



ICC Rejects NAHB's Appeal of Residential Fire Sprinkler Mandate

By *Lauren W. Taylor*

On December 19, 2008, the International Code Council (ICC) Board of Directors voted unanimously to reject an appeal by the National Association of Home Builders (NAHB) seeking to remove residential fire sprinkler requirements from the 2009 edition of the International Residential Code (the Code). This action followed a unanimous vote by the ICC Appeals Board to reject the NAHB's appeal. As a result, the fire sprinkler mandates will be part of the 2009 Code and will be required in all one- and two-family homes and townhouses that build to the Code as of January 1, 2011. The International Residential Code is a model code that regulates new home construction and has been adopted in 48 states, including Pennsylvania, New Jersey and Delaware.

The NAHB's appeal centered not on the substance of the Code change, but instead had asked the ICC to set aside the vote taken at the ICC's annual conference in September 2008 because of alleged procedural irregularities, including an assertion that fire fighters, who had been credentialed by ICC as voting Governmental Members, should not have been permitted to vote in the ICC process. NAHB also raised concerns about the influence of third-party funding and questioned the qualifications of many of the newly designated voting representatives who did not seem to satisfy the ICC bylaws requirement that they be employees or public officials of the jurisdiction actively engaged in code enforcement or administration. Fire sprinkler advocates, including manufacturers and installers as well as fire officials, had created a coalition to push for mandating the sprinkler requirements in the Code. Their multimillion-dollar campaign included covering travel expenses for fire fighters and other supporters of the fire sprinkler mandates to attend the ICC's hearings and vote in favor of the sprinkler mandates. The NAHB reported that the number of registered voters nearly doubled the day before the sprinkler mandate vote took place, and the total votes cast for the fire sprinkler mandates were nearly twice the number of votes cast for any other proposal voted on that same morning and more than six times the number of votes cast on other issues that same afternoon, suggesting that members of this interest group were recruited to show up and vote in favor of the fire sprinkler mandates.

While the ICC Appeals Board agreed that many of the issues raised by the NAHB merited further review by the ICC board, it found insufficient grounds to recommend setting aside the vote on the fire sprinkler mandates.

Despite the vote, the NAHB's position remains that residential fire sprinkler systems should not be mandated for all one- and two-family homes. Other organizations have also opposed the sprinkler requirements, noting that the sprinkler mandates will allow sprinkler manufacturers and installers to reap large profits and that the Code may increase the cost of building a home by \$12 per square foot. A survey by the NAHB shows that only 15 percent of homebuyers are willing to spend that much money on sprinklers.

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