

MINUTES OF THE SENATE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Roger Reitz at 9:30 a.m. on March 16, 2010, in Room 144S of the Capitol. He reviewed the agenda and laid out the rules for the meeting.

All members were present.

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Martha Dorsey, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Noell Memmott, Committee Assistant

Conferees appearing before the Committee:

Luke Bell, Kansas Association of Realtors
Whitney Damron, City of Topeka
Richard Stewart, Wichaita Habitat for Humanity, Inc
Wess Galyon, President, Wichita Area Builders, Association
Ed Jaskinia, President, Associated Landlords of Kansas
Melissa Wangemann, Kansas Association of Counties
Gardner Jones, Representing Bamford Fire Sprinklers Co., Inc.
Maria Figueroa, Fire Prevention Field Office

Others attending:

See attached lists

SB 561 - Cities; rehabilitation of abandoned houses; nonprofit corporations. Sean Ostrow, Revisor, reviewed the bill. A discussion followed. Senator Petersen explained the amendment that would add counties to the bill.

Senator Petersen moved to add the amendment adding counties to SB 561. Senator Wagle seconded the motion. The motion carried. Senator Wagle moved to amend SB 561 to require occupancy for two years. Senator Petersen seconded the motion. The motion carried. Senator Kultala moved to favorably pass the bill out of committee. Senator Wagle seconded the motion. The motion carried.

The hearing continued on **HB 2029 - Annexation procedures; de-annexation, board of county commissioners duties, election required, when.**

Luke Bell, Vice President of Governmental Affairs Association of Realtors, testified in opposition to the bill (Attachment 1). Whitney Damron, on behalf of the City of Topeka, also testified in opposition to the bill (Attachment 2). Written testimony in opposition to the bill was submitted by Dale Goter, Government Relations Manager, City of Wichita (Attachment 3).

HB 2698 - Secretary of state; authorizing real property conveyance to the city of Ogden - Martha Dorsey, Research Advisor, explained the bill. Senator Petersen moved to pass **HB2698** favorably out of committee. Senator Huntington seconded the motion. The motion carried.

The hearing opened on **SB 573 - Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.** Sean Ostrow, Revisor, reviewed the bill.

Richard Stewart, Wichita Habitat for Humanity, Inc. testified as a proponent of the bill (Attachment 4). Wess Galyon, President, Wichita Area Builders Association (Attachment 5) and Ed Jaskinia, President, The Associated Landlords of Kansas (Attachment 6) also testified as proponents of the bill.

The following proponents submitted written testimony on **SB 573**:

Phil Perry, Staff Vice Pres., Govt. Affairs. Home Builders Assoc. of Greater Kansas City (Attachment 7)
Martha New Smith, Executive Director, Kansas Manufactured Housing (Attachment 8)
Chris Wilson, Kansas Building Industry (Attachment 9)
Tony Zimbelman, Zimbelman Construction, LLC. (Attachment 10)
Luke Bell, VP Governmental Affairs, Kansas Association of Realtors (Attachment 11)
Don Klausmeyer, Klausmeyer Construction, LLC (Attachment 12)

CONTINUATION SHEET

Minutes of the Senate Local Government Committee at 9:30 a.m. on March 16, 2010, in Room 144-S of the Capitol.

Melissa Wangemann, General Counsel and Director of Legislative Services, Kansas Association of Counties, testified in opposition to **SB 573** ([Attachment 13](#)). Gardner Jones, Jr., Representing Bamford Fire Sprinklers Co., Inc. ([Attachment 14](#)) and Maria Figueroa, Regional Manager, Fire Prevention Field Office ([Attachment 15](#)) also testified in opposition to the bill.

The following opponents submitted written testimony on **SB 573**:

Ron Ewing, SE Trustee for the Kansas State Firefighters Association & Lt. For the Emporia Fire Department ([Attachment 16](#))

Patrick Dunn, Firefighters's Relief Association ([Attachment 17](#))

Jeff Hudson, Kansas State Association of Fire Chiefs', Past President ([Attachment 18](#))

Patrick J. Coughlin ([Attachment 19](#))

Nathan Eberline, League of Kansas Municipalities ([Attachment 20](#))

Eric Sartorius, City of Overland Park ([Attachment 21](#))

Ryan Almes, Fire Marshall, City of Manhattan, Kansas ([Attachment 22](#))

William Sneed, Legislative Counsel, The State Farm Insurance Companies ([Attachment 23](#))

Kevin Flory, Lt, Topeka Fire Dept & NE Trustee for the KS State Firefighters Assoc. ([Attachment 24](#))

Brad Henson, President, Fire Marshals Association of Kansas ([Attachment 25](#))

Mike Hall, President, Fire Education Association of Kansas ([Attachment 26](#))

Mark Polk, President, Metro Kansas City Chapter of the International Code Council ([Attachment 27](#))

Doug Crockett, Assistant Fire Chief, Merriam, Kansas ([Attachment 28](#))

Bob Reton, Fire Captain, Fire Prevention Division, City of Lenexa, Fire Department ([Attachment 29](#))

This meeting concluded the 2010 Local Government Committee agenda

The meeting adjourned at 10:30 a.m.

LOCAL GOVERNMENT GUEST LIST

DATE: *March 16, 2010*

NAME	REPRESENTING
<i>DICK CAHLEN</i>	<i>CITY OF MANHATTAN</i>
<i>ED JASKOWIA</i>	<i>TALK</i>
<i>Tim Ryan</i>	<i>City of Overland Park</i>
<i>PAT LEHMAN</i>	<i>KS FIRE SERVICE ALLIANCE</i>
<i>RICHARD STEWART</i>	<i>Wichita Habitat for Humanity</i>
<i>Dan McLaughlin</i>	<i>KSFMO</i>
<i>Jerry Snyder</i>	<i>Manhattan Fire Dept.</i>
<i>Ryan Almes</i>	<i>" " "</i>
<i>Patrick P. Dunn</i>	<i>Kansas City Kansas Firefighters Relief</i>
<i>Andrew Diekmeyer</i>	<i>Lenexa Fire Department</i>
<i>JOHN MATOK</i>	<i>SHAWNEE FIRE DEPARTMENT</i>
<i>Eric Serwogs</i>	<i>Kansas City, KS Firefighters Relief</i>
<i>PAT COUGHLIN</i>	<i>SHAWNEE, KS</i>
<i>MARIA FIGUEROA</i>	<i>NFPA</i>
<i>Melissa Wanzemann</i>	<i>KAC</i>
<i>Jeff Botterby</i>	<i>Stark Farm</i>
<i>BOB REITZEL</i>	<i>LENEXA KANSAS FIRE DEPT.</i>
<i>JEFF HUDSON</i>	<i>Kansas Fire Chiefs</i>
<i>ERIK SAETORIUS</i>	<i>City of Overland Park</i>

LOCAL GOVERNMENT GUEST LIST

DATE: 3/14/10

NAME	REPRESENTING
BRAD HARRELSON	KF3
PHIL PERRY	HBA & CKE
MIS WILSON	KB1A
FRANK WERRICK	LEAWOOD F.D.
GENE WINTER	LEAWOOD F.D.



Luke Bell
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Topeka, KS 66611
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To: Senate Local Government Committee

Date: March 8, 2010

Subject: **HB 2029** -- Making Various Modifications to the Existing Statutory Provisions Governing the Annexation of Property by Cities

Chairman Reitz and members of the Senate Local Government Committee, thank you for the opportunity to appear in front of you today on behalf of the Kansas Association of REALTORS® in opposition to the provisions of **HB 2029**. 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 2029 would make various modifications to the statutory provisions governing the annexation of property by cities. In general, **HB 2029** would make the following major changes to the statutes:

- (1) amend **K.S.A. 12-520b** in Section 1 to require a city that is proposing to unilaterally annex property to submit a copy of the city's plan for extending services to the annexed area to the board of the county commissioners at least 10 days prior to the required public hearing on the annexation;
- (2) amend **K.S.A. 12-531** and **K.S.A. 12-532** in Sections 2 and 3 to reduce the amount of time following an annexation before a hearing can be held to determine if the city has failed to provide the promised services to an annexed property and if the property can be de-annexed from the city;
- (3) amend **K.S.A. 12-521** in Section 5(b) to prohibit a city from annexing any tract of land of 21 acres or more devoted to agricultural use unless the owner provides written consent to the annexation; and
- (4) amend **K.S.A. 12-521** in Section 5(f) to prohibit a city in Johnson, Sedgwick and Shawnee counties from annexing property if the voters in the proposed annexation area do not approve of the annexation by a majority vote.

In general, we believe that the current statutory provisions governing the annexation of property by cities fairly balance the competing values between the protection of property rights and community development. As real estate professionals who are involved in community development and growth discussions at the local level, we appreciate the difficulties that our local governments encounter in providing adequate public infrastructure to new residential and commercial real estate development.

As currently written, **HB 2029** would effectively destroy this delicate balance by stripping cities of their ability to make important decisions at the local level on community and economic development. **HB 2029** would provide a small group of property owners with veto powers over important decisions that will inhibit efficient community development and will lead to irregular and unpredictable growth

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KAR Has Absolutely No Objections to the Proposed Modifications in Sections 1 through 3 Regarding the County Review of the Extension of Services by a City to Annexed Properties

Having said that, we have absolutely no objections to the proposed modifications in Sections 1 through 3 regarding the county review of the extension of services by a city to annexed properties. In contrast to the remaining provisions in this legislation, these proposed modifications would promote accountability on the part of cities and would ensure that residents of the annexed area receive the services that were promised to them in the annexation plan.

If the committee decides to take action on **HB 2029**, we believe the committee can (and should) separate the provisions in Sections 1 through 3 from the remainder of the legislation. Unfortunately, we believe the remaining provisions of this legislation completely negate the positive aspects of this language.

Proposed Modifications in Sections 5(b) and (f) Would Cause Catastrophic Harm to the Ability of Local Governments to Make Community Development Decisions and Will Lead to Irregular Growth

As currently written, we believe that the proposed modifications in Sections 5(b) and (f) would effectively strip cities of their ability to make important decisions on community and economy development. This language would provide a small group of property owners with veto powers over important decisions that will inhibit efficient community development and will lead to irregular and unpredictable growth.

When new development is not accompanied by an appropriate level of planning and growth management, irregular and unpredictable growth can cause major quality of life problems and depressed property values in high-growth areas. When growth and new development is managed properly through reasonable land use policies (including annexation into the city's boundaries), our local government partners can ensure that adequate public infrastructure and services are provided to residents of high-growth areas.

