



Long Island Builders Institute

**TESTIMONY OF THE
LONG ISLAND BUILDERS INSTITUTE
BEFORE THE
STATE BUILDING CODE COUNCIL**

*HAUPPAUGE, NY
SEPTEMBER 5, 2019*

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The Long Island Builders Institute is providing our list of concerns that we would like to see addressed as New York State moves to the 2020 family of codes. LIBI is very concerned that a number of new provisions will make the code more difficult to implement and may be unnecessary.

Fire Sprinklers 1-2 Family Homes

In three years since New York State moved to 2015 ICC code, no new states have mandated sprinklers. It is still only California and Maryland. I think that speaks volumes about how unnecessary this proposal is.

Home builders will always support stringent fire safety code changes when they make sense, such as hard-wired, battery operated, smoke alarms. However, as a society, we cannot afford to deny needed housing for the sake of new requirements without proven benefits. While they should remain an option for home owners who choose them, fire sprinklers in single-family homes are expensive to install, can be difficult to maintain and do not represent a cost-effective safety improvement over smoke alarm systems.

Homebuilders have a vested interest in the safety of their products both during the building process and after the house becomes someone's home. Whenever changes are proposed to the building codes that govern how homes are constructed in each community, the homebuilder acts as a consumer advocate. It's the homebuilder's role to make sure that these proposals are necessary and that they are cost effective before they are adopted so that homes stay affordable.

Homebuilders would never diminish the important role that cost-effective building codes play in providing for occupant safety and health; in fact, new homes are safer than ever. However, as a society, we cannot afford to deny needed housing for the sake of new requirements without proven benefits.

Because of changes in residential construction technology, improved building code requirements –especially for electrical and smoke alarm systems – consumer behavior and the concerted efforts of fire fighters, home builders and other safety advocates, the number of fatal fires has dropped dramatically in the last 20 years. This trend continues and the decline is even more impressive given the significant population growth and growth in housing stock our nation has seen over that time.

The National Fire Protection Association's (NFPA) data continues to affirm that the vast majority of home fire fatalities occur when there are no operational smoke alarms. Thanks to widespread installation of residential smoke alarm systems in recent years, Americans are safer than they've ever been. A 2014 study on the presence of working smoke alarms in residential fires from 2007-2011 showed that 74 percent of the fatal fires in single-family homes occurred where there were no hard-wired smoke alarms.

LIBI proactively sought legislation, which was enacted in 2014 which requires home builders to provide purchasers with materials prepared by Office of Fire Prevention and Control on fire sprinklers prior to entering into a contract for the construction of a new home. This made home builders the biggest promoters of fire sprinklers in New York State.

Fire sprinklers mandate supporters continue to claim that sprinklers cost only \$1.35 a square foot and would only cost a couple thousand dollars per house. This is a complete misinformation campaign on their part. Their own numbers do not even back up this claim.

The NFPA's Research Foundation 2013 Cost of Residential Sprinkler Final Report looked at three new homes in Greenburgh, NY that had fire sprinklers installed and found that the average total cost of the sprinkler system for the three homes is \$13,333 and ranged from \$8,000 to \$21,000. NYSBA surveyed members across the state and found actual costs on homes ran from \$15,000 - \$31,000. (We can easily provide you with further data, if required).

Currently the only towns in New York State that mandate fire sprinklers are all located in Westchester County and the average price for new homes in these municipalities range from \$750,000 to over \$1 million dollars. We believe, like most New Yorkers that informed, consumer choice is the correct answer here. Homebuilders have no desire or motivation, financial or otherwise, to deter homebuyers from choosing to include fire sprinklers in their new home. The fact, which seems to be ignored by supporters of this legislation, is that homebuyers choose not to install fire sprinklers —thus, desire to mandate them.

This is why we believe it is vital to keep New York's fire sprinkler requirements as they are.

Fire Sprinklers Townhouses

Switching from two-hour firewall to one-hour firewall and sprinklers will not only greatly increase costs, but also not solve anything. Builders have provided estimates of including sprinklers with a one-hour fire wall increasing costs between \$7,000 and \$8,000 (and this is before markup). A two-hour firewall costs \$2000. So there is no way that moving to a one-hour fire wall with sprinklers will ever be close to being cost neutral.

Further, no builder will chose to use one-hour fire wall, period. Any builder will tell you removing a layer of firewall removes a level of sound protection. This is a requirement that the owner will insist on having.

