

Commentary

Residential sprinkler bill gives home buyers control

By STATE REP. JOHN OTTO

June 10, 2009, 8:53PM

During the recent legislative session, I authored legislation that addressed a vote by the International Code Council (ICC) at its annual meeting last year that changed the International Residential Code (IRC) to essentially require all new homes to be equipped with costly fire sprinkler systems. The IRC is the building code the state requires all local cities to adopt for residential construction.

There were questions raised about who showed up to vote at the ICC and whether the sprinkler industry had in fact covered the expenses of fire marshals and others who may or may not have been entitled to vote on this issue. According to Fire Engineering magazine (January 2009), fire service members “led the charge” in the vote for home fire sprinkler mandates at the national building code meeting, and that after the sprinkler vote “more than 500 votes walked out of the room” and disregarded other important code issues being decided at the hearings.

It should be noted that the ICC is changing its procedures to address questions raised with this vote. Regardless of who voted, this provision was moved from the appendix and placed into the body of the IRC. This action is what truly destroyed local control.

Prior to the ICC’s action, municipalities were able to adopt a provision located in the appendix of the IRC that related to fire sprinklers into their local building codes. If no changes had been made at the meeting in Minnesota, cities would have continued to have the ability to adopt the fire sprinkler appendix into their local code without affecting other municipalities. However, allowing this option evidently wasn’t strong enough for the sprinkler manufacturers. My office has a copy of a sprinkler industry publication that states if fire sprinklers were mandated, the market would increase from \$100 million per year to \$3 billion per year in revenues. In the Legislature we learn very quickly to “follow the money” if you want to understand why something happens.

I refused to stand by and watch one industry profit at the cost of homeowner choice. Fire sprinklers are an expensive mandate, particularly to first-time and low-income home buyers. According to the Real Estate Center at Texas A&M University, for every \$1,000 increase in the price of a home, 28,000 Texans are unable to qualify to purchase a home. Given the average cost of a sprinkler system is \$4,200 in a 2,400 square foot home, roughly 117,600 Texans would be unable to purchase a home with this mandate.

I filed H.B. 1511 to protect the ultimate local control, the homeowners, from this abuse. The bill was supported by numerous industry groups, including Habitat for Humanity Texas, Independent Insurance Agents of Texas, Texas Association of Realtors and the Texas Association of Builders.

The bill was opposed by many fire chiefs and fire associations, none of whom testified that they had fire sprinklers in their own homes.

The bill was voted out of the Insurance Committee 9-0 favorably. Unfortunately the bill was “tagged” in the Calendars Committee for five weeks and never made it to the House floor for a vote. I added an amendment similar to H.B. 1511 to a Senate plumbing bill, S.B. 1410, and the amendment was debated on the House floor.

State Rep. Armando “Mando” Martinez, D-Weslaco, a fireman, offered an amendment on final passage to strip off my amendment. A floor debate took place on this issue and my amendment prevailed 120-16 of those present and voting. This amendment was debated on the Senate floor and ultimately the Senate overwhelmingly concurred with the House amendment on a vote of 25-6.

If the fire industry is willing to move fire sprinklers back to the appendix as it was prior to the meeting in Minnesota, I would be happy to file legislation reversing the effects of my amendment.

In the meantime, the Legislature has afforded the ultimate local control to those who it would affect most: the home buyer.

Otto, a Republican from Dayton, represents state House District 18.