

SENATE, No. 1455

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

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

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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:

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

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

This bill would require all qualified residential buildings to have fire barriers in common attic areas over and above the separations between adjoining dwelling units. Open, unprotected common attic areas present a way for fires to quickly spread throughout a building, creating enormous risks to the safety of residents and firefighters. This bill would require that three-hour rated fire barriers be installed in these common attic areas to slow the spread of fires, which would provide more time for residents to safely evacuate and limit the scope of any fires that firefighters have to combat, while also limiting property damage.

The bill defines a “qualified residential building” as any building or structure of three or more stories with two or more dwelling units.

The bill requires the Commissioner of Community Affairs to adopt common attic area fire barrier regulations, on or before the first day of the sixth month next following the bill's effective date, for both new construction and existing buildings that would require a retrofit. For early stage new construction, an application for a construction permit could not be declared complete without providing for fire barriers if the application is not yet declared complete on or before the adoption of regulations. All other qualified residential buildings would have to comply with the fire barrier requirements within 180 days of the adoption of regulations.

The bill makes the common attic area fire barrier requirement a part of the “Hotel and Multiple Dwelling Law,” P.L.1967, c.76 (C.55:13A-1 et seq.). Accordingly, a multiple dwelling that meets the definition of a “qualified residential building” would be inspected for compliance with this requirement as a part of the regular inspections under that law. A qualified residential building that does not meet the “multiple dwelling” definition would be subject to these inspections for the limited purpose of ensuring compliance with this requirement.