

SENATE, No. 386

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Requires certain residential buildings to have fire barriers in common attic areas.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee with technical review.



(Sponsorship Updated As Of: 10/1/2026)

1 AN ACT concerning residential fire safety and supplementing
2 P.L.1975, c.217 (C.52:27D-119 et seq.) and P.L.1967, c.76
3 (C.55:13A-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. For a qualified residential building, the code shall require,
9 and an application for a construction permit shall not be declared
10 complete without providing, that there be fire barriers with a fire-
11 resistance rating of at least three hours installed in any common
12 area loft, attic, or cockloft over and above the separations between
13 adjoining dwelling units.

14 b. On or before the first day of the sixth month next following
15 the effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill), the Commissioner of Community Affairs
17 shall promulgate rules and regulations, pursuant to its rule-making
18 authority under the “Administrative Procedure Act,” P.L.1968,
19 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this
20 section, and shall revise the code accordingly.

21 c. As used in this section:

22 “Dwelling unit” means the same as that term is defined in section
23 3 of P.L.1967, c.76 (C.55:13A-3).

24 “Fire barrier” means a fire-resistance rated wall assembly of
25 materials designed to restrict the spread of fire in which continuity
26 is maintained, and which extends to or through the roof.

27 “Qualified residential building” means any building or structure
28 of three or more stories with two or more dwelling units.
29

30 2. a. Within 180 days of the adoption of rules and regulations
31 pursuant to subsection c. of this section, a qualified residential
32 building shall have fire barriers with a fire-resistance rating of at
33 least three hours installed in any common area loft, attic, or cockloft
34 over and above the separations between adjoining dwelling units.

35 b. A qualified residential building that does not meet the
36 definition of “multiple dwelling,” as that term is defined in section
37 3 of P.L.1967, c.76 (C.55:13A-3), shall be subject to inspections
38 pursuant to section 13 of P.L.1967, c.76 (C.55:13A-13) for the
39 limited purpose of ensuring compliance with subsection a. of this
40 section.

41 c. On or before the first day of the sixth month next following
42 the effective date of P.L. , c. (C.) (pending before the
43 Legislature as this bill), the Commissioner of Community Affairs
44 shall promulgate rules and regulations, pursuant to its rule-making
45 authority under the “Administrative Procedure Act,” P.L.1968,
46 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this
47 section.

48 d. As used in this section:

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1 “Fire barrier” means a fire-resistance rated wall assembly of
2 materials designed to restrict the spread of fire in which continuity
3 is maintained, and which extends to or through the roof.

4 “Qualified residential building” means any building or structure
5 of three or more stories with two or more dwelling units.

6
7 3. This act shall take effect immediately and section 1 shall
8 apply to a new qualified residential building for which an
9 application for a construction permit is not yet declared complete on
10 or before the adoption of rules and regulations and code revisions
11 pursuant to that section.