



NATIONAL ASSOCIATION OF STATE FIRE MARSHALS

**Statement of the National Association of State Fire Marshals
to the
House Committee on Veterans' Affairs Subcommittee on Health
U.S. House of Representatives
on HR 2065, The Safe Housing for Homeless Veterans Act
July 9, 2013**

Mr. Chairman and Honorable Members of the House Committee on Veterans' Affairs Subcommittee on Health, the National Association of State Fire Marshals (NASFM) is pleased to submit this statement for the record in support of HR 2065, the Safe Housing for Homeless Veterans Act. NASFM applauds Congressman McKinley's leadership on this issue.

NASFM's mission is to protect life, property and the environment from fire and related hazards. NASFM's members are the senior fire safety officials in the United States and the District of Columbia. State Fire Marshals' responsibilities vary from state to state, but most State Fire Marshals are responsible for fire safety code adoption and enforcement, fire and arson investigation, fire incident data reporting and analysis, public education and advising Governors and State Legislatures on fire protection matters. Some State Fire Marshals are responsible for fire fighter training, hazardous materials incident responses, wildland fires and the regulation of natural gas and other pipelines.

In connection with their code adoption and enforcement responsibilities, State Fire Marshals care deeply that occupancies of all kinds meet minimum safety code requirements -- particularly those in which groups of individuals, at least some of whom may be challenged physically, gather and spend the night. We have learned from HR 2065's sponsor, Congressman McKinley, that more than 67,000 veterans are homeless on any given night, and, over the course of a year, approximately twice that many experience homelessness. Just as our veterans helped to ensure the safety of Americans during their active service, the United States should do no less for them now, especially if they are experiencing the hardship of homelessness.

Without HR 2065, homeless veteran shelters are subject to whatever fire and building codes apply in their particular jurisdiction. In some places, the existing codes establish minimum requirements that are enforced. However, in some states, no minimum building or fire code requirements exist, except in the larger cities. And within states, code requirements can vary from jurisdiction to jurisdiction, as do the capabilities of code enforcement entities.

This is why it is crucial to include a provision in HR 2065 that would require any state or local code to provide an equivalent or higher level of safety than is provided by the Life Safety Code. According to the National Fire Protection Association, the scope of the Life Safety Code (also known as NFPA 101) is as follows: “The Code addresses those construction, protection, and occupancy features necessary to minimize danger to life from the effects of fire, including smoke, heat, and toxic gases created during a fire. The Code establishes minimum criteria for the design of egress facilities so as to allow prompt escape of occupants from buildings or, where desirable, into safe areas within buildings. The Code addresses other considerations that are essential to life safety in recognition of the fact that life safety is more than a matter of egress. The Code also addresses protective features and systems, building services, operating features, maintenance activities, and other provisions in recognition of the fact that achieving an acceptable degree of life safety depends on additional safeguards to provide adequate egress time or protection for people exposed to fire. The Code also addresses other considerations that, while important in fire conditions, provide an ongoing benefit in other conditions of use, including non-fire emergencies. The Code does not address ...general fire prevention or building construction features that are normally a function of fire prevention codes and building codes.”

NASFM believes that the Life Safety Code is an appropriate code to cite in HR 2065 for minimum safety criteria, because it not only contains both fire and building safety provisions, but it also addresses both new and existing buildings in the same code. Another Federal agency, the Centers for Medicare & Medicaid Services, requires compliance with the Life Safety Code by health care organizations in order to begin and continue participating in the Medicare and Medicaid programs, so there is precedence for its use in this situation. By referencing the most current edition of the Life Safety Code (the 2012 edition being the most recent), HR 2065 would help ensure that homeless veterans are protected with a consistent fire protection code if they are sheltered in occupancies that receive grants from the Secretary of Veterans Affairs, no matter where in the United States they may be.

Applicable provisions of the International Building Code and the International Fire Code – or the versions of those codes that have been adopted at the state or local levels by the jurisdiction in which the project is located – may be appropriately applied instead of the Life Safety Code, as long as they are demonstrated to provide equivalent or higher levels of safety than is provided by the Life Safety Code. We know from our discussions with Congressman McKinley’s staff that this bill does not intend to preempt any state or local codes that may provide an equivalent or higher level of life safety than HR 2065 would provide. Fire and building safety codes are an intricate subject, to say the least. As the debate on HR 2065 continues, NASFM stands ready to work with the U.S. Congress and the U.S. Department of Veterans Affairs if questions arise regarding the implementation of the code-related provisions of this bill.