors, inspections, fire safety education, and sprinkler systems. Some communities use all these tools and others use a portion of them according to the local community standard, he said. He stressed that local governments must have the ability to adopt the best public policies that fit their communities. (Attachment #15) Questions and answers followed.

Since there was no one else to testify before the Committee, Chair Schwartz drew the Committee's attention to eight written-only testimonies in opposition to **SB 2515**: (1) Kevin Flory, Topeka Fire Department and Northeast Trustee, Kansas State Firefighters Association (Attachment #16); (2) C. Dan Rhodus, Fire Chief, City of Lenexa Fire Department (Attachment #17); (3) Mike Hall, Fire Education Association of Kansas (Attachment #18); (4) Mark Chrisman, MO-KAN Chapter, Society of Fire Protection Engineers (Attachment #19); (5) Mark Polk, Metropolitan Kansas City Chapter, International Code Council (Attachment #20); (6) Brad Henson, Fire Marshals Association of Kansas (Attachment #21); (7) Ryan .Almes, Fire Marshal, City of Manhattan (Attachment #22); and (8) Rick Peck, Captain, Emporia Fire Department (Attachment #23).

Chair Schwartz closed the hearing on HB 2515.

The next meeting is scheduled for February 9, 2010.

The meeting was adjourned at 5:05 p.m.

S. S.

Representative Sharon Schwartz, Chair

HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: Feb 4, 2010

NAME	REPRESENTING
Melissa Wangemann	KAC
Dan McLaughlin	KSFM
PAT COUGHLIN	SELF
PAT DOHERTY	SIMPLEXGRINNELL
Andy Moffitt	KSFFA
RAY BIZAL	NFPA
Kevin Flory	Ks State FF. Assn.
Ron Ewing	Ks State FF. Assn.
Mike Ouvst	Blaz-Master
CRAIG BARULICH	WESTERN STATES FIRE PROT.
JOE DEPRIEST	NATIONAL FIRE SUPPRESSION
CHRIS GAUT	NATIONAL Fire Sprinkler Assoc
Brad Hebson	Fire Marshals Assoc of KS
Mike Hall	Fire Education Assoc. of KS
Jessica Clark	Rep. Garcia
Jeff Hudson	Kansas State Assn. of Fire Chiefs
Gary E. Curnodle	Kansas Professional Fire Chiefs Ass'n
RYAN ALMES	CITY OF MANHATTAN - FIRE DEPT
Andrew Diekemper	City of Lenexa - Fire Dept.

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HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 4, 2010

NAME	REPRESENTING
Dan Rhodus	City of Lenexa
Gene Hunter	City of Lezwood
Tina Rakes	City of Baldwin City
Tim Regan	City of Overland Park
ERIK SARTORIUS	City of Overland Park

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KANSAS
Association of REALTORS®

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To: House Local Government Committee

Date: February 4, 2010

Subject: **HB 2515** -- Prohibiting Cities and Counties from Mandating the Installation of Fire Sprinkler Protection Systems in Residential Structures

Chairperson Schwartz and members of the House Local Government Committee, thank you for the opportunity to appear today on behalf of the Kansas Association of REALTORS® to offer testimony in support of **HB 2515**. Through the comments expressed herein, it is our hope to provide additional legal and public policy context to the discussion on this issue.

KAR has faithfully represented the interests of the nearly 9,000 real estate professionals and over 700,000 homeowners in Kansas for the last 90 years. In conjunction with other organizations involved in the housing industry, the association seeks to increase housing opportunities in this state by increasing the availability of affordable and adequate housing for Kansas families.

HB 2515 would prohibit municipalities from adopting or enforcing any ordinances, orders, codes, standards or rules that would require the installation of fire sprinkler protection systems in residential structures. For the purposes of this legislation, a "residential structure" means any improvement to real property to be used or occupied as a single-family dwelling or multi-family dwelling of four units or less.

However, the last sentence in Section 2 specifically states that nothing in **HB 2515** would prevent any person from voluntarily installing a fire sprinkler protection system in a residential structure. As a result, any individual homeowner who is interested in installing a fire sprinkler protection system in his or her home would not be prohibited from doing so by the contents of this legislation.

KAR Strongly Believes That Individual Consumers Should Continue to Have the Freedom of Choice to Make an Informed Decision Whether to Install Fire Sprinkler Protection Systems

In carrying out our core mission to increase the availability of affordable and adequate housing for Kansas families, we strongly believe that an individual consumer who is looking to purchase a new home in this state should continue to have the freedom of choice to make an informed decision whether to install a fire sprinkler protection system in his or her new home. By passing **HB 2515**, we believe the Kansas Legislature will reaffirm and strengthen the freedom of choice for consumers in the home buying process.

As part of the home buying process, consumers currently have the ability to make their own choice as to whether the incremental benefits of a fire sprinkler protection system in a new home outweigh the extremely high cost of fire sprinkler protection systems. Accordingly, we believe that **HB 2515** will prevent municipalities from taking away that individual consumer's freedom to consider those tradeoffs and make this important decision in the home buying process.

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KAR Strongly Believes that Requiring the Installation of Fire Sprinkler Protection Systems in New Homes Will Be Extremely Expensive and Will Price Some Families Out of the Housing Market

According to a survey by the National Association of Home Builders (NAHB) in 2006, the cost of installing a fire sprinkler protection system will add an average of $2.66 per square foot to the price of an average residential structure and can range as high as $6.88 per square foot. If you can imagine that a consumer is interested in purchasing a modest 1,500 square-foot home in Kansas, the average cost of installing a fire sprinkler protection system would add nearly $4,000 to the cost of the home.

For every $1,000 increase in the cost of new homes in Kansas, several studies have concluded that up to 3,320 Kansas families could no longer afford to purchase a new home. Under the example discussed above, the over $4,000 increase in the cost a new home because of the fire sprinkler requirements would price nearly 13,300 Kansas families out of the new housing market.

However, the proponents of the fire sprinkler protection system requirements have disputed the average cost of installing a fire sprinkler protection system that was estimated by the NAHB study at an additional $2.66 per square foot. Notwithstanding their objections to this figure, we believe the figure estimated by their studies would also be extremely high and unreasonable for consumers.

According to a report prepared for the fire sprinkler advocates, the cost of installing a fire sprinkler protection system will actually add an average of only $1.61 per square foot to the price of an average residential structure. If you can imagine this same Kansas consumer who is interested in purchasing a modest 1,500 square-foot home, the average cost of installing a fire sprinkler protection system would still add nearly $2,500 to the cost of the home.

Given the enormous increase in costs associated with the installation of a fire sprinkler protection system in a new home, we strongly believe that consumers should have the freedom of choice to choose whether to have a system installed in their homes. If any consumer makes an individual choice to install a fire sprinkler protection system in his or her home, then nothing in **HB 2515** would prevent them from making that decision. To the contrary, **HB 2515** would empower them to make that decision and would preserve that option for their consideration.

KAR Strongly Believes that Requiring Smoke Alarms in Every Residential Structure and Effective Education are the Most Practical, Cost-Effective Methods to Reduce Fire Injuries and Fatalities

According to information published by the National Association of Home Builders (NAHB), the most cost-effective means of reducing fire injuries and fatalities is to require a working smoke alarm in every residential dwelling and to educate the public on the use and maintenance of smoke alarms. Even the fire sprinkler advocates admit that this is the most "cost-effective" strategy to reduce fire injuries and fatalities, although they will stipulate that more expensive strategies (such as fire sprinklers) would prevent more fire injuries and fatalities.

Thankfully, Kansas has already adopted a requirement that all residential structures have at least one working smoke alarm on every story of the structure. At a time when the housing industry in Kansas is experiencing a dramatic decline that has caused considerable economic harm to Kansas businesses and communities, we think it would be prudent for the Kansas Legislature to choose the most "cost-effective strategy" for Kansas families.

For all the foregoing reasons, we would urge the House Local Government Committee to support the provisions of **HB 2515**. Once again, thank you for the opportunity to provide comments on **HB 2515** and I would be happy to respond to any questions at the appropriate time.

HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY

Affiliated NAHB

600 EAST 103RD STREET • KANSAS CITY, MISSOURI 64131-4300 • (816) 942-8800 • FAX (816) 942-8367 • www.kchba.org

Testimony on HB 2515
Phil Perry, Staff Vice President, Government Affairs
Home Builders Association of Greater Kansas City
House Committee on Local Government
February 4, 2010

Madame Chair and members of the committee, my name is Phil Perry and I represent the Home Builders Association of Greater Kansas City and its nearly 900 members. I appear before you today to urge your support for HB 2515, legislation that will prevent cities or counties from adopting mandatory fire sprinkler legislation.

We would like to first make it clear that we do not oppose home fire sprinkler technology or the voluntary installation of these fire suppression systems. We do however oppose the mandatory installation of them for a number of very sound reasons. Among our more significant concerns are:

- Because of changes in residential construction technology, improved building code requirements - especially for electrical and smoke alarm systems, as well as consumer behavior and the concerted efforts of our fire fighters, home builders and other safety advocates, the number of fatal fires has dropped dramatically in the last 20 years. Even more dramatic is the drop in the actual fire death rate per million persons (FDMP) from house fires. Nationally, from 1979-2003, the rate dropped by more than 58 percent. This trend continues and the decline is even more impressive given the significant population growth and growth in housing stock. Thanks to widespread installation of residential smoke alarm systems in recent years, the community is safer than they've ever been. Based on a 2006 US Fire Administration study on the presence of working smoke alarms in residential fires, from 2001-2004, 88 percent of the fatal fires in single-family homes occurred where there were no working smoke alarms. In fact, according to the same study, of the residential fire deaths from 2001-2004, only 3.7% were reported as occurring in homes with working smoke alarms, an even more startling figure. The problem is not homes without sprinklers; the problem is homes without working smoke alarms.

- Home fire sprinklers are a significant expense. Mandates will have an unreasonable impact on housing affordability in Kansas and have not been demonstrated to be a practical, cost effective assured means for reducing fire fatalities. We can save more lives through increased education and other efforts to ensure every home has and maintains working smoke alarms than by mandating home fire sprinklers

- When asked in a survey of 800 likely voters by Public Opinion Strategies if fire sprinklers should be required in new homes, an overwhelming 89 percent of consumers said that smoke detectors already do an adequate job of protecting them in their homes

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and 28 percent do not want sprinklers at all, even if they were provided free of charge. Sprinkler costs may vary depending on a number of variables and a recent analysis by our members indicated that costs would range from $3.50 to $5.00 per square foot. At a conservative cost of $3 per square foot for an average 2,400-square-foot house means that a residential fire sprinkler system would cost $7,200. Survey results show that only 15 percent of consumers in the sample are willing to pay as much as $4,800. Additional costs would be incurred as water districts will require the meter to be upsized to 3/4" from 5/8". This change would result in nearly $2500 in additional costs in the Johnson County area alone.

