

SENATE, No. 854

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

**Senators Stack, Vitale, Greenstein, A.R.Bucco, Thompson, Singer, Gill,
Ruiz, Cryan and Cunningham**

SYNOPSIS

Prohibits certain light frame residential construction in densely populated census tracts; establishes construction requirements for certain light frame residential construction in other census tracts.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/25/2019)

1 AN ACT establishing restrictions on certain light frame residential
2 construction and supplementing P.L.1975, c.217 (C.52:27D-119
3 et seq.).
4

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

8 1. a. (1) In a census tract with a population density of at least
9 5,000 persons per square mile, according to the latest federal
10 decennial census and adding the persons to be counted pursuant to
11 paragraph (3) of this subsection, a residential group R-2 structure
12 shall not be constructed using light frame wood construction.

13 (2) In a census tract with a population density of less than 5,000
14 persons per square mile, according to the latest federal decennial
15 census and adding the persons to be counted pursuant to paragraph
16 (3) of this subsection, a residential group R-2 structure may only be
17 constructed using light frame wood construction subject to the
18 following requirements:

19 (a) the structure shall be a detached structure that does not
20 exceed 7,000 square feet in area per story;

21 (b) the structure shall not have more than three stories, including
22 any floor with habitable space, and shall not exceed 40 feet in
23 height, measured from grade plane;

24 (c) the structure shall have a minimum fire separation distance
25 of 30 feet; and

26 (d) an automatic sprinkler system shall be installed throughout
27 the structure in accordance with the requirements of National Fire
28 Protection Association (NFPA) 13, Standard for the Installation of
29 Sprinkler Systems.

30 (3) For the purposes of determining the population density of a
31 census tract under this subsection, each bedroom or room used for
32 sleeping of each dwelling unit or sleeping unit of a proposed
33 residential group R-2 structure in a census tract and any residential
34 group R-2 structure constructed in that census tract on or after the
35 effective date of P.L. , c. (C.) (pending before the
36 Legislature as this bill) shall be counted as one and one-half
37 persons.

38 b. An enforcing agency shall not allow construction of a
39 residential group R-2 structure using light frame wood construction
40 to proceed unless a fire watch guard is present at the construction
41 site 24 hours a day, seven days a week, for the duration of the
42 construction project and for 48 hours following the issuance of a
43 certificate of occupancy, to monitor the construction project and to
44 immediately alert the 911 emergency telephone service if a fire or
45 other emergency occurs.

46 (1) An applicant is eligible to be a fire watch guard if the
47 applicant has qualified pursuant to N.J.S.40A:14-9 and is an active

1 or retired firefighter, or is a fire inspector who is certified pursuant
2 to subsection c. of section 12 of P.L.1983, c.383 (C.52:27D-203).

3 (2) The owner or agent of a construction project subject to
4 monitoring pursuant to this subsection shall submit an application
5 to the enforcing agency for authorization of an individual to serve
6 as a fire watch guard. The application shall include the individual's
7 name, address, date of birth, social security number, fingerprints,
8 and written consent for a criminal history record background check
9 to be performed, and a copy of a government identification issued
10 to the individual. The enforcing agency shall exchange fingerprint
11 data with and receive criminal history record information from the
12 State Bureau of Identification in the Division of State Police in the
13 Department of Law and Public Safety and the Federal Bureau of
14 Investigation consistent with applicable State and federal laws,
15 rules, and regulations.

16 (3) A fire watch guard monitoring a construction project
17 pursuant to this subsection shall perform constant patrols to watch
18 for the occurrence of a fire or other emergency and make regular
19 inspections of the construction project, for the entire construction
20 site or, if more than one fire watch guard is assigned, for the areas
21 of the construction site assigned to the fire watch guard for
22 monitoring by the owner or agent of the construction project. A fire
23 watch guard shall also ensure that all requirements of the code are
24 followed with respect to any hot work on the construction site. A
25 fire watch guard shall have a means for notification of the 911
26 emergency telephone service, provided by the owner or agent of the
27 construction project, while monitoring the construction project.

28 A fire watch guard shall maintain a record of all time periods of
29 duty, including a log entry each time the site was patrolled and each
30 time a residential group R-2 structure under construction was
31 inspected. The records shall include any fire safety issue identified.
32 The records shall be submitted to the enforcing agency on a weekly
33 basis and the enforcing agency may take action appropriate to abate
34 any fire safety threats, including, but not limited to, revoking the
35 construction permit for the project.

36 A fire watch guard shall not be provided any duty in addition to
37 those set forth in this subsection.

38 (4) The owner or agent of a construction project subject to
39 monitoring pursuant to this subsection shall be responsible for
40 hiring and compensating a fire watch guard.

41 (5) The enforcing agency may assess the owner reasonable
42 administrative fees incurred by the enforcing agency in performing
43 its duties as set forth in this subsection.

44 c. (1) The owner or agent of a residential group R-2 structure is
45 under a duty to determine whether the structure is of light frame
46 wood construction.

