



The Voice of the Fire Sprinkler Industry

March 1, 2016

Senator Tim Larson
Chair Public Safety and Security
Legislative Office Building
Room 3600 Hartford, CT. 06106-1591

Representative Stephen Dargan
Chair Public Safety and Security
Legislative Office Building
Room 3603 Hartford, CT. 06106-1591

Re: Testimony for the Public Safety and Security Committee.

Chairpersons Dargan and Larson, Ranking Members Zupkus and Guglielmo, and other distinguished members of the Public Safety and Security Committee: My name is David A. LaFond. I am the New England Regional Manager for the National Fire Sprinkler Association. I thank you all for conducting this public hearing on the following two Bills:

Raised House Bill 5278 - AN ACT CONCERNING AUTOMATIC FIRE EXTINGUISHING SYSTEMS IN RESIDENTIAL BUILDINGS DESIGNATED TO BE OCCUPIED BY TWO FAMILIES.

Raised Senate Bill 238 - AN ACT CONCERNING ADOPTION OF MUNICIPAL ORDINANCES REGARDING AUTOMATIC FIRE EXTINGUISHING SYSTEMS IN NEW RESIDENTIAL BUILDINGS.

Please see the included information that provides commentary and factual information regarding residential sprinkler systems. This document is in opposition to what the Home Builders and Remodelers have purported.

Sincerely yours,

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FOR THE CONSERVATION OF LIFE AND PROPERTY FROM FIRE

**Mandatory Installation of Fire Sprinklers in All New One & Two Family Homes:
Facts and Truths**

Proponents of mandatory fire sprinklers in all new 1 & 2 family homes – or even just 2-family homes - make a number of factual assertions. Learn the truth and what’s behind the facts.

See also, <http://www.hbact.org/FireSprinklers> ,

“The Real Truth” Rebuttal Comments “

Factual Assertion	Truth
<p>Fire sprinklers in new homes will save lives.</p> <p><i>Fire sprinklers are a national model code requirement because of an emerging fire safety problem in new homes. Studies by non-stakeholders like UL and FM and other recognized testing laboratories show that new homes burn 8 times faster than older homes. A recent Internet search of “Lightweight Construction Fire Safety” showed over 2.1 million sites that dimension the fire safety problem the HBACT and the NAHB choose to ignore.</i></p>	<p>In CT, “almost” all fire deaths in homes occur in older homes, homes built prior to 1985. Why? <i>FACT: There are more older homes than new homes.</i> That’s the year hard-wired <u>smoke</u> detectors, with battery backup, were required in all new home construction in CT. For new homes, we say “almost” because we leave open the possibility there may be a fire death in a new home the records have not yet revealed, but nobody has put that evidence forward. We examined, when we had the resources to do so, all CT fire deaths in homes that occurred over 11 years.</p> <p>Every fire death occurred in a home that was built well prior to 1985, many of them in much older homes. So, if nobody has died in a home fire in a home built since 1985, how can fire sprinklers in new homes save more lives? <i>There have been numerous fire deaths in new homes built with lightweight construction products across the nation. A fire in a huge new mansion in New Jersey took the lives of two grandparents and four visiting grandchildren; a tragedy we cannot ignore for the sole reason of maximizing builder profit margins.</i> In new construction, smoke detectors and other fire safety requirements, save lives. Fire sprinklers could save some lives if installed in all older homes (see next line).</p>

Fire sprinklers save twice as many lives when installed in a home with working smoke detectors versus a home with just working smoke detectors. Or, as stated by CT Fire Chiefs Association, “the fire death rate per 1,000 reported home structure fires was lower by 82%” in homes with sprinklers. (2015 testimony on HB 6777)

The 82% reduction in fire deaths is from a NIST Study conducted in the mid 1980s.

This is a very low estimate as new technologies such as quick response fire sprinklers are now available. The same report indicated the rate of property damage per reported home structure fire was lower by 69% reducing the rebuild market!!!! Data at:

firesprinklerinitiative.org

This grossly misstates what an NFPA study actually shows. NFPA data shows your survival rate in a home fire increases from 99.62% (without sprinklers) to 99.82% (with sprinklers) - assuming in both cases you have working smoke detectors. NFPA looked at the avg. fire death rate per 1,000 reported home fires, and compared (A) homes with hardwired smoke detectors but no fire sprinklers, and (B) homes with battery or hardwired smoke detector and installed sprinklers. The rate of fire deaths per 1,000 reported fires for (A) is 3.8 deaths out of 1,000 home fires (or a 99.62% survival rate), and for (B) is 1.8 fire deaths (or a 99.82% survival rate). *This is a gross willful and wanton*

misrepresentation of statistical data. What HBACT is suggesting is fire sprinklers are only 00.20% effective!!! From the actual NFPA Report:

Sprinklers operated in 91% of all reported structure fires large enough to activate sprinklers, excluding buildings under construction and buildings without sprinklers in the fire area. When sprinklers operated, they were effective 96% of the time ... So HBACT spins data and says NFPA reports a 00.20% effective rate of fire sprinklers when the actual wording from the NFPA “Experience With Fire Sprinklers,” June 2013, clearly says a 96% effective rate. After extensive research we could not find NFPA data that supports the claim of 1.8 fire deaths on one- and two-family homes protected by fire sprinklers. We do find data that shows fire sprinklers reduce civilian fire injury medical costs by 53% and reduces firefighter fireground injuries by 65%. But THE SUBSTANTIVE issue behind the HBACT’s efforts to block fire sprinklers in new homes is the 69% reduction in fire damage. A National Fire Incident Reporting System 2002-2006 Data for One and Two Family Homes in Connecticut which was found on the HBACT website shows a damage per fire total in fire sprinkler protected homes at \$464 and in non-sprinklered homes at \$27,740. The willful and wanton misrepresentation of facts appears to have a root mission of retaining the annual \$28+million rebuild market.