- Home flooding risks come from the vulnerability of the pressurized sprinkler heads were activation may occur as a result of heads being dislodged or disturbed, horseplay, or other types of negligence. And local requirements for water storage tanks and additional plumbing in the home open up the specter of frozen, pressurized pipes in some parts of the country. Adequately protecting against such adds further to the cost of sprinkler systems. The reliability of residential fire sprinklers is also questionable. There is no study that shows how long sprinkler systems will last.

Thank you for this opportunity to speak and I urge you to support passage of HB 2515. At this time I would be glad to stand for any questions you may have.

KANSAS
MANUFACTURED HOUSING
ASSOCIATION

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Topeka, KS 66606
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TO: Representative Sharon Schwartz, Chairwoman
And Members of the
House Local Government Committee

FROM: Martha Neu Smith
Executive Director

DATE: Thursday, February 4, 2010

RE: HB 2515 – Prohibition against a municipality requiring the installation of a multi-Purpose sprinkler system in a residential structure

Chairwoman Schwartz and members of the Committee, my name is Martha Neu Smith and I am the Executive Director for Kansas Manufactured Housing Association (KMHA) and I appreciate the opportunity to provide comments in support of HB 2515 – Fire Sprinklers for new residential structures.

KMHA is a statewide trade association, which represents all facets of the manufactured and modular housing industry including manufacturers, retail centers, community owners and operators, finance and insurance companies, service and supplier companies and transport companies.

KMHA supports HB 2515 because we feel that fire sprinkler systems are expensive and will drive up the costs of all new housing including entry level housing and second, HB 2515 does not prohibit fire sprinklers but leaves the choice of including a fire sprinkler system up to the homeowner.

I am sure during this legislative process you will hear a wide range of costs involved in providing fire sprinklers in new homes, the Manufactured Housing Industry is estimating the average cost for fire sprinklers in a new manufactured home, depending on the size and design of the home and where it is located to be around 10% of the total housing costs. This estimate does not include the annual maintenance cost, which according to the U.S. Fire Administration website (www.usfa.dhs.gov) "*maintenance is not a do-it-yourself job*" nor does it include any additional fees that may be charged by water providers. For families that are looking for affordable housing these additional costs add up and can become a barrier to homeownership.

In 1998, the Kansas Legislature passed HB 2590, which requires smoke detectors in every single family residence including rental housing. With the widespread voluntary installation of smoke detectors combined with state laws requiring smoke detectors like K.S.A. 31-160, nationally we have seen an 88 percent decrease in fire fatalities from 2001-2004. According to a recent National Fire Protection Association report on smoke detectors, it is estimated that over 800 lives could be saved annually if every home had a working smoke detector; 65% of the fire fatalities reported from 2000-2004 occurred in homes where smoke detectors were not present

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or smoke detectors were present and did not operate. The problem is not homes without fire sprinklers; the problem is homes without working smoke detectors.

The other aspect of HB 2515 that KMHA supports is the freedom to choose; homebuyers should be allowed to decide if they would like to have fire sprinklers and HB 2515 allows for that to happen. In a 2007 Public Opinion Strategies survey, 800 likely voters were asked if fire sprinklers should be required in new homes, an overwhelming 89 percent of consumers said that smoke detectors already do an adequate job of protecting them in their homes and 28 percent would not want fire sprinklers at all, even if they were provided free of charge. Only 15 percent of consumers in the survey were willing to pay $4800 or more for a residential fire sprinkler system. The survey results demonstrate the level of willingness to include and pay for fire sprinklers. Fire sprinklers need to remain a personal choice and HB 2515 allows for that choice.

KMHA would ask for a technical amendment, which I have attached to my testimony. This amendment clarifies that a manufactured home is a "residential structure".

With that request, KMHA would respectfully ask the Committee's support of HB 2515 with the suggested amendment and I thank you for the opportunity to comment.

Session of 2010

HOUSE BILL No. 2515

By Committee on Commerce and Labor

1-21

AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

(a) "Municipality" means any city or county.

(b) "Residential structure" means any improvement to real property to be used or occupied as a single-family dwelling or multi-family dwelling of four attached living units or less or any manufactured home.

Sec. 2. On and after July 1, 2010, no municipality shall adopt or enforce any ordinance, order, code, standard or rule requiring the installation of a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in any residential structure. Nothing in this section shall prohibit any person from voluntarily installing a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in a residential structure.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

STATEMENT OF THE KANSAS BUILDING INDUSTRY ASSOCIATION
TO THE HOUSE LOCAL GOVERNMENT COMMITTEE
REPRESENTATIVE SHARON SCHWARTZ, CHAIR
REGARDING H.B. 2515
FEBRUARY 4, 201

Kansas Building Industry Association (KBIA) is the statewide association of the residential building industry, with over 2300 members. KBIA supports HB 2515, which is similar to legislation passed by the State of Texas last year in response to the 2009 model building code which for the first time includes the very controversial requirement for fire sprinklers in homes. This requirement was included by the model building code body based on votes of individuals brought in and paid for by the companies that manufacture fire sprinklers. Other states that have adopted similar provisions to date include Missouri, North Dakota, Utah, Washington and Idaho.

Kansas does not have a statewide building code, so this issue will be dealt with by Kansas local jurisdictions as they consider amendments in the 2009 code. In many cities in Kansas, such as Topeka and Wichita, the decision has been made or recommended to "skip the code cycle" and avoid making changes based on the 2009 code. Revisions are made every 3 years.

This bill would make it the policy of the state that fire sprinklers in homes should be at the option of the homeowner, and they should not be forced to have fire sprinklers in their new home construction. Adopting this as a state policy will take the pressure off local units of government that may not want to adopt the requirement but have a concern about potential liability if they don't adopt it, and the way to get around it at this point is to just skip this code cycle, which many will do.

KBIA supports HB 2515 for these key reasons:

- Residential fire sprinklers should be at the choice of the homeowner.
- Residential fire sprinklers are a cost that will drive many out of home ownership.
- Residential fire sprinklers do not save additional lives beyond what smoke detectors do.

With regard to fire sprinklers – homeowners should be able to choose whether they want them or to rely on smoke detectors. It's a major additional cost to add fire sprinklers. Also, homeowners may rightly be concerned about having the risk of accidental release. There are many anecdotal stories about accidental release from malfunction or mischief. At our national meetings two weeks ago, I heard one builder talking about how he has multi-family housing with fire sprinklers. A 10-year old boy broke off a fire sprinkler in his apartment. The apartment building maintenance staff was able to get the water shut off within 10 minutes, but there was over $40,000 damage done to the building in that 10 minutes. There are many instances that have been reported with similar kinds of accidental releases.

With regard to the cost, the Home Fire Sprinkler Coalition simply states that a good rule of thumb estimate is to add 1 to 1/½ percent to the cost of new housing. Applying this general rule

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to the $246,500 median price of a new home sold in 2006 is $246,500 translates into a $2,465-$3,698 increase in its price.

In 2007, the NAHB Research Center collected information on sprinkler costs in a nationwide survey completed by 102 builders who built 5,527 homes with fire sprinklers in 2006. The survey results show that the median cost of installing fire sprinklers in the 5,527 homes was about $5,573. The median size of the surveyed homes was 2,271 square feet, very close to the 2,248 square feet reported by the federal government for homes built in 2006. In addition, the increase in price to the home buyer will generally be more than the increase in the construction costs. This occurs because, when construction costs rise, other costs such as financing costs and broker commissions also rise. Moreover, normal profit margins must be maintained to keep home building competitive and prevent the capital and entrepreneurship from moving to other industries. Based on these factors, NAHB estimates that a $5,573 increase in construction costs will raise the final price of the home to the buyer by $6,677.

Using today's FHA fixed-rate mortgage rate interest, a $6,677 increase in the amount of the mortgage translates to an increase of $500 in the annual payment. Even under the lowest of the above cost estimates ($2,465), the annual mortgage payment would increase by $175,

Moreover, the above costs included only the initial installment costs to homeowners. A fire sprinkler system has to be maintained. Although homeowner insurance usually covers damage caused by water discharged from the sprinkler system (even if the discharge is accidental) it does not cover repairs to the sprinkler system itself. In addition, the damage caused by water leaking from the system slowly over a long period of time, such as rot, is not covered. These items can all add to the annual cost of the sprinkler system to a homeowner, although probably not by much in the first few years after a typical new home is purchased.

NAHB research shows an increase of $2.66 to $6.88 per square foot as a result of fire sprinklers in the construction of a new home. The chart attached to my statement illustrates the "priced-out" effect of adding costs to a new home.

All that said re: consumer choice and costs, do fire sprinklers save lives, the most important consideration. Attached to my statement is additional information regarding the impact of smoke detectors versus fire sprinklers. The difference according to the National Fire Protection Association is that survivability rates with working smoke detectors 99.45.% and with working fire sprinklers 99.80%.

Based on the factors of consumer choice, cost and life safety KBIA support HB 2515, making it state policy that the choice should be left to the homeowner and not mandated by government requirement.

Thank you for the opportunity to appear in support of this bill and I would be happy to respond to questions or provide additional documentation at any time.

SAFE HOME CONSTRUCTION

Fire fatalities have been steadily, and even dramatically, decreasing over the last 45 years.

In 1960, 7,645 Americans died as the result of fires. By 2001, the total had dropped 56 percent to 3,326 in 2001.

Even more dramatic is the drop in the actual fire death rate per million persons (FDMP) from house fires. In fact, from 1979-2001, the rate dropped by 58 percent, according to data from the Centers for Disease Control. That trend will continue as new housing stock replaces old and maintenance of smoke alarms by home occupants is improved.

Why? Building and fire codes are effective. Technological innovations in building techniques introduced in recent decades include advanced heating and electrical systems, fire-resistant building materials and features like escape windows and interconnected smoke alarm systems. When homeowners combine these advances with proper maintenance, homes stay safer.

ELECTRICAL SYSTEMS AND MATERIALS

New homes are safer because of improvements in electrical systems and materials.

Fires originating in the home's electrical system account for less then 5 percent of all fatalities. Circuit breakers, which detect ground faults and overheated wires, have replaced fuse boxes, which can only disconnect a circuit when there is a short in the wiring.

Code requirements for more receptacle outlets around a home's walls mean the homeowner is less likely to use extension cords that can be cut or that can overload a circuit. Other requirements such as a greater number of additional appliance circuits for the kitchen, larger capacity, restrictions on the use of aluminum conductors, and increases in electrical wire sizing have produced a more fire-safe home.

This does not mean that older homes are inherently unsafe and prone to fire, but that older homes should have their electrical systems inspected and upgraded as the technology changes.

HEATING AND INSULATION

New homes are safer because of improved heating systems and increased insulation requirements. Improvements in heating and cooling systems make them operate more safely than ever before.

Because of improvements spurred by the cost of fuel and other energy concerns, a new home's heating and cooling systems are also much more efficient. These systems, coupled with energy-efficient insulation now required in new construction, have reduced the need for appliances like portable space heaters, a significant cause of residential fire deaths.

To support their push for residential sprinkler mandates, proponents have charged that these improvements can be dangerous because the extra insulation means that the home will retain more heat and if a fire starts, it will spread more quickly. This claim is unsubstantiated, and it's not true.

FIRE SEPARATION AND FIRESTOPPING

New homes are safer because they have a fire separation between the house from the garage and firestopping in the ceilings.

