



TO: Representative Sean Tarwater, Chairman
and Members of the House Commerce, Labor and Economic Development

FROM: Martha Smith, Executive Director
Kansas Manufactured Housing Association

DATE: February 12, 2019

RE: HB 2026 – Fire Sprinkler Industry Act

Chairman Tarwater and Members of the Committee, my name is Martha Smith and I am the Executive Director of the Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association representing all facets of the manufactured and modular housing industries (manufacturers, retail centers, manufactured home community owners and operators, service and supplier companies, finance and insurance companies and transport companies) and I appreciate the opportunity to provide comments on HB 2026 – Fire Sprinkler Industry Act.

HB 2026 as written, contains language on page one, line 9 through 12 that exempts *one-family or two-family dwelling structures as described in the ICC one-family and two-family dwelling code*. However, since Manufactured Housing is built to a federal preemptive building code – the National Manufactured Housing Construction and Safety Standards Act, it is not clear if manufactured housing is exempted. The Preemption and Reciprocity is recognized by all states including Kansas in K.S.A. 58-4212 it states: *Whenever a federal manufactured home construction and safety standard established pursuant to 42 U.S.C. § 5401 et seq., is in effect, no state agency or political subdivision shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the federal manufactured home construction and safety standard.*

Consequently, KMHA would respectfully ask that the following amendment be adopted:

Sec. 20. (a) Notwithstanding any other provision of this act, the state fire marshal shall have no authority under this act to adopt or enforce any code, guideline, regulation, rule, standard or any other requirement on any improvement to real property to be used or occupied as a single-family dwelling or multi-family dwelling of two attached living units or less or any manufactured home. This language is similar to K.S.A. 12-16,219 - Cities, counties; prohibition on fire sprinkler requirements in certain residential dwelling.

KMHA would respectfully ask the House Commerce, Labor and Economic Development Committee adopt the attached amendment before passing it out of Committee.

Thank you for the opportunity to provide comments.

1 sprinkler industry act and the rules and regulations of the state fire
 2 marshal. Local fire departments so designated shall not be subject to the
 3 fire sprinkler industry act, but may be subject to specified training,
 4 examination, standards, procedures or other rules and regulations of the
 5 state fire marshal with respect to the delegated authority.

6 (c) The provisions of this section shall take effect on and after July 1,
 7 2020

8 ~~Sec. 20.~~ This act shall take effect and be in force from and after its
 9 publication in the statute book.

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Sec. 20. (a) Notwithstanding any other provision of this act, the state fire marshal shall have no authority under this act to adopt or enforce any code, guideline, regulation, rule, standard or any other requirement on any improvement to real property to be used or occupied as a single-family dwelling or multi-family dwelling of two attached living units or less or any manufactured home.