



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

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January 24, 2018

To: Joseph V. Cassidy, P.E., State Building Inspector
William Abbott, State Fire Marshal
All Members of the State Codes & Standards Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Opposition to Adoption of the State Building Code with the Inclusion of
Section R313.1 of the IRC

On behalf of the HBRA of CT, while we thank you for removing section R313.2 from the 2015 IRC (applicable to 1&2 family homes), we strongly urge you to also remove Section R313.1, IRC, from the State Building Code (applicable to town houses).

For all of the reasons stated below, and by the members of our organization and allied organizations who will appear before you today, requiring fire sprinklers in all new town houses is not warranted by both any facts or rational policy argument, and is contrary to the state's policy of promoting affordable housing.

Background

Since the inclusion of the mandatory requirement for residential sprinklers in the 2009 edition of the International Residential Code, more than 42 states have amended or passed legislation prohibiting communities from mandating residential sprinklers in new one- and two-family dwellings. Only two states have adopted mandatory sprinkler requirements for 1&2 family, and only a handful of others have done so for town houses. **Connecticut should not join the few which have done this.**

Indeed, in the 2016 state legislative session, the General Assembly's Public Safety & Security Committee considered proposals to mandate fire sprinklers in 1& 2 family new homes, with one such proposal to allow local adoption of such a requirement. The only bill that proceeded to a vote in the 25-member committee was substitute language that would have mandated fire sprinklers in 2-family homes only. Despite the support, urging and favorable vote of both committee co-chairs, that bill died on a 7-18 vote. **We cannot understate the significance of this legislative committee vote. It's an overwhelming rejection of the sprinkler mandate proposal by the committee of jurisdiction over building codes.** This expression of legislative policy as applied to 2 family homes, which are not all that different from townhouses from a practical policy perspective, should be instructive. That is, we believe the legislature would not support this mandate for townhouses.

IRC Commentary

The IRC clearly states, “The purpose of this code is to provide minimum requirements to safeguard life or limb, health and public welfare.” The IRC Commentary states that the IRC is intended to provide reasonable minimum standards that reduce the factors of hazardous and substandard conditions that would otherwise put the public at risk to damaging their health, safety or welfare. **Any imposition of a mandated sprinkler requirement is excessive and is not a reasonable minimum standard for meeting the “purpose” of the code.** It is important to remember that the code is composed of many life-safety standards that have been proven to meet the “purpose” of the code. Proposals to mandate sprinklers as a requirement in the body of the IRC rather than an adoptable appendix (i.e., section P2904) exceed this “purpose” and should not be approved.

Practical and Technical Issues Not Yet Addressed

We are also well aware, as you are, of the technical difficulties facing a mandate requirement, which are the same as those for a mandate in 1&2 family homes. Even if the proponents could figure out solutions to all those issues that have been outlined in reports you have produced or reviewed (**solutions that have yet to be offered**) we would continue to urge you and the state legislature to oppose a sprinkler mandate in 1&2 family and town houses for all the other reasons in this testimony.

Costs and Home Buyer Choice

- **The added cost for individual new town home buyers is excessive, just as it is in 1&2 family homes.** Town house builders will appear before you today to explain these costs. Suffice it to say here, installation costs are much higher than proponents make them out to be. The argument of proponents that the financial impact of townhouse sprinklers cannot be equated to the impacts on 1&2 family dwellings (which we’re gratified to see proponents finally admit) makes no sense when the relative markets for town houses versus 1&2 family homes is understood. (see the proponent’s Aug 8, 2017, proposed code change submission for reinserting section R313.1 into the code). Proponents base their position on the presumed fact that town houses are less expensive to build than single family homes. But, someone looking to buy a town house can afford just so much. Someone looking to buy a single family home also can afford just so much. These are likely different segments of the consumer market. So, adding costs to town houses, even if they are less expensive to build, can be just as significant to town house buyers as adding costs to single family construction is to a single family buyers. Consider also that proponents rarely, if ever, calculate builder profits,