A fire separation, also known as compartmentalization, is a fire-resistant rated wall or barrier that separates parts of a building. In the case of a single-family residence, the fire separation is placed between a home and its attached garage. The barrier materials are designed to give the home's occupants extra time to safely exit before a garage fire spreads to the house.

Fire stopping, or fire blocking, is usually found where a wall meets a ceiling. Draftstopping is located in the concealed spaces of dropped ceilings and in attics. Both these constriction techniques are designed to prevent the spread of fire between the levels of a building. Fire blocking, like fire separation in the garage,

provides additional time for an individual to get out of the house after the alarm sounds.

ESCAPE WINDOWS

New homes are safer because they have escape windows in bedrooms.

These windows must meet minimum size requirements and must be no more than 44 inches above the floor. These windows not only make getting out of the house quicker, but also to make it easier for fire fighters to get in if they need to.

FACTS ABOUT FIRE SPRINKLERS

The home building industry is dedicated to the safety of the communities in which they build.

That's the reason why the National Association of Home Builders supports programs that encourage the installation and maintenance of smoke alarm systems in all homes.

Home builders have a vested interest in the safety of their products both during the building process and after the house becomes someone's home. Whenever changes are proposed to the building codes that govern how homes are constructed in each community, the home builder acts as a consumer advocate. It's the home builder's role to make sure that these proposals are necessary and that they are cost effective before they are adopted so that homes stay affordable. For each $1,000 added to the price of a home, another 250,000 potential home buyers are forced to remain on the sidelines.

Home builders would never diminish the important role that cost-effective building codes play in providing for occupant safety and health; in fact, new homes are safer than ever. However, as a society, we cannot afford to deny needed housing for the sake of new requirements without proven benefits.

While they should remain an option for home owners who choose them, fire sprinklers in single-family homes are expensive to install, can be difficult to maintain and do not represent a cost-effective safety improvement over smoke

alarm systems. For that reason, NAHB does not support measures to mandate their use.

CURRENT FIRE LOSSES

Current fire losses do not warrant fire sprinklers.

Because of changes in residential construction technology, consumer behavior and the concerted efforts of fire fighters, home builders and other safety advocates, the number of fatal fires has dropped dramatically in the past 20 years and this trend continues, despite the significant population growth our nation continues to see. Each new home is a safer home that benefits from new products and improvements in construction techniques.

The success of smoke alarm systems as a low-cost life saver cannot be understated. As smoke alarm systems are installed, fire deaths go down. According to the U.S. Fire Administration, less than 4 percent of residential fire fatalities between 2001 and 2004 were reported as occurring in homes with working smoke alarm systems. That's an incredible success rate.

NEGLIGIBLE EFFECT ON HOMEOWNER INSURANCE RATES

Requiring fire sprinklers will not decrease taxes or fees and has a negligible effect on homeowner's insurance rates.

Sprinklers won't affect fire department staffing levels or the number of fire stations a community may need because in most jurisdictions, staff and facilities are also necessary for quick response to EMS calls. Right now, the average time spent on actual house fire calls is about 3 percent nationally. Adding fire sprinklers to new homes will not reduce fire departments' staffing or equipment needs.

No matter if there are sprinklers in a home, should a fire be reported, the fire department will send the same number of responders. There is no fiscal advantage or cost benefit to the individual or the community by mandating fire sprinklers.

Sprinkler advocates also assert that home owners see discounts on their property insurance when fire sprinklers are installed. However, there is no consistent industry-wide practice. In eight insurance companies surveyed by sprinkler

advocates, most discounts ranged from 2 percent to 10 percent a year. Using a conservative installed cost estimate of $1.50 per sq/ft in a 2300 sq/ft home with an annual property insurance premium of $1000, it would take 35 years even for a 10 percent discount to pay for a system that will most likely never be needed.

WHERE FIRES OCCUR

Requiring fire sprinklers in new homes does not address the problem of where fires occur.

No data is collected on the age of homes experiencing a fire, although there is sound evidence that age of the structure is an important factor. Existing fire data showing the continued decline in the rate of fire incidents, injury and death is consistent with the retirement of older housing stock and the construction of new stock.

Studies have shown those at greatest risk include those who live in substandard housing, where preventive maintenance is least likely to take place. Poorer, less educated Americans are more likely to live in substandard housing than wealthier, educated Americans. It's more likely that a wealthier person will be in a position to buy a new home. That means that residential fire sprinklers, usually mandated in wealthier communities where their cost is less of a barrier, are least likely to protect those who could benefit by them the most.

WATER DAMAGE

Water damage can be a significant problem.

The standard NFPA 13D system advocated for residential fire sprinklers is designed to supply water to two sprinkler heads at 13 gallons per minute from each sprinkler head. That means that 10 minutes of flow would flood more than 260 gallons of water into a room -- or 520 gallons in 20 minutes. Whether the activation is accidental, a malfunction, or result of a fire, there will be significant damage to the home and potential for mold and other problems well into the future.

Once the sprinklers are activated, the water will flow until the fire department has been notified, arrives on the scene, evaluates and determines the structure is safe,

and then finds and turns off the water supply. Manufacturers of sprinkler systems and fire departments do not recommend you attempt to shut off the sprinkler system without assistance from the fire department.

Having sprinklers is also no guarantee that fire fighters will not turn on their hoses. Claims that less damage will be caused by a sprinkler than a fire hose are unsubstantiated. Any amount of water applied to interior components of a home can cause significant amount of damage, whether it is 260 or 2,600 gallons. Low-flow shower heads operate at less than 2.5 gallons per minute. Twenty minutes of two head sprinkler activation could be the equivalent of running your shower in the living room for about 3 ½ hours.

Additional home flooding risks come from the vulnerability of the pressurized sprinkler heads, which can activate if they are dislodged or disturbed. And local requirements for water storage tanks and additional plumbing in the home open up the specter of frozen, pressurized pipes in some parts of the country.

TRADEOFFS ARE A FALSE INCENTIVE

Tradeoffs are a false incentive.

Fire sprinkler manufacturers state that the net cost may be very low per household and cite the possibility of development tradeoffs, like narrower streets and fewer fire hydrants. However, negotiating for those tradeoffs is difficult because local ordinances and planning rules are not consistent from community to community. And there is no demonstrable savings in infrastructure costs for the jurisdiction – when as little as 3 percent of a fire fighter's time is spent battling house fires, installing fire sprinklers in new homes will not have a significant impact. Furthermore, if reductions in fire safety provisions can be permitted in other areas if sprinklers are mandated, then why require sprinklers if no net benefit is gained? Tradeoffs verify the argument that current fire safety provisions in building codes and planning already are adequate.

FIRE SPRINKLER MAINTENANCE

Maintaining a residential fire sprinkler system is not the same as maintaining a smoke alarm system.

Homeowners can check on the operation of smoke alarms without costly professional intervention.

The fire sprinkler valves must be checked periodically to verify the system is activated. Sprinkler heads must be checked to make sure they are clear of obstacles. Homeowners must be careful not to block them or paint over them. Also, if a backflow preventer is installed, an expensive annual inspection is usually mandated by the local water purveyor.

A sprinkler industry advocacy group, the Home Fire Sprinkler Coalition, recommends that home sprinkler systems be installed according to the latest recommendations from the National Fire Protection Association, or NFPA 13D, "Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes."

This same document advises that the sprinkler pipes in the antifreeze-type systems installed in colder climates be emptied and then refilled with an antifreeze solution every winter, and that monthly inspections and tests of all the water flow devices, pumps, air pressure and water level be performed.

When the home relies on a well rather than a municipal water source, the costs of maintaining the necessary pumps and holding tanks must be factored in as well.

NO MEASURABLE TRACK RECORD

Residential fire sprinklers do not have a measurable track record.

While sprinkler manufacturers and installers assert that residential fire sprinklers add a necessary measure of safety for a home's occupants, there have been no studies demonstrating the efficacy of fire sprinklers with smoke alarms versus smoke alarms alone. These advocates do agree that fire sprinklers should be not installed without also installing smoke alarms – because the most important thing to do in a house fire is to get out of the house.

Unfortunately, the reliability of residential fire sprinklers can also be questioned. There is no study that shows how long sprinkler systems will last. After smaller recalls by other companies in 1998 and 1999, a major fire sprinkler manufacturer

recalled 35 *million* fire sprinkler heads in 2001 and any requirements that the manufacturer notify owners of homes where these defective heads have been installed have now expired.

HOMEOWNERS HAVE CHOSEN

When given a choice, homeowners are not likely to install sprinklers

Sprinkler advocates point to consumer demand as an important reason to mandate residential fire sprinklers. Unfortunately, that demand does not really exist. When likely voters were asked if fire sprinklers should be required in new homes, an overwhelming 89 percent said that smoke detectors already do an adequate job of protecting them in their homes and 28 percent do not want sprinklers at all, even if they were provided free of charge.

Common Questions Regarding Fire Safety and Residential Sprinkler Systems

What are the chances of a house catching fire?
Because of changes in residential construction technology, improved building code requirements -- especially for electrical and smoke alarm systems, as well as consumer behavior and the concerted efforts of fire fighters, home builders and other safety advocates -- the number of fatal fires has dropped dramatically in the last 20 years. This trend is continuing, and the decline is even more impressive given our nation's significant growth in population and housing stock.

Even more dramatic is the drop in the actual death rate per million persons from house fires. According to the Centers for Disease Control, the rate dropped by more than 58 percent between 1979 and 2003. That trend will continue as more new housing stock is constructed and especially as homeowners continually maintain their smoke alarm systems.

What can be done to reduce the chances of a fire?
Occupants should risky activities such as leaving cooking or lit candles unattended and smoking, among others. Changes in smoking habits – such as not smoking in bed, fire-safe cigarettes and ignition-resistant furnishings – have also helped reduce the risk. As with smoke alarms, fire prevention education is a more practical, effective and proven approach to reducing home fire incidents, injury and fatalities than mandates for home fire sprinklers.

How reliable are fire sprinklers?
Proponents claim that residential sprinkler systems have proven reliable in 96 percent to 99 percent of reported structure fires when the fire was large enough to activate the system. However, according to reports from the National Fire Protection Association, there are so few fires in one- and two-family dwellings equipped with sprinklers that they are not shown in most of its recent studies.

Furthermore, it was suggested in the report that these sprinklered dwellings are built and maintained better than homes built before significant improvements in the building code. It is important to note that the sprinklers often receive credit for life saving when it was actually the result of the overall integrated system of balanced fire protection and preparedness.

The reliability of residential fire sprinklers is also questionable. There is no study that shows how long sprinkler systems will last. After smaller recalls by other companies in 1998 and 1999, a major fire sprinkler manufacturer recalled 35 million fire sprinkler heads in 2001. Any requirements that the manufacturer notify owners of homes where these defective heads were installed have now expired.

I have heard horror stories of sprinkler systems accidentally discharging, causing major water damage. Are these stories true?
Yes. Typically, these accidental discharges occur in cases of overheating, freezing, mechanical damage, corrosion or deliberate sabotage. In fact, accidental discharge is one of the major concerns with the implementation of residential sprinklers. While accidental discharge due to a manufacturing defect is rare, there have been several reported incidents of discharge when there was no fire present and the cause was due to other events.

