

# Legislative Analysis



## SMOKE ALARMS/FIRE ALARMS

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**Senate Bills 337, 338, and 742 as passed by the Senate**  
**Sponsor: Sen. Shirley Johnson**

**Senate Bill 339 as passed by the Senate**  
**Sponsor: Sen. Michael D. Bishop**  
**House Committee: Regulatory Reform**  
**Senate Committee: Local, Urban and State Affairs**

### **First Analysis (3-5-04)**

**BRIEF SUMMARY:** The bills would amend various statutes to require that certain multiple dwelling units be equipped with smoke alarms; require installation of smoke alarms in buildings and structures constructed before November 6, 1974; require certain buildings declared to be historic sites to be equipped with a fire alarm system; and prohibit approval of a work permit in an historic district unless an applicant certified that the property had or would have a fire alarm system or a smoke alarm. (Note: The information in this analysis is derived primarily from the Senate Fiscal Agency analysis of the bills dated 1-24-03.)

**FISCAL IMPACT:** Senate Bills 338, 339, and 742 would have no fiscal impact on the state or on local government. Under Senate Bill 337, local governments would incur the costs of misdemeanor probation and incarceration in a local facility, which varies by county; and public libraries would benefit from any additional penal fine revenue collected.

### **THE APPARENT PROBLEM:**

The State Construction Code requires the installation of smoke alarms in newly constructed buildings and in additions for which a permit is required or where new sleeping areas are created. Some people believe that smoke alarms also should be required in existing structures with multiple dwelling units, such as apartment buildings and tenement houses, where it may be difficult to evacuate people in the event of a fire, and in older single and multiple family dwellings. Also, it has been suggested that historic buildings should be equipped with smoke detectors or fire alarm systems.

### **THE CONTENT OF THE BILLS:**

The bills would amend various statutes to require that certain multiple dwelling units be equipped with smoke alarms; require installation of smoke alarms in buildings and structures constructed before November 6, 1974; require certain buildings declared to be historic sites to be equipped with a fire alarm system; and prohibit approval of a work permit in an historic district unless an applicant certified that the property had or would

have a fire alarm system or a smoke alarm. Senate Bill 337 is tie-barred to Senate Bill 742.

### Senate Bill 337

The bill would amend the Housing Law of Michigan (MCL 125.482a) to require each dwelling unit contained within a class A multiple dwelling to be equipped with a single-station or multiple-station smoke alarm that complied with standards promulgated under the Single State Construction Code Act (pursuant to Senate Bill 742). A “dwelling unit” would be a single unit providing complete independent living facilities for one or more persons, including permanent provisions for cooking, living, sanitation, and sleeping. (Under the law, a class A multiple dwelling is a dwelling “occupied more or less permanently for residence purpose by several families”, in which cooking, toilet, and kitchen sink accommodations are contained within separate apartments, suites, or groups of rooms, such as tenement houses, apartment houses, and duplex apartments.)

A person owning or managing a class A multiple dwelling would have to comply with the bill. A person who violated the bill would be guilty of a misdemeanor punishable by a fine of up to \$500, imprisonment for up to 90 days, or both.

A class A multiple dwelling constructed before November 6, 1974, would have one year from the date rules were promulgated under the Single State Construction Code Act (as proposed in Senate Bill 742) to comply with the bill. An existing building that was converted to a class A multiple dwelling would have to comply with the requirements that could be imposed by that act.

The bill provides that a smoke alarm would be a single-station or multiple-station alarm responsive to smoke and not connected to a system. A “single-station smoke alarm” would be an assembly incorporating a detector, the control equipment, and the alarm sounding device into one unit, operated from a power supply either in the unit or obtained at the point of installation. A “multiple-station smoke alarm” would be two or more single-station alarm devices that were capable of interconnection such that actuation of one caused all integral or separate audible alarms to operate.

### Senate Bill 338

The bill would amend the Downtown Development Authority Act (MCL 125.1651 and 125.1679) to provide that the preservation of facilities, buildings, or structures determined by a municipality to be historic sites would have to include, at a minimum, equipping the site with a fire alarm system. A “fire alarm system” would be a system designed to detect and annunciate the presence of fire, or byproducts of fire, and would include smoke detectors.

Under the act, a public facility, building, or structure that is determined by the municipality to have significant historical interest must be preserved in a manner

considered necessary by the municipality, in accordance with laws relative to the preservation of historical sites.