In terms of lives saved, it’s 996.2 per 1,000 fires without sprinklers versus 998.2 per 1,000 fires with added sprinklers. Yet, that incremental increase in lives saved will cost society \$1 billion + per life (see next line). And, even with fire sprinklers, there will still be 1.8 deaths per 1,000 fires. The data (NFPA’s own data) overwhelmingly shows it is smoke detectors that save lives. *Smoke detectors give one the opportunity to save their life; fire sprinklers save lives.*

It also overwhelmingly demonstrates the law of diminishing returns. It’s like saying you can be struck by lightning 1,000 times and with a special suit (aka home smoke detectors that cost \$500 -

	<p>\$600) you'll survive 996.2 times. But if you buy a super special suit (aka sprinklers, costing an add't'l \$15,000, \$20,000 or more) you'll survive 998.2 times. <i>Sprinkler cost estimates grossly inflated.</i></p>
<p>Sprinklers are a reasonable and a cost-effective way to save lives. <i>Again, studies by non-stakeholders like UL and FM and other recognized testing laboratories show that new homes burn 8 times faster than older homes. A recent Internet search of "Lightweight Construction Fire Safety" showed over 2.1 million sites that dimension the fire safety problem the HBACT and the NAHB choose to ignore. The Connecticut Legislature must not ignore the problem and allow the HBACT to build homes in non-compliance with the national model codes. Prohibit engineered wood in attics and floor I-beams; prohibit gusset plates, reduce great room size; increase fire resistant barriers are all options that will cost the builder more money.</i></p>	<p>There are just over 1.4 million housing units in CT, and just under 73% are 1&2 family homes. Fire data from the US Fire Administration shows 23 fire fatalities in CT in "residential settings" in 2014. 12 were in multifamily structures, 11 in 1&2 family homes, and where age could be determined all of the homes were built in 1960 or earlier. <i>Age of the home is not reported on the fire incident report. That's one fire death per 92,000 homes.</i> At "only" \$11,000 cost of sprinklers per home (a very low avg.) that's over \$1 billion to, statistically, save the next life. Real sprinkler quotes from installers have come in at \$6+ / sq. ft. or \$15,000 to over \$20,000 per home. There is nothing reasonable or cost effective to these numbers. Exactly, there IS NOTHING REASONABLE with these numbers – another willful and wanton effort of HBACT to misrepresent facts. Legislation proposed DOES NOT require the retrofit of the existing 1+ million homes – the proposed legislation applies only to new homes. The truth is there were only 5,233 new home permits issued in 2015 not the 92,000 homes suggested by the HBACT. And a national study conducted by a non-stakeholder shows the national average cost for home fire sprinklers is \$1.35 per square foot yet the HBACT espouses \$6 per square foot – a 345% increase. Yes, a fire sprinkler system for a new 15,000 square foot new home would fall in the \$20,000 range.</p>

The cost of sprinklers is equivalent to granite countertops, or wall-to-wall carpeting, or the cost “to put a front door on their home.”

Proponents obviously do not know the cost of granite countertops, flooring or doors, all of which are far less than sprinklers. ***Yes we do know the cost of granite countertops and are aware of the inflated mark-ups imposed on the homebuyer.*** But, more to the point are proponents suggesting consumers should trade off granite countertops, wall-to-wall carpets or front doors so they can afford sprinklers? ***NO.*** Legislators should offer that trade off to new home constituents in their districts and see what they say. ***Ask the HBACT why they propose a fire sprinkler price that is 345% higher than the national average.*** Ask your constituents what they would have paid to have sprinklers in their new homes and see what they say - See next line. ***If the code required fire sprinklers were applied, then the inflated pricing will deflate in the long run.***

If consumers were only educated to the benefits of sprinklers they would pay for them.

The U.S. Fire Administration funded "FireTeam USA" conducted numerous seminars across the nation educating people on the TRUE FACTS of Residential Fire Sprinklers. Survey results after the seminar show a 98%+ fire sprinkler acceptance rate. But this acceptance rate would diminish if the builders inflated the price by 345%.

Maybe, but unlikely. But even if true this calls for an education campaign, not a construction mandate. An extensive survey of home buyers regarding sprinklers was done in Indiana and showed the following results:

When asked, "if fire sprinkler systems were offered as an option for your new home, **what is the most you would be willing to pay for it?**" For a typical 3 bedroom home:

Choose not to have fire sprinklers regardless of cost: 49%

\$3,000 to \$4,000: 31%

\$5,000 to \$6,000: 9%

\$7,000 to \$8,999: 2%

\$9,000 to \$10,999: 1%

\$11,000 to \$13,000: 1%

At the real costs of \$15,000, \$20,000 and up, it's the very rare homebuyer who wants sprinklers installed in their home.

Asking for what you are willing to pay without educating the public on the fire safety problem in new homes is another misstep. Did the builders offer information about the UL report saying new homes burn 8 times faster? The survey cited by the HBACT has absolutely no merit.

“40, 29, 8 and 5 are the only stats you need to know.” This cites a UL “study” that shows that older legacy homes will collapse in a fire in 40 minutes and flashover in 29 minutes, while modern homes collapse in 8 minutes and flashover in 5 minutes, based on test burns of homes with three different configurations. This is blamed on both allegedly “new” lighter frame (i.e., truss) construction and modern synthetic furnishings that are in newer homes. Light frame construction is also blamed on threats to fire fighters.

OSHA has established safety criteria for firefighters who respond to a fire in a home built with lightweight construction material. Problem is OSHA is suggesting interior access should be restricted. The reality if a firefighter hears a kid inside the home screaming for help they are going to enter regardless of OSHA recommendations.