Quick-response heads activate at lower temperatures to ensure that they react during the early stages of a fire. The drawback is that these heads cannot discern between a "good" and "bad" heat source. That is why there are certain distances that must be maintained between the sprinkler and fixtures such as fireplaces, skylights, cooking appliances and lighting.

A typical accidental discharge occurs in areas where the wet piping system is exposed to freezing temperatures. In most homes, where the sprinkler is located in the ceiling, the piping for that system is installed in the attic, where temperatures can reach the freezing point. If any portion of the piping system is exposed to these temperatures, ice can form, creating thousands of pounds of pressure on the pipe, which can crack or loosen the joints. When installed in attics and exterior walls, it is important that the insulation is installed correctly and reinstalled properly if it is disturbed.

Damage to the sprinkler can also result in a premature discharge. The sprinkler consists of a frame, the seat and the operating mechanism, which is usually a solder link or a glass vial. If the sprinkler is struck by an object or the link is dislodged, the sprinkler may be set off. Most sprinklers flow about 12 to 16 gallons a minute, so water damage can occur very rapidly.

What should I do in the event of an accidental discharge?
The system should be shut off immediately It is important that the owner fully understand how the system works, where the shut-off valve is located (if provided) or how to turn the main water system off to the house. In many cases, the residential sprinkler system is connected to the same water piping system serving the plumbing fixtures. Shutting the main valve to the plumbing system will also shut down the sprinkler system.
The next priority is to remove as much of the water as possible before it causes permanent damage. If water has found its way into the walls or ceiling, it is important to remove all the drywall and insulation to allow these areas to air out and reduce the chance of mold or rot.

What are the maintenance requirements for a residential system? Is it something I can do myself?
Sprinkler systems are expected to work in the event of the fire, but like any system, maintenance is required to ensure it will operate when a fire is detected. Proponents claim that a NFPA 13 D does not require any maintenance to be performed on the residential sprinkler system and that the system can be installed and forgotten.
The fact is that all sprinkler systems, whether they are commercial or residential, require routine maintenance and inspection. NFPA 13 D states that it is the responsibility of the installer to provide the owner all the maintenance information and to educate the owner regarding how the system works.

When homeowners are led to believe that no precautions are necessary and no preventive maintenance needs to be performed, it leads to a false sense of security. The owner is responsible for properly maintaining a sprinkler system and should understand the components and how they work.

NFPA 13D and manufacturers suggest the minimum monthly maintenance program should include the following:

(1) Visual inspection of all sprinklers to ensure against obstruction of spray.
(2) Inspection of all valves to ensure that they are open.
(3) Testing of all water flow devices.
(4) Testing of the alarm system, where installed.
(5) Operation of pumps, where employed.
(6) Checking of the pressure of air used with dry systems.
(7) Checking of water level in tanks.
(8) Special attention to ensure that sprinklers are not painted either at the time of installation or during subsequent redecoration.

Also, if a backflow prevention device is installed as can be required, an expensive annual inspection may be mandated by the local water purveyor.
Standards also specify that antifreeze-type sprinkler systems that are installed in colder climates should be emptied and then refilled with an antifreeze solution every winter, and that monthly inspections and tests of all the water flow devices, pumps, air pressure and water level be performed.

Unlike smoke alarms, there is no way to test sprinklers other than applying heat. Smoke alarms can be tested by pressing the test button or using products that simulate smoke to verify that the smoke alarm is properly functioning and ready to alert occupants. Sprinkler manufacturers must rely on test sampling to see if the sprinkler will react to the presence of heat and activate. Defects with the sprinkler will not be known until the sprinkler fails to activate in a fire and reports are issued later for the recall of the defective sprinkler.

How many residential sprinkler systems are installed annually?
According to a national poll conducted by sprinkler advocates, 63 percent of those surveyed indicated that they were aware that residential sprinkler systems are available for one- and two- family dwellings and townhouses. However, trade reports have indicated that there is a low market demand for residential sprinklers, except for those areas where sprinkler ordinances have been mandated. The number of homes built annually that are equipped with sprinklers continue to be less than 2 percent, many of which are required by local ordinance and not as an option elected by the homebuyer.

Why aren't more systems being installed?
Opponents, including code officials and home builders, have consistently argued against fire sprinkler mandates because they are expensive, have an unreasonable impact on housing affordability and have not been demonstrated to be a practical, cost-effective, assured means for reducing fatalities. More lives can be saved by education and by ensuring that every home has and maintains working smoke alarms than by mandates for home fire sprinklers.

Costs vary significantly depending on a home's location, layout, number of stories, and other factors – especially access to water. A 2007 survey of home builders indicated that builder costs for those installations averaged $2.66 per square foot and ranged as high as $6.88 per square foot. When overhead and any other factors are added in, costs to home buyers escalate further.

For homes on wells, typical costs are even higher because of the need for additional components such as storage tanks and larger pumps. Owners of homes on well water need to consider how the sprinklers will operate if the power goes out or if water pressure is a problem – and solutions, like extra water tanks, pumps and generators, are costly.

What about smoke alarms?
The International Residential Code currently requires hardwired, interconnected smoke alarms to be installed in all bedrooms, outside of them and on each additional story, including basements. When one alarm is activated, all other alarms are activated as well. This effective early-warning system is the most important measure for protecting occupants against fire. More than 90 percent of the occupants survived fires that were reported to have occurred in homes equipped with hardwired interconnected smoke alarms from 2000 to 2004.

Another study published in the *Journal of the American Medical Association* found that when public health strategies to reduce residential fire-related injuries and deaths include information about smoke alarm installation, monthly testing of smoke alarms, reduction of residential fire hazards, design and practice of fire escape plans, fire safety education, and implementation of smoke alarm ordinances, residential fire-related deaths will continue to decline. It's clear that resources should be focused on ensuring every home has and maintains working smoke alarms rather than pushing for mandatory home fire sprinklers. According to the most recent NFPA report on smoke alarms, it is estimated that over 890 lives could be saved annually if every home had working smoke alarms. Sixty-five percent of the fire fatalities reported from 2000- 2004 occurred in homes where smoke alarms were not present or smoke alarms were present and did not operate.

What do most people think about sprinklers versus smoke alarms?
When asked in a 2007 survey of 800 likely voters by Public Opinion Strategies if fire sprinklers should be required in new homes, an overwhelming 89 percent of consumers said that smoke detectors already do an adequate job of protecting them in their homes and 28 percent would not want sprinklers at all, even if they were provided free of charge. Survey results show that only 15 percent of consumers in the sample were willing to pay $4,800 or more for a residential fire sprinkler system.

What guarantees do I have that the sprinkler system will save my life or the life of a loved one?
There are no guarantees that smoke alarms or sprinklers will prevent a fire fatality, although the use of either system will increase your chances of surviving a fire. While smoke alarms alert or notify occupants that there is a fire, if the occupant is physically impaired due to drugs or alcohol, disabled or unable to move on his or her own volition, the alarm will not prevent a fatality. There are also situations when the sprinkler system will not be able to prevent the loss of life such as when the victim is too close to the source of ignition, the system is damaged by the fire or an explosion, when the fire originates in concealed, combustible locations, when the fire is shielded by foreign objects from the effective coverage area of the sprinkler, or when the victim succumbs to smoke inhalation due to a smoldering fire -- which does not produce enough heat to activate the sprinkler system.

State of Kansas
Priced-Out Analysis

Area	Mortgage Rate	House Price	Monthly Mortgage Payment	Taxes and Insurance	Minimum Income Needed	Households That Can Afford House
Kansas	5.0%	$95,000	$483	$163	$27,686	802,341
Kansas	5.0%	$96,000	$488	$165	$27,977	798,674
Difference		$1,000	$5	$2	$291	-3,667
Kansas	5.0%	$151,517	$770	$260	$44,156	597,611
Kansas	5.0%	$152,517	$775	$262	$44,448	594,288
Difference		$1,000	$5	$2	$291	-3,323
Kansas	5.0%	$253,473	$1,288	$435	$73,869	332,259
Kansas	5.0%	$254,473	$1,293	$437	$74,160	330,008
Difference		$1,000	$5	$2	$291	-2,251

Polsinelli Shughart PC

Memorandum

TO: The Honorable Sharon Schwartz, Chair
House Local Government Committee

FROM: William W. Sneed, Legislative Counsel
The State Farm Insurance Companies

SUBJECT: H.B. 2515

DATE: February 4, 2010

Madam Chair, Members of the Committee: My name is Bill Sneed and I am Legislative Counsel for the State Farm Insurance Companies. State Farm is the largest insurer of homes and automobiles in Kansas. State Farm insures one out of every three cars and one out of every four homes in the United States. Please accept this memorandum as our opposition to H.B. 2515.

As we read H.B. 2515, after July 1, 2010, no municipality would be allowed to adopt or enforce an ordinance requiring the installation of a multipurpose residential fire protection sprinkler system. Although we certainly understand in today's world costs that are associated with mandated government regulations, we contend that such a preemption is overreaching and should not be engaged in by the state.

The toll in lives and costs from residential fires is enormous. State Farm is committed to taking all reasonable steps to reduce the 3,000 national yearly deaths caused by residential fires. It is beyond dispute that when properly installed, sprinklers save lives, protect property and reduce the risks to firefighters. Further, State Farm supports its belief in the value of home sprinkler systems by its involvement in the Home Fire Sprinkler Coalition, its sponsorship of the National Fallen Firefighters Foundation, and its premium discounting for those homes with fire sprinkler systems meeting national recognized standards.

One example of the value of such systems in found in Scottsdale, Arizona. In Scottsdale, a sprinkler ordinance was implemented on July 1, 1986. Ten years after the ordinance was passed, the rural/metro fire department published the Scottsdale Report. The study has now been updated to include five additional years of data. Forty-one thousand four hundred and eight homes, more than fifty percent of the homes in Scottsdale, are protected with fire sprinkler systems. The results of the study are outstanding.

1. Lives saved. In the 15 years of the study, there were 598 home fires. Of the 598 home fires, 49 were in single-family homes with fire sprinkler systems. In those homes, there were no deaths, as opposed to 13 people who died in homes without sprinkler systems.

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2. Less fire damage. The Report indicates there was less damage in the homes with sprinklers. The average fire loss per sprinkler incident was $2,166.00. The average fire loss per unsprinklered incident was $45,019.00. The annual fire losses in Scottsdale (2000-2001) were $3,021,225.00, compared to the national average of $9,144,442.00.

3. Reduced water damage. Today's sprinkler systems are cutting edge in their performance against fires. Only the sprinkler closest to the fire will activate, spraying water directly on the fire. Ninety percent of fires are contained by the operation of just one sprinkler. The Scottsdale Report indicates there was less water damage in the homes with sprinklers. In homes with sprinkler systems, the system discharged an average of 34 gallons of water per fire, compared to the 2,935 gallons of water per fire released by firefighter hoses.