Unfortunately, **HB 2029** will make it extremely difficult for cities to adequately plan for future growth and development. If cities are not able to annex large tracts of land that are within the growth path of cities, urban development will encircle pockets of unincorporated land that is vacant or developed in ways that do not conform with city zoning and building codes.

At the end of the 2009 Legislative Session, Kansas Governor Mark Parkinson vetoed the provisions of **2009 SB 51** that were nearly identical to the harmful language contained in Sections 5(b) and (f) of this legislation. In doing so, Governor Parkinson expressed concerns about the potential negative effects of the changes on the ability of local governments to encourage community and economic development.

Accordingly, we believe the committee can (and should) delete the language in Sections 5(b) and (f) if the committee decides to take action on **HB 2029**. This would preserve the ability of local governments to make meaningful and reasonable decisions on community and economic development at the local level.

Conclusion

For all the foregoing reasons, we would strongly urge the members of the Senate Local Government Committee to oppose the provisions of **HB 2029** as it is currently written. Once again, thank you for the opportunity to provide comments on **HB 2029** and I would be happy to respond to any questions from the committee members at the appropriate time.



TESTIMONY

TO: The Honorable Roger Reitz, Chair
And Members of the Senate Committee on Local Government

FROM: Whitney Damron
On behalf of the City of Topeka

RE: HB 2029 - Annexation procedures; deannexation, board of county
commissioners; duties; election required.

DATE: March 9, 2010

Good morning Chairman Reitz and Members of the Senate Committee on Local Government. I am Whitney Damron and I appear before you today on behalf of the City of Topeka in opposition to HB 2029 that would make significant changes in the annexation laws that apply to cities of Kansas.

By way of information for the Committee, in 2009, I appeared before the House Local Government Committee and offered comments in general support of most provisions contained in the bill as originally introduced.

Provisions supported included the following:

- Require the City utilizing annexation authority under K.S.A. 12-520 et. seq., to file their annexation plan with the Board of County Commissioners ten days before the annexation hearing required under K.S. A. 12-520 (a).
- Shorten from 5 years to three years the timeframe for the county to conduct a hearing on the city's compliance with their annexation plan.
- Shorten from 2 ½ years to 1 ½ years the time a city has to comply with its plan or be subject to a deannexation action by the affected landowners. If the property is deannexed, the city cannot seek to again annex the land for a period of 3 years.
- A landowner in an area annexed under K.S.A. 15-520 can file an action to compel a county commission to hold a hearing under this act.

The bill was subsequently amended in committee and on the House floor to include provisions of other annexation bills, including a provision to allow for a vote of the qualified electors residing within an area to be annexed to vote on a proposed annexation. This provision was made applicable to annexations in Johnson, Sedgwick and Shawnee Counties.

The bill indicates only those residing in an area to be annexed may vote, which would possibly disenfranchise a property owner who did not reside on the property, but otherwise wished to have their land annexed into a city. By requiring a vote of qualified electors residing in an area to be annexed, a significant change in current practice and policy will be made.

Under K.S.A. 12-521, the county commission is empowered to consider a request to annex from a city. We do not believe it appropriate to seek county commission approval and then be required to seek voter approval as well. The commission represents the voters, residents and landowners of the county and the City of Topeka does not believe this additional step is either necessary or appropriate.

Finally, in closing, I must address statements made to the Committee on March 8 by Representative Mah suggesting the City of Topeka had previously intended to utilize unilateral annexation authority to annex up to 18,000 residents of Shawnee County living around the City.

Let me be clear about this as I have attempted to be in previous hearings on the subject: That statement is simply not accurate and it has never been the intent of the City of Topeka to utilize any annexation authority, much less unilateral annexation authority to effectuate an annexation of 18,000 residents of Shawnee County into the City of Topeka.

What Representative Mah is referring to is a study commissioned by the City of Topeka in 2005 to study how the City could grow in the future. Attached is a document we provided to the interim committee reviewing annexation in December, 2008 in an obvious failed attempt to clarify this matter once and for all.

You will see in the attachment that the City clearly envisioned any annexations resulting from the study to be done by means of petitioning the Board of County Commissioners of Shawnee County.

On behalf of the City of Topeka, I appreciate the opportunity to appear before you today to present comments on HB 2029 and the issue of annexation.

Whitney Damron

Attachment

MEMORANDUM

PLANNING DEPARTMENT

From: David Thurbon, Planning Director

December 1, 2008

TO: Norton N. Bonaparte, Jr., City Manager

SUBJECT: Annexation

There appears to be some misunderstanding about the "Service Extension Plan" prepared in May 5, 2005 for the City of Topeka. The purpose of this memorandum is to state the actual purpose of that Plan.

It has been reported that the "Service Extension Plan" is an annexation plan and the City Council intends to use this study to unilaterally annex the areas surrounding the City. However, the cover page and the Introduction to the report clearly state that any annexation associated with this study is intended to be by petition to the Shawnee County Board of Commissioners.

The cover page states:

SERVICE EXTENSION PLAN

FOR THE PROPOSED ANNEXATION BY PETITION TO THE SHAWNEE COUNTY BOARD OF COUNTY COMMISSIONERS OF ADJACENT AREAS SURROUNDING THE CITY OF TOPEKA (emphasis added)

The Introduction states:

The City of Topeka is proposing to annex certain eligible parcels of land by means of petitioning the Board of County Commissioners for properties within (sic) as authorized by K.S.A. 12-521. (emphasis added)

The consultant hired by the City of Topeka to assist in this study also included a description of the various methodologies of annexation allowed by Kansas State law; one of these being unilateral annexation. However, the cover page and Introduction clearly state the purpose of the study.

It should be noted that this study was completed three and one half years ago and no unilateral annexations have taken place. Moreover, no unilateral annexations have occurred in Topeka since the mid 1980s. All annexations since the mid 1980s have been by consent of the land owner.

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Dale Goter
Government Relations Manager

TESTIMONY

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Kansas Senate Committee on Local Government

Opposition testimony on HB2478 and HB2029

Chairman Reitz and members of the Senate Local Government Committee. Thank you for this opportunity to register the opposition of the City of Wichita to HB2478 and HB2029.

Current annexation laws are the product of years of debate and compromise. As such, they have served the City of Wichita well for the past several decades and continue to provide a mechanism for the orderly growth of our community.

The changes prescribed in HB2478 and HB2029 would undermine the current process for annexation that has served our community well during the notable growth that has taken place in recent years. Annexation will always generate some degree of controversy, and current law provides adequate safeguards to balance the interests of private landowners and local governments.

Any significant change in state statute, should be prefaced by a comprehensive evaluation of all annexation issues. A strategy of "fixing" annexation with legislation that takes a piecemeal approach will only result in more harm than good to the public's interest.

The City of Wichita echoes the concerns voiced by the League of Kansas Municipalities and our fellow communities around the state. HB2478 and HB2029 would do more harm than good and should be rejected.

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Attachment 3-1

**Statement of Wichita Habitat for Humanity, Inc.
To the Kansas Senate Local Government Committee
Senator Roger Reitz, Chair
Regarding S.B. 573**

March 16, 2010

Dear Senator Reitz and Kansas Senate Local Government Committee Members:

I am the Executive Director of Wichita Habitat for Humanity, Inc. (WHFH), which a nonprofit affiliate of Habitat for Humanity International (HFHI), serving in Sedgwick County. Our organization is one of many HFHI affiliates serving across the state to help the very-low income population of our communities fulfill their American dream of homeownership. The WHFH organization has built 120 houses and plans to build another 38 houses by 2011 year-end. WHFH's service does make a positive difference by:

- ◆ Equipping very-low income households who are living at 25-60% area median income with successful homeownership life skills,
- ◆ Moving families out of poverty housing and offering them a hand-up in life,
- ◆ Building simple, decent, and affordable houses,
- ◆ Building 100% of the houses to meet code requirements and Energy-Star certification testing,
- ◆ Selling those houses at no profit to families who otherwise could not become homeowners,
- ◆ Providing homebuyers with 20-year 0% interest mortgages to purchase their homes, and
- ◆ Generating property taxes paid by each homeowner to support the local government revenue base. WHFH homeowners have paid over \$540,000 in property taxes to date and clearly make a contribution to the local economy.

All of this is done to keep the cost of homeownership below 30% of the household gross income. A typical WHFH three-bedroom house payment, which includes principal, property taxes and homeowners insurance, is just \$360.00 a month!

WHFH is asking for your support of SB 573 making it a state policy that the choice should be left to the homeowner and not be mandated as a government requirement for the following reasons:

- ◆ Residential fire sprinklers would place an unnecessary financial burden on all homeowners and especially the population served by WHFH. The additional costs of the fire sprinkler system at the moderately-priced estimate of \$3.00 a sq. ft. will result in:
 - The WHFH homeowner will have a 4.5% increase in the house payment of a three-bedroom house.
 - WHFH will annually have to spend around \$58,000 of donor contributions to cover the additional construction costs and would therefore build at least one less home per year for one less family per year.

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- Sedgwick County will not receive \$1,000 per year in property taxes for every house that WHFH is unable to build.
- ◆ Residential fire sprinklers should be the choice of the homeowner, not the mandate of a local government. Please consider how the scope of financial decisions and choices made by homeowners of upper-end housing is far different than the limited choices available to households who are trying to survive in the very-low income range. Requiring residential fire sprinklers will increase the financial struggles of the future WHFH homeowners and will make their chance of being successful homeowners that much harder.
- ◆ Residential fire sprinklers do not save lives beyond what smoke detectors do. WHFH already installs two smoke detectors in each house and that has proven to be successful in protecting the lives of 120 families living in WHFH houses.
- ◆ There is the very real additional risk of property damage from accidental release from malfunction of residential fire sprinklers.

My personal experience with the malfunction of fire sprinkler systems is more than anecdotal, it is a vivid memory. In January 2010, as I sat bedside with my father in his last hours of life in the Hospice of Reno County, the fire alarms went off after the frozen sprinkler line broke and spewed water all over the huge family gathering room. The sofas that would have been our temporary beds that night and the floors were soaked. The emergency recovery that followed turned what was previously a peaceful sanctuary into a cold, wet and most uncomfortable place. There was no fire; there was property damage and additional personal trauma caused solely by the fire sprinkler system.

Wichita Habitat for Humanity joins with the Kansas Building Industry Association (KBIA) and the Wichita Area Builders Association in supporting SB 573 to make it a state policy that the choice of installing residential fire sprinklers should be left to the homeowner and not be mandated by government requirement.

Thank you for this opportunity to offer you this information on behalf of the families served by Wichita Habitat for Humanity.

Respectfully,

Rev. Linda Stewart
Executive Director
Wichita Habitat for Humanity, Inc.