The “new” light frame construction argument is just wrong and the UL study has been discredited. ***Discredited by whom??? The HBACT? The NAHB? Non-stakeholder nationally and internationally recognized testing laboratories support the UL research.*** Collapse of a structure is determined most by how fire impacts the structural elements of home construction and especially when the fire starts in a building cavity where it could be in contact with lightweight building materials. Yet, lighter frame truss construction has been used in home construction since the 1950s. ***It’s not new at all even though firefighters cannot seem to learn this. See here from the pen of a fire battalion chief*** who is also a building contractor. Firefighters themselves are finally only recently beginning to question tactics when fighting fires with known truss construction. And, HB 5348 (2015) would establish a truss notification system to protect firefighters, which the HBRA would likely support. About 60% of new home construction today uses truss construction while 40% uses traditional framing. ***Let’s go back to 100% traditional framing where homeowners have a better chance of survival – but the sales team argue the new lightweight trusses and the gusset plates reduce labor costs by 40%.*** According to NIST, “the number of collapse fatalities on an annual basis has declined since 1979.” ***Another willful and wanton misrepresentation of fact. Yes, for all property classifications there has been a decline in firefighter fatalities from structural collapse but for residential there has been a 292% increase. At <http://www.fire.nist.gov/bfrlpubs/fire03/PDF/f03024.pdf> the report on page 24 clearly shows the firefighter death rate increased from 13% during 1983-1992 to 51% from 1994 to 2002 – a 292% increase. The disgusting total disregard for our firefighters espoused by the HBACT underscores the need to require new homes to be built to code.*** Finally, according to NFPA, only 3.1% of fires reported originated within concealed structural locations, causing 2.8% of civilian fatalities – the reason being due to enforcement of code requirements for properly installed fire blocking.

Flashover is determined most by contents in a home, not construction. The UL study assumed new homes are filled with all new, more flammable synthetic furnishings, while older homes are furnished with more flame resistant older furnishings. Yet, when people move from an older home to a new home, most take their existing furnishings with them. It also presumes owners of older homes don’t buy new furnishings. Both assumptions have no basis in reality. Perhaps the solution is to require better fire retardants in new furnishings, over which builders have no control. ***Let’s reduce the size of the great rooms where huge fire loads exist. Ernie Wolfe and another Green Bay firefighter enter a new home seeing little to no smoke. The entrance foyer flooring collapses because there was no protection of the engineered I-beam. Ernie died in the fire.***

<p>Sprinklers cost only \$2/sq ft.</p> <p><i>Studies conducted by non-stakeholders show the actual cost of actual installations has decreased from \$1.62 per sq. ft. to \$1.35 per sq. ft.</i></p>	<p>This number comes directly out of the 1996 fire sprinkler legislative task force report. That’s 20 years old. <i>Yes and new reports have the national average at \$1.35 per sq. ft.</i> Has labor increased since then? Have material costs increased since then? Real quotes received from sprinkler installers today are in the \$6/sq. ft range. And, the NFPA 13D standard, which all home sprinkler installations must meet, requires you to sprinkle basements, so a 2,000 sq. ft. home will require an additional 1,000 sq ft., a 3,500 sq ft homes could require 5,300 sq ft to be sprinklered. <i>Surely the HBACT is not suggesting that a 2,000 sq. ft. home with a 1,000 sq. ft. basement sells for the same price as a 2,000 sq. ft. home without a basement? Are the engineered wood I-beams in the basement protected by 1-hour firewall with fire rated penetrations? Ernie Wolfe died because of a basement fire that quickly weakened the strength of the floor above.</i></p>
<p>Cost of sprinklers is only \$6,000 to \$7,000</p>	<p>Again, this also comes out of the 1996 legislative report. It’s very old data and very old costs. At \$6/sq. ft a new 2,000 sq.ft. home today would cost \$18,000; a 3,500 sq. ft. home would cost \$21,000 – NOTE the math – it’s because under the code sprinklers must also be installed in basements, so what is called a 2,000 sq. ft home requires about 3,000 sq. ft of sprinklered space. One fire fighter at the 2015 public hearing on HB 6777, who stated he felt it necessary to sprinkle his new home to protect his family responded to the cost question by saying it cost him \$12,000 - \$14,000. We can show you real quotes sprinkler installers provide to builders. <i>This argument has no merit. Again, a home with a basement costs more than a home without a basement notwithstanding the amount of “conditioned” sq. ft. Again, ask the HBACT why they propose a fire sprinkler price that is 345% higher than the national average? Many argue the grossly inflated price is placed on the table to retain the annual \$28+ million rebuild market.</i></p>
<p>The CT Residential Fire Sprinkler Research Working Group has been cited as a broad based group with all stakeholders that should be taken as the authority on this issue. Proponents have offered to send it to the Public Safety Committee.</p>	<p>We, too, cited to this report in the HBRA’s 2015 testimony. We hope you look at it and look first to the last page listing the working group members. Created as a “compromise” by the state Codes & Standards Committee when it rejected the sprinkler mandate, this group, totally dominated by sprinkler proponents, was 34 members and the HBRA had one (1) rep on the group. In fairness, we hope you also look at the dissenting comment memo the HBRA rep filed with then DPS (now DAS). The working group nonetheless, even as one-sided as it was, pointed out a number of problematic hurdles to implementing a sprinkler mandate, all of which remain to this day. All posted at: http://www.hbact.org/FireSprinklers <i>The study shows the average cost was \$1.82 to \$1.84 per sq.ft. – where is the \$6 per sq.ft number coming from??? The HBRA had one membership but other homebuilding interests also had seats.</i></p>

The report does not adequately address many issues. One issue is the Building Code Effectiveness Grading Schedule (BCEGS). Amending provisions from the model code such as fire sprinkler requirements when it is known new homes burn faster will cause a change in the community's BCEGS rating by at least 1 point. What has not been discussed that ISO changing the rating will cause an increase in the 40,660 Connecticut property owners, commercial and residential by a 5% per grade change. So if the grade change is 2 grades then the increase is 10%. We strongly recommend that before your constituents are impacted with higher fees that the Connecticut Department of Insurance shares their opinion. Numerous communities throughout the country have had a 1-grade change because they failed to adopt the IRC residential fire sprinkler requirement. And the CT DOI will also tell you the BCEGS is also linked to FEMA Disaster Recovery funding – bad grade communities receive a smaller percentage of FEMA funding. So two properties with identical damage, the one in the better BCEGS graded community would be offered recovery funding at a higher percentage of the damage than the property in the worst BCEGS community. So all citizens of Connecticut are impacted by the efforts of the HBACT to maximize their profit margin and retain their rebuild market.

