



## Fire Marshal's Notice

### September 2012

### **Texas State Fire Marshal announces recent legislative changes regarding certified inspectors and proposed fee for requested inspections.**

The following is a synopsis of upcoming changes and proposed rules affecting fire safety inspections of State-licensed facilities. These changes are part of the State Fire Marshal Office's implementation of HB3866 (2009) and HB 1951 (2011).

#### **Certified Inspectors**

Individuals performing the fire inspection must now be certified by the Texas Commission on Fire Protection (TCFP) in accordance with HB 3866. In addition, the inspection must be conducted in accordance with the most recent locally-adopted code – or code adopted by the state fire marshal. The amendment to Government Code §419.909 was effective in September 2009 and applied to inspections conducted after September 2011.

#### **What will be different:**

- \* Local, long term inspectors may no longer be able to conduct inspections due to lack of certification
- \* May require more lead time between request and response due to lack of a local inspector
- \* The certified inspector will ensure facilities meet minimum code requirements – which may be in addition to existing fire protection features at the facility, regardless of prior approvals
- \* The Texas Commission on Fire Protection certifies fire inspectors. To verify an individual's certification status, go to the TCFP website at [http://www.tcfp.texas.gov/certification/certification\\_verification.asp](http://www.tcfp.texas.gov/certification/certification_verification.asp)

#### **Inspection Fees**

HB 1951 amended Government Code §417.008 and authorized the commissioner to prescribe a reasonable fee for an inspection performed by the State Fire Marshal that may be charged to a property owner or occupant who requests the inspection, as the commissioner considers appropriate. The rules were proposed in the May 4, 2012, issue of the *Texas Register* (37 TexReg 3347). Comments welcome.

#### **Who will be affected:**

Facilities that require an annual fire safety inspection as part of their licensing requirements. This includes foster homes, general residential operations, and child care centers.

#### **What will be different:**

- \* Requested inspections formerly performed by the State Fire Marshal's Office as a courtesy may require a fee. Proposed fees include \$75 for day care or foster homes, and \$100 for assisted living and nursing homes.
- \* Inspections conducted by local authorities having jurisdiction may differ from the proposed SFMO inspection fee. Privately-contracted inspections may be available as well.
- \* Requesting an inspection will require submission of a form along with the required fee.
- \* SFMO inspection fee will include only one (1) follow-up inspection at no charge – subsequent visits for same violations will require a new request and applicable fee.
- \* Home evaluation checklist can still be used for foster homes that do not house special needs children. If deficiencies are noted that require code enforcement, a certified inspector would be required. Evaluation checklist available at <http://www.tdi.texas.gov/fire/documents/fmfsifoster.pdf>