**STATEMENT OF: WESS GALYON, PRESIDENT/CEO
WICHITA AREA BUILDERS ASSOCIATION**

**TO: THE SENATE LOCAL GOVERNMENT COMMITTEE
SENATOR ROBER REITZ, CHAIRMAN**

DATE: MARCH 16, 2010

Chairman Reitz and Members of the Committee, I am Wess Galyon, President/CEO of the Wichita Area Builders Association. We are the largest local builders association in the state of Kansas with 1265 members engaged in all facets of residential development and construction in the counties of Sedgwick, Harvey, Butler, Sumner, Cowley, Harper, and Kingman.

I am here to today to speak on behalf of our membership in support of SB 573, which is similar to legislation passed by the State of Texas in response to the 2009 model building code (International Residential Code) which for the first time includes requirements for the installation of sprinkler systems in homes.

History of how these requirements came to be put in place:

On the very weekend the Federal Government proposed an historic bailout plan to rescue the financial markets (and ultimately to get people back into home-buying mode), voting members of the International Code Council adopted an unprecedented frontal assault on affordable housing. In Minneapolis, Minnesota on September 21, 2008, final votes were cast for the inclusion of mandatory residential fire sprinklers in the 2009 IRC Code – the Code utilized by most communities that recognize a building code. A two thirds-vote was required to adopt the mandate, but the deck was heavily stacked against affordability. Fires sprinkler manufacturers stand to gain billions of dollars, and they were willing to spend millions to get there – effectively mobilizing hundreds of eligible “yes” voters and flying them from all over the country to vote for the change in the Code.

The sudden - and controversial – arrival of 900 fire officials to vote at the ICC’s final action hearings swelled the number of sprinkler proponents, and measure was approved by a vote of 1,283 to 470. About 1200 voting devices were turned in immediately after the residential fire sprinkler mandate was approved; suggesting that most of the proponents left immediately after the vote was taken.

To be a voting member of the International Code Council, you have to be a governmental member of the ICC. City and county building and fire officials were eligible to vote, and they were lobbied heavily, and effectively. It seems the only people not allowed to vote are those governed by the code. Builders and others in the industry are not given the right to vote at this event. Our National Association of Home Builders lobbies and members try to get on committees, but even if they do they are allowed no vote.

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Attachment 5-1

Adding \$5,000 to \$7,000 to the cost of each new home built would mean that new home buyers would have to spend \$10,000,000 to \$14,000,000 annually.

- Based on data collected and analyzed by the Department of Economic by the National Association of Home Builders, a \$1,000 increase in the price of a new home equates to 3000 families not being able to quality to buy the home they could have afforded prior to the increase. It's ease to understand the devastating effects adding \$5.000 to \$7.000 to the prices of new home.

For the reasons I have stated, and those state by others, we ask for you support of SB 573, which, if passed, "will continue to assure new home buyers have the choice" in regard to whether they want sprinklers installed in any new home they purchase.

Thank you.

Ed Jaskinia
President
(913) 207-0567



Doris Nelson
Vice President (Zone2)
(785) 223-7226

James Dunn
Vice President (Zone1)
(785) 843-5272

P.O. Box 4221 • Topeka, Kansas 66604-0221

Kevin Kimmel
Vice President (Zone3)
(316) 265-7977

The Associated Landlords of Kansas (TALK) was created in 1981 by a group of people from across Kansas to "Promote a strong voice in the legislature, a high standard of ethics, and provide educational opportunities for landlords." Some of our members helped create The Residential Landlord-Tenant Act of 1975, a model of fair law for both landlords and tenants. Our organization consists of members in 18 chapters across the state.

In this 2010 legislative session, we will continue to work for fair and decent housing for all.

TESTIMONY ON SENATE BILL 573

Several years ago The Associated Landlords of Kansas worked with the State Fire Marshall and firefighters from across the state to put in place a state-wide smoke detector law. We believed then, and we believe now, that a minimum standard for fire safety was necessary to protect the lives of the citizens of Kansas.

Smoke detectors, as well as carbon monoxide detectors, provide real benefits without creating an undue financial burden on the property owners and tenants. Sprinkler systems though are expensive to install, and costly to maintain and repair. A child playing with a ball, a bachelor cooking a meal, or a poker party with one too many cigar smokers could all cause both a smoke detector and a sprinkler system to be activated. A smoke detector may then be simply reset, but an accidentally activated sprinkler system may cause thousands of dollars worth of water damage.

Homes sitting vacant would need to have those additional water lines winterized as well, causing additional expenses to landlords, home builders, and foreclosure companies.

We believe that smoke and carbon monoxide detectors are good public policy. We believe that sprinkler systems for residential homes are not.

If we can be of help to you area concerning property rights, tenants, or landlords, please feel free to contact us at your convenience.

Ed Jaskinia, President

ZONE 1

Landlords of Lawrence Inc.
Landlords of Johnson County, KS Inc.
K.C.KS. Landlords Inc., serving Wyandotte Co.
Eastern Kansas Landlords Assc., serving Miami Co.
Franklin Co. Landlords Assc.
Osage Co. Landlords Assc.

ZONE 2

Landlords of Manhattan Inc.
Labette County Landlords Assc.
Geary County Landlords Inc.
Shawnee County Landlords Assc.
Salina Rental Property Providers Inc.
South Central Kansas Landlord Assc.
Serving Sumner County

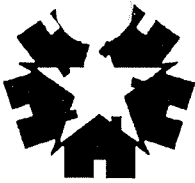
ZONE 3

Central Kansas Landlords Assc.
Bourbon County Landlords Assc.
Cherokee County Landlords Assc.
Crawford County Landlords Assc.
Montgomery County Landlords Assc.
Rental Owner Inc., serving Sedgwick County

Senate Local Government

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Attachment 6-1



**HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY**



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

**Testimony on SB 573
Phil Perry, Staff Vice President, Government Affairs
Home Builders Association of Greater Kansas City
Senate Committee on Local Government
March 16, 2010**

Mr. 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 SB 573, 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 efforts by local governments mandating the 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

Do Business With A Member

Senate Local Government

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Attachment 7-1

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.

The construction industry accounts for nearly 15% of the State of Kansas GDP for the majority of the past two decades. Under current economic conditions, with unemployment for construction averaging nearly 20%, building activity down nearly 85% from 2005, and with the current climate in the banking industry, increases in the cost of construction are counterproductive. Homebuilders across the state are compelled to fight against measures on the state and local level that will add additional and unnecessary costs to an industry that is already struggling. And as we search for ways to create affordable housing, we seem to continue to throw roadblocks in that path. Studies conducted have shown that for each \$1,000 added to the cost of a house, over 1900 families in Kansas are priced out of the market.

Thank you for this opportunity to speak and I urge you to support passage of SB 573. At this time I would be glad to stand for any questions you may have.



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TO: Senator Roger Reitz, Chairman
And Members of the
Senate Local Government Committee

FROM: Martha Neu Smith
Executive Director

DATE: Tuesday March 16, 2010

RE: SB 573 – Concerning cities and counties relating to residential fire protection
sprinkler systems

Chairman Reitz 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 SB 573 – prohibits local governments from mandating 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 SB 573 for several reasons; first, we feel that fire sprinkler systems should remain a personal choice. Second, fire sprinkler systems are expensive and drive up the costs of all new housing including entry level housing. Third, SB 573 is permissive, if you are building a new home and would like to have a fire sprinkler system, you can have one; SB 573 makes NO CHANGE for families buying a new home.

During KMHA's March Board of Directors meeting I had a Board Member who builds modular homes inform our Board of Directors that his company had recently sold a home into one of our surrounding states where the local government had adopted the 2009 International Residential Code (IRC) with the fire sprinkler system requirement; that local requirement cost the new homeowner \$20,000 or \$4.35 per square foot. The cost of that fire sprinkler system rolled into a 30 year mortgage at 5% interest will cost that homeowner \$38,649.60. This expense 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 permitting or inspection fees by local governments or any 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.

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In addition to the cost, KMHA has these added concerns:

- Unlike smoke alarms, there is no way to test sprinkler systems other than applying heat.
- Not all home fires will activate the sprinkler system
- Having sprinklers provides no guarantee that fire hoses will not be used.
- There is no study that shows how long sprinkler systems last; 10 years? 15 years? 20 years? 30 years? Until the loan is paid off?

Manufactured Housing has been required to have smoke detectors since 1976. In 1998, the Kansas Legislature passed HB 2590, which requires smoke detectors in every single family residence including rental housing. 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 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.

I am sure as Legislators you are considering what would be best for your constituents. KMHA would respectfully ask that you take into account two points: first, SB 573 makes no change to the existing system regarding the homeowner's choice; it only prohibits a local government from taking away a homeowner's ability to choose. Second, consider if you or your constituents could afford to add an additional \$4.35 per sq. ft. to your mortgage or in my homebuyer's example an additional \$20,000 or \$38,649.60 over the life of a 30 year loan. For these reasons, we respectfully ask the Senate Local Government Committee to support SB 573.

Mr. Chairman, thank you for the opportunity to comment and I would be happy to try to answer any questions when appropriate.



**STATEMENT OF KANSAS BUILDING INDUSTRY ASSOCIATION
TO THE SENATE LOCAL GOVERNMENT COMMITTEE
SENATOR ROGER REITZ, CHAIR
REGARDING S.B. 573
MARCH 16, 2010**

Senator Reitz and Members of the Committee, I am Chris Wilson, Executive Director of Kansas Building Industry Association (KBIA). KBIA is the statewide association of the residential building industry, with over 2300 members. KBIA supports SB 573, 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.

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9-1

KBIA supports S.B. 573 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 1½ percent to the cost of new housing. Applying this general rule 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 supports S.B. 573, 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.

KBIA ♦ 212 S.W. 8th Avenue, Suite 212, Topeka, KS 66603 ♦ 785-232-2131

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 than 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.

March 12, 2010

To: Senate Local Government Committee
Roger Reitz, Chairman

From: Tony Zimbelman,
Zimbelman Construction, LLC
1344 Pine Grove Court
Wichita, Kansas 67212
Zimbelman1344@cox.net

Subject: SB 573 – Residential Fire Sprinkler Legislation

Dear Senators:

In my continuing effort to keep the cost of new housing affordable, I would like to voice my support of Senate Bill 573. I have been a home builder since 1992, and have completed in excess of 400 homes since the inception of our company. A large majority of those homes have been entry level homes and low income family housing units through various HUD programs. Because of the price range I build in, I have a keen interest in trying to keep my prices as competitive as possible, so I can compete in this market, and make the houses as affordable, and available, to as many customers as possible. Adding mandated residential fire sprinkler systems into that market would be disastrous.

