

SENATE, No. 2051

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator BRIAN P. STACK

District 33 (Hudson)

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District 15 (Hunterdon and Mercer)

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Senators Singleton, Bateman, Pou, Thompson, Ruiz, Cruz-Perez, Gill, Cunningham and Cryan

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.



(Sponsorship Updated As Of: 11/8/2021)

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2

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

4

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

7

8 1. (New section) a. A new residential use structure containing
9 more than two dwelling or sleeping units may only be constructed
10 utilizing light frame construction if the following requirements are
11 satisfied:

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

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

18 (3) Each fire partition shall:

19 (a) be constructed of noncombustible materials;

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

22 (c) extend from the foundation to the roof; and

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

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

27 (a) be constructed of noncombustible materials;

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

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

32 (5) Each fire wall shall:

33 (a) be constructed of noncombustible materials;

34 (b) not be adversely affected by moisture; and

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

37 (6) (a) If any light framing of the structure is unprotected, the
38 structure shall not have more than two stories and shall not exceed
39 30 feet above grade plane.

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

43 (7) If the structure has five or more dwelling or sleeping units, a
44 horizontal assembly shall not be considered to create separate and
45 distinct structures for the purposes of determining area limitations,

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 thus is new matter.

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1 continuity of fire walls, limitation of number of stories, and type of
2 construction as provided under this subsection and the code.

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

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

14 b. The construction of a new residential use structure containing
15 more than two dwelling or sleeping units utilizing light frame
16 construction shall not commence unless a fire watch warden who
17 meets the requirements of paragraph (1) of this subsection is present
18 24 hours a day to monitor the construction and alert firefighters,
19 medical, rescue, or law enforcement personnel if a fire or other
20 emergency occurs.

21 (1) A person shall be eligible to be a fire watch warden if the
22 person is qualified pursuant to N.J.S.40A:14-9 and is an active or
23 retired firefighter, or is a fire inspector who is certified pursuant to
24 subsection c. of section 12 of P.L.1983, c.383 (C.52:27D-203).

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

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

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

44 (5) A fire watch warden shall be present throughout the
45 construction project and shall continue to monitor the construction
46 project until the final sprinkler inspection is completed and a
47 certificate of occupancy is issued.

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

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

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

24 e. As used in this section:

25 "Class A Apprenticeship Program" means an apprenticeship
26 program which is registered with and approved by the United States
27 Department of Labor or a state apprenticeship agency and has
28 graduated apprentices to journeyman status during three of the
29 immediately preceding five years, and shall include a program that is
30 subject to the "Employee Retirement Income Security Act of 1974"
31 (29 U.S.C. s.1001 et seq.), or one that is not.

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

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

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

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

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

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

4 “Horizontal separation” means a floor assembly separating
5 dwelling units in the same structure, a floor assembly separating
6 sleeping units in the same structure, and a floor assembly separating
7 dwelling or sleeping units from other occupancies contiguous to them
8 in the same structure.

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

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

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

25

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

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

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

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

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

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

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

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

14 c. The Commissioner of Community Affairs shall, pursuant to
15 the authority under the "Uniform Fire Safety Act," P.L.1983, c.383
16 (C.52:27D-192 et seq.), adopt regulations to require that placards
17 identifying the primary structural system of a structure are affixed
18 adjacent to the fire alarm control panel and to an exterior wall within
19 10 feet of the main entrance to the structure.

20 The placards shall be eight inches vertically by 11 inches
21 horizontally and shall have a white background, black letters, and a
22 black border. The letters shall be in at least 72-point boldface type.
23 The letters and border shall be visible and readable from 10 feet.

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

- 26 (1) "Load-bearing concrete walls";
27 (2) "Load-bearing masonry walls";
28 (3) "Load-bearing steel stud walls";
29 (4) "Load-bearing light-framed combustible walls";
30 (5) "Structural concrete frame";
31 (6) "Structural steel frame";
32 (7) "Timber or cross-laminated timber"; or
33 (8) if the primary structural system of the structure is not one of
34 the foregoing, a description approved by the enforcing agency shall
35 be printed instead.

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

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

40

41 3. This act shall take effect immediately.

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STATEMENT

45

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

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

9 Under the bill, covered residential buildings may only be newly
10 constructed utilizing light frame construction if: (1) an automatic
11 sprinkler system is installed throughout the building in accordance
12 with National Fire Protection Association (NFPA) 13; (2) the number
13 of stories permitted is measured from grade plane and includes any
14 pedestals or podiums; (3) the fire partitions and horizontal
15 separations are constructed of noncombustible materials and have a
16 fire-resistance rating of at least two hours; (4) the fire partitions
17 extend from the foundation to the roof; (5) the fire walls are resistant
18 to moisture and capable of passing the hose stream test in accordance
19 with the construction code; (6) the building is limited to two stories
20 and does not exceed 30 feet above grade plane if any light framing is
21 unprotected, or the building is limited to three stories and does not
22 exceed 40 feet above grade plane, if all light framing is protected; (7)
23 a horizontal assembly is not used to permit the stacking of separate
24 buildings for purposes of exceeding the height, area, and other
25 limitations of the bill and the code, if the building has five or more
26 dwelling or sleeping units; (8) the building has a fire separation
27 distance of at least 30 feet; and (9) any non-combustible cold-formed
28 steel framing products utilized in the building are certified under an
29 independent third-party inspection program administered by an
30 accredited inspection agency according to ISO-17020, and
31 conforming with the “Code Compliance Certification Program”
32 implemented by the Steel Framing Industry Association.

33 In addition, for a covered residential light frame construction
34 project, this bill requires the owner or developer to hire a fire watch
35 warden to provide 24 hour a day monitoring of construction. A fire
36 watch warden has to be present from the time the construction project
37 begins until the final sprinkler inspection is completed and a
38 certificate of occupancy has issued. In the event of a fire or other
39 emergency, the fire watch warden has to alert local first responders.
40 The fire watch warden also has to report fire safety issues to the
41 Division of Fire Safety in the Department of Community Affairs,
42 which may request that the local construction code official revoke
43 construction permits for projects posing fire safety risks. The
44 Division of Fire Safety may assess owners and developers of covered
45 construction projects reasonable fees to cover the costs incurred by
46 the division for carrying out its responsibilities under the bill.

47 The bill also requires that a contractor employed in a covered
48 residential light frame construction project enter into a project labor

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1 agreement with the New Jersey Building and Construction Trades
2 Council labor organizations. Such contractor also has to certify
3 participation in a Class A Apprenticeship Program for at least the
4 three immediately preceding years for each separate trade or
5 classification in which it employs craft employees and has to
6 continue to participate in such program for the duration of the project.

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

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