47 (2) An owner or agent of a residential group R-2 structure of
48 light frame wood construction shall provide written notice to

1 current and prospective lessors or purchasers of dwelling units or
2 sleeping units in the structure containing information about the fire
3 safety limitations of light frame wood construction as required by
4 the commissioner. The notice shall be included, in a prominent
5 manner, in each contractual agreement for a lease or purchase of a
6 dwelling unit or sleeping unit in the structure.

7 d. The commissioner, pursuant to the "Administrative
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
9 regulations necessary to effectuate the provisions of this section,
10 and may adopt a light frame wood construction subcode or propose
11 amendments to revise the appropriate model code adopted pursuant
12 to section 5 of P.L.1975, c.217 (C.52:27D-123), for the purpose of
13 establishing adequate and appropriate standards for residential
14 group R-2 structures constructed using light frame wood
15 construction.

16 e. As used in this section:

17 "Agent" means a person who shall have charge, care, or control
18 of any building, structure, or real property as owner, or agent of the
19 owner, or as executor, executrix, administrator, administratrix,
20 trustee, or guardian of the estate of the owner.

21 "Dwelling unit" means a single unit providing complete,
22 independent living facilities for one or more persons living as a
23 single housekeeping unit, including permanent provisions for living,
24 sleeping, eating, cooking, and sanitation.

25 "Fire separation distance" means the distance measured from the
26 building face to one of the following: (1) the closest interior lot
27 line; (2) the centerline of a street, an alley, or public way; (3) to an
28 imaginary line between two buildings on the lot. The distance shall
29 be measured at right angles from the face of the wall.

30 "Light frame wood construction" means a type or construction
31 whose vertical and horizontal structural elements are primarily
32 formed by a system of repetitive wood framing members.

33 "Owner" means the owner or owners in fee of the property or a
34 lesser estate therein, a mortgagee or vendee in possession, an
35 assignee of rents, receiver, executor, trustee, lessee, or any other
36 person, firm, or corporation, directly or indirectly in control of a
37 building, structure, or real property, and shall include any
38 subdivision thereof of the State.

39 "Residential group R-2 structure" means an occupancy
40 containing sleeping units or more than two dwelling units where the
41 occupants are primarily permanent.

42 "Sleeping unit" means a room or space in which people sleep,
43 which can also include permanent provisions for living, eating, and
44 either sanitation or kitchen facilities but not both, but does not
45 include such a room or space that is also part of a dwelling unit.

46

47 2. This act shall take effect immediately.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

This bill would prohibit the use of light frame wood construction for residential group R-2 structures, including apartments, hotels, and dormitories, in census tracts with a population density of 5,000 or more persons per square mile, and would establish new construction standards for light frame wood construction for these structures in all other census tracts. This bill is in response to the numerous massive fires that have occurred in multiple unit residential structures of light frame wood construction, while occupied and under construction. The extreme speed with which light frame wood construction can reach its failure point when exposed to fire has led to devastating results for residents and first responders. This bill would address the risk of this type of construction by eliminating it from densely populated areas where the risk of fires spreading to other structures is too great, and would strengthen construction requirements where this construction is permitted to reduce the risk of massive fires, for the protection of residents, public safety personnel, and property.

In census tracts with a population density of less than 5,000 persons per square mile, a residential group R-2 structure may be constructed using light frame wood construction only if: (1) the structure is a detached structure that does not exceed 7,000 square feet in area per story; (2) the structure has no more than three stories and does not exceed 40 feet in height; (3) the structure has a minimum fire separation distance of 30 feet; and (4) an automatic sprinkler system is installed throughout the structure, in accordance with National Fire Protection Association 13. Limiting the size of these structures is of critical importance to the goals of this legislation. The bill's size limitations and fire separation distance requirements would forbid the current practices of (1) stacking "separate" structures, to gain greater height, and (2) separating interior "buildings" by ineffective core board fire assemblies, to gain greater area. The result of these unsafe practices is the formation of much larger, highly combustible detached structures that exceed the construction code size restrictions that would otherwise apply. Indeed, these practices have led to the construction of very large light frame wood construction residential structures, sometimes the size of a city block or more, which have been destroyed by quickly spreading fires, putting lives and property at serious risk.

In addition, this bill would require that residential group R-2 structure light frame wood construction projects be monitored by fire watch guards 24 hours a day, seven days a week. A fire watch guard would have to be present from the time construction begins until 48 hours after the issuance of a certificate of occupancy. The primary responsibility of a fire watch guard would be to watch for the occurrence of a fire or other emergency. In the event of a fire or

1 other emergency, a fire watch guard would have to immediately
2 alert the 911 emergency telephone service. A fire watch guard
3 would also be responsible for ensuring that all construction code
4 requirements are followed with respect to any hot work on the
5 construction site. A fire watch guard would also have to report fire
6 safety issues to the municipal construction code official, who may
7 revoke construction permits for projects posing fire safety risks.
8 The municipality may assess owners of residential group R-2
9 structure construction projects using light frame wood construction
10 reasonable fees to cover the costs incurred by a municipality for
11 carrying out its responsibilities pursuant to this bill.

12 The bill would also require an owner or agent of a residential
13 group R-2 structure of light frame wood construction, including
14 existing structures, to provide written notice to current and
15 prospective lessors or purchasers of dwelling or sleeping units in
16 the structure of the fire safety limitations of light frame wood
17 construction.