I have been a member of my local home builders association since 1991. The very first parade of homes I entered a house in had a cost category of \$45,000 to \$50,000. The lowest cost category in this spring's parade of homes will start at \$100,000, but as a builder in that market, I can tell you the lowest priced home in the parade will be closer to \$110,000. I realize that this \$60,000 + cost increase in the past nineteen years cannot be blamed solely on new government regulations, additional laws, more taxes and **unnecessary building codes**, but I can assure you those items did play a role in it.

I firmly believe that building codes should be left up to local government agencies to enact and enforce. But, occasionally, because of the way new codes are written, the state legislature does need to put in place public policy that prevents possible abuses of this power by local jurisdictions. I urge you and your committee to support Senate Bill 573 which would prohibit local governments from mandating these costly sprinkler systems in our new homes.

Thank You,

Tony Zimbelman,
Zimbelman Construction, LLC

Senate Local Government

3-16-2010

Attachment 10-1



Luke Bell
Vice President of Governmental Affairs
3644 SW Burlingame Rd.
Topeka, KS 66611
785-267-3610 Ext. 2133 (Office)
785-633-6649 (Cell)
Email: lbell@kansasrealtor.com

To: Senate Local Government Committee

Date: March 16, 2010

Subject: **SB 573** -- Prohibiting Cities and Counties from Mandating the Installation of Fire Sprinkler Protection Systems in Residential Structures

Chairman Reitz and members of the Senate 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 **SB 573**. 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.

SB 573 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 two units or less.

However, the last sentence in Section 2 specifically states that nothing in **SB 573** 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 **SB 573**, 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 **SB 573** 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.

Senate Local Government

3-16-2010

Attachment 11-1

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 **SB 573** would prevent them from making that decision. To the contrary, **SB 573** 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 Senate Local Government Committee to support the provisions of **SB 573**. Once again, thank you for the opportunity to provide comments on **SB 573** and I would be happy to respond to any questions at the appropriate time.

March 15, 2010

To: Roger Reitz, Chairman
Senate Local Government Committee

From: Don Klausmeyer
Klausmeyer Construction, LLC
10008 W. York Street
Wichita, Kansas 67215

Subject: SB 573 – Residential Fire Sprinklers

Chairman Reitz:

My name is Don Klausmeyer and I have been in the building business in the Wichita area for 34 years. During my tenure in the business as a home builder I have focused on providing affordably priced entry level housing for first time buyers. It is truly gratifying to see the smiles on the faces of those who buy one of my homes and realize their dream of homeownership. We face constant challenges to our efforts to keep housing as affordable as we can make it while at the same time providing the type and quality of construction new home buyers want.

We are fortunate in the greater Wichita area that we can still build new homes in a few locations that new home buyers want at entry level prices bordering \$110,000 to \$120,000. However, our ability to do so is diminishing quickly due to a number of things not the least of which is excessive government regulations. Requirements pertaining to storm water pollution prevention, increased energy efficiency, unnecessary building code requirements, higher taxes, and now the threat of having to add fire sprinkler systems to each new home we build at an additional cost of \$3.00 to \$5.00 per square foot (at a minimum) threatens to literally price us out of the market at a time when the home building industry is severely depressed, struggling to survive. And, at a time when home buyers are finding it more difficult than every to secure financing due to excessive regulation of lenders in our area who were not part of the sub-prime lending segment of the financial industry but are now strapped with the backlash of new federal government regulation.

We need your help in getting good public policy legislation passed at the state level in order to prevent local units of government from imposing requirements that would mandate the installation of residential fire sprinkler systems in all newly constructed homes. If new home buyers want sprinklers installed in their new homes, there is no prohibition against them having it done today, and there hasn't been. The fact is, they don't want them and the passage of legislation to assure new home buyers continue to have the choice in this regard is essential.

Thank you. Your support of SB 573 would be sincerely appreciated.

Don Klausmeyer

Senate Local Government

3-16-2010

Attachment 12-1



TESTIMONY TO THE SENATE LOCAL GOVERNMENT COMMITTEE
ON SB 573
MARCH 16, 2010

Chairman Reitz and Members of the Committee:

I appreciate the opportunity to submit testimony in opposition to SB 573.

This proposal has already been heard this session in the House as HB 2515. The bill was defeated twice on the House floor.

Like HB 2515, SB 573 prohibits a municipality, which includes a city or county, from enacting a building code that contains a requirement for fire protection sprinklers. SB 573 is different than HB 2515 because it is limited to single family and two-unit housing.

Cities and counties believe that we are the best venue for discussion on this matter and the decision should be left to those local jurisdictions. Building codes are a local issue and not a state issue. Does the State legislature really want to debate the merits 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, any state law prohibiting adoption is premature and probably altogether unnecessary.

We would ask the committee to not pass SB 573 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,

A handwritten signature in blue ink, appearing to read "Melissa A. Wangemann".

Melissa A. Wangemann

General Counsel and Director of Legislative Services

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Topeka, KS 66603-3912
785•272•2585
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Senate Local Government

3-16-2010

Attachment 13-1



GARDNER L. JONES JR.
Sales & Service

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Senate Local Government

3-16-2010

Attachment 14-1

Chairman and esteemed members of the committee – I appreciate your time in allowing me to share my personal story and experience with residential fire sprinkler systems. I live in a rural area of Leavenworth (???) county and installed a fire sprinkler system in my house when I constructed it in 20???. I thought the reasoning was pretty simple. I did not want to lose my house while waiting for the fire department to arrive. That statement is not an indictment of any fire department. It is simply a statement of fact regarding the speed at which a fire can gain momentum and overcome the ability of firefighters to minimize damage. (Gardner – complete your personal story here)

Proponents of this bill would have you believe that the cost of installing a residential fire sprinkler system is exorbitant and unwarranted. The price they have presented is between \$_____ and \$_____ per sq.ft.

Regarding the costs associated with the installation of residential fire sprinkler systems, a study conducted by the National Fire Protection Association indicates the national average to be \$1.61 per sq.ft.

Residential systems installed by my company have been as low as \$1.50 per sq.ft.. The very highest costs still did not exceed \$2.00 per sq.ft. and were associated with systems requiring protection from freezing in some areas. Additionally, the installation costs I am referencing here were from what we define as “stand alone” systems meaning all piping, fittings, etc. involved were strictly to supply the fire protection system. As residential systems increase in prevalence, the installation of “multi-purpose” systems - which combine the piping utilized for plumbing with that supplying sprinkler heads - will likely increase, which would in all probability decrease the installed cost of a fire protection sprinkler system.

NFPA statistics indicate a reliability factor for fire sprinklers in excess of 96%. And although smoke detectors are valuable and should be required, they can merely “NOTIFY” that fire is occurring. You must be present in the room and in a conscious state of mind to react. There have been numerous fatalities in residences equipped with smoke detectors. The same cannot be said for residences equipped with a fully functioning and operable fire sprinkler system.

Conversely, fire sprinklers “EXTINGUISH” the fire – whether you are there or not!!!! And if you so choose, they can also notify the fire department, building owner or anyone else that the system has activated so any potential excess damages can be limited.

d regarding water damage:

First, a common myth concerning sprinkler systems is that all heads operate at once. That is entirely false. Each sprinkler head is heat activated and operates independently.

One sprinkler head generally controls or completely suppresses a fire – two at the most. So compare two sprinkler heads operating at roughly 20 gpm each to a fire hose stream flowing 250 gpm, with probably a minimum of two hoses directed at the fire. Additionally, since the sprinkler heads are activated by heat, any heads operating will be directly over the fire. In an initial attack by firefighters, smoke will obscure their vision and water will likely be dispersed over areas not yet involved in the fire causing additional water damage.

Fire hoses, on average, use more than 8 ½ times the water that sprinklers do to contain a fire. The amount of fire damage to a room is less than 3% compared to a 100% loss in the unprotected room.

I'm sure you can appreciate that several hours of time spent wet-vacuuming carpet, drying out furniture and possibly replacing some sheetrock along with repainting a room – ALL WHILE YOU REMAIN IN YOUR HOUSE – is a much simpler task than sifting through the ashes of a home completely destroyed. And living in a motel or apartment while settling an insurance claim and rebuilding a house.

NFPA

The Case for Fire Sprinklers in One- and Two-Family Dwellings

Maria Figueroa
Regional Manager
Fire Prevention Field Office
March 12, 2010

[This document provides commentary on the importance of home fire sprinklers and the cost and effectiveness of these systems in one- and two-family homes.]

THE CASE FOR HOME FIRE SPRINKLERS

The mission of the international nonprofit NFPA, established in 1896, is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. This document is to support the adoption of fire sprinkler requirements in new homes, and to provide important information about the U.S. fire problem and home fire sprinklers, specifically relating to cost and effectiveness of fire sprinklers in one- and two-family homes.

THE U.S. FIRE PROBLEM.

Fire in the home poses one of the biggest threats to the people of your community. Nearly 3,000 people per year die in U.S. home fires. Last year, 84% of people who died in fires, did so in one- and two-family homes; an increase from the previous year. Firefighter deaths in these structures also increased; to 92% as a percentage of all residential structures.

Those at greatest risk are:

- Older adults – over age 65
- Children – under 5 years old

These high risk groups may not be able to exit on their own, even with working smoke alarms. And may need the additional escape time provided by home sprinkler systems. NFPA 13D systems are designed to provide a ten minute escape time.

THE NATIONAL CONSENSUS IS IN FAVOR OF HOME FIRE SPRINKLERS

All model safety codes now require the use of home fire sprinklers in new one- and two-family homes. These requirements offer the highest level of safety to protect the people of your community. NFPA is against any proposal that removes this requirement from the code, and thus reduces the established minimum standards of life safety in homes.

SMOKE ALARMS AND SPRINKLERS BOTH SAVE LIVES FROM FIRE

Home fire sprinklers are a proven way to protect lives and property against fires at home. These life-safety systems respond quickly and effectively to the presence of a nearby fire. When sprinklers are present, they save lives. Sprinkler systems provide additional benefits, on top of the benefits already provided by smoke alarms.

- Working smoke alarms cut the risk of dying in a home fire by 50 percent.
- If you have a reported fire in your home, the risk of dying decreases by about 80 percent when sprinklers are present.

