SENATE, No. 1448

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)
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SYNOPSIS

Establishes fire safety standards and protocols for certain light frame residential construction; requires placards identifying primary structural systems of buildings.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/5/2020)

AN ACT concerning certain light frame residential construction, supplementing P.L.1975, c.217 (C.52:27D-119 et seq.), and amending P.L.1991, c.188.

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

1. (New section) a. A new residential use structure that is classified as Residential Group R under the International Building Code and contains more than two dwelling or sleeping units may only be constructed utilizing light frame construction if the following requirements are satisfied:

(1) An automatic sprinkler system shall be installed throughout the structure in accordance with the requirements of National Fire Protection Association (NFPA) 13, Standard for the Installation of Sprinkler Systems.

(2) The number of stories permitted in the structure shall be measured from grade plane excluding any pedestal or podium.

(3) Each fire partition shall:

(a) be constructed of code-approved material;

(b) be constructed as a fire barrier with a fire-resistance rating of at least two hours;

(c) extend from the foundation to the attic; and

(d) comply with all other requirements for fire barriers under the code.

(4) Each horizontal separation installed between floors separating dwelling or sleeping units shall:

(a) be constructed of code-approved material;

(b) be constructed as a horizontal assembly with a fire-resistance rating of at least two hours; and

(c) comply with all other requirements for horizontal assemblies under the code.

(5) Each fire wall shall:

(a) be constructed of code-approved material;

(b) not be adversely affected by moisture; and

(c) be capable of passing the hose stream test in accordance with the code.

(6) (a) If any light framing of the structure is unprotected, the structure shall not have more than three stories and shall not exceed 60 feet above grade plane.

(b) If all light framing of the structure is protected, the structure shall not have more than four stories and shall not exceed 85 feet above grade plane.

b. All construction utilizing light frame construction shall not proceed unless, commencing at the time of framing, a fire watch

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

warden who meets the requirements of paragraph (1) of this subsection is present during non-working hours, or technology is employed pursuant to paragraph (7) of this subsection, to monitor the construction project and alert firefighters, medical, rescue, or law enforcement personnel if a fire or other emergency occurs.

(1) A person shall be eligible to be a fire watch warden if the person is qualified pursuant to N.J.S.40A:14-9 and is either an active or retired firefighter, building trades council member, police officer, first responder, registered security officer, or building or zoning code official, or is an active or retired fire inspector who is certified pursuant to subsection c. of section 12 of P.L.1983, c.383 (C.52:27D-203).

(2) A developer or owner of a construction project subject to the provisions of this subsection shall be responsible for hiring, training, and compensating the fire watch wardens, and any expense to ensure that they are on site, including inspection by the department or the local enforcing agency.

(3) A fire watch warden shall make regular inspections and patrols of the area assigned to the fire watch warden for supervision by the developer or owner. A fire watch warden shall not be assigned any other responsibilities that would interfere with or prevent the fire watch warden from carrying out the fire watch warden's responsibilities under this subsection.

(4) A fire watch warden shall maintain a record of activities performed in connection with the construction project that constitute a potential threat to fire safety. The records shall be submitted to the Division of Fire Safety in the department on a weekly basis and the division may, in its discretion, take any action appropriate to abate any fire safety issues, including, but not limited to, requesting that the local enforcing agency revoke the construction permit for the project.

(5) A fire watch warden shall be present during non-working hours, commencing at the time of framing throughout the construction project, and shall continue to monitor the construction project until the final sprinkler inspection is completed or a temporary certificate of occupancy is issued.

(6) The Division of Fire Safety in the department may assess a developer or owner of a construction project, utilizing a fire watch warden pursuant to this subsection, reasonable administrative fees incurred by the division in performing its duties as set forth in this subsection.

(7) Any technology utilized in lieu of a fire watch warden shall provide monitoring and alerting capabilities comparable to that which may be provided by a fire watch warden.

c. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations necessary to effectuate the provisions of this section, and shall revise the code accordingly.

d. Any contractor or subcontractor employed in the construction of a new residential use structure subject to the provisions of subsection a. of this section shall certify compliance with all applicable labor laws, including but not limited to the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.) and the workers' compensation law, R.S.34:15-1 et seq., and shall also be registered pursuant to "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.).

e. As used in this section:

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

"Fire barrier" means a fire-resistance rated wall assembly of materials designed to restrict the spread of fire in which continuity is maintained.

"Fire partition" means a vertical assembly of materials designed to restrict the spread of fire in which openings are protected.

"Fire wall" means a fire-resistance rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

"Fire watch warden" means an individual hired to monitor new residential use structure construction projects that utilize light frame construction.

"Horizontal assembly" means a fire-resistance rated floor or roof assembly of materials designed to restrict the spread of fire in which continuity is maintained.

"Horizontal separation" means a floor assembly separating dwelling units in the same structure, a floor assembly separating sleeping units in the same structure, and a floor assembly separating dwelling or sleeping units from other occupancies contiguous to them in the same structure.

