



DEPARTMENT OF BUILDINGS

CITY OF CHICAGO

July 9, 2013 **UPDATED**

Dear Design Professionals, Contractors and Property Managers,

As you may be aware, the Office of the State Fire Marshal (OSFM) has been attempting to pre-empt the long-standing fire and building provisions of the Municipal Code of Chicago (City Code). Some of you may even have been the recipient a citation from the OSFM even though your properties were in compliance with the City Code. While we all respect the concurrent jurisdiction of the OSFM, it is concerning that the OSFM is once again attempting to pre-empt the City Code.

On Friday June 28, 2013, the OSFM filed proposed rules with the Illinois Legislature's Joint Committee on Administrative Rules (JCAR). A full copy of the OSFM proposed rules can be found in the attached PDF.

JCAR's public comment period ends on August 12 and it is crucial that JCAR hears from as many adversely impacted parties as possible.

Below is a summary of the proposed OSFM pre-emptions as well as the imposition of additional duties and liabilities on architects, engineers and contractors:

- **mandates** that sprinklers be installed in **ALL new single family homes**,
- **mandates** that sprinklers be installed in **ALL single family homes where renovation work exceeds 50%** (the mandate is also silent as to when the 50% renovation figure is cumulative over an indefinite life of the house),
- **mandates** that sprinklers be installed in **ALL pre-1975 high-rise residential buildings** (regardless of whether those buildings have an Engineer's Life Safety Evaluation Plan approved by the City and regardless of whether those property owners have invested substantial sums in those life-safety capital upgrades),
- **mandates** that sprinklers be installed in **ALL places with assembly seating, including places of worship, over 700sf**, and
- **mandates** that sprinklers be installed in **ALL places with assembly occupancies such as bars, dancehalls, night clubs and assembly spaces over 700sf (this will include restaurants with a liquor license with dancing or live music as those are categorized as nightclubs)**, and
- **mandates** that an **'architect, engineer, designer and contractor'** shall have a **DUTY and RESPONSIBILITY and BE HELD LIABLE** to ensure that the above provisions of the OSFM rules are followed on all projects (this is the first instance we are aware of where the OSFM has sought to regulate architects and engineers through the Fire Investigation Act).

Several organizations, including the Illinois Home Builders Association (IHBA) and the Illinois Realtors Association (IAR), have come out in opposition to the proposed OSFM rule. As the IAR points out in the attached materials, the additional cost to sprinkle a 3,100sf home exceeds \$10,000.00 not including maintenance or factoring additional long-term interest on financed new purchases or renovations.

Rather than repeat the other outstanding points made by the IAR we have provided the links to the IAR materials:

<http://www.illinoisrealtor.org/node/3329> ("Fire sprinkler mandates could slam homeowners with thousands in extra costs.")

<http://www.illinoisrealtor.org/sprinklers> ("Get all the facts on sprinkler mandates.")

<http://www.illinoisrealtor.org/sites/illinoisrealtor.org/files/Advocacy/Fire%20Sprinkler%20Mandate%20Impact.pdf> ("The impact of mandating residential fire sprinkler systems.")

As you are aware, by seeking to pass these laws through JCAR the laws will not be vetted by the full body of the Illinois Legislature. It is therefore imperative that any organization or member of the public that opposes the OSFM make their voices known directly to the 12 members of JCAR.

The attached PDF entitled "JCAR_101_fact_sheet" provides the process and timelines for submitting comments to the JCAR.

The attached PDF entitled "jcar_members_list" provides the JCAR membership along with their office address, phone number and e-mail.

JCAR's public comment period ends on August 12 and it is crucial that the members of the Committee hear from as many adversely impacted parties as possible. Note for the quickest response you can e-mail your objections to the Committee members.

As always thank you for your time and consideration.

Sincerely,



Michael Merchant
Commissioner
Department of Buildings