PERCENTAGES OF SURVIVAL AND DEATH

You will hear sprinkler opponents using a statistic of 99.5% to illustrate the effectiveness of smoke alarms in reducing home fire deaths. This NFPA statistic estimates the likelihood of surviving a home fire when a working smoke alarm is present. It is based on the total number of fires, the vast majority of which are not fatal. Does that mean 3,000 deaths every year are acceptable? Most people would say no. It is similar to saying that because the survivability of motor vehicle accidents is also around 99.4%, that we should not look for ways to improve highway safety.

SPRINKLERS DO MORE THAN SAVE LIVES – THEY PROTECT PROPERTY

Sprinklers do more than save lives; they also protect property from destruction by fire. In many situations, that means a family that survived a fire will also have a place to live and enough

resources to continue living their lives as they did before. "Saving lives" means more than just preventing deaths. Just as there is no other fire safety technology or programs that produce as great a reduction in risk of death as sprinklers, there also is no other fire safety technology or program that produces as great a reduction in property loss per fire as sprinklers.

- People in homes with sprinklers are protected against significant property loss – sprinklers reduce the average property loss by 71% per home fire.

EFFECTIVENESS AND RELIABILITY OF FIRE SPRINKLERS

Home sprinkler systems respond quickly to reduce the heat, flames, and smoke from a fire, giving families valuable time to get to safety.

- Roughly 90% of the time, fires are contained by the operation of just one sprinkler.
- Each individual sprinkler is designed and calibrated to go off when it senses a significant heat change.
- Only the sprinkler closest to the fire will activate, spraying water directly on the fire.

It is important to recognize that home fire sprinkler systems are designed to activate to the heat of a fire that grows large enough for the temperature to rise to 135°-160°F. They are not activated by smoke, nor should they be.

Opponents have cited some low percentages for what they call fire sprinkler efficiency. Such statistics improperly include as failures fires that do not produce enough heat to activate the sprinkler system, possibly because they were extinguished before heat rises to the point of activating the sprinkler system. In home fires deemed large enough to activate an operational sprinkler, wet-pipe sprinklers operated *and* were effective in 98% of reported fires.

NEWER HOMES AND FIRE

Opponents of residential fire sprinkler systems like to boast that newer homes are safer homes and that the fire and death problem is limited to older homes. Age of housing is a poor predictor of fire death rates. When older housing is associated with higher rates, it usually is because older housing tends to have a disproportionate share of poorer, less educated households. The higher risk comes primarily from the people living in the older homes and not the older homes. Statistically, the only fire safety issue that is relevant to the age of the home is outdated knob-and-tube wiring. Beyond that, age of the home has little to nothing to do with fire safety.

Recent research reveals that newer homes are more likely to include a threat to firefighters in the form of lightweight construction. Lightweight construction has been variously estimated to be used in one-half to two-thirds of all new wood one- and two-family homes.

Larger homes, open spaces, increased fuel loads, void spaces, and changing building materials contribute to:

- Faster fire propagation
- Shorter time to flashover
- Rapid changes in fire dynamics
- Shorter escape time

- Shorter time to collapse

Fire sprinklers can offset the increased dangers posed by lightweight construction and create a safer fire environment for firefighters to operate in.

THE COST OF NFPA 13D SPRINKLER SYSTEMS

The NFPA 13D technical committee 'adopted the concept of "levels of protection" in order to achieve a reasonable degree of safety while controlling the cost of the system' (Dubay, 2007)

The Fire Protection Research Foundations' Home Fire Sprinkler Cost Assessment report revealed that the cost of installing home fire sprinklers averages \$1.61 per square sprinklered foot (SF) for new construction. The data included in the report also reflects the sprinkler system bid price plus all associated costs for the system which were not included in the bid, such as; permit fees, increase in water service line, and increase in tap fee. When credits/incentives are applied the cost is reduced to \$1.49 SF. These credits/incentives include; wider spacing of fire hydrants, narrower road widths, reduced water main sizes, number of neighborhood exits, and water meter development charge credit.

To obtain information on the cost of installing residential sprinkler systems, ten case study communities were selected: nine in the United States, and one in Canada. The ten communities offered diversity in terms of sprinkler ordinance status, geographic location, housing style, and sprinkler system variables such as the type of piping material and the water supply source (municipal or on-site). For each of these communities, three building plans were collected from builders and sprinkler installers, along with sprinkler system cost data and other related cost and system information.

To put the cost of a sprinkler system into perspective, many people pay similar amounts for carpet upgrades, paving a stone driveway, or a whirlpool bath.

Inspection and maintenance requirements

NFPA 13D prescribes simple maintenance and inspections that can be performed by homeowners. These systems require less "maintenance" than you need in order to keep your clothes dryer safe.

HOUSING COST AND SUPPLY IMPACT

In a recently released study, Comparative Analysis of Housing Cost and Supply Impacts of Sprinkler Ordinances at the Community Level, conducted by Newport Partners for NFPA, it is reported that: ***"...analysis did not reveal that the enactment of sprinkler ordinances caused any detrimental effects on housing supply and costs."***

The purpose of the research was to determine what impact residential sprinkler ordinances have on housing cost and supply. Housing characteristics between jurisdictions with or without residential fire sprinkler ordinances were compared. Montgomery County, MD with a requirement was paired with Fairfax County, VA, with no requirement. Prince George's County, MD with requirement was paired with Anne Arundel County, MD without a single family requirement until late 2009. The selected counties were deemed best demographic matches to compare characteristics of jurisdictions with sprinkler requirement to those without sprinkler requirements.

The sources used for analysis were:

- Permits – the most geographically detailed time specific measure of new construction
- Surveys of housing – U.S. Census collected data about the housing stock in connection with the decennial census and ongoing surveys
- Documents – local documents and twenty years of monthly newsletters from the local home building trade
- Interviews – key individuals involved in the process, builders, trade associations and local government officials.

The report clearly indicates there is no merit to the claim that a residential sprinkler requirement creates an unfair market advantage for an area that does not have a requirement, as claimed by sprinkler opponents.

INTEGRATION OF RESIDENTIAL SPRINKLERS WITH WATER SUPPLY SYSTEMS

NFPA 13D requires only the standard operating water pressure of the domestic plumbing system. Most domestic water supply systems are able to manage the operating pressure demands of a home fire sprinkler system.

The *Integration of Residential Sprinklers with Water Supply Systems* study conducted by Newport Partners for NFPA addressed the requirement of local water purveyors and building departments in twenty communities, and its impact on system design, operation, cost, and maintenance. Objective criteria was developed in order to understand the issues in detail and how they are handled by communities with home fire sprinkler requirements, identify the significance of concerns, and the best means for reconciling these concerns.

Key findings of the study follow:

- Majority did not experience water meter cost increase
- 90% experienced no increase in service fees
- Domestic water consumption rates did not increase
- Majority did not see an increase in tapping fees

The study concluded that communities integrating residential fire sprinklers with water supply systems employ practical solutions that satisfy the needs of builders, water purveyors, and the fire service. Major problems have been nonexistent. Stakeholders that choose to work together cooperatively ensure an integration approach that is reasonable and cost effective, eliminating major cost impacts.

On site water supply

Well systems can be set up to effectively address a fire protection application. Generally speaking, they are set up at the inception of the home building process and a larger well pump is usually installed along with larger expansion tanks. Homes on well water most likely will need a pump to serve the domestic water supply. The cost associated with providing additional pressure to run the fire sprinkler system may simply be the difference between the regular pump the homeowner must install to obtain the necessary pressure for domestic use, and a higher flow pump, or a booster pump and tank.

Pump and tank manufacturers tell us that the expansion tanks are sized to pick up the difference between the well capacity and demand so they are not necessarily large. To meet the requirements

of NFPA 13D, many installations have been done using this method, effectively and cost competitively.

ISO FACT SHEET

ISO, an independent statistical, rating, and advisory organization that serves the property/casualty insurance industry and the leading supplier of underwriting information, advisory loss costs, supplementary rating information, and standardized policy information language to insurers in all fifty states and the District of Columbia offers the following advisory on its ISO Fact Sheet on how residential sprinklers are reflected in its 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. The cost assessment report found insurance discounts ranging from 0% to 12%, with an average of 7%.

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 (BCGES®)

The ISO Building Code Effectiveness Grading Schedule (BCGES®) 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.

POSSIBLE IMPACT OF AMMENDING THE SPRINKLER REQUIREMENT FROM THE CODE

If the requirement 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 that 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.*** This statement is vitally important to the debate over one- in two family dwelling fire sprinklers.

The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. FEMA and the insurance industry look for uniformity in code adoption because the code development process takes into account the total effect of all relevant factors. Amendments to the code affect the structural integrity of the entire code document. In this case, the penalty can have devastating effects.

The table below shows the credit points earned, classification awarded, and premium reductions given for communities in the NFIP CRS. As you will note, every change in Community Classification results in a 5% change in flood insurance premium.

Credit Points	Class	Premium Reduction
4,500+	1	45%
4,000 – 4,499	2	40%
3,500 – 3,999	3	35%
3,000 – 3,499	4	30%
2,500 – 2,999	5	25%
2,000 – 2,499	6	20%
1,500 – 1,999	7	15%
1,000 – 1,499	8	10%
500 – 999	9	5%
0 – 499	10	0

The following is from the FEMA/NFIP classification system manual:

b. Class 7 Prerequisite:

In addition to having sufficient points, in order to be a Class 7 or better, a community must have received a classification of 6/6 or better under the Building Code Effectiveness Grading Schedule (BCEGS). Both BCEGS classifications (residential/personal and commercial) must be a class 6 or better (emphasis added).

c. Class 4 Prerequisite: In order to be a Class 4 or better, a community MUST:

- *Have received a classification of 5/5 or better under the BCEGS*

The BCEGS penalty, although small (about 4%), can mean the difference between one class and the next-better class. The CRS Eligible Communities table contains the rating of each of the eligible communities. The economic impact on communities with a five or six rating is greater, should their rating class change. The communities, the fire departments, and the insurance-buying homeowners of have potentially millions of dollars riding on this decision.

HOME FIRE SPRINKLER REQUIREMENTS – IMPACT ON FIRE SERVICE

Requiring fire sprinklers in new homes helps fire service efforts. Adopting home fire sprinkler requirements have allowed the fire service to keep up with growth, and to continue to provide an appropriate level of service, which many times translate into savings for a community.

CONCLUSION

This commentary summarizes various aspects of the cost impact and effectiveness of home fire sprinkler systems as it relates to communities adopting these requirements nationwide. Extensive research shows that adopting one- and two-family dwelling requirements is vital to communities in order to reduce and mitigate risks, and to reduce the loss of life and property caused by home fires.

Senate Local Government Committee

SB 573

Ron Ewing, SE Trustee for the Kansas State Firefighters Association
& Lieutenant for the Emporia Fire Department

March 16, 2010

Thank you, Mr. Chairman.

