

CHAPTER 19

AN ACT concerning fire safety by making changes to certain licensure requirements, equipment requirements, advisory committee memberships, penalties, and fees and amending P.L.1991, c.92, P.L.2001, c.289, and P.L.1983, c.383.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to read as follows:

C.52:27D-198.1 Residential structures to have smoke-sensitive alarm devices, portable fire extinguishers.

1. A structure used or intended for use for residential purposes by not more than two households shall have a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedrooms and located on or near the ceiling in accordance with regulations established by the Commissioner of Community Affairs. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the Division of Fire Safety.

Each structure subject to the requirements of this section that contains a secondary power source shall have a label installed within 18 inches of the main electrical panel and electrical meter warning of the danger associated with secondary power sources.

This section shall not be enforced except pursuant to sections 2 and 3 of P.L.1991, c.92 (C.52:27D-198.2 and C.52:27D-198.3).

2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to read as follows:

C.52:27D-198.2 Municipal officer, agency to determine compliance.

2. a. In any case where a change of occupancy of any building subject to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1) is subject to a municipal ordinance requiring the issuance of a certificate of occupancy, certificate of inspection, or other documentary certification of compliance with laws and regulations relating to safety, healthfulness, and upkeep of the premises, no such certificate shall issue until the municipal officer or agency responsible for its issuance has determined that the building is equipped with an alarm device or devices as required by section 1 of P.L.1991, c.92 (C.52:27D-198.1).

b. In the case of change of occupancy of any building subject to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1) to which the provisions of subsection a. of this section do not apply, no owner shall sell, lease, or otherwise permit occupancy for residential purposes of that building without first obtaining from the relevant enforcement agency under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing compliance with the requirements of P.L.1991, c.92 (C.52:27D-198.1 et seq.). A change of ownership of a structure which requires rehabilitation such that a new certificate of occupancy is required shall be exempted from this section, provided, however, that the structure shall not be occupied until the appropriate certificate is obtained pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). In cases including a sheriff's sale, foreclosure, forfeiture, or purchase from an agency of the federal government where the structure purchased requires rehabilitation such that a new certificate of occupancy is required, and where a certificate evidencing compliance with the requirements of P.L.1991, c.92 (C.52:27D-198.1 et seq.) is not obtained, it shall be the responsibility of the purchaser to obtain the necessary certificates prior to occupancy.

The local governing body having jurisdiction over the said enforcing agency or, where the Division of Fire Safety is the enforcing agency, the Commissioner of Community Affairs shall establish a fee which covers the cost of inspection and of issuance of the certificate.

3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to read as follows:

C.52:27D-198.3 Fine for noncompliance.

3. An owner who sells, leases, rents, or otherwise permits to be occupied for residential purposes any premises subject to the provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the premises do not comply with the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1), or without complying with the inspection and certification requirements of section 2 of P.L.1991, c.92 (C.52:27D-198.2), shall be subject to a fine of not more than \$500, which may be collected and enforced by the local enforcing agency as defined in subsection g. of section 5 of P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

4. Section 2 of P.L.2001, c.289 (C.52:27D-25o) is amended to read as follows:

C.52:27D-25o "Fire Protection Equipment Advisory Committee".

2. a. There is created within the Division of Fire Safety in the Department of Community Affairs a "Fire Protection Equipment Advisory Committee." The committee shall be comprised of the Director of the Division of Fire Safety who shall serve ex officio and twelve public members, appointed by the Governor. One of the public members shall be a chief administrator of the fire department of a municipality with a population of 100,000 or more according to the most recent federal decennial census, one of the public members shall be a representative of a sheet metal workers local union of the International Association of Sheet Metal, Air, Rail and Transportation Workers, and one of the public members shall be a representative of a volunteer fire organization. Each of the remaining nine public members shall be selected by the Governor from a list of three nominees provided to the Governor by each of the following fire protection organizations or their successor organizations:

