

SUBJECT: Requiring installation of fire sprinkler system in certain buildings.

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 5 ayes — Alvarado, Hunter, R. Anderson, Bernal, Elkins

2 nays — Schaefer, M. White

WITNESSES: For — Carl Wedige, City of San Antonio Fire Department; Justina Page, Common Voices Advocate; Cindy Giedraitis, National Fire Sprinkler Association; (*Registered, but did not testify:* Wayne Delanghe; Margo Cardwell, State Firefighters' and Fire Marshals' Association)

Against — David Mintz, Texas Apartment Association

On — Andy Cardiel, City of Corpus Christi Fire Department

BACKGROUND: Health and Safety Code, ch. 766 establishes fire safety standards in residential dwellings.

DIGEST: CSHB 3089 would require certain buildings in Bexar County to install a complete fire protection sprinkler system and comply with certain fire safety standards within a 12-year time frame.

The bill would apply to residential high-rise buildings in Bexar County:

- in which at least 50 percent of residents were elderly, individuals with a disability, or individuals with impaired mobility; and
- that were not designated as a historically or archaeologically significant site by the Texas Historical Commission and that did not house the governing body of the county or municipality.

The bill would require the municipality or county in which the building was located to adopt a standard in compliance with certain national standards for the installation of fire protection sprinkler systems in a residential high-rise building.

The owner of a residential high-rise would be required to provide notice of the owner's intent to comply with fire sprinkler standards to the appropriate code official of the municipality or county clerk no later than September 1, 2018.

The owner of a high-rise residential building built before September 1, 2015, would be required to satisfy certain standards by specified times. The owner would be required to install:

- a water supply on all floors of the building in accordance with certain national standards no later than September 1, 2021.
- a fire protection sprinkler system on at least 50 percent of the floors of the building no later than September 1, 2024.

The owner would be required to complete the installation of the fire protection sprinkler system on all floors of the building by September 1, 2027.

The bill would authorize the attorney general, a county attorney, or a district attorney to bring an action in the name of the state for an injunction against the owner or person in charge of the building to enforce compliance with the bill's provisions.

This bill would create an offense, punishable by a fine of up to \$10,000, for an owner or agent of the owner of a high-rise residential building not in compliance with the above provisions.

This bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 3089 would help ensure the safety of elderly residents in assisted living facilities in Bexar County by requiring the installation of sprinkler systems. The bill would help update five assisted living facilities in the county, and would not be a financial burden on building owners because the owner of a facility would have 12 years to complete installation, providing substantial time to gather funding.

A fire sprinkler system is meant to prevent another tragedy like the Wedgwood Senior Living Apartment fire, in which six residents were killed by a fire. This fire safety precaution can quickly end a fire before it becomes a devastating loss. Senior citizens sometimes have limited mobility and reduced hearing capability, making them a vulnerable population in the event of a fire. A complete fire sprinkler system is a necessary line of defense for this population.

OPPONENTS
SAY:

CSHB 3089 would burden existing private buildings by mandating significant building reconstruction without providing additional funding. While this bill may apply to only a few facilities in the state, the costs for updating the buildings are unknown and could have a substantial financial impact.

OTHER
OPPONENTS
SAY:

CSHB 3089 should be applicable to the entire state. All residential high-rises that house the elderly and other vulnerable populations should be required to have complete fire sprinkler systems.