

HB 1555-FN - AS INTRODUCED

2026 SESSION

26-2830

06/08

HOUSE BILL **1555-FN**

AN ACT relative to the administration and enforcement of the state fire code.

SPONSORS: Rep. Layon, Rock. 13; Rep. Popovici-Muller, Rock. 17; Rep. Sabourin dit Choiniere, Rock. 30; Rep. C. McGuire, Merr. 27; Rep. Polozov, Merr. 10; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill:

- I. Authorizes local fire chiefs to grant variances from the state fire code.
- II. Establishes procedures and indemnification requirements for variance applications.
- III. Provides a 20-year exemption from retroactive fire code compliance for permitted construction.
- IV. Creates a de novo appeal process to the state fire marshal with further appeal to the building code review board.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the administration and enforcement of the state fire code.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; State Board of Fire Control; State Fire Code; Rules. Amend RSA 153:5 by
2 inserting after paragraph VII the following new paragraph:

3 VIII. A property owner that has commenced construction in accordance with a building
4 permit and has proceeded with that construction sufficient for the issuance of a certificate of
5 occupancy that is rendered non-compliant with the state fire code due to a change in the state fire
6 code that is adopted after the commencement of construction shall not, for a period of 20 years after
7 the issuance of a certificate of occupancy, be required to make any changes, retrofits, or
8 improvements to the work that was the subject of that permit in order to bring that work into
9 compliance with that subsequently adopted iteration of the state fire code. After the passage of 20
10 years from the date on which a certificate of occupancy is granted, such structure may be required to
11 make such repairs or improvements as may be necessary to bring the structure into compliance with
12 the then current iteration of the state fire code. This provision shall be applicable prospectively and
13 shall be effective for building permit applications issued on or after July 1, 2026.

14 2 New Paragraph; State Board of Fire Control; Approval of Plans for Construction or Revision of
15 all State Buildings Required. Amend RSA 153:8-a by inserting after paragraph II the following new
16 paragraph:

17 III. The state fire marshal or, by his or her direction, the deputy fire marshal shall also be
18 responsible for hearing appeals of any decision issued by the local fire chief, or the fire chief's duly
19 authorized subordinate, in accordance with RSA 154:2, II. The fire marshal shall hold a hearing
20 within 40 days of the receipt of an appeal, unless an extension of time has been granted by the fire
21 marshal at the written request of one of the parties, and shall render a decision in writing within 30
22 days of the conclusion of the hearing. The review of the fire marshal shall be de novo. The hearing
23 shall not be bound by the formal rules of evidence, and the fire marshal may consider the evidence in
24 the record transmitted by the fire chief or such other relevant evidence as may be admitted by the
25 fire marshal. In considering the appeal, the fire marshal may affirm, modify, or reverse any decision
26 issued pursuant to RSA 154:2, II-a. Any party aggrieved by a decision of the state fire marshal may
27 appeal that decision to the building code review board in accordance with RSA 155-A:11.

28 3 New Paragraph; Firewards, Firefighters, and Fire Hazards; Powers. Amend RSA 154:2 by
29 inserting after paragraph II the following new paragraph:

1 II-a.(a) All local fire chiefs and duly authorized subordinates shall be authorized to grant
2 variances from the strict application of the provisions of the state fire code under the following
3 circumstances:

4 (1) It is demonstrated that, owing to special conditions of the property, there is no
5 fair and substantial relationship exists between the general public purposes of the provision of the
6 state fire code and the specific application of that provision to the property and the proposed use is a
7 reasonable one; or

8 (2) It is demonstrated through a stamped certification provided by a fire safety
9 engineer or similar fire safety professional that an alternative means or method of construction or
10 alternative material satisfies the intent of the code and is as safe or safer than what would be
11 required through strict application of the state fire code.

