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## OLR Bill Analysis

### sSB 845

#### ***AN ACT CONCERNING THE STATE FIRE PREVENTION AND FIRE SAFETY CODES, MEMBERSHIP OF THE CODE TRAINING AND EDUCATION BOARD OF CONTROL, APPOINTMENT OF A TEMPORARY FIRE MARSHAL AND REPORTS FILED AFTER A FIRE, EXPLOSION OR OTHER FIRE EMERGENCY.***

#### **SUMMARY**

This bill makes several unrelated changes in laws affecting fire codes, fire marshals, and related committees, boards, and reports. It aligns certain provisions in the state Fire Prevention Code with the state Fire Safety Code and establishes each code's applicability.

The bill applies the Fire Prevention Code to all buildings and structures constructed before January 1, 2006, generally conforming to current practice. Existing law requires a nine-person advisory committee to coordinate with the State Fire Marshal to administer the Fire Prevention Code. The bill renames this committee the "Fire Prevention Code Committee" and makes conforming changes throughout. It also requires the committee to adopt regulations, in accordance with the Uniform Administrative Procedure Act (UAPA), to govern the committee's procedures. Under the bill, those aggrieved by the State Fire Marshal's decision on a local fire marshal's interpretation of the Fire Prevention Code must appeal to the committee before appealing to Superior Court.

Additionally, the bill applies the Fire Safety Code to buildings and adjacent areas constructed on or after January 1, 2006, and generally expands existing coverage to include structures and areas adjacent to structures. It requires the Fire Safety Code to be based on nationally recognized model life safety codes, in addition to nationally recognized model fire codes required under existing law. The bill requires the Fire Safety Code to include provisions for smoke detectors and warning equipment that use any power source permitted under

the code for certain new residential buildings and other residential buildings installing or replacing equipment. It also eliminates references to regulations established in or under the code and provisions establishing required capabilities and certain technical specifications for smoke and carbon monoxide detection and warning equipment.

When a local fire marshal can no longer serve due to death, disability, dismissal, retirement, or revocation of his or her certification and there is no existing deputy fire marshal, current law authorizes municipal officials or entities to appoint a deputy fire marshal as the acting fire marshal. The bill instead allows the officials to appoint a person who holds a fire marshal certification issued by the State Fire Marshal and the Codes and Standards Committee. Existing law limits this position to a maximum of 180 days.

It also (1) changes membership and appointment requirements for the Code Training and Education Board of Control and (2) eliminates certain municipal reporting requirements related to fires, explosions, or other fire emergencies.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, and applicable to appointments made on and after this date for provisions on appointments to the Code Training and Education Board of Control.

## **FIRE PREVENTION CODE**

### ***Applicability (§ 1)***

The bill applies the Fire Prevention Code to buildings and structures constructed before January 1, 2006, generally conforming to current practice, and requires the code to include provisions for activities occurring on or within these buildings and structures.

### ***State Fire Marshal Decision Appeals (§ 3)***

The law requires the State Fire Marshal to review a local fire marshal's decision upon request or when he has reason to believe that the local fire marshal has misconstrued or misinterpreted a provision

of the Fire Prevention Code. If the State Fire Marshal determines the code has been misconstrued or misinterpreted, he must issue an interpretation of the code and may issue any order he deems appropriate. Under current law, anyone aggrieved by the State Fire Marshal's decision resulting from this review or his decision relating to enforcing the Fire Prevention Code may appeal to Superior Court. The bill requires an aggrieved person to first appeal to the Fire Prevention Code Committee within 14 days after the person receives the State Fire Marshal's decision. The bill requires any hearing the committee holds to comply with the UAPA.

### ***Inspections (§ 8)***

Existing law authorizes local fire marshals and the State Fire Marshal to inspect buildings, facilities, and other areas regulated by both the Fire Prevention Code and the Fire Safety Code. It also allows the State Fire Marshal to amend either code to establish a schedule for inspections of different building uses regulated under the codes.

The bill requires local fire marshals to inspect or cause to be inspected all buildings and facilities of public service and occupancies regulated by the State Fire Prevention Code at least once per calendar year, or as often as the State Fire Marshal prescribes, as required for the Fire Safety Code under current law. Existing law and the bill exempt residential buildings designed to be occupied by one or two families from this requirement and instead require they be inspected upon the owner or occupant's complaint and only to determine whether smoke detector and warning equipment requirements have been met. Existing law, unchanged by the bill, requires local fire marshals to submit a written report to the local or regional school board documenting any inspection of a school building.