Another issue we have found is that cities with aging infrastructure are incapable of handling new townhouse developments. Three-story projects have been denied due to supply and pressure not being adequate.

What are the options then, water tank and pumps? Municipalities with aging infrastructure already have to supply schools, apartment buildings and hotels. They are telling our members that if sprinklers are added, projects will not be built.

We believe that the current code provides the best solution, either two-hour fire wall or one-hour fire wall and sprinklers.

Fire Code Appendix D

Clearly when the fire accessibility codes were drafted, they were written to address the concerns of firefighters. But the authors had little or no knowledge of other rules that govern the design of roadways and intersections. Consequently compliance with Appendix D can potentially result in conflicts with other regulations and design criteria. For example, the requirement for a second access road based on the dimension of a parcel diagonals, could place intersections too close to other existing intersections- both adjacent and offset intersections. Separations are required to give drivers time for decision making when intersection movements potentially place vehicles in conflict with one another.

Appendix D also gives no consideration to the sight distances along horizontal and vertical curves. Intersections need to be located where drivers entering roads have sufficient visibility along these roads to see vehicles approaching at speed. This is necessary to ensure that drivers have sufficient time to safely enter the roadway. Simply requiring and locating additional access points because of the number of homes in a neighborhood and the dimensions of the parcel being developed – without regard to other critical safety design standards – does not protect the public. To the contrary, it can place the public in harm's way.

We are requesting that Appendix D of the 2015 IFC should not be incorporated by reference.

International Residential Code

Appendix T: SOLAR-READY PROVISIONS—DETACHED ONE AND TWO-FAMILY DWELLINGS AND TOWNHOUSES

LIBI is very concerned over this provision. We think being able to handle the structural load in many older homes may make sense in certain situations and may require changes to present designs. Many lots/homes don't have good siting for rooftop solar, so whatever extra cost would be a waste.

ADA clarification issue

One of the main issues our members run into on Long Island has to do with the interpretation and application of ADA Guidelines, NYS Building Code requirements and Fair Housing Act requirements as they pertain to providing accessible parking spaces on townhouse-type condominium developments, specifically from a site design standpoint. As everyone is becoming more sensitive to the ADA issues, ADA consultants are being brought in to confirm conformance with ADA guidelines. However, the ADA Guidelines are vague and/or do not address certain specifics with respect to accessible routes for accessible units in these projects. When we dig into the details with the consultants, they are defaulting to the most conservative interpretations, which would require things that no developers are currently doing, or have done in the past on these types of projects.

We all understand which units are covered by the Fair Housing Act and various codes with respect to providing for accessibility – essentially, first floor units that are single-story are required to be accessible. The question is what constitutes “accessible” when dealing with townhouse-type units that have garages, especially when they’re mixed in with 2-story units in the same building cluster. The answer is obvious when they don’t have garages – accessible parking needs to be provided, and there has to be an accessible route to the unit. In the past, Code Consultants have provided the opinion that providing an accessible route from the driveway to the front door was sufficient for these units. Just recently, however, we had an issue where a Code Consultant initially agreed with this interpretation and signed off on a project. However, when questioned further regarding this specific issue, they came back with a different answer based on the fact that they could not find specific guidance in any of the regulations for this specific situation. They are now advising, based on a lack of specificity in the codes and regulations, that builders take the most conservative approach, which involves providing driveways at these units that conform in all respects to accessible parking spaces (8’ + 8’ aisle), no more than 2% grade in any direction, and an accessible route to the front door. In addition, they are recommending that the builders provide 14’ wide garages for these units. No builder to our knowledge has constructed a Townhouse development in this way, and should they decide to follow this advice it would have a serious impact on the layout of these sites – especially since the accessible units are typically scattered throughout the projects within rows of non-accessible units, and often share driveways with non-accessible units. Conforming to this scheme would require significant architectural and site layout changes. In addition, the assumption has always been that accessible spaces need to be provided at any of the public amenities (clubhouse, etc.). However, as part of this interpretation we are now being told that there should also be an accessible route from each accessible unit to the clubhouse, no matter how far away. In some cases, the developers have not even provided interior sidewalks in these projects, which would be a problem under this interpretation. Overall site grading also becomes a big issue under this scenario.

Local Municipalities

The Residential Code needs to clarify what information may be requested by local municipalities with regard to building and engineering permits. We have found different building inspectors requesting information that other building inspectors say is not permitted or not needed.

The Code also needs to clarify and to determine what an engineer can certify to.