New Jersey Association of Fire Equipment Distributors,
National Fire Sprinkler Association,
National Association of Fire Equipment Distributors,
American Fire Sprinkler Association,
Fire Suppression Systems Association,
Automatic Fire Alarm Association,
New Jersey Electrical Contractors Association,
New Jersey Burglar and Fire Alarm Association, and
New Jersey State Fire Prevention and Protection Association.

b. The Governor shall appoint each member for a term of three years, except that of the members first appointed, four shall serve for terms of three years, four shall serve for terms of two years and three shall serve for terms of one year.

c. Any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for the original appointment. No appointed member of the committee may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

d. The committee shall annually elect from among its members a chair and vice-chair. The committee shall meet at least four times a year and may hold additional meetings as

necessary to discharge its duties. In addition to such meetings, the committee shall meet at the call of the chair or the commissioner.

e. Members of the committee shall be compensated and reimbursed for actual expenses reasonably incurred in the performance of their official duties and reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the committee's business.

f. The committee shall make recommendations to the commissioner regarding rules and regulations pertaining to professional training, standards, identification and record keeping procedures for certificate holders and their employees, classifications of certificates necessary to regulate the work of certificate holders, and other matters necessary to effectuate the purposes of this act.

5. Section 12 of P.L.1983, c.383 (C.52:27D-203) is amended to read as follows:

C.52:27D-203 Enforcement of act by enforcing agencies; reports, data, information; fees; inspections; fire inspector certification.

12. a. Each enforcing agency in this State shall enforce the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) in all buildings, structures, and premises within its jurisdiction, except owner-occupied buildings used exclusively for dwelling purposes and containing fewer than three dwelling units, subject to the control and supervision of the commissioner and in accordance with regulations promulgated by the commissioner. The commissioner shall consult with and advise all local enforcement agencies enforcing the provision of P.L.1983, c.383 (C.52:27D-192 et seq.), and each local enforcement agency shall provide the commissioner with reports, data, and information required by the commissioner. To cover the cost to the municipality of conducting inspections under P.L.1983, c.383 (C.52:27D-192 et seq.), the municipality may, by ordinance, establish fees, which shall be paid into the treasury of the municipality to which the local enforcing agency is responsible, and which shall be appropriated by the municipality to the local enforcing agency to pay the cost of enforcing P.L.1983, c.383 (C.52:27D-192 et seq.).

b. A local enforcing agency consisting of or employing at least one paid fire inspector who is licensed pursuant to subsection c. of this section may elect to inspect high-rise structures and life hazard uses within its jurisdiction, in lieu of inspection by the commissioner. That election shall be made by resolution of the governing body having jurisdiction over the local enforcing agency. If an appropriate resolution has not been received by the commissioner on or before the effective date of P.L.1983, c.383 (C.52:27D-192 et seq.), the department shall perform all inspections under this subsection until such time as the governing body shall adopt and send to the commissioner an appropriate resolution. A local enforcing agency that elects to inspect high-rise structures and life hazard uses may issue the certificates of inspection required to be issued pursuant to section 14 of P.L.1983, c.383 (C.52:27D-205) and may inspect buildings and premises other than high-rise structures and life hazard uses in order to secure compliance with P.L.1983, c.383 (C.52:27D-192 et seq.).

c. The commissioner shall license fire inspectors and fire officials under P.L.1983, c.383 (C.52:27D-192 et seq.) in accordance with standards as the commissioner shall establish by regulation. As a condition of licensure, a person shall:

- (1) submit an application to the Division of Fire Safety with the required fee;
- (2) successfully complete an educational program adopted by the Division of Fire Safety's Office of Training, Certification, and Licensing;
- (3) meet prerequisite criteria established by regulation; and

(4) pass the State written and practical exams.

d. A licensed fire inspector and fire official shall conduct fire inspections authorized by P.L.1983, c.383 (C.52:27D-192 et seq.) and established by regulation in non-life-hazard and life-hazard use groups.

e. Fire inspector and fire official certifications approved by the Office of Training and Certification prior to the effective date of P.L.2025, c.19 shall be considered equivalent to licenses established pursuant to P.L.2025, c.19.

f. Existing licensed multiple dwelling inspectors and officials enforcing the fire code in non-life hazard use dwellings shall be allowed two years from the effective date of P.L.2025, c.19 to obtain a fire inspector license to be able to continue enforcing the fire code.

