



HOME BUILDERS
ASSOCIATION
of
METRO DENVER®

March 13, 2023

City of Commerce City
Mayor Benjamin Huseman
Members of City Council
7887 E. 60th Avenue
Commerce City, CO 80022

Dear Mayor and Members of Council:

I am writing to submit formal comments requesting a proposed amendment to the 2021 International Residential Codes (IRC), specifically regarding and exemption for residential fire sprinklers - prior to the City's adoption.

These comments are being provided on behalf of the Home Builders Association of Metro Denver.

The HBA of Metro Denver represents over 500 homebuilders, developers, remodelers, architects, mortgage lenders, title companies, subcontractors, suppliers, and service providers in the eight metro-area counties we serve. In the Commerce City, HBA Metro Denver represents numerous builders and developers that are currently active with over 700 registered permits over the past year.

Based on staff testimony and subsequent comments made by members of the Commerce City Council during the City's November 14th Council Meeting, it is our understanding the City intends to impose a new fire sprinkler mandate on all single-family homes within 8' of the property line. While the proposal seems well intentioned, the apparent agreement also appeared to be negotiated on-the-fly, with more consideration placed on achieving consensus rather than on implementing sound public policy based on public safety criteria and empirical evidence and data.

The HBA of Metro Denver ("HBA") strongly recommends that Commerce City reconsider this proposal and amend out the requirement of residential sprinkler systems from the 2021 IRC as it has in previous code cycles.

Please find below the reasons that we are not in favor of adding residential fire sprinkler requirements in Single Family Attached (including townhomes) or Detached units to the building code:

- The number of home fires and fire deaths continue to decline as more new housing stock is constructed since new homes are built requiring superior safety code standards.
- The effectiveness of smoke alarms cannot be underestimated, reducing the number of fires and fatalities by 50 percent since 1980 and this figure continues to go down as smoke detector technology advances – like hardwired, interconnected smoke alarms now required in all new homes.

- Townhomes are generally constructed with a two-hour fire separation. A shaft wall system not only provides a sound buffer but provides a two-hour fire wall. This mitigates concerns about fires to the adjacent units.
- The additional costs to add residential sprinkler systems will push more aspiring homeowners in Commerce City out of the marketplace. It is quoted to cost over \$2.00 per square foot to add the sprinkler system to the home – adding an additional \$7,500 to the price of an average new home in Commerce City but there are additional costs to consider as well:
 - Architectural Drawings (\$1 per s/f added cost to each drawing = additional \$2,500+)
 - Delays in the permitting process
 - Sprinkler system testing (annual by the resident)
- The vast majority of Front Range municipalities and counties have continued to amend the residential sprinkler requirements out of their updated codes.
- If a home buyer would like residential fire sprinklers in their home, they can request the builder include the sprinkler system before the home is built.
- This regulation is premature. Currently, the state does not certify sprinkler systems, and there are not enough plumbers who are certified to do the work. This will inevitably cause further delays in the permitting process which adds costs to the home being built.
- Labor is already a huge challenge in the industry. Adding additional labor will further increase costs with an additional multiplier effect.
- Energy Efficiency polices will be counteracted by adding sprinkler systems when adding holes to a tight energy efficient home.

As all of you are acutely aware, housing attainability across the front range has only become more elusive given our recent environment of rising interest rates coupled with rampant inflation. Mortgage rates have increased from 3.1% at the start of the year to over 6.7% today – making it the largest magnitude increase for mortgage costs in decades.

Adding an additional \$7,500 increase to the price of a home through a sprinkler mandate will only continue to leave the housing market further out of reach for a larger number of aspiring homeowners. This additional cost is coming at a time when Commerce City has already recently passed several additional residential impact fee increases, compounding additional costs that will inevitably price many would-be residents out of the housing market. According to the National Association of Home Builders (NAHB), for every \$1,000 increase in purchase price, an additional 1,305 households are priced out of the market in the State of Colorado. Additionally, every quarter point increase in interest rates prices out an additional 1.3 million Americans of the housing market.

Many families who cannot qualify to purchase homes due to the increased costs from well-meaning, but expensive safety features will remain in housing that is more hazardous, because it was built to less stringent code requirements. These older homes can have outdated appliances, space heaters, faulty wiring, or other characteristics that might lead to a greater risk of a fire starting, or a lack of smoke alarms and egress windows installed to today's codes which increase the chances of dying in a fire.

Given the precarious environment that the residential construction industry finds itself, as well as the considerable financial challenges currently being confronted by thousands of Commerce City residents – a thoughtful code amendment exempting fire sprinklers for new homes will help to relieve unnecessary financial challenges for hardworking families while making your community safer. This does not preclude our industry from working with City and code officials in the future on this issue or other safety/code issues. We have

serious concerns with the lack of process and outreach that has gone into this code provision and we are always willing to discuss issues like this with City officials.

Thank you for your time and consideration of our analysis and position. Please feel free to reach to the HBA of Metro Denver, if you have any additional questions or concerns.

Sincerely,



Ted Leighty
Chief Executive Officer
Home Builders Association of Metro Denver

Cc: Jason Rogers, City Manager
Jim Tolbert, Community Development Director
Brian Foley, Chief Building Official