“All model safety codes now require the use of home fire sprinklers in new 1&2 family homes.”

In reality, the only two model codes for homes do require sprinklers. But, the nation’s model codes are far from perfect and are subject to special interest lobbying pressures as much as legislatures. **What’s not said** about the two model codes (i.e., all of them) is one such code for new construction is written by the NFPA itself and is not used in virtually any jurisdiction for 1&2 family homes. The other code is the IRC (International Residential Code), used in most states, that’s produced by the International Code Council (ICC). **Also what’s not said** is how the ICC code hearing that led to the sprinkler mandate adoption was rigged by sprinkler manufacturers, who even paid for voting fire officials to attend the hearing.

All documented here:

[http://www.hbact.org/FireSprinklers#Sprinkler Mandate Rigged.](http://www.hbact.org/FireSprinklers#Sprinkler_Mandate_Rigged)

- **(PLEASE SEE ATTACHED DOCUMENT HIGHLIGHTING WHAT THE HBRA DID TO GET MEMBERS TO VOTE AGAINST FIRE SPRINKLER REQUIREMENTS).**

Also, what’s not said is, as of Jan 2013, forty (40) states have removed this mandate when adopting the IRC “model” code; some have passed legislation prohibiting the sprinkler mandate in new homes. ***This underscores the HBA’s legislative activity that goes too far when they place the safety of the public below their rebuild markets.*** Some states are even moving away from the ICC codes because of the irregular voting procedures that led to this mandate’s adoption. ***We are not aware of any state that has moved away from the national model codes.*** Model codes necessarily require state review and because they’re not perfect, these “models” are substantially amended on a number of provisions. ***NAHB and state HBAs opposed smoke detectors when they became a code requirement. Codes are in place to keep the CON out of Construction but the HBAs still work hard to oppose ANYTHING that adds cost regardless of its life safety nature.***

The willful and wanton misrepresentation by the HBACT that the fire sprinkler manufacturers “rigged” the vote is offensive. The fact is the NAHB paid building officials \$750 if they committed to vote against fire sprinklers at the Rochester hearing and \$850 if they committed to vote against fire sprinklers at the Minneapolis hearing. The nation’s fire service, fed up with the NAHB efforts to block safety for the public and firefighters formed the Fire Sprinkler Coalition, which is led by a former State Fire Marshal of California. The Fire Sprinkler Coalition had over 100 members representing fire service organizations, burn hospitals and burn survivor associations, and many who recognize the benefits of fire sprinklers. Yes, sprinkler manufacturers donated money to the Coalition but quite frankly these same manufacturers spend more money on booth space each year at the NAHB builders show. Yes, a large number of fire service personnel came to the Minneapolis vote.

When the NAHB complained about the high fire service turnout the ICC ruled that there was no merit to the NAHB claim – the pot calling the kettle black!

<p>Consumer costs are offset by reduced homeowner's insurance.</p> <p><i>Insurance companies typically offer a 10% reduction in the fire service premium for fire sprinkler protected properties. Some offer more and some less.</i></p>	<p>Not true. Real quotes from real insurance brokers, including a Hartford area firm that does extensive work with new homes, quotes the cost savings at \$18/yr. <i>What is the size and assessed value of the home?</i> What's not said is the annual or quarterly (we're not sure which; both were stated at the 2015 public hearing) maintenance costs for the sprinkler system. Sprinkler installers testified that they perform this service and it should be similar to one's annual maintenance service on a furnace, about \$200 - \$300 per year, far exceeding any annual insurance savings. Also what is not said are the occasional malfunctions of sprinkler systems that cause water damage when there's no fire that has occurred. See, for example, the Wallingford Library sprinkler malfunction.</p> <p><i>Another willful and wanton misrepresentation of fact. Home fire sprinklers are installed in compliance with NFPA 13D standards, which do not require annual maintenance. The property owner should monitor the system and call for help when a rare problem is noted. This was clearly discussed in the CT Residential Fire Sprinkler Research Working Group's report and since this report is cited on the HBACT website it is an obvious misstep.</i></p>
<p>Sprinklers add value to a home's resale.</p> <p><i>When fire sprinklers were added to my home my insurance provider increased the value of my home.</i></p>	<p>Not true. This obviously does not come from anyone who sells homes. Sprinklers are not desired by buyers – see the survey results above. Just because something costs a certain amount does not mean it automatically gets added to market value. That's the reality of how real estate markets work, indeed how any free market works for any product. Sprinklers are, in fact, a marketing liability. Real estate brokers also report that some buyers disable sprinklers by shutting off the water valve to the system. Rightly or wrongly, they don't want to risk potential water damage and a buyer's belief is very determinative of market value.</p> <p><i>The shortfall here is if the homebuilder and the realtor actually marketed the life safety aspects of fire sprinklers the value of the house would increase in the eyes of the buyer. When builders argue that the cost of fire sprinklers is not an economic benefit when compared to the few fire deaths they are using my kids in determining cost/benefits instead of their kids.</i></p>

