



Home Builders, Illinois House look to weaken Fire Marshal authority

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State Fire Marshal can almost unilaterally make sprinklers mandatory in all new and some existing buildings

With opposition building, the Home Builders Association of Illinois is urging state lawmakers not to end this session without voting to give themselves authority to decide whether the state should mandate fire sprinkler systems.

House Bill 4609, sponsored by Rep. Sara Feigenholtz (D-Chicago), would prevent Illinois State Fire Marshal Larry Matkaitis from unilaterally producing rules and winning approval of them through a small, obscure legislative panel that would mandate fire sprinkler systems in newly constructed homes, multi-unit residential buildings, existing high-rises and many other existing commercial buildings.

A similar effort by Matkaitis to use rulemaking approved by the Legislature's Joint Committee on Administrative Rules (JCAR) last year stalled amid widespread public backlash. Feigenholtz then sponsored HB 4609 this year to ensure the Legislature would have the say on such an important policy decision.

But as lawmakers hit a key deadline for bill passage last week before spring break, opposition is mounting from the Fire Marshal. HBAI signed in support of HB4609 along with the Illinois Association of Realtors, Illinois Municipal League, the City of Chicago, the Chicagoland Apartment Association, Building Owners & Managers Association – Chicago, the Chicagoland Chamber of Commerce, the Illinois Restaurant Association, the Illinois Society of Professional Engineers, and others.

“Opponents to HB4609 wish to maintain the Fire Marshal's authority on this matter and hope to take another run at a rulemaking in 2015, said Bill Ward, Executive Vice President of the Home Builders Association of Illinois (HBAI). “Forty-four states have affirmatively denied this type of statewide mandate,

and only two states, California and Maryland, have passed the fire sprinkler law. No state has implemented the mandate by administrative rule.

HBAI played a role last summer in Matkaitis' decision to pull the rule from consideration by JCAR, a 12-member commission that reviews state agency rulemaking. After a series of town hall meetings revealed widespread opposition to the idea, Senate President John Cullerton urged Matkaitis to retract the rule, which he did shortly thereafter.

"The decision whether to impose such a drastic and far-reaching mandate on the citizens and communities of Illinois is a decision that belongs to the elected members of the General Assembly, who are charged with making that determination," Cullerton wrote in his July 31, 2013, letter to Matkaitis.

HB 4609 would in no way prevent the Fire Marshal from introducing his sprinkler mandate as a bill to be thoroughly considered and debated in front of the 177 members of the Legislature. It passed a House committee 17-2 in late March but now is running into opposition as the bill passage deadline arrives.

Two members of JCAR – Reps. Greg Harris and David Leitch – have joined Feigenholtz as co-sponsors of HB 4609. HBAI appreciates Speaker Madigan's support last year in opposing the rulemaking and trusts that support for the group will continue this year.

"The membership of HBAI is joined several other groups and associations who wish to elevate the question of a statewide fire sprinkler mandate to the full consideration of the General Assembly and the Governor. Citizens will have the proper opportunity to state their positions, the issue will receive adequate public transparency in the media, and all elected Illinois lawmakers will have an opportunity to vote on this expensive, unnecessary and unreasonable proposal," Ward said.