12 (b) Any individual seeking a variance pursuant to Paragraph II-a shall be required to
13 provide the following signed statement as part of a complete application for a variance: "I hereby
14 acknowledge and assume all risks arising from any deviation from the strict provisions of the fire
15 code. In so doing, I hereby waive, on behalf of my heirs, successors, and assigns, all claims that I
16 may have against the regulatory authority granting said variance to the extent that such variance
17 was issued in good faith and without recklessness or gross negligence. I agree to indemnify the
18 regulatory authority issuing this variance from and against losses, damages, and judgments arising
19 from claims by third parties for property loss, injury, or death arising out of any variance from the
20 fire code authorized by the regulatory authority in accordance with RSA 154, II(c). The
21 indemnification shall include reasonable attorneys' fees and expenses recoverable under applicable
22 law. The indemnification provided herein shall apply to claims arising out of the negligent act,
23 error, or omission of the regulatory authority, acting in good faith, in granting the variance but shall
24 not apply to claims of recklessness, gross negligence, or intentional misconduct."

25 (c) Local fire chiefs may establish reasonable policies and procedures relative to the
26 applications for variances sought under Paragraph II-a.

27 (d) All decisions issued pursuant to Paragraph II-a shall be in writing and shall be
28 issued within either 30 days for residential properties and 60 days for non-residential properties
29 following the submission of a completed application.

30 (e) Any party aggrieved by a decision of a local fire chief and/or a duly authorized
31 subordinate pursuant to this Paragraph II-a may appeal such decision to the fire marshal. Any
32 such appeal shall be filed within 30 days of the date of the written decision by filing such appeal in
33 writing with the state fire marshal and by transmitting a copy of such appeal to the fire chief of the
34 municipality who issued the decision that is the subject of the appeal. Within 20 days receipt of such
35 an appeal, the fire chief shall transmit the record from the variance application, including, but not
36 limited to, all application materials, submittals, memoranda, correspondence, and decisions, to the
37 fire marshal.

HB 1555-FN - AS INTRODUCED

- Page 3 -

1 4 New Paragraph; State Building Code; Enforcement Authority. Amend RSA 155-A:7 by
2 inserting after paragraph V the following new paragraph:

3 VI. The state fire marshal shall have the power to approve, disapprove, or allow exceptions
4 to the state building code.

5 5 State Building Code; Appeals of Decisions of the State Fire Marshall. Amend RSA 155-A:11, I
6 to read as follows:

7 I. Any person aggrieved by a decision of the state fire marshal relative to the application and
8 enforcement of the state building code pursuant to RSA 153:8-a, I(a), [~~or~~] the state fire code, ***or an***
9 ***appeal of a decision of a local fire chief with regard to the grant or denial of a variance***
10 ***from the provisions of the state fire code pursuant to RSA 154:2, II(c)***, may appeal the decision
11 to the board.

12 6 Effective Date. This act shall take effect July 2, 2026.

**HB 1555-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the administration and enforcement of the state fire code.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$199,000	\$203,000	\$212,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Minimal Indeterminable Increase		

METHODOLOGY:

This bill:

- Implements a 20-year moratorium on state fire code enforcement following a certificate of occupancy.
- Adds a requirement for the State Fire Marshal to hear appeals of any decision issued by a local fire chief.
- Allows local fire chiefs and their authorized subordinates to grant variances to the state fire code.
- Adds a requirement for the State Fire Marshal to have the power to allow exceptions to the state building code.
- Adds a requirement to the Building Code Review Board to hear appeals of variances made by a local fire chief.

The Department of Safety states this bill adds work to the Division of Fire Safety to address appeals and state building code variances, which would require two new positions (assuming a

September 1, 2026 start date); a building inspector (SOC 47-08, step 3) at a cost of \$128,000 in FY 2027, \$117,000 in FY 2028, and \$122,000 in FY 2029, and an administrative assistant (SOC 43-04, step 3) at a cost of \$71,000 in FY 2027, \$86,000 in FY 2028, and \$90,000 in FY 2029. This bill provides neither authorization nor appropriation for new personnel.

The New Hampshire Municipal Association states this bill will result in a minimal increase in local expenditures of less than \$10,000 per municipality related to the development of policies and procedures related to the applications for local variances, plus any additional time needed to respond to appeals to the State Fire Marshal and/or the Building Code Review Board.

AGENCIES CONTACTED:

Department of Safety and New Hampshire Municipal Association