4. Cost. Recent technological breakthroughs make sprinklers more affordable and easier to install in homes. On a national average, they add only 1 to 1.5% of the total building cost. Although not all property and casualty insurance companies provide discounts for homes that have sprinkler systems, my client, State Farm, does, and that discount generally will make up the additional cost of installing a sprinkler system.

Thus, based upon the foregoing, we believe that the proposed bill is inappropriate and that such decisions should be left to the local municipalities to decide whether or not such systems are viable for their own communities. As such, we respectfully request that the Committee act disfavorably on H.B. 2515.

I am available for questions at your convenience.

Respectfully submitted,

William W. Sneed

WWS:kjb
cc:
/

LKM
League of Kansas Municipalities

300 SW 8th Ave
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

To: House Local Government Committee

From: Sandy Jacquot, Director of Law/General Counsel

Re: Opposition to HB 2515

Date: February 4, 2010

Thank you for allowing the League of Kansas Municipalities to testify in opposition to HB 2515, a preemption of local control regarding fire sprinklers in residential housing. Specifically, this bill would prohibit cities from requiring residential fire protection sprinkler systems. The 2009 International Residential Code, which some cities in Kansas have adopted, now has a provision calling for residential sprinklers. Cities, however, have the option of amending out any provision they wish when adopting such model codes. No city in Kansas has adopted the 2009 IRC with the sprinkler provision included. Thus, this bill is to prevent something that has not even occurred.

Some cities have areas that are either on wells for their water supply or have water service with low water pressure. Those cities have already required residential sprinkler systems for residences in those areas. The cities deemed it necessary for the safety of the individuals living in those homes, and the firefighters responding to fires in those neighborhoods for the residences to be equipped with sprinkler systems. This bill would negate cities' ability to make those kinds of public safety determinations. That is contrary to good public policy and actually compromises public safety. Cities need to be able to make good public safety determinations without being preempted by an artificial and unnecessary restriction on their ability to do so. It is safe to say that the majority of cities in Kansas will choose not to place a sprinkler requirement on residential properties. Therefore, this is an unwarranted preemption of local control and the League of Kansas Municipalities urges this Committee to not report the bill favorably.

Local Government
Date: 2-4-10
Attachment # 6

OVERLAND PARK
KANSAS

ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive
Overland Park, Kansas 66212

913-895-6000 | www.opkansas.org

Testimony Before The
House Local Government Committee
Regarding House Bill 2515
By Erik Sartorius

February 4, 2010

The City of Overland Park appreciates the opportunity to appear before the committee in opposition to House Bill 2515. The City opposes the usurpation of local control for determining building and safety codes.

The cornerstone of municipal government is the belief that the governing of public affairs should be as close to the people as possible. This belief is exemplified in home rule authority, an amendment to the Kansas Constitution that was approved by the citizens of the state more than 45 years ago.

The communities across Kansas are very diverse, and the choices made by local governing bodies reflect such diversity. We have major metropolitan communities with substantial infrastructure and we have rural communities that have limited infrastructure. Fire departments have different methods of tactical response. Some communities have codes and enforcement and some do not. Locally-elected governing bodies have the best understanding of what works best in their individual communities. Their decision making should not be constricted by a "one size fits all" mandate from the state.

The State Of Kansas has long nurtured and defended the home rule form of government; HB 2515 goes against that concept. On occasion, there have been discussions in the legislature as to whether there should be statewide set of building codes. Each time, the legislature has determined codes decisions are best made at the local level. House Bill 2515 being made law would begin, in effect, to create a statewide code in a reverse fashion.

It is our understanding that the Kansas City Homebuilders Association is the primary proponent of HB 2515. The City of Overland Park worked closely with this group as adoption of the 2009 International Codes was contemplated by the City. The City's Governing Body chose not to adopt those codes at this time, and delayed further discussion for a year based mainly on the current economy.

The fire protection sprinkler code was not the only code opposed by KCHBA when the City considered the adoption of the 2009 codes. The question to pose is, "What's next?" If the state passes HB 2515 we can expect to see additional bills further limiting local decisions, and we will slowly have a *de facto* state building code.

Supporting the exercise of authority and responsibility by locally elected officials is a top priority of the City of Overland Park. This constitutionally protected authority allows citizens to shape public policy to reflect their local priorities and sensibilities.

Local Government
Date: 2-4-10
Attachment # 7

Kansas Professional Fire Chiefs Association

Gary Curmode, President 316-660-3490 7750 N Wild West Dr Park City, Kansas 67147-7929

Testimony of
Gary E. Curmode, President Kansas Professional Fire Chiefs Association
Presented to the House Local Government Committee
February 4, 2010

HB 2515 Hearing

HB 2515 Premise/Restriction: Prohibition against a municipality requiring the installation of a multipurpose sprinkler system in a residential structure.

Thank you, Madam Chair and members of the committee.

While most fire services are in favor of a sprinkler system being installed in residential structures and possibly being required in the future, it is not an issue that has been decided upon by most departments, cities, counties, etc. The Kansas Professional Fire Chiefs Association (KPFCA) is recommending that HB 2515 be rejected.

The real issue at hand in HB 2515 is more of a question of legislation that takes away home rule authority by local governments, fire departments, and code agencies. Just as states' rights are an expectation in every state in the USA, equally as important is the local government expectation of having rights to implement codes and standards for their respective communities. This Bill would set a precedent of taking code implementation rights away from those local entities.

Another question to be asked is why suddenly does a code with such life safety implications get to be the first one to get thrown in this issue of code requirements? Do legislators really want to delve into a Bill that would restrict any code enforcement agency -- City, County, or Fire Department from creating a code that could save hundreds of lives and millions of dollars in property damage? Do they really want to think every time they hear of a fire fatality about the time they voted for a restriction that prevented fire sprinklers in that community?

The organizations that are fighting so hard to prevent sprinkler requirements in residences are doing so based solely on their own financial concerns, but mistakenly so. The resistance was just as strong when smoke detector requirements were on the table. Smoke detectors are now required and save lives every hour of every day in the United States.

The misinformation that is directed upon residential sprinkler systems is going strong by these groups. The facts about the real costs and benefits of these systems are available. And the bottom line in the facts is that they are much cheaper than usually represented. The potential for saving lives and property is well documented in cities such as Scottsdale, Arizona, where residential sprinkler systems have been required since 1986.

Thank you and I will be glad to answer any questions.

Chief Gary E. Curmode

Sedgwick County Fire Admin ♦ **T** 316.660.3490 ♦ **F** 316.660.3474 ♦ **E** gcurmo

Local Government
Date: 2-4-10
Attachment # 8

February 3, 2010

Representative Sharon Schwartz
Kansas House of Representatives
Room 149-S, Capitol Building
Topeka, KS

Re: HB 2515

Dear Representative Schwartz:

I will attend the public hearing on HB 2515 and will testify in opposition to the bill. I am aware of some of the claims that the bill's supporters will make, but rebutting each claim can take an inordinate amount of time. In the interest of limiting the time needed at the hearing, I am submitting the following material to the committee.

Claims v. facts about residential sprinklers

Claim: Sprinklers will cost over $2.00 per square foot.
Fact 1: Residential systems are far less expensive than commercial systems. When installed as part of the home plumbing pipe, costs are running well below $1.00 per square foot. (See fact 3).
Fact 2: When home builders receive infrastructure incentives for installing sprinklers, the net cost can be zero or even provide a net profit to the home builder. Each community's situation will be different based on local conditions. That is why each community should have the ability to determine the costs and benefits of residential systems.
Fact 3: In 2008, a national study by the National Fire Protection Association found the following:

> The cost of sprinkler systems to the homebuilder, in dollars per sprinklered SF, ranged from $0.38 to $3.66. This range represents the 30 different house plans, with the average cost being $1.61 per sprinklered SF. The low end of this range ($0.38/sprinklered SF) represents a California house in a community with a longstanding ordinance, sprinklers in the attic and the garage (in addition to the living space), and some potential pricing benefits from a volume relationship with the sprinkler contractor. The high end of this cost range ($3.66/sprinklered SF) represents a Colorado house on well water and a system constructed with copper piping which utilized anti-freeze for freeze protection during the winter. These costs include all costs to the builder associated with the sprinkler system including design, installation, and other costs such as permits, additional equipment, and increased tap and water meter fees – to the extent that they apply.

Claim: Sprinklers increase the cost of starter homes or those built by charitable organizations like Habitat for Humanity, thus making homes unaffordable to those with the least money.

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Fact 1: The people who make these claims fail to mention that infrastructure incentives can make the net cost of sprinklers to little or even zero, as noted above.
Fact 2: The homeowners will pay more for their insurance. Per the ISO:

> The standard ISO Dwelling Fire and Homeowners Programs contain available premium credits for installation of fire sprinkler protection up to a maximum of:
> • 13% for full sprinkler protection that includes all areas of a home, including attics, bathrooms, closets, and attached structures;
> • 8% for fire sprinkler protection of all areas of a home excluding the attic, bathrooms, closets, and attached structures as long as fire detection equipment is installed in those areas where sprinklers are omitted; Individual insurer programs may provide different credits.

The ISO premium reductions represent the minimum. Major insurers like State Farm and Allstate reduce premiums 10-20 percent for sprinklered homes. An insurer in New Mexico is offering a 38 percent reduction.
Fact 3: Some charitable organizations have adopted policies that all of their homes will be equipped with residential sprinklers. One example is the Austin TX Habitat for Humanity.

Claim: It will cost around $8,000.00 when a home is on a well because you need a separate storage tank and pump.
Fact: Most wells have sufficient capacity and refresh rates to supply 26 GPM for ten minutes. All that is needed in most cases is a variable-speed pump instead of a single-speed. That only adds a few hundred dollars to the cost.

Claim: Residential systems will create a need for inspections, which will add costs.
Fact: The standard for commercial systems, NFPA 13, requires regular inspections, testing and maintenance. IRC P2904 and NFPA 13D do not require them. The reason why they are not required is because the sprinklers, whether stand-alone or plumbing-based, get their water from the domestic supply. If a problem occurs, homeowners will quickly fix it in order to keep their plumbing operating.

Claim: Residential systems will increase insurance rates, just like commercial systems.
Fact: Here is what the Insurances Services Office (ISO) says:

> The presence of a residential sprinkler system may raise concern about the risk of accidental water leakage from the system. ISO's standard Homeowners policy forms provide coverage for "...accidental discharge or overflow of water...from within a...fire protective sprinkler system...". This coverage is included in the basic policy. There is no extra charge for this coverage.

Claim: New homes are safer because of things like sheetrock and new electrical systems.
Fact 1: Over 4 out of five home fires are caused by human action like misuse of matches, candles, etc. Fires that start in structural components are few.
Fact 2: The contents are the problem, not the structure. Any home is safe until people move things in.

Fact 3: Synthetic materials for furniture, carpeting and bedding have caused the time to flashover to drop from an average of 17 minutes in the mid-1980's to around three minutes today. This fact is from a study conducted by the National Institute of Standards and Technology in 2007.
Fact 4: Light-weight trusses have replaced solid-sawn lumber for floor joists. When exposed to a fire, they burn through very quickly and fail without warning. Homes with light-weight trusses and no sprinklers have become a major hazard to firefighters.