## **FIRE SAFETY CODE**

### ***Applicability (§ 5)***

The bill applies the Fire Safety Code to buildings and adjacent areas constructed on or after January 1, 2006, and generally expands its coverage to include structures and adjacent areas. By law, the code does not apply to private dwellings occupied by one or two families.

***Citations, Injunctions, and Penalties (§§ 2 & 16)***

The bill extends to the Fire Safety Code certain provisions related to fire marshal orders, citations, and penalties under the Fire Prevention Code. These include provisions allowing the State Fire Marshal or local fire marshals to (1) order a building owner or occupant to remedy conditions that violate the code, (2) file an injunction to close or restrict the use of the property until the condition has been remedied, and (3) issue a citation instead of an order. They also include the following penalties: (1) \$50 per day for each day a violation continues when a fire marshal has ordered a building owner or occupant to remedy a condition and (2) a fine of up to \$250 for anyone issued a citation.

By law, a person who violates the Fire Safety Code must be fined up to \$1,000 with a \$200 mandatory minimum, imprisoned up to six months, or both.

***Smoke and Carbon Monoxide Detection Requirements (§ 5)***

The bill requires the Fire Safety Code to include provisions for smoke detectors and warning systems that use any power source allowed under the code for residential buildings designed to be occupied by one or more families (1) when a smoke detector is installed or replaced or (2) for which a building permit for new occupancy is issued on or after July 1, 2021.

The bill eliminates provisions that under current law establish requirements for smoke detectors, including requirements related to accompanying literature; technical capabilities; and separate requirements for hotels, motels, and inns. It also eliminates current law's provisions establishing requirements for carbon monoxide detectors, including installation and use specifications; equipment location, power requirements, and standards; exemptions for certain buildings; and testing and inspection.

Existing law prohibits the issuance of a certificate of occupancy for residential buildings generally subject to requirements for smoke and carbon monoxide detectors unless the local fire marshal or building official certifies that the building equipment complies with the Fire

Safety Code. The bill requires the local fire marshal or building official to additionally certify that the smoke and carbon monoxide equipment comply with the State Building Code.

### ***Fire Zones (§ 6)***

The bill requires the Fire Safety Code to require the establishment of one or more fire zones that allow fire and other emergency equipment orderly access to buildings or facilities open to the public, as required under the Fire Prevention Code under current law.

### **§ 13 — CODE TRAINING AND EDUCATION BOARD OF CONTROL**

The bill changes the composition of the seven-member Code Training and Education Board of Control. Under existing law and the bill, one member must be a building professional (e.g., an architect or engineer) appointed by Department of Administrative Services commissioner. Table 1 shows appointment requirements for the remaining six members under current law and under the bill. By law, the board promotes code training and education, and members serve three-year terms.

**Table 1: Code Training and Education Board of Control Membership**

<b><i>Membership</i></b>	<b><i>Under Current Law</i></b>	<b><i>Under the Bill</i></b>
Building Code Training Council	Three members, appointed one each by the House speaker, and House majority and minority leaders	One member, appointed by the Senate minority leader
Fire Marshal Training Council	Three members, appointed one each by the Senate president pro tempore and the Senate majority and minority leaders	One member, appointed by the House minority leader
Codes and Standards Committee	N/A	Four members, appointed one each by the top four legislative leaders

### **§ 15 — MUNICIPAL REPORTS FOR FIRES, EXPLOSIONS, OR OTHER FIRE EMERGENCIES**

By law, when a fire, explosion, or other fire emergency occurs, the fire chief or local fire marshal with jurisdiction over the location must report to the State Fire Marshal on facts relating to the incident's cause, origin, kind, and estimated value and ownership of damaged or destroyed property, along with other information as the State Fire Marshal prescribes. The bill eliminates a requirement that this report include (1) the name of each firefighter who was present at the incident and, as a result, exposed to heat, radiation, or a known or suspected carcinogen and (2) the duration of each such firefighter's exposure.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/24/2021)