- annual maintenance and inspection costs, or the additional construction time that will add to total costs to consumers. And, on sq. ft. per unit basis, sprinkler costs in townhouses are higher than the same system installed in single family homes because certain costs, e.g., required water service changes, monitoring equipment, maintenance and inspection, will remain the same for a 1,200 sq. ft. town home or a 3,000 sq. ft. single family home.
- **Proponents of sprinklers citing one national multifamily builder as justification because that builder wanted leeway to reduce the fire-rated wall separation in its units is hardly compelling logic to change all of Connecticut’s policy on this issue.** Perhaps the leeway on unit separation makes sense for this one “national multifamily builder” given the varied economics of land development and construction costs and consumer markets this builder faces in the multiple jurisdictions in which it works. It should not translate, however, into a policy for all Connecticut town house builders and buyers, especially when in many cases here, Connecticut builders would not want to reduce townhouse separation from 2-hour to 1-hour walls for other market driven reasons, e.g., sound barrier. Consider also that this national multifamily builder did not need to get a change in the IRC for its townhouse projects because it can always – if it chooses – build them under the IBC with sprinklers. So, was there another motive for seeking the IRC change? You’ll have to ask them.
 - **Town homes are a growing popular option for people either trying to enter the housing market or downsizing from a single family home. Adding costs to new town homes could keep potential buyers in older homes, potentially increasing their risk of fire-related injuries or death.** Nationally, every \$1,000 in increased price for a home knocks 217,000 buyers out of that market. Some portion of those buyers will, therefore, be forced to stay put in older homes or choose a less expensive, perhaps older, existing home versus a new home. **Since the vast majority of fire-related deaths occur in older homes, requiring sprinklers in newly constructed homes – or even just 2-family homes or town houses – could actually increase a person’s risk of injury and death from a home fire by keeping them in an older home.**
 - **The need for more affordable housing options is critically acute in this state.** I am a member of the state’s Fair Housing Working Group, and while I cannot speak for this group here, we are focusing on the need to promote the construction of more affordable housing. Why? Because fair housing opportunities begins with the availability of more affordable housing options in more communities. **Adding the significant costs of sprinkler installation to town houses removes town houses from the affordable housing mix many communities need and desire.**

- **Fire sprinklers are a choice that home buyers, including town home buyers, should make for themselves.** All home builders would be happy to install a fire sprinkler system in a new home if requested to do so by their customer – and all home builders must by law inform every buyer about fire sprinklers. But, almost ALL home buyers DO NOT WANT sprinklers; they're viewed as a liability. The solution for proponents to gain more market acceptance is to conduct an education or marketing campaign to convince more buyers to request their installation. Again, builders will install them if their buyers want them. And, by removing town house sprinklers from the proposed new code under the IRC section, and given that some builders choose to build town houses under the IBC (i.e., with sprinklers), consumers will continue to have that choice. We urge you to maintain that choice and delete section R313.1 from the IRC.

Benefits of a Sprinkler Mandate Are Not What Proponents Claim and Are Not Cost Effective

- **Just as with NEW 1&2 family homes, requiring sprinklers in NEW town houses will not save the lives proponents claim** because most residential fires (88 – 90%) and almost all fire deaths and serious injuries occur in units that are 30 or more years old. The bottom line, even if a sprinkler mandate is adopted, most residential fire deaths in Connecticut will continue to occur because the vast majority are in much older homes built to prior codes.
- **Just as installing sprinklers in new 1&2 family homes addresses the wrong homes, installing them in new town houses addresses the wrong town homes. Units built to older codes, i.e., prior to the mid-1980s, are far more dangerous. New units are simply built better than they used to be**, incorporating better fire stopping materials, better electrical systems and installations, better egress (i.e., ways to get out of a home), and the hard wired, interconnected (with battery backup) smoke detectors. New homes and town houses built today will not become like the thirty-year old units that exist today. The argument by proponents that we have to start somewhere misses the point and would be true only if codes never changed. But new homes and town houses built today will retain all the fire safety features that have been adopted since the mid-1980s. **Also, light frame (i.e., truss) construction – blamed by sprinkler proponents for safety issues – is not new**; it's been used in home construction for over 50 years. Despite that, the 2012 IRC as now adopted in CT, requires fire protection on I-joists as of Oct. 1, 2016. Another safety feature that will continue. **And, rationalizing a need for sprinklers on the proposition that new units are filled with new, more flammable furniture is specious at best, ridiculous at worst.** It could only be accurate if everybody living in older units never bought new furniture and everybody living in new units never brought with