Claim: Residential sprinklers need larger water service lines like 1-inch and 1-1/2-inch, and water purveyors charge much for that.
Fact 1: Plumbing-based systems rarely increase the size of water service pipe. They do require ¾-inch meters, but many communities are already using ¾-inch meters as the standard size for homes.
Fact 2: Water purveyors base their "tap" fees or "impact" fees on the premise that homes with larger water meters will use more water. In sprinklered homes, the larger meter is there to supply additional water in a fire. A study of 15 years of fires in Scottsdale AZ showed that far less water is used in sprinklered homes:

> Sprinkler systems discharged an average of 341 gallons of water/fire as compared to 2,935 gallons of water/fire released by firefighter hoses.

Fact 3: When homes in new subdivisions are sprinklered, water infrastructure incentives such as smaller water mains, fewer hydrants and smaller storage tanks can reduce the net cost of sprinklers, sometimes to zero. The potential cost savings will vary by community, and that is why each community should have the ability to analyze the local costs and benefits of residential sprinklers.

Claim: The National Fire Protection Association said that smoke alarms increase the probability of surviving a house fire by 99.45 percent.
Fact: Per the chief statistician at the NFPA, that number was taken out of context from a previous NFPA report. The actual probability is 50 percent. Based upon the experience of communities like San Clemente CA, Scottsdale AZ and Prince Georges County MD, where residential sprinkler have been required for over 20 years, sprinklers increase that probability to 98 percent.

Respectfully submitted,

Patrick J. Coughlin
4719 Black Swan Circle
Shawnee, KS 66216
Phone: (913) 708-5917

Representative Sharon Schwartz

149-S

RE: HB-2515

Honorable Representative Sharon Schwartz and Committee Members,

This document is respectfully submitted for your consideration, as a testament against the passage of HB-2515, also known as "AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems." It is my desire to testify before the Committee in opposition to the bill moving forward.

My concerns about the language of the bill come from my perspective as the Building Official for the City of Baldwin City, Kansas, as well as my perspective as an elected member of the International Code Council's (ICC) Board of Directors, representing the district which includes the State of Kansas.

As a Building Official for a Kansas jurisdiction, I oppose HB-2515 on the one hand, because it undermines the fundamental principle of self-determination which may be exercised by a community with regards to regulations concerning construction. I will stipulate that residential sprinkler system will add to the cost associated with the initial construction of a dwelling. But, on my other hand, as the official responsible for regulating construction in Baldwin City, I feel compelled to consider the cost of building ownership over the life of a home. Under the cover of this letter, please find a copy of the Insurance Services Office, Inc. (ISO) document titled "Residential Sprinklers ISO Fact Sheet" which makes clear that jurisdictions who remove, by legislation or local ordinance, will not receive the 8% to 13% reduction to homeowner's insurance premiums that would otherwise be allowed.

As a member of the ICC Board of Directors representing the district including the State of Kansas, I feel compelled to state that the ICC code development process is both sound and democratic. The vote surrounding the addition of the residential sprinkler system provisions to the 2009 International Residential Code has been scrutinized through an open investigation which has affirmed the validity of the vote and the propriety of the voting method. Further, and perhaps more germane to this Committee, I must state that the International Residential Code is largely a prescriptive formula for dwelling construction, scientifically developed, professionally vetted by panels of construction experts. It is not an a la carte menu, subject to the whim or will of industry's desire to comply.

I look forward to an opportunity to elaborate on these facts and to answer any questions the Committee may have.

Sincerely,

Tina Marie Rakes

Tina Marie Rakes

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INSURANCE SERVICES OFFICE, INC.

www.isomitigation.com 800-444-4554

RESIDENTIAL SPRINKLERS ISO FACT SHEET

ISO is an independent statistical, rating, and advisory organization that serves the property/casualty insurance industry. ISO is the leading supplier of underwriting information, advisory loss costs, supplementary rating information and standardized policy language to insurers in all 50 states and the District of Columbia. ISO offers the following regarding how residential sprinklers are reflected in ISO's advisory residential property programs:

PREMIUM DISCOUNTS

The standard ISO Dwelling Fire and Homeowners Programs contain available premium Credits for installation of fire sprinkler protection up to a maximum of:

- 13% for full sprinkler protection that includes all areas of a home, including attics, bathrooms, closets, and attached structures;
- 8% for fire sprinkler protection of all areas of a home excluding the attic, bathrooms, closets, and attached structures as long as fire detection equipment is installed in those areas where sprinklers are omitted;

Individual insurer programs may provide different credits.

SPRINKLER "LEAKAGE" COVERAGE

The presence of a residential sprinkler system may raise concern about the risk of accidental water leakage from the system. ISO's standard Homeowners policy forms provide coverage for "...accidental discharge or overflow of water...from within a...fire protective sprinkler system...". This coverage is included in the basic policy. There is no extra charge for this coverage.

Also, coverage is provided for water damage related to the suppression or extinguishment of a covered fire.

Individual insurer programs may provide variations to this coverage.

BUILDING CODE EFFECTIVENESS GRADING SCHEDULE

The ISO Building Code Effectiveness Grading Schedule (BCEGS®) is used to review public building code enforcement agencies and to develop a classification that is provided as advisory information to insurers who may use it for insurance underwriting and rating. If the requirement of the International Residential Code (2009) for automatic fire sprinkler protection of residential dwellings was removed by legislation or local ordinance, BCEGS would not provide full recognition for adoption of code without amendments. A building code enforcement agency which adopted a code with amendments that weaken hazard mitigation issues as defined in the model codes and referenced standards would not receive maximum recognition for code adoption.

KANSAS ASSOCIATION OF COUNTIES

TESTIMONY TO THE HOUSE LOCAL GOVERNMENT COMMITTEE
ON HB 2515
FEBRUARY 4, 2010

Chairman Schwartz and Members of the Committee:

I am Melissa Wangemann, representing the Kansas Association of Counties. Our association opposes HB 2515.

HB 2515 prohibits a municipality, which includes a city or county, from enacting a building code that contains a requirement for fire protection sprinklers.

The KAC believes that the State should not be involved in local affairs such as building codes. Cities and counties are the best venue for discussion on this matter and the decision should be left to those local jurisdictions. Does the State legislature really want to debate the issue of fire sprinklers and whether they are a good idea for every city and county of the state? A good reason to keep this issue at the local level is that Kansas citizens have a better opportunity to discuss these issues with their local government officials; it is much easier to attend a city council or county commissioner meeting to voice their opinions.

Very few counties even have building codes. My understanding from discussions with county planning and zoning officials is that the counties with building codes are not likely to adopt the section relating to fire sprinklers in the international code. No county has adopted it yet. Therefore, I think state law prohibiting adoption is premature and probably altogether unnecessary.

We would ask the committee to not pass HB 2515 and allow Kansas cities and counties to review the fire sprinkler issue – as they do all other issues relating to building codes – and allow them to debate and discuss this issue with their constituencies and make the decision that best reflects the views of their community.

I would be happy to stand for questions.

Respectfully Submitted,

Melissa A. Wangemann
General Counsel and Director of Legislative Services

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

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House Local Government Committee

HB 2515

Ron Ewing, SE Trustee for the Kansas State Firefighters Association

& Lieutenant for the Emporia Fire Department

February 4, 2010

Thank you, Madam Chair and members of the committee.

My name is Ron Ewing and I represent the Kansas State Firefighters Association, serving as the Southeast Trustee. I am also a Lieutenant for the Emporia Fire Department, where I have been employed for 6 years.

I am testifying to voice the KSFFA's opposition to HB 2515. We, the Kansas State Firefighters Association believe that the proposed bill not only jeopardizes firefighter Safety, but public safety and property conservation as well. The League of Kansas Municipalities indicates there would be no fiscal effect to cities resulting from the passage of HB 2515. But would most likely diminish the number of household fires and therefore save local governments costs associated with firefighting.

The cost of firefighting operations is last but not least, when it is compared to Firefighter and Public Safety. No one knows better than first responders on how quickly fire grows and spreads becoming lethal to occupants as well as to firefighters. Myth is that Residential Fire Sprinklers put out fires, which indeed do not. They are used to contain a fire to an area, making for an egress for occupants to escape dangerous conditions. When firefighters are called to a fire our priority is firefighter safety than public safety. Fire spreads rapidly causing residents to be trapped. At this stage fire extinguishment is not priority rescuing victims is. This puts firefighters in even more danger while searching through rapid fire growth.

A sprinkler activates during the early stages of a fire before it grows and spreads. In sprinkled residences, 90% of fires are contained by the operation of just one sprinkler head. Over 80% of civilian fire deaths annually occur in a residential setting where people are supposed to feel safe and secure. From the years 2006-2008 there have been 46 firefighter fatalities from traumatic injuries during residential fire ground operations.

One firefighter fatality is too many. Though as firefighters we understand we take calculated risk when we respond to a fire. We risk a life to save a life. With this we try everyday to improve on ways to perform our jobs safer. But not jeopardizing public safety. Which is why the Kansas State Firefighters believe if HB 2515 is passed, Municipalities, Fire Departments, and Emergency personnel, will be prohibited from protecting the citizens that as a whole we are expected to do. Not only should the public be in a safe haven that they call a home, but firefighters as well would like to go to our safe haven when the job is done. Residential sprinklers should not only be allowed for municipalities to enforce, but should be encouraged.

On behalf of the KSFFA we urge the committee to not pass HB 2515. I will be glad to answer any questions.

Thank you.

Ron Ewing

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Date: 2-4-10
Attachment # 12

Testimony before the Local Government Committee
Regarding House Bill No. 2515
By Dan McLaughlin, Kansas State Fire Marshal
February 4, 2010

Good afternoon Representative Schwartz and committee members I want to first thank everyone here today for your service to our community. As Fire Marshal for the state of Kansas, I am particularly interested in making sure our citizens are as safe as possible. That is why I am opposed to HB 2515 and I hope you will support the efforts of the international code council and national fire protection association in encouraging the use of automatic home fire sprinklers in new family residences in Kansas.

In support of these efforts, I would like to provide you with some short statistics:

- Nearly 400,000 home fires occur every year in this country
- In 2008, almost 3,000 people died in home fires
- The risk of dying decreases by about 80 percent when sprinklers are present
- There is a 50-60 % reduction in average property loss per fire
- The cost of home fire sprinklers averages $1.61 per sq ft. for new construction
- There is no dollar value on life

Home fire sprinklers are a proven technology that saves lives and protects property. The building code requirements offer the highest level of safety to protect our citizens. Home fire sprinkler systems respond quickly to reduce the heat, flames, and smoke from a fire—offering residents valuable time to get to safety and protection to firefighters from major structural failures like collapsing beams and floorboards.

For the sake of our citizens and members of the fire service, I hope that you will join the list of forward-thinking communities that support automatic fire sprinkler systems in new home construction. Our lives depend on it.

Please note the Kansas Statistics on page 2 of this document.