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

Senate Local Government

3-16-2010

Attachment 16-1



FIREFIGHTER'S RELIEF ASSOCIATION

March 16, 2010

Senate Local Government Committee
Committee Members: Reitz, Wagle,
Huelskamp, Huntington, Marshall,
Ostmeyer, Peterson, Kultala,
and Faust-Goudeau

My name is Patrick Dunn and stand before you today representing the 426 members of the Kansas City Kansas Firefighters Relief Association in opposition to Senate Bill 573.

My formal education consists of a BS in Fire Protection and Safety Engineering Technology as well as a MS in Fire and Emergency Management through Oklahoma State University, an institution known throughout the world as the West Point of the Fire Service. I have been a front line firefighter with the Kansas City, Kansas Fire Department for nearly six years and have over ten years experience as a firefighter throughout the United States. My trade, passed on to me by my father is plumbing.

My professional education and experience has led me to formulate a very negative opinion of this proposed legislation and I believe passing it will endanger the safety of the citizens of Kansas.

This legislation takes away the ability of the local government to provide for fire protection of its residents in a manner those residents feel is necessary. Local governments will only institute sprinkler mandates when and only when they feel that they are in the total best interests of its residents. Many rural areas are facing declines in fire protection availability due to decreased interest in volunteering for the fire department, and many of those that do answer the call to serve, work in other areas, cities, or counties thus delaying the response to a residential fire.

This legislation takes away the ability of cities to make working conditions safer for the 16,000 plus firefighters that provide fire protection to the state of Kansas. New homes are increasingly being constructed utilizing low cost, light weight building materials and practices. Under normal conditions these practices create a very well constructed affordable home, however when exposed to fire conditions, these materials fail catastrophically more quickly than traditional building materials. These failures tragically result in injuries and death to not only the residents but the firefighters called to help.

Residential multipurpose sprinkler systems will **stop** the fire from progressing to a point where significant structural damage will occur, thus making conditions exponentially more survivable for the residents and the firefighters.



FIREFIGHTER'S RELIEF ASSOCIATION

Proponents of this bill will attempt to confuse you with misinformation, either purposefully or as a result of their lack of understanding in these systems. Please feel free to question me at any time, on any issue concerning these sprinkler systems. Please help me to defend the residents of our state, by continuing to allow local jurisdictions to decide individually if sprinklers are right for their community.

Enclosed is a listing of facts concerning the systems that this legislation pertains to:

In a recent study, *Comparative Analysis of Housing Cost and Supply Impacts of Sprinkler Ordinances at the Community Level*, conducted by Newport Partners for NFPA and just released, it is reported that: "the following analysis did not reveal that the enactment of sprinkler ordinances caused any detrimental effects on housing supply and costs." This report clearly indicates there is no merit to the claim that a residential sprinkler requirement creates an unfair market advantage for an area that does not have a requirement, as claimed by sprinkler opponents. The cost of a multipurpose sprinkler system is on average \$1.61 per square foot. This cost is offset by a 10% - 20% reduction of insurance premiums for protected structures. In return for this added cost an individual can be assured that their risk of dying from a fire in this structure will be reduced by 98% over a home with no fire detection or suppression systems.

A residential sprinkler is designed to operate at a predetermined temperature typically set between 135 and 165 degrees F. 90% of all fires are contained by just one sprinkler head activating, discharging at a rate of 10-15 gpm. The typical fire hose discharges at 200 gpm. So why is the sprinkler so effective if it discharges less than 10% of the water discharged by a fire hose? Because the sprinkler head will typically activate within 3 minutes of ignition, whereas a fire may have a head start on a firefighter at a minimum of 7-10 minutes and much longer depending on the time of day, and other factors.

Sincerely,

Patrick P. Dunn, BS, MS, FirET
President
Kansas City, Kansas Firefighters Relief Assn.

Testimony: SB 573
Kansas State Association of Fire Chiefs'
Chief Jeff Hudson, Past President
March 16, 2010

The Kansas State Association of Fire Chiefs' (KSAFC) appears before you today in opposition of SB 573 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 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 the National Fire Protection Association (NFPA) provides that residential fire sprinklers are a proven means 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 fire ground 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, and 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.

Senate Local Government

3-16-2010

Attachment 1B-1

March 15, 2010

Senator Roger Reitz, Chair
Senate Committee on Local Government

Dear Senator Reitz:

I oppose SB 573, and wish to testify at the Senate Committee meeting on March 15, 2010.

I am submitting the following information as part of my testimony.

Facts about residential sprinklers
What are residential sprinklers?

Documented facts refute the claims of the bill's supporters that fire sprinklers will make homes less affordable. Cities and towns have a range of options to reduce the cost of sprinklers, make them cost-neutral, or even make sprinklered homes *more* affordable. The situations will vary from city to city, and that is why they must have the authority to make their own decisions about sprinkler protection. A statewide ban on requiring sprinklers in homes could actually make new homes *less* affordable.

Respectfully submitted,

Patrick J. Coughlin
4719 Black Swan
Shawnee, KS 66216

Senate Local Government

3-16-2010

Attachment 19-1

Facts about residential sprinklers

Residential sprinklers are far less expensive than opponents claim.

Sprinkler opponents cite costs of \$2.00-6.00 per square foot. Those estimates might apply to commercial sprinkler systems, but they greatly over-estimate the costs for residential systems

Fact: Residential systems are averaging well under \$1.00 per square foot,¹ and one survey showed costs as low as 38 cents per square foot.²

Fact: A study of three typical styles of homes, a 3338 ft² two-story colonial with basement, a 2257 ft² three-story townhouse, and a 1171 ft² single-story ranch home.³ The costs to install sprinklers in the homes were:

Size and Type	Cost of sprinklers
3338 sq. ft. Colonial	\$2075.00
2257 sq. ft. Townhouse	\$1895.00
1171 sq. ft. Ranch	\$829.00

Residential systems are less expensive because:

- They work with the same volume of water used for daily plumbing needs.
- They need tens of gallons per minute, where commercial sprinklers need hundreds of gallons per minute.
- Installing them on the plumbing pipe means no additional pipe needed for commercial systems.

Fact: When builders install sprinklers in homes, cities can offer incentives that reduce the cost of sprinklers to zero - or even provide a net profit. Examples are:

- Narrower streets
- Shorter distance to property lines
- Smaller water mains
- Fewer fire hydrants

The incentives vary based on local conditions. Prohibiting local governments from requiring residential sprinklers arbitrarily prevents them from making homes more affordable – while capping the costs of public fire protection at the same time.

Fact: 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.

Homeowners will not pay more for their insurance – they will pay less.

Fact: The Insurance Services Office (ISO) sets the rates for home and business property, says:

Dwelling Fire and Homeowners Programs contain premium credits for installation of fire sprinkler protection from 8 to 13% for residential sprinklers.

Fact: Major insurers like State Farm and Allstate reduce premiums 10-20 percent for sprinklered homes.

Fact: Premiums do not increase over concern about leaks. Here is what ISO says:

“The presence of a residential sprinkler system may raise concern about the risk of accidental water leakage from the system. This coverage is included in the basic policy. There is no extra charge for this coverage.”⁴

Fact: Residential sprinklers do not require inspections. IRC P2904 and NFPA 13D do not require them. The reason why they are not required is because residential sprinklers get their water from the domestic supply. If a problem occurs, homeowners will quickly fix it in order to keep their plumbing operating.

Are new homes safer than older homes? NO.

Fact: Homes don't start fires – people do. Over 80 percent of house fires are caused by human action like misuse of matches, smoking, candles, etc.⁵

Fact: Synthetic materials (furniture, carpeting bedding) have reduced the time to flashover from an average of 17 minutes in the mid-1980's to around three minutes today.⁶ Fire departments simply cannot respond in time to save lives.

Fact: 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.⁷

Sprinklers do not need larger water lines and meters

Claims that sprinklers will require larger water lines and meters (1-inch and 1-1/2-inch) are not true. Average-size homes use 3/4 inch meters, which will supply sprinklers as well. Larger meters and water lines are the exception to the rule.

Fact: 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.⁸

Smoke alarms increase the chances of surviving a fire by 50 percent.
Sprinklers increase the chances to 98 percent.

Recent claims that smoke alarms increase the probability of surviving a house fire by 99.45 percent are baseless. Per Dr. John Hall, the chief statistician at the NFPA, that number was taken out of context. He has stated that that, "Important variables needed to make the conclusions valid and place them in proper context are missing." The actual probability is 50 percent.⁹ 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.¹⁰

Homes on wells do not require expensive add-ons.

Claims that of \$8,000.00 costs when a home is on a well have no basis in fact.

Fact: The majority of wells have the capacity and refresh rates to supply 26 GPM for ten minutes. All that is needed is a variable-speed pump instead of a single-speed. That only adds a few hundred dollars to the cost of a well.

1. Statement from Phoenix AZ fire marshal about sprinkler installation costs in the Phoenix AZ region.

2. Home Fire Sprinkler Cost Assessment, Fire Protection Research Foundation, National Fire Protection Association, September 2008, One Batterymarch Park, Quincy, MA 02169, www.nfpa.org/Foundation.

3 .Benefit-Cost Analysis of Residential Fire Sprinkler Systems, NISTR 7451, September 2007, National Institute of Standards and Technology, Gaithersburg, MD 20899.

4. Insurance Services Office Residential Sprinkler Fact Sheet, www.isomitigation.com.

5. National Fire Protection Association, Fire Loss in Residential Occupancies, Fire Protection Research Foundation, National Fire Protection Association, September 2008, One Batterymarch Park, Quincy, MA 02169, www.nfpa.org/Foundation.

6. National Institute of Standards and Technology, Technical Report 1455, *Performance of home smoke alarms [electronic resource]: analysis of the response of several available technologies in residential fire setting*, R. Bukowski, 2007.