<p>“Let’s face facts. Smoke detectors don’t work. People and children sleep right through them.”</p> <p><i>The three leading cause of fires are men, women and children; people cause fires notwithstanding the year the home was built. Smoke detectors may alert my 9-month grandson but the fire sprinklers will save his life.</i></p>	<p>Again, the NFPA own data shows survival rates in homes with fires is 99.62% when hard wired smoke detectors are available. That’s 996.2 out of 1,000 home fires there is no death. It does rise from 99.62% to 99.82% when sprinklers and smoke detectors are both available. Also, we have found no evidence of a home fire death in CT in a home built since 1985, when hard wired smoke detectors were first required in new home construction in CT. Fire deaths occur in older homes (homes built prior to 1985), not new homes, and most likely when smoke detectors are not present or working.</p> <p><i>The NFPA report says one has a 99.45% chance of surviving a fire if smoke detectors are present but in the same sentence it says you have a 98.87% chance of surviving a fire in a home without fire sprinkler. Does that mean the smoke detectors are only 0.58% effective??? What NFPA is saying is that not every fire is a fatal fire – they are NOT in this section of the report opining on the effectiveness of fire sprinklers. Not every fire is reported to the fire department. And the HBACT argument that fires only occur in older homes is grossly misleading as there are many more older homes than new homes. There are over 1 million one- and two-family homes in Connecticut and during the last three years less than 14, 000 permits for new homes were issued.</i></p>
<p>The latest argument made by proponents of a sprinkler mandate professes their concern for the potential liability of Codes & Standards Committee members if they do not adopt the mandate.</p>	<p>Obviously not an argument made by an attorney, although made directly to Codes and Standards late in 2015 by the sprinkler coalition in attempt to pressure them to not exempt the mandate from the 2012 IRC. This argument has no basis in law. See the HBRA’s response, also provided to Codes and Standards. As our statement concludes, for all of the logical and legal reasons noted, CSC members would not be liable for exercising their governmental discretion to not adopt the ICC’s sprinkler mandate for the state.</p> <p><i>There may be an issue if a CSC member has a conflict of interest. There is another substantive issue ignored by the HBACT - homebuilder/realtor liability. Rarely a day goes by when I do not notice a safety warning; the visor of my car warns me about seatbelts and airbags, labels on the food I eat warn me I will get fat. Practically every product, particularly every electronic product has multiple</i></p>

warning labels. The substantive question is where is the early collapse during fires warning that should be given to the homebuyer from the homebuilder and Realtor when they sell a house that is made of the new lightweight construction material? The homebuilder and Realtor knows or should know that new construction practices have created a less safe environment for the homebuyer – they should have an obligation to inform them of fire escape practices. The wood-products industry has known for decades that engineered wood fails quicker in fires – where is their notice to the public; why have they failed to respond to the repeated concerns of the fire service? There is an entire class of people who are in harm's way and the people creating the hazard willfully and wantonly failed to provide for mitigation. And now when the homebuilder comes to an elected body such as a state legislature and persuades them to pass a law prohibiting local government from applying the national model safety codes does this not create a liability link when the new home fails during a fire and lives are lost?

The homebuilders have to be able to say convincingly in a court of law where this issue will inevitably go that it did everything they possibly could to lower the risk of death, injury, and excessive property loss from fire. One cannot assume the homebuyer will accept 100% of the risk of death, injury, and excessive property loss from fire when the homebuilder knowingly uses construction products that have been proven, from very credible sources, to fail quickly in fires and they use these new construction products for the sole reason of reducing construction costs thereby maximizing profit margins. Add in the fact that the homebuilders actively lobby at the national and state level to ignore the fire safety problem and allow them to build in non-compliance with national construction and safety codes and standards then the future liability exposure for the homebuilder, the Realtor failing to inform the buyer, and the industry producing these new construction products absent consumer warnings appears to be very concerning.



NAHB
NATIONAL ASSOCIATION
OF HOME BUILDERS

NAHB International Code Council Final Action Hearings Travel Expense Assistance Grants Program

Background

NAHB is facing the strongest push yet to mandate sprinklers in the International Residential Code (IRC). Proposed amendments to mandate sprinklers in the IRC will be considered and voted on at the International Code Council (ICC) Final Action Hearings on May 22 & 23 in Rochester, NY. The vote will be decided by building and fire officials attending the Hearings from across the country who are designated by their local jurisdictions as ICC Governmental Member representatives. Only designated representatives of an ICC Governmental Member can vote at the Hearings.

Sprinkler advocates are attempting to sway the vote in their favor by recruiting large numbers of fire officials who are designated representatives to attend the hearings and vote in favor of mandatory requirements, regardless of the fact that the need for such requirements has never been substantiated.

To ensure the interests of building officials, home builders and home buyers are adequately represented at the hearings, it is critical to get as many building code and other public officials as possible, who are designated representatives (and opposed to mandatory sprinkler requirements in the IRC) to attend the Rochester Hearings to vote against the proposed mandates.



What is the purpose of this grant program?

To provide state and local builder associations with funding to assist in sending their building code or other public officials designated as representatives of an ICC Governmental Member to the ICC Final Action Hearings in Rochester, NY in May, in order to ensure the interests of building officials, home builders and home buyers are adequately represented on this issue. Under this program, \$750.00 grants are available for each designated representative traveling to the Hearings to help defray travel expenses when such funding is not otherwise available.

Why are these grants needed?

Most state and local building departments are ICC Governmental Members and able to designate representatives to send the Hearings to vote on their behalf. Other departments such as zoning or planning are also eligible to be ICC Governmental Members and can designate the representatives as well. However, most state and local jurisdictions have limited travel budgets to send their designated representatives to vote at the ICC hearings. This grant funding is needed to assist those jurisdictions with sending designated representatives to the Hearings.

Eligibility, Grant Amounts and Allocation

All grants are to be used *only* to assist with transportation, lodging and meal expenses incurred by travel of individuals meeting the eligibility criteria below and for no other purpose.

All full and part-time executive officers of builders associations affiliated with NAHB are eligible to apply for grants on behalf of their association. Grant amounts are fixed at \$750.00 per individual meeting the Eligibility Criteria below. There is no cap on the number of grants any one builder association may apply for though NAHB may limit the number of grants awarded to any one builder association if deemed necessary. NAHB has allocated a maximum of \$250,000.00 for this program and grants will be awarded on a first come, first served basis. Submission of application does not guarantee award of grant.

NAHB will award grants directly to the builder association submitting applications if such applications are approved by NAHB. Subsequent disbursement of each grant for the travel expenses for the individual for which the application is made is the responsibility of the home builders' association receiving the grant(s).

