

# Senate Commerce Committee

*Aaron Jones 271-2609*

**SB 282**, relative to stairway requirements in certain residential buildings.

**Hearing Date:** February 20, 2025

**Time Opened:** 10:03 a.m.

**Time Closed:** 10:27 a.m.

**Members of the Committee Present:** Senators Ricciardi, Murphy, McGough and Reardon

**Members of the Committee Absent :** Senators Innis and Fenton

**Bill Analysis:** This bill allows residential buildings between 6 and 4 floors above grade to have only one stairway under certain conditions.

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**Sponsors:**

Sen. Murphy  
Rep. Osborne

Sen. Pearl  
Rep. Alexander Jr.

Sen. Innis

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**Who supports the bill:** Senator Keith Murphy, Senator Howard Pearl, Nick Taylor (Housing Action NH), Samuel Hooper (Institute for Justice), Jack Ruderman (NH Housing), Curtis Howland, Gordon Springate, James Gardner, Theresa Chabot

**Who opposes the bill:** Scott Tenney (NHBOA), Brodie Deshaies (NHMA), Sarah McCarthy, Rosina Lis, Daniel Richardson, Katharine Richardson, Melinda Simms, Rodney Simms

**Who is neutral on the bill:** Sean Toomey (State Fire Marshal's Office)

**Summary of testimony presented in support:**

***Senator Keith Murphy***

- There has been a national movement to lessen the requirement of having two stairways in multi-unit buildings. Some cities and states have expanded this to buildings that are six stories or less.
- Stairways are expensive, and they remove valuable living space, so this bill would help reduce costs considerably.
- Senator Murphy said Amendment 25-0528s addressed concerns raised by the State Fire Marshal, such as buildings must be sprinkled to qualify for one stairway, there would be square footage requirements, and electrical receptacles would not be allowed in the exit stairways.

***Nick Taylor, Director, Housing Action NH***

- 17 states, including New Hampshire, have legislation to study or bring forward these changes.
- Municipal codes in Seattle, New York City, Honolulu, Knoxville, and Jackson, allow for a single stairway up to six stories.
- Mr. Taylor said creative ways are necessary to safely allow more housing without subsidies.
- Municipalities have complained that single-family buildings have a boxy structure; however, part of it can be attributed to the fire code requiring a long hallway with two exits.
- Newer multi-family buildings are among the safest because there have been advances in sprinkler systems as well as fire resistant walls and doors.

***Samuel Hooper, Legislative Counsel, Institute for Justice***

- This bill provided a good balance between public safety and enhancing property rights.
- The main problem has been a lack of room for larger buildings with double corridors. If a building had a smaller footprint, it would be more affordable to have a single corridor with one or a couple of apartments per floor.
- Dense, walkable urban areas have cheaper infrastructure, and they require less usage of a car.
- This bill would restore flexibility in residential designs, while also maintaining safety.
- Mr. Hooper said it was good to allow the market to provide a multiplicity of housing to suit the needs of different people.

**Summary of testimony presented in opposition:**

***Scott Tenney, New Hampshire Building Officials Association***

- While the proposed amendment reduced square footage, they were still concerned.
- This bill would use statutory law instead of an already established process for code amendments. This would create a conflict for end users, particularly builders, contractors, residents, and code officials, who refer to the State Building Code.
- Mr. Tenney said the Building Code Review Board should review the changes. If those changes become an amendment to the Building Code, it would clean up the differences between the codes. Any amendments would have to be ratified by the Legislature.
- In the upcoming code cycle, there is proposed language that is similar to this bill. If those changes came to fruition, Mr. Tenney said conflicts could be created.

### ***Brodie Deshaies, New Hampshire Municipal Association***

- They were opposed to this bill because it would water down safety requirements for the fifth and sixth level of a building, especially if they do not have sprinkler systems.
- They were concerned whether municipalities would have the capacity in their fire departments to have ladder trucks.
- They were concerned about the language allowing 10,000 square foot buildings that are less than four stories, but Mr. Deshaies recognized it had been addressed in the amendment.
- When buildings are less safety, and the chance of fire spreading is greater, it requires municipalities to invest more in their fire departments and their equipment.
- For cities and countries that have loosened their standards, they have additional requirements for the types of materials buildings are made from.
- While developers would like to see the codes loosened, Mr. Deshaies said there should be sprinkler system and flame retardant building supply requirements to prevent fires or additional cost impacts on municipal fire departments.
- **Senator Murphy** said the amendment corrected the square footage from 10,000 to 4,000. He clarified that this bill only applied to buildings that are sprinkled.
  - **Mr. Deshaies** said they had not seen the amendment, but they would review it.

### **Neutral Information Presented:**

#### ***Sean Toomey, State Fire Marshal, State Fire Marshal's Office***

- Under the State Fire Code, four-story buildings with a single stairway are allowed. Under the State Building Code, however, only three-story buildings are permitted. Fire Marshal Toomey said both codes needed to be aligned.
- Lines 13 to 26 of the amendment reflected national consensus around the building code for buildings up to four stories. Fire Marshal Toomey anticipated New Hampshire would be an early adopter of language that will be in the 2027 Model Building Code.
- Fire Marshal Toomey said five- and six-story buildings posed a unique situation, so they needed to take into consideration their construction type. Buildings made of light wood framing, for example, burn rapidly.
- For fire departments with a ladder truck, they have a chance to use the ladder if an exit is lost in buildings that are four stories. Ground ladders, however, would not reach the fifth and sixth story of a building.
- Fire Marshal Toomey said they needed to emphasize the local capabilities of fire departments because rural communities could struggle with taller buildings.
- In SB 373, the Legislature directed the Board of Fire Control and the Building Code Review Board to amend the codes, and those changes were ratified by the

Legislature. Fire Marshal Toomey appreciated an opportunity for the boards to be involved because it would be helpful for the end users, particularly home builders, contractors, and design professionals. Any changes to the code are made available on their website.

- **Senator Murphy** said fire fatalities in sprinkled buildings are almost unheard of. He asked how effective they were.
  - **Fire Marshal Toomey** said he did not have specific numbers, but the risk is very low in a properly sprinkled building. Typically, fatalities are intimate to the fire. In addition, incidents occur when sprinklers have been disabled or there is an issue with the system. There has been an increased trend in fire fatalities in residential structures; however, it has been reflective of smoke alarms missing. When systems are in place, and they are working, losses are minimized.
- **Senator Ricciardi** asked if he was concerned that many fire departments do not have a ladder truck that could reach buildings that are too tall.
  - **Fire Marshal Toomey** said for five- and six-story buildings. If there was not a conflict between the State Building Code and the State Fire Code, four-story buildings that are sprinkled with one exit could be built. They have not contemplated five- or six-story buildings. It is important to recognize that different departments have different capabilities to rescue someone if a sprinkler system or exit is lost. At that point, the only option is out the window.
- **Senator Ricciardi** said this could be a big cost to towns if they have to invest in a proper ladder. She asked if there were a reason carbon monoxide detectors were not included in the amendment.
  - **Fire Marshal Toomey** said the requirements for smoke alarms and carbon monoxide alarms were in the building and fire codes, and those were not being changed. The intent was to have a few more stories and one less exit in certain circumstances.
- **Senator Reardon** said there was a fire in Concord in a three-story building on a hill. The topography of the site meant the ladder trucks had to stretch to get to the top of the building, so she hoped topography could be looked at.
  - **Fire Marshal Toomey** replied that it would be site and locality specific. He believed cleaning up the conflict between three- and four-story buildings had to be done.