6. Section 19 of P.L.1983, c.383 (C.52:27D-210) is amended to read as follows:

C.52:27D-210 Additional violations; penalties.

19. a. No person shall:

(1) Obstruct, hinder, delay, or interfere by force or otherwise with the commissioner or any local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.);

(2) Prepare, utter, or render any false statement, report, document, plans, or specification permitted or required under the provisions of P.L.1983, c.383 (C.52:27D-192 et seq.);

(3) Render ineffective or inoperative, or fail to properly maintain, any protective equipment or system installed, or intended to be installed, in a building or structure;

(4) Refuse or fail to comply with a lawful ruling, action, order, or notice of the commissioner or a local enforcing agency; or

(5) Violate, or cause to be violated, any of the provisions of P.L.1983, c.383 (C.52:27D-192 et seq.).

b. (1) A person who violates or causes to be violated a provision of subsection a. of this section shall be liable to a penalty of not more than \$5,000 for each violation. If a violation of subsection a. of this section is of a continuing nature, each day during which the violation remains unabated after the date fixed in an order or notice for the correction or termination of the continuing violation shall constitute an additional and separate violation, except while an appeal from the order is pending in connection with any property except for those properties which are certified by the fire code official to be unoccupied. For the purposes of this section, a building may not be certified to be unoccupied unless it has been unoccupied for a period of not less than six months.

(2) If an owner or operator has been given notice that the owner or operator is required to abate a violation of P.L.1983, c.383 (C.52:27D-192 et seq.) and fails to abate the violation, the owner or operator shall be liable to an additional penalty of not more than \$50,000. If a violation is of a continuing nature, each day during which the violation remains unabated shall not constitute an additional and separate violation for the purposes of the penalty in this paragraph. Continuing liability for unabated violations of record and unpaid fees or penalties following a change of ownership or tenancy shall be determined in accordance with subsections f. and g. of this section.

(3) An additional \$150,000 or the actual cost, whichever is greater, may be imposed as a penalty for the expense to the municipality or fire district of suppressing any fire, directly or indirectly, resulting from the unabated violation and for any other actual expenses, including attorney fees, incurred by the municipality for the enforcement of the violation.

(4) Upon the 121st day subsequent to its filing, an appeal to a county, municipal, or joint construction board of appeals, a departmental appeal, or an appeal to a court of competent jurisdiction shall not automatically stay any order, including orders to pay a penalty imposed pursuant to P.L.1983, c.383 (C.52:27D-192 et seq.), or prevent the seeking of an order in a court of competent jurisdiction to enjoin the violation of any order of an enforcing agency in connection with any property which is found by the fire code official to be unoccupied.

Any party filing an appeal with a court of competent jurisdiction regarding violations assessed against property which has been certified as unoccupied pursuant to this section shall file a motion upon the initiation of the appeal requesting expedited consideration of the appeal on the ground that acceleration is warranted because the subject of the appeal involves matters of public safety. In the event the appeal is granted, the court shall grant the motion to expedite.