Eligibility Criteria

1. The individual for whom the grant application is being made must be an officially designated voting representative from an ICC Governmental Member in accordance with the rules and procedures set forth for such designees by the International Code Council (ICC). Guidance on identifying designated voting representatives or potential designees is included on the following page.
2. The individual for whom the grant application is being made must attend the ICC Final Actions Hearings, at minimum for proceedings on Tuesday, May 22nd, and Wednesday, May 23, 2007.
3. The home builders' association awarded the grant/s must guarantee to return any grant(s) awarded for individuals that are unable to attend the Hearings as specified for any reason by June 30, 2007.
4. The home builders' association must represent and warrant to NAHB that the home builders' association's acceptance of any travel expense assistance does not violate the state, county (parish), municipal and any other local laws of the jurisdiction where the home builders' association is located and, if different, of the jurisdiction employing the designated voting representative(s) for whom travel assistance is sought. Both the home builders' association and the designated voting representative(s) also must represent and warrant that acceptance of a travel grant does not violate any ethical rule or standard governing or applicable to the designated voting representative(s).
5. The home builders' association awarded the grant(s) must pledge to provide NAHB with a photocopy of the check(s) disbursing any grant(s) awarded within 60 days of receiving the grant(s). Or, if the home builders' association provides travel expenses directly to the designated voting representative, the home builders' association awarded the grant(s) must provide reasonable documentation of the travel expenses incurred by the designated voting representative including, but not limited to, a photocopy of transportation receipts, i.e. airline reservation, and hotel accommodation confirmations, etc.
6. The builder association awarded the grant/s must guarantee the grant disbursement will be used only for transportation, lodging and meal expenses incurred by the individual for whom the grant application is being made for purposes of travel to the ICC Final Action Hearings on May 22 & 23, 2007. The builder association must also assure NAHB that such funding is not otherwise available.

Timeline

Applications can be submitted up to May 21, 2007. However, as grant funding is limited and applications will be considered on a first come first served basis, home builders' associations are encouraged to submit their application/s at their earliest opportunity. Home builders' associations submitting more than one application do not need to submit all of them at the same time. Additional applications may be submitted as individuals meeting the Eligibility Criteria are identified.

Applications will be reviewed and acted upon on a first-come, first-served basis as received. NAHB will fax or e-mail applicants a confirmation upon receipt of the application and will notify applicants of the approval or denial of their application within 5 business days of receiving it. Grants will be disbursed to approved applicants beginning May 1, 2007.

What are my obligations as an executive officer if my association receives a grant?

1. You must verify by your signature on the application that the Eligibility Criteria stated above is satisfied and that the grant will be used only to assist with transportation, lodging and meal expenses incurred by individual(s) for travel meeting the Eligibility Criteria.
2. You must fulfill your pledge to return any grants for individuals who are unable to attend the hearings for any reason and to provide NAHB with photocopies of checks or travel documentation as specified in the Eligibility Criteria above.

Guidance on identifying designated voting representatives or potential designees

Who are International Code Council (ICC) Governmental Members and their designated voting representatives?

Most state and local building departments are ICC Governmental Members. In addition, ICC Governmental Members may include city zoning & planning, public safety offices, fire departments, code enforcement, code committees, city and town managers and councils, etc. A jurisdiction may therefore have multiple ICC Governmental Members depending on how it is structured. Each jurisdiction your membership covers is likely to have at least one ICC Governmental Member.

Each ICC Governmental Member is then entitled to designate between four and twelve individuals as their voting representatives, depending on the population of its jurisdiction. For example, Governmental Members in jurisdictions with a population of between 50,000 and 150,000 are entitled to designate up to eight voting representatives each. Therefore, if a jurisdiction has a building department, planning commission and fire services department that are all ICC Governmental Members, that jurisdiction potentially could designate up to 24 voting representatives and send all of them to the Hearings to vote. However, most jurisdictions have limited travel budgets and are unable to send more than one or two of their allotted designees. Many jurisdictions send no one at all.

How do I find out who the ICC Governmental Members are in the jurisdictions my association covers and who their designees are?

You can do one of the following:

1. Contact your local building department or other offices as exemplified above and ask if they are governmental Members of ICC and identify employees designated as their voting representatives.
2. If you have an ICC membership, you may search for Governmental Members in your area by using ICC's member search feature found here: <https://www.iccsafe.org/e/membermenu.html>
3. Contact NAHB staff for further assistance in identifying Governmental Members in your area and their designated voters. Email: bsause@nahb.com or call 800-368-5242, ext. 8444.

You should also consider the following important options that you may be able to take advantage of:

1. If the Governmental Member/s in your jurisdictions have not designated the full number of voting representatives entitled, it is possible to have new voters designated. Potential voters include anyone serving in the capacity of an employee or public official of the Governmental Member -- **which can also include you or one or more of your members**, depending on the affiliation with the Governmental Member or local jurisdiction. The ICC criteria is as follows:

"Governmental Member Voting Representatives shall be designated in writing, by the Governmental Member, and shall be employees or officials of the Governmental Member or departments of the Governmental Member, provided that each of the designated voting representatives shall be an employee or a public official actively engaged either full or part time, in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare."

New appointments must be signed and sent by the Primary Representative of the Governmental Member using the ICC form found here:

<http://www.iccsafe.org/membership/pdf/voterchange.pdf>

2. If local building and other departments are not current members of ICC you can encourage them to join as Governmental Members and designate the appropriate number of voters. For additional information on establishing a new ICC membership is available here: <http://www.iccsafe.org/membership/pdf/ICCapplication.pdf>

Questions? Contact Brian Sause at 800-368-5242 x8444 or at bsause@nahb.com



NAHB ICC Final Action Hearings Travel Assistance Grant Program Application Form

Deadline for Submission: May 21, 2007

Association/Executive Officer

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. Last Name	First Name	MI
Title	Association	Local Number
Mailing Address		
City	State	Zip/Postal Code
Phone	Fax	E-mail

ICC Governmental Member Designated Representative (for whom this grant will be used)

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. Last Name	First Name	MI	First Name or Nickname (for badge)
ICC Governmental Member	City/Town/County	State	

Please note: A substitution of the Designated Representative on this application is permitted ONLY IF a new complete application for the substitution is submitted.

Eligibility Criteria Verification

Executive Officers: Please review each of the Eligibility Criteria on the following page and indicate each is satisfied by checking the box to left of each item and sign below. By your signature below you are verifying that all criteria have been satisfied.