Thank you for the speaking opportunity today.
Respectfully submitted Dan McLaughlin

KANSAS STATISTICS for 2006, 2007, 2008

LOSS BY INCIDENT TYPE

Type	2,006	2,007	2,008	Grand Total
Structure Fire	1,694	1,638	1,373	4,705
Structure Fire, Confined to Room/Object	178	189	159	526
Mobile Property, Used as Structure	94	70	60	224
Grand Total	1,966	1,897	1,592	5,455

PROPERTY LOSS

Structure Fire	$ 26,536,150.00	$ 26,612,789.00	$ 23,719,356.00	$ 76,868,295.00
Structure Fire, Confined to Room/Object	$ 382,476.00	$ 649,800.00	$ 179,400.00	$ 1,211,676.00
Mobile Property, Used as Structure	$ 577,575.00	$ 409,080.00	$ 360,950.00	$ 1,347,605.00
Grand Total	$ 27,496,201.00	$ 27,671,669.00	$ 24,259,706.00	$ 79,427,576.00

CASUALTIES

Row Labels	Civilian Injuries	Firefighter Injuries	Civilian Deaths	Firefighter Deaths
2006	100	50	40	0
2007	96	41	19	1
2008	69	37	22	0
Grand Total	265	128	81	1

National Fire Protection Association

Building Code, Western Field Office, 6285 E. Spring Street, Suite 363, Long Beach, CA 90808-4000
Phone: 562-497-1706 • Fax: 562-497-1716 • www.nfpa.org

Raymond B. Bizal, P.E.
Regional Manager

February 3, 2010

The Honorable Sharon Schwartz, Chair
Local Government Committee, House of Representatives
Kansas State Capitol, Room 149-S
300 SW 10th St.
Topeka, Kansas 66612

RE: HB 2515 - OPPOSE

Dear Chair Schwartz and Members of the Committee:

I write to express my strong opposition to HB 2515, a bill that hinders local fire authorities from determining the best fire protection policy for their communities. This is a serious public safety issue. I have outlined some thoughts on why we oppose HB 2515.

Interrupts Local Fire Policy: Local fire authorities rely on an array of tools – including automatic fire sprinklers – to combat the threat of fire and provide their public safety service. Local fire protection policy is based on many issues, such as local fire department deployment capabilities, firefighter safety needs, response-time goals, and insurance services rating needs. Home fire sprinklers can impact the community from local fire protection policy to local firefighting tactics and strategies. If passed, this bill will remove a valuable tool that may be used by fire departments to meet their local needs in providing the best public safety service to their communities.

Discounts Local Hearings: Local fire authorities and municipalities that have determined they want to require residential fire sprinklers still must provide an open and public hearing process. This local hearing process will allow discussion on all the technical details relevant to their proposal.

Destroys Cohesive Building Codes: Building codes are complex documents. All national model building codes now require residential fire sprinklers for new construction. Removing one requirement - like residential fire sprinkler systems, as this bill would do – will have a major impact on many other requirements within the code. Other issues, such as exterior wall construction, tenant wall construction, location on property, and fire rating light weight truss construction just to name a few, all need to be adjusted to accommodate the prohibition proposed by this bill.

Ignores Reduced Life Safety: Most importantly, this bill will withhold the life-saving benefits of home fire sprinklers from the citizens in Kansas. Each year, approximately 3,000 people die in home fires in the United States – more than all of the fatalities from natural disasters annually. In 2008, roughly 83% of all civilian fire deaths and 89% of all civilian fire injuries resulted from home structure fires. Home fire sprinklers would have saved the vast majority of these fire victims because sprinklers play a significant role in limiting life and property loss when a fire happens. For people that have a reported fire in their home, the risk of dying decreases by about 80 percent when sprinklers are present.

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Smoke Alarms Not Enough: Smoke alarms are not enough. While smoke alarms play a critical role in allowing early escape, they do not actively suppress fire. A recent study shows that smoke alarms operated in fires that caused 37% of the deaths in homes. Smoke alarms are like seat-belts, and fire sprinklers are like air-bags – both work together to fulfill critical safety functions.

Neglects Firefighter Safety: Residential fire sprinklers provide great assistance to firefighters, especially in congested metropolitan areas and rural settings, where it takes a longer for firefighters to arrive on scene. Fire sprinklers reduce the chance of "flashover" and keep the fire at bay, while the firefighters arrive and set up for firefighting operations. Fire sprinklers buy time before the structure collapses. Studies show that with new construction techniques, called light-weight truss construction, homes do not have much time under fire conditions and can collapse on responding firefighters. Fire sprinklers will alleviate that risk. This is a problem because statistics indicate that 62% of firefighter deaths occur at residential properties and 92% of those occurring in one and two family homes.

Disregards Property Loss Savings: Residential fire sprinklers significantly reduce the amount of property loss after a fire. In 2008, the United States experienced 8.5 billion dollars in property loss from home structure fires – that is nearly 70% of the property loss from structure fires. Studies show that property damage per fire is lowered by over 70%.

Higher Home Insurance Cost: This bill would force local government to adopt the national model codes without the sprinkler provisions embedded within them. Doing so will significantly decrease the Insurance Services Office (ISO) rating of the fire department and the building department. The result will be all around higher insurance premiums for the State of Kansas. Further, home owners with fire sprinklers will likely benefit from an additional savings on their monthly premiums.

Low Installation Cost: A 2009 study showed that the national average for the cost of installing home fire sprinklers was $1.61 per square foot of sprinklered area. This ranged from about $0.38 to $3.66 per square foot of sprinklered area. This cost includes all costs to the builder associated with the system including design, installation, and other costs such as permits, additional equipment, increased tap and water meter fees – to the extent that they apply. Clearly home fire sprinklers are inexpensive for newly constructed homes. This is usually around 1% of the total cost of the home.

Home fire sprinklers save lives through a proven technology. HB 2515 takes away an important tool available to local fire authorities that can help them to determine the best fire protection policy in their communities. I urge you – for the sake of public safety – to vote NO on HB 2515.

Sincerely,

Raymond B. Bizal, PE
Southwest Regional Manager

Testimony of

Chief Jeff Hudson, Past President Kansas State Association of Fire Chiefs

Presented to the House Committee on Local Government

February 4, 2010

The Kansas State Association of Fire Chiefs (KSAFC) appears today in opposition to HB 2515 which if passed would take away from local government the ability to adopt codes that affect the safety of their citizens.

Cities and counties in Kansas routinely exercise their authority at a local level with input at a "grass roots" level from the citizens they represent. Many times these decisions are related to issues that are understood by and unique to that local jurisdiction. Passing this bill will take this decision making ability away from each community and force them to accept a "one size fits all" law which will tie their hands and reduce the number of options they have to address local issues.

Published data From NFPA provides that residential fire sprinklers are a proven means in which to reduce fire deaths in residential structures. According to 2008 statistics from NFPA a residential fire occurs every 82 seconds in the United States. These residential fires are responsible for:

- 84% of fire deaths
- 82%of fire injuries
- 69% of structure fire damage
- 62% of firefighter fireground deaths

Fire sprinklers are required in most public buildings because they save lives and reduce property damage. This same tool should be available to local government to address the unique safety needs they may have. Statistically an occupant of a residence has three minutes after the activation of a smoke alarm to exit the structure before being overcome by the toxic effect of the smoke "www.smokealarm.nist.gov". High risk populations such as the young, old, hearing impaired and handicapped may not be able to hear the alarm or be physically able to escape the home quickly enough. Many Kansans' live in rural areas where response from their Fire Department could be many minutes away. A fire sprinkler system could be the difference between a small fire with little damage and no loss of life to total destruction and the possible death of occupants.

There are many tools available to help increase fire and life safety: building codes, smoke detectors, inspections, fire safety education, sprinkler systems. Some communities use all these tools and others use a portion of them according to the local community standard. Local governments must have the ability to adopt the best public policies that fit their communities.

The KSAFC would like to thank you for the opportunity to address this committee.

House Local Government Committee
HB 2515
Kevin Flory, Lieutenant, Topeka Fire Department
&
NE Trustee for the Kansas State Firefighters Association

Good afternoon. My name is Kevin Flory and I am the NE Trustee for the Kansas State Firefighters Association. I am also a Lieutenant with the City of Topeka Fire Department and a volunteer with the Soldier Township Fire Department.

I am writing to you today to voice my opposition to HB 2515. On many levels, this bill is just wrong. It is a proven fact that fire sprinklers are the most effective means of containing a fire in its beginning stages if not even extinguishing it. I will not quote you all of the data as I am sure presenters today will show it to you. My main concern is that with the types of building construction being used today, residential sprinklers are the best hope of preserving an exit pathway for residents. There are many documented cases of structural failure of floor joists and ceiling trusses within the first five minutes of being exposed to a fire. Now, consider that most urban departments have an average response time of four minutes. That leaves sixty seconds to make an attack on a fire and attempt any rescue of any occupants. In the rural settings, it is even worse. Response times can average in the neighborhood of eight to ten minutes in small communities. Remember that five minute failure mark is from when the fire starts, not when someone sees it and calls 911.

Residential sprinklers should be allowed to be adopted by any progressive community that wishes to adopt it in this state. If anything, the state should be looking at ways to encourage this type of development as a way to make fire safe communities. It should be encouraged in municipalities as a way to help offset the shortage of volunteer firefighters in this state and the constant under staffing of career departments by cities. I would hope that this body would see that the safety of citizens is the main purpose of the government, both local and state. This bill would be extremely detrimental to allowing a community to protect its citizens.

I strongly urge this committee to not pass this bill out and take steps to ensure this issue will remain a local issue and find ways to encourage residential sprinklers in the future in the state of Kansas. Thank you for your time.

City of Lenexa, Kansas Fire Department

"CFAI • Internationally Accredited Agency"

February 1, 2010

The Honorable Sharon Schwartz, Chairperson
House Committee on Local Government
Statehouse, Room 149-S
Topeka, KS. 66612

SUBJECT: HB 2515 –Opposition Statement

Dear Chairperson Schwartz:

On February 4th, 2010, there will be a hearing before you and the House Committee on Commerce and Labor, related to HB 2515. The purpose of this letter is to call attention and communicate the City of Lenexa's opposition to this legislation, and to respectfully seek your support and consideration in this matter.

The City of Lenexa, Kansas has long been an advocate of public safety and was among the first communities in the nation to adopt an ordinance requiring residential sprinklers in both single and multi-family dwellings, under certain conditions. Since 1987 we have required built-in fire protection in the form of residential sprinklers systems. Certainly, this requirement has saved property loss within our community and we are confident that lives too have been spared. The prohibition of residential sprinklers would influence the safety of future generations and reverse current practice at the local level.

You will hear claims that smoke alarms are adequate and appropriate fire safety features. There is little doubt smoke alarms are an essential component of residential life safety systems. Smoke alarms are effective at alerting occupants of a fire and are responsible for saving lives in numbers we can not easily quantify. (Early smoke detector legislation too was strongly opposed as an unnecessary and unwanted feature.) Smoke alarms paired with built-in suppression systems in residential property would have a dramatic impact on the reduction of fire related fatalities and the billions of dollars of annual fire loss.

