

BILL ANALYSIS

C.S.H.B. 4011
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties explain that a large number of people in Texas have died as a result of fires in multifamily residential buildings that did not have a fire protection sprinkler system but assert that the danger of loss of life from a fire in such a building equipped with a sprinkler system is eliminated. While sprinklers have been required in new buildings for some time, the parties note that many older buildings that predate the sprinkler requirements have been grandfathered in under older versions of the building codes. Since the jurisdictions across the state have vastly different resources and needs, the parties note that retrofitting older buildings with sprinkler systems statewide is not an easy process. C.S.H.B. 4011 seeks to address the need to retrofit these potentially dangerous buildings while preserving the ability of local jurisdictions to manage retrofitting in a way that best meets the needs of the local community.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4011 amends the Government Code to require a local government with a fire department, not later than December 1 of each year and in collaboration with the local government's fire department, to submit to the state fire marshal a report on residential high-rise buildings used primarily for a residential purpose and that extend 75 feet or more from the ground that are located in areas served by the fire department that are not currently fully equipped with a fire protection sprinkler system in good working order. The bill prescribes the information required to be included in the report for each building.

C.S.H.B. 4011 authorizes the state fire marshal to conduct an inspection or further investigation of a residential high-rise building described by a submitted report; to monitor a plan submitted with a report that addresses issues preventing a building from being equipped with a fire protection sprinkler system in good working order; and to consult with a local government and fire department on best practices related to fire safety for residential high-rise buildings. The bill requires the state fire marshal to prepare and electronically submit to the governor, lieutenant governor, and members of the legislature a report of the information collected and analyzed under the bill's provisions and an assessment of the proposed actions and plans. The bill authorizes the state fire marshal's report to also include any other information and recommendations that the state fire marshal considers necessary. The bill's provisions expire August 31, 2019.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4011 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 417, Government Code, is amended by adding Section 417.011 to read as follows:

Sec. 417.011. REPORTING AND MONITORING OF FIRE PROTECTION SPRINKLER SYSTEMS IN RESIDENTIAL HIGH-RISE BUILDINGS

(a) In this section:

(See subdivision (3) below.)

(See subdivision (4) below.)

(1) "Local government" means a municipality, a county, a special-purpose district or authority, or any other political subdivision of the state.

(2) "Residential high-rise building" means a building used primarily for a residential purpose and that extends 75 feet or More from the ground.

(3) "Fire department" means a department of a local government that is staffed by permanent, full-time employees of the local government and that is organized to prevent or suppress fires.

(4) "Fire protection sprinkler system" means an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to:

- (A) extinguish, control, or contain fire; and
- (B) provide protection from exposure to fire or the products of combustion.

(b) Not later than December 1st of each year, beginning with December 1, 2015, local governments and fire departments will coordinate to submit to the fire marshal:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 417, Government Code, is amended by adding Section 417.012 to read as follows:

Sec. 417.012. REPORTING AND MONITORING OF FIRE PROTECTION SPRINKLER SYSTEMS IN RESIDENTIAL HIGH-RISE BUILDINGS;

EXPIRATION. (a) In this section:

(1) "Fire department" means a department of a local government that is staffed by permanent, full-time employees of the local government and that is organized to prevent or suppress fires.

(2) "Fire protection sprinkler system" has the meaning assigned by Section 6003.001, Insurance Code.

(3) "Local government" means a municipality, county, or special district.

(4) "Residential high-rise building" means a building used primarily for a residential purpose and that extends at least 75 feet from the ground.

(See subdivision (1) above.)

(See subdivision (2) above.)

(b) Not later than December 1 of each year, a local government with a fire department, in collaboration with the local government's fire department, shall submit to the state fire

(1) A report of all residential high-rise buildings within that local government jurisdiction that are not currently equipped with a fire protection sprinkler system in good working order, including the following information for each building:

(A) if the building has a fire protection sprinkler system in only part of the building, and if so, what part;

(B) the building's street and mailing address;

(C) the name of the owner of the building;

(D) the number of current occupants;

(E) if at least 50% of the occupants are senior citizens, disabled, or mobility impaired;

(F) any previous safety violations; and

(G) any other information requested by the fire marshal.

(2) If residential high-rise buildings that are not currently equipped with a fire protection sprinkler system in good working order are present in a jurisdiction, then the local government and fire department must also submit:

(A) what steps, if any, have been taken to address the issue; and

(B) what plans, if any, are in place to address the issue and when the plans will be implemented.

(See subsection (b), subdivision (1), paragraph (G) above.)

(3) The fire marshal may conduct inspections or further investigations.

(4) The fire marshal may consult with local governments and fire departments, advise on best practices, and monitor action plans.

(5) The fire marshal shall prepare and submit electronically to the Legislature a report of the information collected and analyzed under this section and an assessment of the actions and proposed plans. The report may also include any

marshal a report on residential high-rise buildings located in areas served by the fire department that are not currently fully equipped with a fire protection sprinkler system in good working order. The report must include the following information for each building:

(1) whether the building has a fire protection sprinkler system in only part of the building, and if so, which part;

(2) the building's street and mailing address;

(3) the name of the owner of the building;

(4) the number of current occupants;

(5) whether at least 50 percent of the residents of the building are elderly individuals, individuals with disabilities, or individuals with impaired mobility;

(6) a listing of previous safety violations;

(See subdivision (9) below.)

(7) the action, if any, that has been taken to address issues preventing the building from being equipped with a fire protection sprinkler system in good working order;

(8) the plan, if any, that is in place to address issues preventing the building from being equipped with a fire protection sprinkler system in good working order and the date the plan will be implemented; and

(9) any other information requested by the state fire marshal.

(c) The state fire marshal may conduct an inspection or further investigation of a residential high-rise building described by a report submitted under this section, and the state fire marshal may monitor a plan submitted under this section. The state fire marshal may consult with a local government and fire department on best practices related to fire safety for residential high-rise buildings.

(d) The state fire marshal shall prepare and electronically submit to the governor, lieutenant governor, and members of the legislature a report of the information collected and analyzed under this section and an assessment of the proposed actions

other information and recommendations that the fire marshal considers necessary.

(6) This section expires August 31, 2019.

SECTION 2. This Act takes effect September 1, 2015.

and plans. The report may also include any other information and recommendations that the state fire marshal considers necessary.

(e) This section expires August 31, 2019.

SECTION 2. Same as introduced version.