Eligibility Criteria Verification

- I have verified that the individual for whom this grant application is being made is an officially designated voting representative of the ICC Governmental Member identified on this application in accordance with the rules and procedures set forth for such designees by the International Code Council (ICC).
- I have verified that the designated voting representative for whom this grant application is being made will be attending the ICC Final Actions Hearings, at a minimum for proceedings on Tuesday, May 22nd, and Wednesday, May 23, 2007.
- On behalf of the builder association submitting this application, I guarantee my association will return this grant (if awarded) by June 30, 2007, if the designated voting representative for whom this grant application is being made is unable to attend the Hearings as specified for any reason.
- I warrant and represent to NAHB that my association's acceptance of any travel expense assistance does not violate the state, county (parish), municipal and any other local laws of the jurisdiction where my home builders' association is located and, if different, of the jurisdiction employing the designated voting representative(s) for whom travel assistance is sought.
- I warrant and represent and, the designated voting representative(s) for whom this grant is being made has represented and warranted to me that the acceptance of a travel grant does not violate any ethical rule or standard governing or applicable to the designated voting representative(s).
- On behalf of the builder association submitting this application, I guarantee the association will provide NAHB with a photocopy of the check/s disbursing the grant(s) within 60 days of receiving the grant(s) or a photocopy of transportation, i.e. airline reservation, and hotel accommodation confirmations if travel expenses for the individual for whom this grant application is being made is funded directly through my association.
- On behalf of the builder association submitting this application, I guarantee that the grant disbursement will be used only for transportation, lodging and meal expenses incurred by the designated voting representative for whom this grant application is being made for purposes of travel to the ICC Final Action Hearings on May 22 & 23, 2007 only. I also represent and warrant to NAHB that such funding is not otherwise available.

Executive Officer Signature

Date

**Fax completed application to: 202-266-8369
Attn: Diane Webb**

OVERVIEW

NAHB TRAVEL ASSISTANCE GRANTS PROGRAM 2008 ICC FINAL ACTION HEARINGS

Background

In 2008 NAHB once again will be facing a strong push to mandate sprinklers in the International Residential Code (IRC). Proposed code changes to mandate sprinklers in the IRC will be considered and voted on at the International Code Council (ICC) Final Action Hearings scheduled for September 17-23 in Minneapolis, MN. The final vote will be decided by building and fire officials attending the hearings from across the country who are designated by their local jurisdictions as *ICC Governmental Member Voting Representatives*. Only designated representatives of an *ICC Governmental Member* can vote at these final hearings.

Sprinkler advocates are attempting to sway the vote in their favor by recruiting large numbers of fire officials who are designated voting representatives to attend the hearings and vote in favor of mandatory requirements, regardless of the fact that the need for such requirements has never been substantiated.

To ensure the interests of building officials, home builders, and home buyers are adequately represented at the hearings, it is critical to get as many building code and other public officials as possible, who are designated voting representatives and opposed to mandatory sprinkler requirements in the IRC, to attend the final hearings in Minneapolis and vote against the proposed mandates.

The exact date of the IRC portion of the hearings is not known at this time. The information will be provided as soon as the hearing order for the ICC Final Action Hearings becomes available, which will be posted on the ICC website around July 25th. Preliminary feedback indicates that the IRC proposals will be heard in the second half of the hearings.

What is the purpose of this grant program?

To provide home builders associations (HBAs) with funding to assist in sending their local building code and other public officials designated as voting representatives by an *ICC Governmental Member* to the ICC Final Action Hearings in Minneapolis, MN, in order to ensure the interests of building officials, home builders, and home buyers are adequately represented on this issue. Under this program, \$850.00 grants are available for designated voting representatives traveling to the hearings to help defray travel expenses when such funding is not otherwise available.

Why are these grants needed?

Most state and local building departments are *ICC Governmental Members* and able to designate voting representatives to attend the ICC hearings and vote on behalf of their jurisdictions. Other departments, such as zoning or planning departments, are also eligible to be *Governmental*

OVERVIEW

NAHB TRAVEL ASSISTANCE GRANTS PROGRAM 2008 ICC FINAL ACTION HEARINGS

Members and can designate voting representatives as well. However, many state and local jurisdictions have no or very limited travel budgets. These grants are needed to assist those jurisdictions with sending their designated voting representatives to the ICC Final Action Hearings.

Eligibility, Amount, and Allocation of Grants

All grants are to be used ONLY to assist with transportation, lodging, and meal expenses incurred by travel of individuals meeting the "Eligibility Criteria" listed below and for no other purpose.

All full and part-time executive officers of HBAs affiliated with NAHB are eligible to apply for grants on behalf of their association. Grant amounts are fixed at \$850.00 per individual that meets the specified eligibility criteria. There is no cap on the number of grants an HBA may apply for, though NAHB may limit the number of grants awarded to any one association if deemed necessary. NAHB has allocated a maximum of \$150,000.00 for this program and grants will be awarded on a first-come, first-served basis. Submission of an application does not guarantee award of the grant.

Grants will be awarded directly to the HBA when approved by NAHB. Subsequent disbursement of each grant to the individual for which the application is made is the responsibility of the HBA receiving the grant.

Eligibility Criteria

1. The individual for whom the grant application is being made must be an officially designated voting representative of an *ICC Governmental Member* in accordance with the rules and procedures set forth for such designees by the International Code Council (ICC). Guidance on identifying designated voting representatives or potential designees is included with this document.
2. The individual for whom the grant application is being made must attend the ICC Final Actions Hearings in Minneapolis, MN, at a minimum on the scheduled hearing dates for the IRC (approximately two days in duration – exact dates not currently available).
3. The HBA awarded the grant(s) must guarantee to return by October 30, 2008, the funding for any grant awarded for an individual that was unable to attend the hearings on the specified dates for the IRC.
4. The HBA must represent and warrant to NAHB that the HBA's acceptance of any travel expense assistance does not violate the state, county (parish), municipal, and any other local

OVERVIEW

NAHB TRAVEL ASSISTANCE GRANTS PROGRAM 2008 ICC FINAL ACTION HEARINGS

laws of the jurisdiction where the HBA is located and, if different, of the jurisdiction employing the designated voting representative(s) for whom travel assistance is sought. Both the HBA and the designated voting representative(s) also must represent and warrant that acceptance of a travel grant does not violate any ethical rule or standard governing or applicable to the designated voting representative(s).