"Light frame construction" means a type or construction the vertical and horizontal structural elements of which are primarily formed by a system of repetitive wood framing members or that utilizes metal-plate-connected wood trusses, metal-plate-connected metal-web wood trusses, pin-end connected steel-web wood trusses, wooden I-joists, solid-sawn wood joists, composite wood joists as floor or roof system structural elements, or load bearing elements made of combustible materials.

"Residential use structure" means a hotel or multiple dwelling, as those terms are defined in section 3 of P.L.1967, c.76 (C.55:13A-3), or a boarding house or rooming house, as those terms are defined in section 3 of P.L.1979, c.496 (C.55:13B-3).

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

2. Section 1 of P.L.1991, c.188 (C.52:27D-198.4) is amended to read as follows:

1. a. The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to require that an identifying emblem be affixed to the front of each exterior entrance of structures with light frame or truss construction to clearly communicate that the structure in the affected area is combustible and known to the State to pose a fire hazard.

The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by 6 inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem: "LF" to signify light frame construction; "F" to signify a floor with truss construction; "R" to signify a roof with truss construction; or "F/R" to signify both a floor and roof with truss construction.

The emblem shall be permanently affixed to the left of the main entrance door at a height between four to six feet above the ground and shall be installed and maintained by the owner of the building.

The act shall be enforced in accordance with enforcement procedures set forth in P.L.1983, c.383 (C.52:27D-192 et seq.).

As used in this subsection, "light frame construction" means the same as that term is defined in section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. Detached one and two family residential structures with truss construction which are not part of a planned real estate development shall be exempt from the provisions of this act; however, the governing body of a municipality may require by ordinance that emblems be affixed on structures with truss construction.

Individual structures and dwelling units with truss construction which are part of a planned real estate development as defined in section 3 of P.L.1977, c.419 (C.45:22A-23) shall not be required to have an identifying emblem if there is an emblem affixed at each entranceway to the development.

c. The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), adopt regulations to require that placards identifying the primary structural system of a structure are affixed adjacent to the fire alarm control panel and to an exterior wall within 10 feet of the main entrance to the structure.

The placards shall be eight inches vertically by 11 inches horizontally and shall have a white background, black letters, and a

black border. The letters shall be in at least 72-point boldface type. The letters and border shall be visible and readable from at 10 feet.

One of the following descriptions shall be printed on a placard, as appropriate:

(1) "Load-bearing concrete walls";

(2) "Load-bearing masonry walls";

(3) "Load-bearing steel stud walls";

(4) "Load-bearing light-framed combustible walls";

(5) "Structural concrete frame";

(6) "Structural steel frame";

(7) "Timber or cross-laminated timber"; or

(8) if the primary structural system of the structure is not one of the foregoing, a description approved by the enforcing agency shall be printed instead.

The following language shall be printed on each placard following the description of the structural system: "serves as the primary structural system of this structure".

(cf: P.L.1991, c.188, s.1)

3. (New section) The Commissioner of Community Affairs shall review the implementation of P.L. , c. (C.) (pending before the Legislature as this bill) and, within one year of its effective date, provide a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on its effectiveness and any challenges related to its implementation.

4. This act shall take effect immediately and shall apply to any covered construction that commences after the date of enactment, provided that a grace period of six months from the date of enactment shall be given to construction projects for which plans are not yet completed and are in the process of plan development.

STATEMENT

This bill would establish a number of fire safety standards for light frame construction of new multiple dwellings, hotels, and rooming and boarding houses with more than two dwelling or sleeping units, and a fire warden requirement for all light frame construction.

Under the bill, covered residential buildings may only be newly constructed utilizing light frame construction if: (1) an automatic sprinkler system is installed throughout the building in accordance with National Fire Protection Association (NFPA) 13; (2) the number of stories permitted is measured from grade plane excluding any pedestals or podiums; (3) the fire partitions and horizontal separations have a fire-resistance rating of at least two hours; (4) the fire partitions extend from the foundation to the attic; (5) the

fire walls are resistant to moisture and capable of passing the hose stream test in accordance with the construction code; and (6) if any light framing is unprotected, the building is limited to three stories and does not exceed 60 feet above grade plane or, if all light framing is protected, the building is limited to four stories and does not exceed 85 feet above grade plane.

In addition, for all new construction projects, this bill would require the owner or developer to hire a fire watch warden to provide monitoring of the construction project during non-working hours, or install comparable technology. A fire watch warden must be present from the time the construction project begins until the final sprinkler inspection is completed or a temporary certificate of occupancy is issued. In the event of a fire or other emergency, the fire watch warden must alert local first responders. The fire watch warden must also report fire safety issues to the Division of Fire Safety in the Department of Community Affairs, which may request that the local construction code official revoke construction permits for projects posing fire safety risks. The Division of Fire Safety may assess owners and developers of covered construction projects reasonable fees to cover the costs incurred by the division for carrying out its responsibilities under the bill.

The bill also requires that an identifying emblem be affixed to each exterior entrance of a structure with light frame or truss construction to warn firefighters and the general public of the existence of light frame and truss-type construction in the structure. Under current law, an identifying emblem must be affixed to the front of a structure utilizing truss construction only.

Lastly, the bill requires that placards identifying the primary structural system of a structure be placed adjacent to the fire alarm control panel and on an exterior wall within 10 feet of the main entrance to the structure.