7. A Technical Analysis: The Performance of Composite Wood Joists Under Realistic Fire Conditions, 2008, Melissa Avila, Tyco Corporation, Melissa Avila, 451 North Cannon Avenue, Lansdale, Pennsylvania 19446,

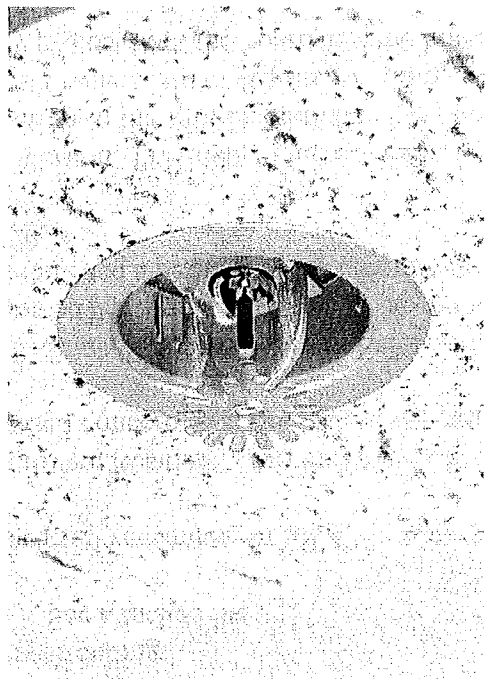
8. *Saving Lives, Saving Money, Automatic Sprinklers: A 15 Year Study*, Rural Metro Fire Department, Scottsdale, AZ.

9 .Op cit, National Fire Protection Association, Fire Loss in Residential Occupancies.

10 .*Benefits of Residential Sprinklers*, Prince Georges County Fire Department, Prince Georges County, MD, July 7, 2009

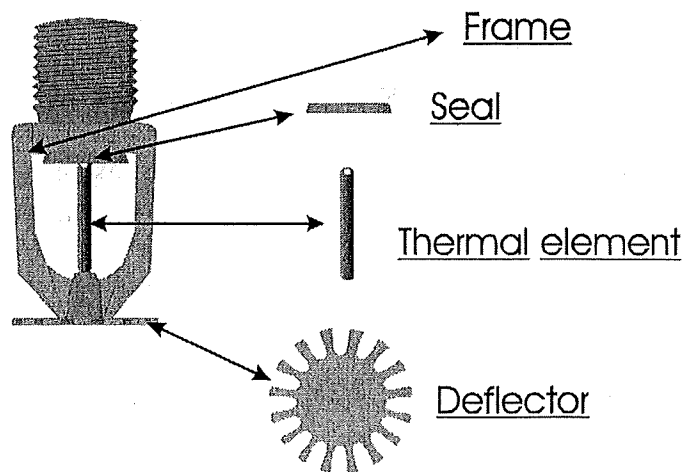
Facts about residential sprinklers

The photo below is a close-up view of a typical residential sprinkler on a ceiling.

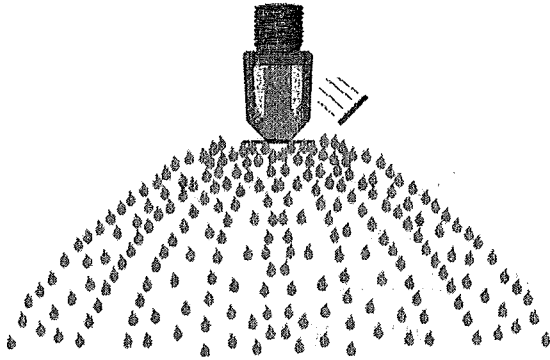


They can also be totally concealed.

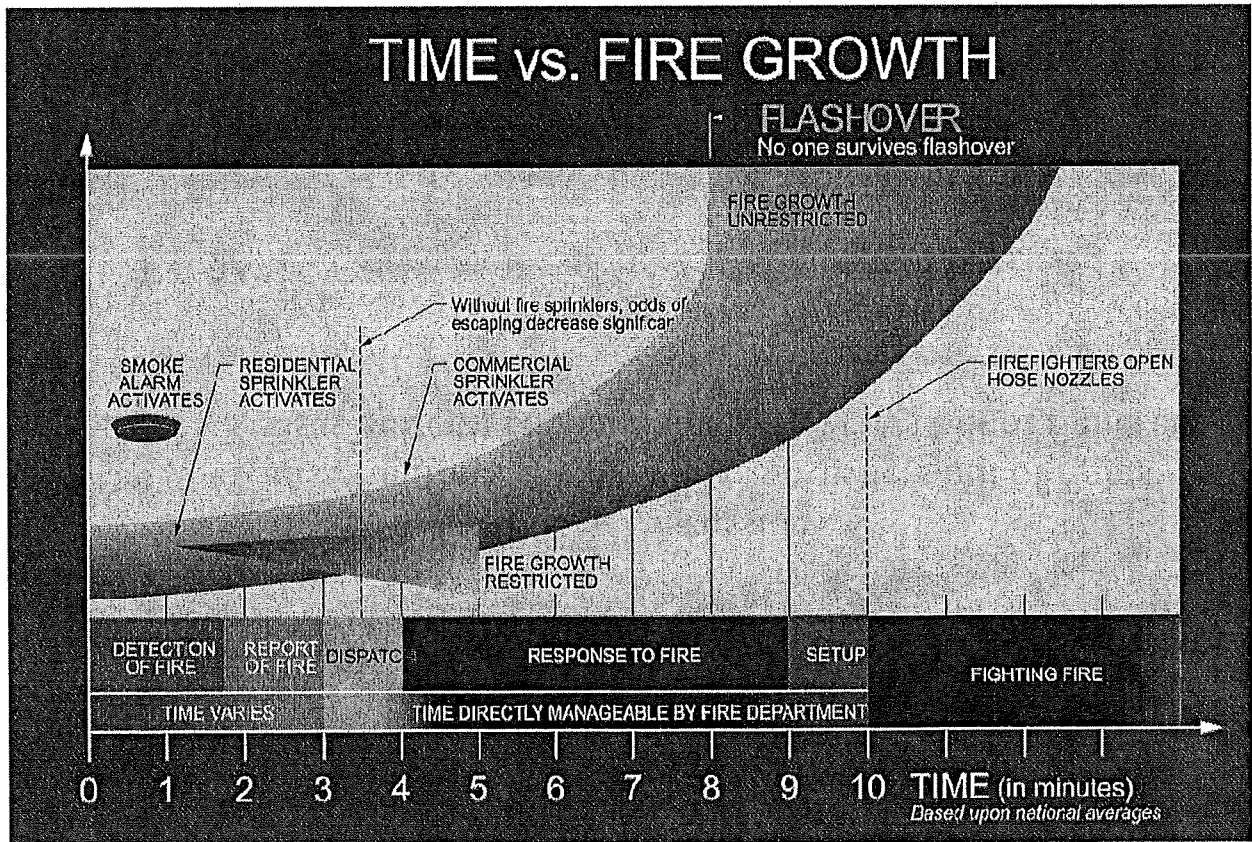
This drawing shows that sprinklers are very simple and have no moving parts.



This shows how a sprinkler operates. When heat from a fire rises to the ceiling, the nearest sprinkler opens and stops the fire from growing. Because it stops heat spread, no other sprinklers will open. The only place they do that is in movies, where directors bend the truth for dramatic effect.



The curve below shows how quickly residential sprinklers operate compared to manual suppression.





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

League of Kansas Municipalities

To: House Local Government Committee
From: Nathan Eberline – League of Kansas Municipalities
Re: Opposition to SB 573
Date: March 16, 2010

Thank you for allowing the League of Kansas Municipalities to testify in opposition to SB 573, 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 modifying any provision they wish when adopting such model codes. We know of no city in Kansas that has adopted the 2009 IRC with the sprinkler provision included. Thus, this bill would prevent something that has not yet occurred.

Additionally, SB 573 undermines well-established principles of local control. Some cities have areas that are 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 to equip the residences with sprinkler systems to provide for the safety of individuals living in those homes and the firefighters responding to fires in those neighborhoods. This bill would negate cities' ability to make those types of public-safety determinations. That is contrary to sound public policy and actually compromises public safety. Cities need the capacity to make good public-safety determinations without being preempted by unsafe and unnecessary restrictions on their ability to self-govern. It is safe to say that the majority of cities in Kansas will choose not to place a sprinkler requirement on residential properties, but that does not justify enacting a comprehensive municipal restriction on a potential safety device. Therefore, this is an unwarranted preemption of local control and the League of Kansas Municipalities urges this Committee to not report the bill favorably.

www.lkm.org

Senate Local Government

3-16-2010

Attachment 20-1

ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive
Overland Park, Kansas 66212
913-895-6000 | www.opkansas.org

Testimony Before The
Senate Local Government Committee
Regarding Senate Bill 573
By Erik Sartorius

March 16, 2010

The City of Overland Park appreciates the opportunity to offer testimony in opposition to Senate Bill 573. 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; SB 573 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. Senate Bill 573 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 SB 573. 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 SB 573 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.

Senate Local Government
3-16-2010

Attachment 21-1

Senate Committee on Local Government

Hearing on Senate Bill 573

Tuesday, March 16, 2010

Written Testimony of Ryan Almes

Fire Marshal, City of Manhattan, Kansas

Good morning Chairperson Reitz, Vice Chairperson Wagle, and Honorable Members of the Senate 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 Senate Bill 573.

The City of Manhattan opposes House Bill 573 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.

We worked hard to oppose a similar piece of legislation in the House – House Bill 2515. Unlike House Bill 2515, Senate Bill 573 limits the definition of “residential structure” to those properties with two or less attached living units. While this change would protect some existing requirements already in place in Manhattan, it would prohibit us from enforcing other existing sprinkler requirements that the City adopted years ago. For example, the City has a requirement for a residential sprinkler system for developments of more than thirty one- or two-family dwellings that have only a single means of fire access. We currently have two developments underway in Manhattan that meet this criterion.

There are a number of events that can cut off a single access to a development, including floods, ice storms, and tornados, all of which we have experienced in recent history. Without access, fire can spread

Senate Local Government

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rapidly among homes. In this scenario, a fire sprinkler system can limit property damage and, most importantly, save the lives of citizens and firefighters.

There is strong 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 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.

TO: The Honorable Roger Reitz, Chair
Senate Local Government Committee

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

SUBJECT: S.B. 573

DATE: March 16, 2010

Mr. Chairman, 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 S.B. 573.

As we read S.B. 573, 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 is 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.
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.

555 South Kansas Avenue, Suite 101

Senate Local Government

3-16-2010

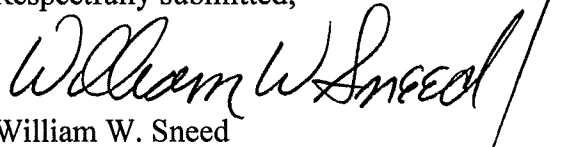
The average fire loss per unsprinklered incident was \$45,019.00. The annual fire losses in Scottsdale (2000-2001) were \$3,021,225.00, compared to the national average of \$9,144,442.00.

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 unfavorably on S.B. 573.

I am available for questions at your convenience.