5. The HBA awarded the grant(s) must pledge to provide NAHB with a photocopy of the check(s) disbursing any grant(s) awarded within 60 days of receiving the grant(s). **Or**, if the HBA provides travel expenses directly to the designated voting representative, the HBA awarded the grant(s) must provide reasonable documentation of the travel expenses incurred by the designated voting representative including, but not limited to, a photocopy of transportation receipts (i.e., airline reservation, hotel accommodation confirmations, etc.).
6. The HBA awarded the grant(s) must guarantee the grant disbursement will be used only for transportation, lodging, and meal expenses incurred by the individual for whom the grant application is being made for purposes of travel to the ICC Final Action Hearings scheduled for September 17-23 in Minneapolis, MN. The HBA must also assure NAHB that such funding is not otherwise available.

Timeline and Application Process

A signed **Application Form** (later) shall be submitted for each *ICC Governmental Member Voting Representative* for which a travel assistance grant is being sought. Applications can be submitted up to September 15, 2008. However, grant funding is limited, and applications will be considered on a first-come, first-served basis. HBAs are encouraged to submit their application(s) at their earliest opportunity. All applications from an HBA do not need to be submitted at the same time. HBAs are encouraged to submit applications as individuals meeting the above "Eligibility Criteria" are identified.

Applications will be reviewed and acted upon on a first-come, first-served basis when received. NAHB will fax or e-mail applicants a confirmation upon receipt of the application and will notify applicants of the approval or denial of their application within 5 business days of receiving it. Grants will be disbursed to approved applicants beginning September 1, 2008.

APPLICATIONS FOR TRAVEL ASSISTANCE GRANTS ARE NOT CURRENTLY BEING ACCEPTED.

GUIDANCE ON IDENTIFYING VOTING REPRESENTATIVES OF ICC GOVERNMENTAL MEMBERS AND POTENTIAL NEW DESIGNEES

Who are the ICC Governmental Members and their designated voting representatives?

Most state and local building departments are *ICC Governmental Members*. In addition, *Governmental Members* may include city zoning and planning commissions, public safety offices, fire departments, code committees, city and town managers and councils, etc. A jurisdiction may therefore have multiple *Governmental Members* depending on how it is structured. Each jurisdiction your HBA covers is likely to have at least one *ICC Governmental Member*.

Depending on the population of its jurisdiction, each *ICC Governmental Member* is then entitled to designate between four (4) and twelve (12) voting representatives. For example, each *Governmental Member* in jurisdictions with a population of 50,001 to 150,000 are entitled to designate up to eight (8) voting representatives. Therefore, if a jurisdiction has a building department, planning commission, and fire services department that are all *ICC Governmental Members*, this jurisdiction potentially could designate up to 24 voting representatives and send all of them to the ICC Final Action Hearings to vote. However, most jurisdictions have limited travel budgets and are unable to send more than one or two of their allotted designees. Many jurisdictions send no one at all.

How do I identify the ICC Governmental Members in my HBA's jurisdiction(s) and their designated voting representatives?

You can do one of the following:

1. Contact your local building department or other governmental departments/agencies as exemplified above and ask if they are *Governmental Members* of ICC and to identify employees designated as their voting representatives.
2. If you have an ICC membership, you may search for *ICC Governmental Members* in your area by using ICC's member search feature found here:
<http://av.iccsafe.org/eweb/DynamicPage.aspx?webcode=OrgDirectory>
3. Contact NAHB staff for further assistance in identifying *ICC Governmental Members* in your area and their designated voters. Email Steve Orłowski (sorlowski@nahb.com) of NAHB staff, or call 800-368-5242, ext. 8303.

Are there opportunities to get qualified individuals, including your members, designated as voting representatives, and how do I do that?

1. If the *ICC Governmental Member(s)* in your jurisdictions has not designated the full number of voting representatives to which it is entitled, it is possible to have additional voting representatives designated. Potential new voting representatives include anyone

GUIDANCE ON IDENTIFYING VOTING REPRESENTATIVES OF ICC GOVERNMENTAL MEMBERS AND POTENTIAL NEW DESIGNEES

serving in the capacity of an employee or public official of the *Governmental Member*. **This could also include you or one or more of your members**, depending on their affiliation with the *Governmental Member* or local jurisdiction.

The ICC Bylaws established the following criteria for these voting representatives:
“*Governmental Member Voting Representatives shall be designated in writing, by the Governmental Member, and shall be employees or officials of the Governmental Member or departments of the Governmental Member, provided that each of the designated voting representatives shall be an employee or a public official actively engaged either full or part time, in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare.*”

Examples of Governmental Members:

- Building Departments
- City and County Agencies
- Fire Departments
- Fire Protection Districts
- Health and Safety Departments
- Planning Departments
- State Agencies
- School Districts
- Special Districts
- Zoning Departments

New appointments must be signed and sent by the Primary Representative of the *ICC Governmental Member* using the ICC form found here:
<http://www.iccsafe.org/membership/pdf/voterchange.pdf>

2. If local building department or other governmental departments/agencies are not currently *ICC Governmental Members*, you can encourage them to join and designate the appropriate number of voters. The ICC Bylaws established that “*A Governmental Member shall be a governmental unit, department or agency engaged in the administration, formulation or enforcement of laws, ordinances, rules or regulations relating to the public health, safety and welfare.*”

For additional information on establishing a new ICC membership is available here:
<http://www.iccsafe.org/membership/pdf/ICCapplication.pdf>

Do you have addition questions?

Contact Steve Orlowski of NAHB staff at 800-368-5242, ext 8303 or sorlowski@nahb.com.