#### Senate Bill 339

The bill would amend the Local Historic Districts Act (MCL 399.201 a & 399.203) to prohibit a historic commission from approving a certificate of appropriateness (required for the approval of a work permit application) unless the applicant certified in the application that the property where the work would be done had, or would have before the proposed project completion date, a fire alarm system or a smoke alarm that complied with the requirements of the Single State Construction Code Act. Under the act, a commission may review and act upon only exterior features of a resource (a structure within a historic district) and may not review and act upon interior arrangements without specific authorization from the local legislative body or unless interior work will visibly damage the exterior. Under the bill, a commission would be subject to this limitation *except* for noting compliance with the requirement to install a fire alarm system or smoke alarm.

The bill would define “fire alarm system” as that term would be defined in Senate Bill 338 , and “smoke alarm” as that term would be defined in Senate Bill 337.

Under the act, a local unit may establish a historic district; that is, an area or group of areas that contains resources that are related by history, architecture, archaeology, engineering, or culture. A local unit also may establish a historic district commission, which is responsible for issuing certificates of appropriateness and approving permits for work on resources.

#### Senate Bill 742

The bill would amend the Single State Construction Code Act (MCL 125.1504c) to require an owner of a building or structure constructed before November 6, 1974, to install one or more smoke alarms in the building or structure, as provided in rules; and require the director of the Department of Labor and Economic Growth (DLEG) to promulgate rules establishing the standards and requirements for the installation of smoke alarms in a building or structure described in the bill. (The State Construction Code Act was enacted in 1972. The rules promulgated to implement the act became effective on November 6, 1974.)

The rules promulgated by the DLEG would have to include a requirement for the installation of at least one single-station smoke alarm in each dwelling unit of a single family home, one- or two-family detached dwelling, or multiple family dwelling. The rules also would have to require the installation of smoke alarms, as provided in the State Construction Code, in a building or structure that was not a single family dwelling, a one- or two-family detached dwelling, or a multiple family dwelling.

A building owner would have to comply with the requirement to install smoke alarms beginning one year after the effective date of the rules. If a building were renovated, reconstructed or added to, or its use or occupancy were changed, the building would have to meet the requirements of the State Construction Code for installation of smoke alarms.

“Smoke alarm” and “single-station smoke alarm” would mean those terms as defined in Senate Bill 337.

### ***HOUSE COMMITTEE ACTION:***

The House Committee on Regulatory Reform made no changes to the bills; the committee reported out the Senate-passed versions of the bills.

### ***ARGUMENTS:***

#### ***For:***

By requiring smoke and/or fire alarms to be installed in multiple dwelling units and other older buildings and structures, Senate Bills 337 and 742 would protect individuals and families who live in apartment buildings, tenement houses, similar residential structures, and single family homes. The age and building materials of some structures might make them vulnerable to fire, and their design might make them less safe than newer buildings, which are constructed according to contemporary building codes. In some cases, narrow and dim hallways and stairwells, combined with high occupancy, might make it difficult to evacuate residents when a fire occurs, especially if they do not have adequate warning. The bills could save lives by giving these residents the same protection that is required for people who live in new housing. Also, the bills would give building owners and managers ample time to comply, and an incentive to do so, since a violation of Senate Bill 337 would be a misdemeanor.

#### ***Response:***

While the bills would increase substantially the number of buildings in which fire alarms or smoke alarms are mandatory, what is needed is adequate enforcement. Local inspectors are charged with finding and enforcing building code violations, and in many communities, reportedly, enforcement is lax or nonexistent. Statutes requiring installation of fire detection devices can be written in a clear and specific manner, and include penalties for violations, but if local units have neither the resources nor the will to enforce those statutes, then the public remains at risk. Perhaps greater compliance with the requirements proposed in the bills could be achieved if local units were allowed to keep fines collected from violators, or building owners were given a tax credit for purchasing and installing smoke alarms.

#### ***For:***

By their nature, historic buildings do not conform to modern building standards and are not subject to building code requirements for new construction. Also, due to their designation as historic sites, it is unlikely that these structures will be subject to code requirements for additions. Together, the age, materials, and design of historic buildings may make them inherently unsafe in the event of a fire. By providing for historic sites to

be equipped with smoke or fire alarms, Senate Bills 338 and 339 would help ensure the safety of individuals who occupy and visit these buildings.

***POSITIONS:***

The Department of Labor and Economic Growth supports the bill. (2-24-04)

The Michigan Association of Home Builders has indicated support for the bill. 92-24-04)

Legislative Analyst: Chris Couch

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.