c. The commissioner or a local enforcing agency may levy and collect penalties in the amounts set forth in this section, but not in excess of the maximum amounts that the commissioner shall establish by regulation for different types of violations. If the administrative penalty order has not been satisfied by the 30th day after its issuance, the penalty may be sued for, and recovered by and in the name of the commissioner or the enforcing agency, as the case may be, in a civil action by a summary proceeding under "The Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in the Superior Court or municipal court. All moneys recovered in the form of penalties by a municipality shall be paid into the treasury of the municipality and shall be appropriated for the enforcement of P.L.1983, c.383 (C.52:27D-192 et seq.); except that the additional penalty paid by an owner or operator to a municipality under paragraph (2) or (3) of subsection b. of this section shall be placed in a special municipal trust fund to be applied to the municipality's or fire district's cost of firefighter training and new equipment. A person who fails to pay immediately a money judgment rendered against them pursuant to this subsection may be sentenced to imprisonment by the court for a period not exceeding six months, unless the judgment is sooner paid.

d. A person shall be deemed to have violated or caused to have violated a provision of subsection a. of this section if an officer, agent, or employee under the person's control and with the person's knowledge has violated or caused to have violated any of the provisions of subsection a. of this section.

e. Upon request of the owner or purchaser of a building or structure, the enforcing agency having jurisdiction over the building or structure shall issue a certificate either enumerating the violations indicated by its records to be unabated and the penalties or fees indicated to be unpaid, or stating that its records indicate that no violations remain unabated and no penalties or fees remain unpaid.

f. A new owner who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all existing violations of record and shall be liable for the payment of all unpaid fees or penalties. The department shall issue requests for payment of unpaid fees or penalties within five years of the purchase date.

g. (1) Except as provided in paragraph (2) of this subsection, a new operator taking control of an existing tenant business shall assume liability for the payment of all existing unpaid fees and penalties assessed for that business. The department shall issue requests for payment of unpaid fees or penalties within a period of five years from the date of the change in operator, provided, however, a new operator who was a principal in, or agent of, the business previously occupying the property or who is related to a principal in, or agent of, that business by blood, adoption, or marriage shall assume existing liability for the payment of all unpaid fees and penalties indefinitely.

(2) A new operator who occupies all or part of the property with a business not previously situated on the property shall not assume liability for the payment of unpaid fees and penalties.

h. As used in this section:

"Operator" means a person or persons in the position of a tenant or lessee who conducts business from and is in actual physical possession or occupancy of all or part of the property.

"Owner" means a property owner, or the owner's agent or representative, whose name appears on the title in the public records.

7. Section 20 of P.L.1983, c.383 (C.52:27D-211) is amended to read as follows:

C.52:27D-211 Method of service of notices, rules, decisions and orders.

20. a. Notices, rules, decisions, and orders required or permitted to be issued and served pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) shall be served as follows:

(1) On the owner and operator by one or more of the following methods:

(a) By mail to the person designated as owner or agent on the certificate of registration in the municipal tax records or in the records of the Secretary of State and to the operator.

(b) By serving the document on the Secretary of State, who shall be deemed the owner's agent for service of process, provided that reasonable efforts have first been made to serve the owner, or the owner's agent, and the operator by mail and that a copy of the document is posted in a conspicuous location on the premises. "Conspicuous location" shall include the walls of the front vestibule or any common foyer or hallway immediately inside the main front entrance.

(c) By personal delivery of the document to the owner and to the operator.

(d) By leaving the document at the office or dwelling unit of the owner and of the operator with a person 14 years of age or older.

(e) By electronic service to the owner and operator provided that a delivery receipt is obtained.

(2) On any other person by one or more of the following methods:

(a) By mail to the person at the person's last known address.

(b) By personal delivery of the document to the person.

(c) By leaving the document at the office or dwelling unit of the person with a person 14 years of age or older.

b. The date of personal service or the third day after mailing shall be considered the date of service.

c. As used in this section:

"Operator" means a person or persons in the position of a tenant or lessee who conducts business from and is in actual physical possession or occupancy of all or part of the property.

"Owner" means a property owner, or the owner's agent or representative, whose name appears on the title in the public records.

8. This act shall take effect immediately.

Approved February 3, 2025.