It is true the occurrence of fires is on the decline in our nation however, fire related fatalities and dollar loss associated with these fires have not declined at the same pace; in fact they are nearly unchanged. Specific, historic data related to our claim is available through the United States Fire Administration at:

http://www.usfa.dhs.gov/statistics/national/index.shtm

The reduction of fire frequency in the nation can be credited to many factors not the least of which is the development and enforcement of good building, fire and life safety codes. The requirement of suppression systems within communities adds a great deal to the safety of its residents, property owners, visitors and supports the economic stability of a community.

Thank you for your consideration of our position related to this significant legislation. It is our fervent belief that this proposed legislation is first and foremost an affront to the precedent of "Home Rule." Further, the early detection and suppression of accidental fires will save civilian and firefighter lives, reduce property loss, and reduce the cost of fire protection to local communities and tax payers.

Respectfully,

C. Dan Rhodus II, Fire Chief
City of Lenexa, Kansas Fire Department
"An Internationally Accredited Agency"

17-2

FEAK
Fire Education Association of Kansas

February 4, 2010

Written testimony before the Committee on Local Government in opposition to House Bill 2515, an act prohibiting any municipality from requiring the installation of a multi-purpose sprinkler system in a residential (home) structure.

Honorable Chair and members of the Committee,

The Fire Education Association of Kansas expresses its sincere opposition of House Bill 2515. We believe HB 2515 is a disservice to all Kansans for many reasons. A few of those reasons are:

- Home rule: HB 2515 takes away the ability of the local jurisdiction to adopt codes or law that meets the specific needs of their unique community - one size doesn't fit all.
- Life safety: Home sprinklers protect Kansas families by supplementing the protection provided by smoke alarms. Many years ago the safety community realized that seat belts – although life saving – did not do enough by themselves. Hence, the creation and requirement of supplemental restraint systems like air bags. Could you imagine buying a new car without air bags?
    - Sprinklers and smoke alarms together cut the risk of dying in a home fire 82% compared to having nothing in place.
    - Sprinklers decrease fire damage by 45-70%.
    - Sprinklers confine flame damage to the area of fire origin 74% of the time.
- Firefighter safety: Home sprinklers help prevent unnecessary firefighter death from one of our profession's greatest hazards, collapse. Especially, in regards to modern day, lightweight residential construction.

As fellow firefighters and the voice of Kansas' fire and life safety education community, it is our responsibility to reduce fire and burn deaths, injuries and incidents. Together, we can achieve these goals by opposing and stopping HB 2515.

Please feel free to contact us to discuss how we can make Kansas a safer place to live.

Respectfully Submitted,

Mike Hall

Mike Hall, president
(913) 971-6333

Local Government
Date: 2-4-10
Attachment # 18

MO-KAN Chapter

February 2, 2010

The Honorable Sharon Schwartz, Chairperson
House Committee on Local Government
Statehouse, Room 149-S
Topeka, Kansas 66612

RE: State of Kansas House Bill No. 2515

Dear Representative Schwartz:

The Board of Directors and membership of the MO-KAN chapter of the Society of Fire Protection Engineers have discussed and are opposed to the adoption of House Bill No. 2515.

The 2009 International Residential Code requirement for fire sprinkler protection in new one and two family dwellings was voted into the code by many of the building and fire officials that will be affected by this new bill. If adopted, this bill will limit the effort of these building and fire officials statewide to properly enforce reasonable levels of life safety in their communities. These levels are based on experience, statistics and other information that are appropriate for the community/municipality.

We encourage the members of the House of Representatives to reject this bill. Representing the Fire Protection Engineering community we have a vast amount of data and practical knowledge available that can be provided to support our position should the need arise.

Please contact us if you need additional information.

Sincerely,

Mark Chrisman
President, MO-KAN Chapter

Local Government
Date: 2-4-10
Attachment # 19

METROPOLITAN KANSAS CITY CHAPTER
INTERNATIONAL CODE COUNCIL

P.O. Box 15080 · Kansas City, Missouri 64106-0080
www.metrokcicc.org

February 3, 2010

The Honorable Sharon Schwartz, Chairperson
House Committee on Local Government
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Schwartz:

The Metropolitan Kansas City Chapter of the International Code Council respectfully wishes to advise the Chair that it objects to Kansas Bill 2515, which seeks to prohibit jurisdictions from adopting or enforcing any ordinance, order, code, standard, or rule requiring the installation of a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in any residential structure. We are an organization consisting of building and fire officials, architects, engineers, and building trades professionals; and we are concerned that this may be in conflict with home rule provisions, may have a chilling effect on the adoption of more current building codes, and will most certainly have a negative impact on public safety.

In the interests of ensuring public safety, any such moratorium imposed should be of short duration, have a fixed end date, and culminate in the release of data concerning both the fiscal and safety impacts of requiring residential sprinkler systems. This bill does not appear to include a sunset clause, nor does it appear to be tied to such a study.

In short, while the code enforcement community as a whole would welcome solid data concerning the benefits and pitfalls of requiring residential sprinklers, it should be up to the individual jurisdictions to determine whether they wish to adopt and enforce standards and regulations for residential sprinklers.

Feel free to contact me at mpolk@belton.org or (816) 331-4331 if you have any questions or I can be of service in explaining our organization's position further. Thank you for considering our concerns about Kansas bill 2515.

Sincerely,

Mark Polk
President
Metropolitan Kansas City Chapter of the International Code Council

INTERNATIONAL CODE COUNCIL®

Local Government
Date: 2-4-10
Attachment # 20

Fire Marshals Association of Kansas

February 4, 2010

Written testimony before the Committee on Local Government in opposition to House Bill 2515, an act prohibiting any municipality from requiring the installation of a multi-purpose sprinkler system in a residential (home) structure.

Honorable Chair and members of the Committee,

The Fire Marshals Association of Kansas expresses its sincere opposition of House Bill 2515. We believe HB 2515 will prevent the State's fire marshals from using residential fire sprinklers to reduce loss of life and ease the burden of their jurisdiction's firefighting resources.

- HB 2515 takes away the ability of the fire marshals to adopt codes that are needed to meet the specific needs of their communities.
- In communities with volunteer departments, residential fire sprinklers can be used to assist these departments that are already facing staffing issues and extended response times.
- Infrastructures within jurisdictions can benefit by using residential fire sprinklers to reduce the amount of water needed to fight fires, reduce building setbacks, reduce street widths, and increase the spacing of fire hydrants.

It is our responsibility to ensure the safety of our citizens, reduce loss of life, and protect the property within our jurisdictions across Kansas. HB2515 would greatly reduce our ability to fulfill these responsibilities.

Please feel free to contact us to discuss how we can make Kansas a safer place to live.

Respectfully Submitted,

Brad E Henson

Brad Henson, President
(913) 971-6333

House Committee on Local Government

Hearing on House Bill 2515

Thursday, February 4, 2010

Written Testimony of Ryan Almes

Fire Marshal, City of Manhattan, Kansas

Good afternoon Chairperson Schwartz, Vice Chairperson Holmes, and Honorable Members of the House Local Government Committee. My name is Ryan Almes and I serve as the Fire Marshal for the City of Manhattan Fire Department. I want to thank you for this opportunity to provide written testimony to the Committee regarding House Bill 2515.

The City of Manhattan opposes House Bill 2515 because it limits the Home Rule authority of cities to adopt the building and fire codes that best serve their communities. Constitutional Home Rule is the cornerstone of municipal government and should not be preempted by State action.

House Bill 2515 would invalidate the existing requirement within the City of Manhattan that all new construction multi-family residential structures with three or more units must have a fire sprinkler system. Such a change would not be fair to the homebuilders and developers who have already invested in sprinkler systems only to have the rules changed for future developments. Furthermore, there is evidence to support the case that sprinkler systems dramatically enhance safety. Working fire alarms within homes increase the chance of surviving fire to greater than fifty percent. New studies show that sprinkler systems installed along with working smoke alarms increase the rate of survival to over ninety percent. The national average of installation costs for sprinkler systems adds between one and two percent to the cost of a new home. This cost is well offset by the added public safety value in sprinkled homes.

Our Fire Department plans to make a recommendation to the Manhattan City Commission later this year to adopt the 2009 International Fire Code, which would continue the requirement to provide fire sprinklers for multi-family residential buildings that have three units or more. The Manhattan Fire Department Code Services Division will also present the 2009 International Residential Code which requires all new one and two family dwellings to be installed with residential fire sprinklers. We know that the Commission will weigh all of the evidence and public input and ultimately make the decision that is best for Manhattan. Please do not prevent that deliberative process by enacting state legislation that forces a uniform policy upon all cities without consideration to their unique characteristics and community desires.

Thank you for your consideration, and I would be happy to answer any questions. I may be reached by mail at the Department of Fire Services, City of Manhattan, 2000 Denison Avenue, Manhattan, KS 66502, by phone at (785) 587-4504, or by email at almes@ci.manhattan.ks.us.

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House Local Government Committee

HB 2515

Rick Peck, Captain for the Emporia Fire Department – 23 years

February 4, 2010

Written Testimony

To whom it may concern,

I was asked to express why I made the decision to install a residential sprinkler system in my home that I had built in 1995. I made this decision on many factors with first and foremost being the safety of my family. You already know the data and research that concludes that, like seat belts, sprinklers saves lives. Using the analogy of seatbelts usage, yes there are people who are alive today because they "weren't" wearing a seatbelt at the time of their accident. And yes a sprinkler could potentially go off unannounced and cause water damage, but the 2 instances are so rare that logic dictates the life safety benefits far outweigh the non-use of each. If one would compare the cost in percentages of the safety equipment mandatory for auto makers and a mandatory sprinkler system for new construction there would be, well, no comparison. I spent more on my carpet than I did on my sprinkler system.

I installed my sprinkler system in 1995 and have not had a problem with their operation. I installed them to protect my family and minimize property damage in the event that I experience a fire in my home. I have seen the devastation for a family that a residential structure fire can do to them in my 23 years as a FF/Captain. One cannot comprehend the mental anguish from losing ones possessions, the suffering associated with burns, or death that are a result of experiencing a residential fire. And I for one, cannot comprehend why one would not do all he could to protect his family from all those things if he had the opportunity. Residential smoke detectors and sprinkler systems provide that opportunity and do so very economically.

From a professional standpoint, the new engineered construction that is seen is allowing less and less time from the start of structure fire to our ability to enter that structure. This time will only decrease as more and more methods are designed to use less material. It will be absolutely necessary for these structures to have a sprinkler system if we are to have the opportunity for rescue operations. Sprinkler systems confine fires which affords occupants the opportunity to evacuate and us the opportunity to rescue those incapable of self rescue.

I would like to conclude by stating that as a general rule, I am against government intrusion or making decisions for me. But there are times where government intrusion is absolutely necessary for the safety of the public as a whole. Seat belt usage and no smoking in public venues come to mind. It is for that reason that logic dictates that I professionally and personally opposed HB 2515. If I may be of further assistance, please feel free to contact me and I thank you for your time.

Sincerely,

Richard R. Peck - Captain

Emporia Fire Dept

Local Government
Date: 2-4-10
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