



PORTSMOUTH FIRE DEPARTMENT

ADMINISTRATION

February 4, 2020

Chair Melanie Levesque
Senate Election Law and Municipal Affairs Committee
107 North Main Street
Concord, NH 03301

Re: Testimony regarding SB 458

Chair Levesque and Members of the Senate Election Law and Municipal Affairs Committee:

Thank you for the opportunity to provide written testimony on this matter. My name is Patrick Howe and I am a Deputy Fire Chief in the City of Portsmouth.

Portsmouth is a unique community. The great percentage of residences are single family homes constructed in the early to mid 1900's. Given the desirability of the City and the surrounding area, rising home values are fostering a wave of owners who advertise individual rooms or entire houses for short-term rental. Until recently, this practice went relatively unnoticed. The Portsmouth Fire Department's interest with this practice relates to the safety and welfare of our guests.

It is a well documented fact that smoke alarms and carbon monoxide detection save lives. Recognizing this State of New Hampshire enacted RSA 153:10-a entitled: Automatic Fire Warning Devices and Carbon Monoxide Detection Devices in Dwellings. In its simplest form, the law directs that the owners of single-family dwellings, multi-unit dwellings, and rental units SHALL install smoke detectors, and, if there are attached garages and/or appliances that burn solid, liquid, or gas fuel, carbon monoxide detectors. These requirements differ based on whether the dwelling units are existing or new construction and owner occupied or rentals. The Office of the State Fire Marshal has published informational bulletins which clearly outline the requirements of the law in plain language.

The Portsmouth Fire Department has no concerns with the concept of short-term rentals in general. Our only concerns relate to the fire and life safety implications as they affect those renting and staying in these properties. We have two specific concerns with this proposed legislation related to fire and life safety. These concerns are:

1. Limiting the ability to compel access for inspection to only "that part of any single family or multi-unit dwelling that is used as a vacation rental or short term rental".



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2. The appearance that this proposed legislation would not allow that fire and life safety code violations unrelated to smoke and carbon monoxide detection to be addressed.

The concern with limiting these inspections to those areas being used as a short-term rental is that other areas within the building/dwelling unit have a significant impact on the life safety of all of the occupants within the building regardless of their location. An example of this is within RSA 153:10a itself. In order to comply with this law in rental units, hardwired interconnected smoke alarms with battery back-up are required in each story of the dwelling unit including basements. Carbon monoxide detectors are also required on every level of the dwelling unit including basements. These requirements are important because a fire originating on another level can quickly cut off emergency egress routes throughout the building/dwelling unit. Early detection and notification of building occupants is essential.

Multiple studies have shown that having interconnected smoke alarms on every level, in every bedroom, and outside of every sleeping area plays a crucial role in their effectiveness in saving lives. In a Green and Andres report for the United States Consumer Product Safety Commission titled *2004-2005 National Sample Survey of Unreported Residential Fires* it was determined that a smoke alarm was almost 10 times as likely to sound in a fire when they were located on all floors as compared to when smoke alarms were not located on all floors (2009). This report went on to show that interconnected smoke alarms alerted occupants to fires at a rate almost three times as often as compared to smoke alarms that were not interconnected. A 2015 study by the Federal Emergency management Agency titled *Civilian Fire Fatalities in Residential Buildings* points out that the leading human factor in fatal residential fires is being asleep. A 2008 report by John Park titled *Why Smoke Alarms Fall Short of Their Full Potential* found that smoke alarms in bedrooms should be interconnected with smoke alarms in other areas of dwelling units since the majority of fatal home fire victims are not located in the room of fire origin. These studies, combined with our own personal experience, demonstrate that smoke detection must occur throughout the building in order to be truly effective in reducing the loss of life in residential fires, which is where 80 to 85 percent of civilian fire deaths occur annually. This is one of the reasons that it is important to inspect the entire dwelling unit when accessing compliance with the smoke alarm and carbon monoxide detection requirements of NH RSA 153:10a.

Although somewhat contradictory with other parts of the bill, the language "No official conducting such an inspection may utilize information gathered in an inspection of a single-family residence or multi-unit dwelling not related to adequate smoke and carbon monoxide detectors to impose a fine, violation, or other penalty, including a cease and desist order" appears to imply that other fire and life safety code violations cannot be appropriately addressed. This would place the public official conducting the inspection in the untenable position of discovering life safety deficiencies without being able to adequately address them. More importantly this would put those occupying the rentals at risk without their knowledge.



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Discoveries ranging from exposed electrical conductors due to missing cover plates on outlets or switches to unpermitted and illegal living spaces in attics and basements without proper emergency egress constitute an imminent danger hazardous to life and property. The language in this bill seems to limit the ability to adequately address these potential deadly violations.

Any short-term rental legislation must protect the guest, regardless of where the bed is located. Those who choose to offer accommodations to the public, whether it be a single room, or an entire home, have a responsibility, **by law**, to ensure that their guests are afforded the most basic of life safety protection. Excluding the ability to enforce nationally recognized minimum fire and life safety standards legally adopted at both the state and local levels would place an unacceptable risk on those renting these spaces. Given our concerns and the Portsmouth City Council's legislative principle of maintaining and improving life safety issues for our residents and visitors, the Portsmouth Fire Department opposes this bill as written.

A handwritten signature in black ink, appearing to read "P. R. Howe".

Patrick R. Howe
Deputy Fire Chief
Portsmouth Fire Department
170 Court St.
Portsmouth, NH 03801