SENATE, No. 2051



STATE OF NEW JERSEY

219th LEGISLATURE



INTRODUCED MARCH 16, 2020

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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 containing 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 and includes any pedestal or podium.

(3) Each fire partition shall:

(a) be constructed of noncombustible materials;

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

(c) extend from the foundation to the roof; 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 noncombustible materials;

(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 noncombustible materials;

(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 two stories and shall not exceed 30 feet above grade plane.

(b) If all light framing of the structure is protected, the structure shall not have more than three stories and shall not exceed 40 feet above grade plane.

(7) If the structure has five or more dwelling or sleeping units, a horizontal assembly shall not be considered to create separate and distinct structures for the purposes of determining area limitations, continuity of fire walls, limitation of number of stories, and type of construction as provided under this subsection and the code.

(8) The structure shall not be attached to another structure separated by a fire wall, but instead shall have a minimum fire separation distance of 30 feet. Each structure shall be a standalone structure and shall not exceed 12,000 square feet in area per story.

(9) If the structure utilizes non-combustible cold-formed steel framing products, these products shall be certified under an independent third-party inspection program administered by an accredited inspection agency according to the standards for bodies performing inspections in ISO-17020, and conforming with the “Code Compliance Certification Program” implemented by the Steel Framing Industry Association.

b. The construction of a new residential use structure containing more than two dwelling or sleeping units utilizing light frame construction shall not commence unless a fire watch warden who meets the requirements of paragraph (1) of this subsection is present 24 hours a day to monitor the construction 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 an active or retired firefighter, or is a 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 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 throughout the construction project and shall continue to monitor the construction project until the final sprinkler inspection is completed and a 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.

c. A contractor employed in the construction of a new residential use structure subject to the provisions of subsection a. of this section shall enter into a project labor agreement with the New Jersey Building and Construction Trades Council labor organizations that recognizes the special skills and the training and safety qualifications required for this type of residential construction. The contractor also shall certify participation in a Class A Apprenticeship Program for at least the three immediately preceding years for each separate trade or classification in which it employs craft employees and shall continue to participate in such program for the duration of the project. The contractor shall provide with the certification a list of all trades or classifications of craft employees it will employ on the project and documentation verifying that the contractor participates in a Class A Apprenticeship Program for each trade or classification listed.

d. 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.

e. As used in this section:

“Class A Apprenticeship Program” means an apprenticeship program which is registered with and approved by the United States Department of Labor or a state apprenticeship agency and has graduated apprentices to journeyperson status during three of the immediately preceding five years, and shall include a program that is subject to the "Employee Retirement Income Security Act of 1974" (29 U.S.C. s.1001 et seq.), or one that is not.

“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 of 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 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. This act shall take effect immediately.

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. The massive fire that quickly spread through and destroyed much of a large light frame construction apartment building in the Borough of Edgewater in 2015, and which displaced about 1,000 people, demonstrated that the State’s construction code needs to be strengthened to improve fire safety. This bill establishes several construction code requirements and a fire watch requirement to help limit the spread of fires in larger light frame construction residential buildings, to protect both residents and first responders.

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 and includes any pedestals or podiums; (3) the fire partitions and horizontal separations are constructed of noncombustible materials and have a fire-resistance rating of at least two hours; (4) the fire partitions extend from the foundation to the roof; (5) the fire walls are resistant to moisture and capable of passing the hose stream test in accordance with the construction code; (6) the building is limited to two stories and does not exceed 30 feet above grade plane if any light framing is unprotected, or the building is limited to three stories and does not exceed 40 feet above grade plane, if all light framing is protected; (7) a horizontal assembly is not used to permit the stacking of separate buildings for purposes of exceeding the height, area, and other limitations of the bill and the code, if the building has five or more dwelling or sleeping units; (8) the building has a fire separation distance of at least 30 feet; and (9) any non-combustible cold-formed steel framing products utilized in the building are certified under an independent third-party inspection program administered by an accredited inspection agency according to ISO-17020, and conforming with the “Code Compliance Certification Program” implemented by the Steel Framing Industry Association.

In addition, for a covered residential light frame construction project, this bill requires the owner or developer to hire a fire watch warden to provide 24 hour a day monitoring of construction. A fire watch warden has to be present from the time the construction project begins until the final sprinkler inspection is completed and a certificate of occupancy has issued. In the event of a fire or other emergency, the fire watch warden has to alert local first responders. The fire watch warden also has to 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 a contractor employed in a covered residential light frame construction project enter into a project labor agreement with the New Jersey Building and Construction Trades Council labor organizations. Such contractor also has to certify participation in a Class A Apprenticeship Program for at least the three immediately preceding years for each separate trade or classification in which it employs craft employees and has to continue to participate in such program for the duration of the project.

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 has to 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.