

SB 335 – AS INTRODUCED

2012 SESSION

12-2813

05/04

SENATE BILL 335

AN ACT establishing a procedure for certain condominiums to waive portions of the state fire code.

SPONSORS: Sen. White, Dist 9; Sen. Sanborn, Dist 7; Sen. Groen, Dist 6; Sen. De Blois, Dist 18; Rep. Hinch, Hills 19; Rep. C. Christensen, Hills 19

COMMITTEE: Commerce

ANALYSIS

This bill permits a high-rise apartment building held as a condominium to opt-out of certain state fire code requirements adopted after it was first occupied as an apartment building.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT establishing a procedure for certain condominiums to waive portions of the state fire code.

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

1 New Section; State Fire Code; Waiver for Condominium Conversions. Amend RSA 153 by inserting after section 8-a the following new section:

153:8-b State Fire Code; Condominium Conversion Waiver.

I. Notwithstanding RSA 153:5 or any other provision of law to the contrary, an existing high-rise apartment building that is held in a condominium form of ownership as of the effective date of this section, shall not be required to be retrofitted to comply with fire code

rules adopted subsequent to the date that it was first occupied or allowed to be occupied as an apartment building, whichever came first, if the majority of the unit owners vote to opt-out of such rules. If an affirmative vote of the majority of voting interests approves the opt-out, the association shall execute within 30 days of the vote a written affidavit establishing that a majority consent to the opt-out to be filed with the state fire marshal's office and a copy of the same signed affidavit to be filed with the local fire department. Within the same 30 days of the vote and, in no case, later than the date that it files the affidavit with the state fire marshal and the local fire department, the association shall mail or hand-deliver to all unit owners written notice of the vote results. A unit owner shall provide any prospective buyer or tenant a copy of the written notice prior to the sale or lease of the unit.

II. A majority of the unit owners may thereafter vote to rescind a prior decision to opt-out under paragraph I. If an affirmative vote of the majority of voting interests votes to rescind the decision to opt-out, the association shall advise the unit owners, the state fire marshal, and the local fire department of the result of the vote within the same time period and by the same means as set forth in paragraph I.

III. Any vote taken under this section shall be conducted in accordance with the declaration, bylaws, and regulations of the condominium. Any vote taken under this section shall be effective as of the date that the affidavit and copy thereof are filed with the state fire marshal and local fire department. The definitions of "existing building," "high rise building," and "apartment building" set forth in the rules adopted as the state fire code pursuant to RSA 153:5 shall govern the scope of this section.

2 Effective Date. This act shall take effect 60 days after its passage.