- them older furniture to the new unit. This just defies reality and common sense. In either case, the argument calls for looking into the regulation of furniture manufacturing, not sprinkler installation in all new town houses.
- **Fire deaths in homes have been decreasing nationally and recent data shows one death for every 92,000 homes in CT.** Therefore, even if we ignored the reality that the vast majority of fire deaths occur in much older homes, we will have to put sprinklers in at least 92,000 new homes to protect, on average, that one life. That's a societal cost of far over \$1 billion per life saved. And, this assumes sprinklers work 100% of the time (**which they don't**) and that home owners pay for necessary annual maintenance (**which they won't**). Also, the complexity of access for annual inspections in town house units complicates the management of town house properties, as well as adding unknown liability issues. **Add in the fact that most deadly fires occur in homes built before 1985, the societal cost of requiring sprinklers in new homes or even town houses would be, on average per life saved, in the multi-billions of dollars.** Nothing, not autos, not chemicals or hazardous waste, not anything that can lead to loss of life or serious injury is regulated to a level with these associated costs.
 - **A local option mandate would destroy 45 plus years of having a statewide mandatory building code.** Our statewide and mandatory building code is one of the few regulatory benefits available in CT to the building and design industry. **So, we urge you to NOT adopt a sprinkler mandate even by local option** (just in case proponents urge this as an option).

Damage to Affordable Housing Goals and Adverse Impacts to the State's Economy

Finally, we urge you to not further damage Connecticut's economy by unnecessarily increasing housing costs. Circling back to the need to control the continuous regulation of housing, you should know that housing in Connecticut is still hurting, despite the national headlines that report that builder confidence and housing production is up. Not so here.

Total housing permits in Connecticut continue a downward trend and we're exceeding ten years of a housing depression. We are, in fact, at or close to all-time lows in total housing production. Permits issued in CT from January thru November in 2017 total 3,522 permits for the entire state. This was down from the same period in 2016 (3,905 permits). In the entire nation, 13 states saw total permit declines from 2016 to 2017, and of those CT saw the highest decline on a percentage basis. We have not yet seen Dec. 2017 permit numbers. This negative trend continues from the prior year. January thru Nov. of 2016 was down 20.4% from the same period in 2015 (4,903 permits). The new housing industry cannot absorb any more regulatory hits to its gut.

We note a recent op-ed article by an accountant, Robert Lally, in the Hartford Courant, titled, "Connecticut: Not So Bad for Business, Companies Doing Well." Jan. 14, 2018. We don't know if Mr. Lally is an operative for the political status quo and how much credibility is to be attributed to his opinion piece, but a telling line in his article is, "The solid results go right across industries. ... Only home builders on our client list are languishing."

And, academic research that has looked at differences across the nation, evaluating why people move to different regions, what makes different regions prosper more than others, confirms the adverse impact of our very high regulatory costs. See for example,

- Ed Glaeser, Economics Professor, Harvard University, in *Economix*, "Housing regulations, more than those that bind standard businesses, explain the Sun Belt's population growth. If [northeast states] want to stop losing Congressional seats, then they must revisit the rules that make it so difficult to build."
- Peter Francese, a New Hampshire based demographer, in *The Atlantic*, "Housing is brutally expensive in Connecticut. Millennials just say, 'This is a joke – there's no reason for me to stay. I can never get paid enough to pay for a house.'"
- Chang-Tai Hsieh and Enrico Moretti, Economics Professors at, respectively, University of Chicago School of Business and University of California, Berkeley, in the *NY Times*, "Because of the prohibitive cost of housing caused by these regulations, innovative companies ... do not grow as much as they could, and new businesses do not get created. This means slower economic growth, fewer jobs and lower wages" While they were discussing zoning regulations, it makes no difference whether \$6,000 to \$10,000 or more added to the cost of a housing unit comes from zoning or the building code. The adverse impacts on an economy would be the same.
- As reported at *wnpr.com* a few years ago, the Partnership for Strong Communities, Hartford, CT, a housing advocacy organization, states there is too little affordable housing in Connecticut. David Fink, the organization's then policy director, explained, "The problem is that in Connecticut, housing is too expensive, and too scarce. Too many people have to spend too much for housing. That's bad for them, and it's bad for the state's economy."

Please do not add to Connecticut's housing cost burden by imposing more unnecessary costs for a safety feature that will not save any lives, is unwanted by most consumers, the installation of which is complicated by unaddressed technical problems, and which will limit the ability of some within the dwindling base of Connecticut home buyers from pursuing townhomes as their choice of housing.

Again, we strongly urge you to remove all of section R313 from the proposed 2015 IRC.

Thank you for considering our comments on this important topic.