Respectfully submitted,


William W. Sneed

WWS:kjb

cc:

/

Senate Local Government Committee
Written Testimony in Opposition to SB 573
Kevin Flory, Lieutenant, Topeka Fire Department
&
NE Trustee for the Kansas State Firefighters Association

Good morning. 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 SB 573. 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. Attached though is a brief fact sheet about residential sprinklers published by the National Fire Protection Association.

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 and feel free to contact me at 785-230-2307 or by email at ksffatrustee@aol.com

Senate Local Government

3-16-2010

Attachment 24-1

Residential fire sprinklers increase life safety to citizens and firefighters, but they also reduce fiscal impact for growing communities. New subdivisions of homes protected with sprinklers reduce the demand on fire departments and public water supplies.

A. Communities with career fire departments.

1. Fires in sprinklered homes require one half the number of firefighters needed for unsprinklered homes.
2. In subdivisions with sprinklered homes, fire stations can be sited so that there is no overlap of first-due areas between fire stations. This allows firefighters to effectively handle EMS calls, but reduces the overlap of response areas needed to effectively fight house fires where sprinklers are not installed.
3. Siting fire stations farther apart in an EMS configuration can eliminate additional stations. When it does so, communities save 1M annually in personnel costs per station.

B. Communities with volunteer fire departments

1. There are ten percent fewer volunteer firefighters today than there were 30 years ago.
2. The average age of volunteer firefighters has gone from 20 to 40 in the past 30 years.
3. Societal and economic continue to reduce the number of new volunteer firefighters.
4. Sprinklered homes can be protected by fewer volunteers who can take longer to respond.

C. Impact on water supplies

1. In subdivisions with sprinklered homes, fire flow (the amount of water needed to manually suppress fires), can be reduced from 1000 GPM+ to 500 GPM. For communities, this means lower costs for treating, storing and distributing water. In addition to lowering the costs of water supplies, sprinklered homes help conserve water supplies.

D. Impact on infrastructure

1. Side yard and front yard setbacks can be safely reduced, allowing denser housing and reducing the cost per lot.
2. Cul-de-sacs can be lengthened and use smaller turn-around radii.
3. Roads can be narrower.
4. Fire hydrant spacing can double.

E. Impact on life safety

1. Flashover, a critical stage of fire growth, has dropped from 17 minutes 30 years ago to 3 minutes. Fire sprinklers stop fires from reaching flashover and killing people. Data from communities that require sprinklers show that the likelihood of escaping a fire increases to 98 percent v. the 50 percent chance of escaping alive in homes with smoke alarms.

F. The bottom line

For communities to develop fiscally sustainable fire protection services, they need the power determine the most cost effective way to provide fire protection to their citizens while providing reasonable levels of safety to their firefighters.



Fire Marshals Association of Kansas

March 12, 2010

Written testimony before the Committee on Local Government in opposition to Senate Bill 573, Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.

Honorable Chair and members of the Committee,

The Fire Marshals Association of Kansas expresses its sincere opposition of Senate Bill 573. This is the second attempt to prohibit residential sprinklers in Kansas. HB2515 was presented and defeated in the House three weeks ago and I commend those who in the House who did not support the bill. We believe SB 573 will prevent the State's fire marshals from using residential fire sprinklers for reduce loss of life and ease the burden of their jurisdiction's firefighting resources.

- SB 573 takes away the ability of jurisdictions to adopt codes that are used by their fire marshals to address 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 and firefighters, reduce loss of life, and protect the property within our jurisdictions across Kansas. There are very few communities in Kansas that require mandatory fire sprinklers in residential structures. Those that do require them, do so as a result of a specific need that puts those citizens at risk in the event of a fire. SB 573 would prevent us from being able to use fire sprinklers to protect our citizens. We want the ability to make this decision locally.

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

Respectfully Submitted,

Brad Henson, President
(913) 971-6333

Senate Local Government
3-16-2010

Fire Marshals Association of Kansas

Attachment 25-1



March 12, 2010

Written testimony before the Senate Local Government Committee **OPPOSING SB573**, an act suggesting:
Prohibition against a municipality requiring the installation of a multi-purpose sprinkler system in a residential structure.

Honorable Chair and members of the Committee,

The Fire Education Association of Kansas expresses its sincere opposition of Senate Bill 573. We believe SB 573 is a disservice to all Kansans. SB 573 is kin to HB 2515 which was rightfully and responsibly rejected in the House. We applaud the house for their foresight and opposition to HB 2515.

We oppose SB 573 for many reasons. A few of those reasons are:

- Home rule: SB 573 takes away the right of self-governance by the local jurisdiction - as provided by the great Kansas Constitution - to adopt codes or law that meets the specific needs of their unique community. One size doesn't fit all.
- Life safety: If a municipality believes home sprinklers will address a safety need in their community for its families, then the local jurisdiction should retain the right to address that need through the local legislative process. A process, in which the community can be heard.
- Firefighter safety: If a community, through their local legislative process, believes home fire sprinklers meet their needs, they can help prevent unnecessary firefighter injury and death from one of our profession's greatest hazards, structural failure or collapse. Especially, in regards to modern-day, lightweight residential construction.

Please be mindful that you will be presented with information in what may appear to be a "shock and awe" style from many proponents of the bill, as was the case during HB 2515's tenure. We respectfully ask that you validate all sources and claims before making your decision.

And, please keep in mind that "home rule" or "self governance" is what irresponsible bills like these contaminate.

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 SB 573 - this bill should be rejected in committee.

Please feel free to contact me to discuss this bill further.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mike Hall", written in a cursive style.

Mike Hall, president
(913) 208-8967

Senate Local Government

Fire Education Association of Kansas, established in

3-16-2010

Attachment 26-1



**METROPOLITAN KANSAS CITY CHAPTER
INTERNATIONAL CODE COUNCIL**

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www.metrokclcc.org

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March 15, 2010

The Honorable Chairperson and Committee Members
Committee on Federal and State Affairs
Topeka, Kansas 66612

Dear Sirs or Madam:

The Metropolitan Kansas City Chapter of the International Code Council respectfully wishes to advise the Chair that it objects to Kansas Senate Bill 573, 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 single family or multi-family dwelling of two attached living units. 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

Senate Local Government

3-16-2010

Attachment 27-1

Noell Memmott

From: Doug Crockett [DougC@merriam.org]
Sent: Friday, March 12, 2010 11:49 AM
To: Roger Reitz; Susan Wagle; Tim Huelskamp; Terrie Huntington; Bob Marshall; Ralph Ostmeyer; Mike Petersen; Kelly Kultala; Oletha Faust-Goudeau
Subject: Opposition to SB 573

Senate Local Government Committee: Honorable Senator and Chairperson Reitz and committee members:

My name is Doug Crockett. I am a resident of Merriam and I am an Assistant Fire Chief. I am writing to express my opposition to Senate Bill 573 and hope that you will agree to stop this action.

Many areas in Kansas do not adopt formal fire codes. It is necessary and appreciated when the Legislators set minimum code requirements for these areas. However, setting maximum codes (as is the case with this bill), not only sets a dangerous precedent, but also places Kansans and Kansas Firefighters in danger.

The Kansas Fire Service does not support this bill.

To me, this issue is about ensuring that local communities can match code requirements to the fire safety needs of their own individual communities, and improve the life safety of Kansans, if they choose to.

Rather than provide you with statistics, I want to talk about my experience as a firefighter.

Some oppose sprinklers because they think that smoke alarms are doing a great job and they are so inexpensive. While smoke alarms increase survivability of a residence fire, they don't eliminate the fire, lower the temperature, or maintain exit paths. The fire continues to grow. Conversely, sprinklers do all those things a smoke alarm cannot. Plus, you can't take the battery out of the sprinkler head.

Some oppose sprinklers because they cause water damage. The fact is sprinklers flow 35 gallons a minute. In Merriam we have a 4.5-minute response time. So the choice is: a sprinkler head activates and flows 35 gallons a minute for 10 minutes (and we shut it off when we get there), or when the fire department arrives, we flow 300 gallons per minute through our hose lines.

I would much rather meet a resident on the front lawn, than drag them out of a superheated environment, and take them to the hospital (if they survive). As a firefighter, I would rather crawl into a home to make sure the fire is out, with lower temperatures, better visibility, and not worrying if fire has destroyed enough of the structure to collapse on me.

Some oppose sprinklers because they cost too much. It's difficult to get everyone to agree how much residential sprinklers cost to install during new construction. But I can tell you that my parent's built a house after hurricane Katrina destroyed their home on the Alabama coast. They installed residential sprinklers in their 4,200 square foot home for \$3.09 per square foot. Also, they are saving \$200 per year on their homeowner's insurance as a result of having sprinklers.

If you want to see an actual sprinkler head activate, watch the comparison videos here:

http://fire.nist.gov/tree_fire.htm

Senate Local Government

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...is two television advertisements from New Zealand:
http://homesprinklers.fire.org.nz/watch_ad.html

The main reasons I support municipal control and residential fire sprinklers:

- Additional time for residents to escape
- Decreased property damage
- Safer firefighting operations for firefighters
- Insurance rates are lower
- Local control of this issue provides the best opportunity to address the individual community needs

Thank you for your time and consideration. I hope you can agree with my position and oppose Senate Bill 573.

Please feel free to contact me anytime. 913.208-0173.

Additional References: <http://www.usfa.dhs.gov/statistics/state/index.shtm>

<http://www.nfpa.org/assets/files/PDF/SprinklerSummary.pdf>

http://www.usfa.dhs.gov/downloads/pdf/sprinkler_position_paper.pdf

<http://www.builderonline.com/codes-and-standards/fire-drill.aspx?page=2>

<http://www.builderonline.com/codes-and-standards/fire-drill.aspx>

Doug Crockett

Assistant Fire Chief

*Merriam Fire Department
9000 W 62nd Terrace
Merriam, Kansas 66202
913-322-5539 office
913-322-5535 fax
www.merriam.org*

Information from ESET NOD32 Antivirus, version of virus signature database 4939
(20100312)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

City of Lenexa, Kansas Fire Department

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March 15, 2010

The Honorable Roger Reitz, Chairperson
Senate Committee on Local Government
Statehouse, Room 235-E
Topeka, KS 66612

SUBJECT: SB 573 –Opposition Statement

Dear Chairperson Reitz:

On March 16, 2010, there will be a hearing before you and the Senate Committee on Local Government, related to SB 573. 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 alter 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 cannot 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, and visitors, and also supports the economic stability of a community.



Fire Department • 9620 Pflumm Road • Lenexa, KS
(913) 888-6380

Senate Local Government

3-16-2010

Attachment 29-1

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,

A handwritten signature in black ink, appearing to read "C. Dan Rhodus, II". The signature is fluid and cursive, with a double underline at the end.

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