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STATE OF NEW JERSEY
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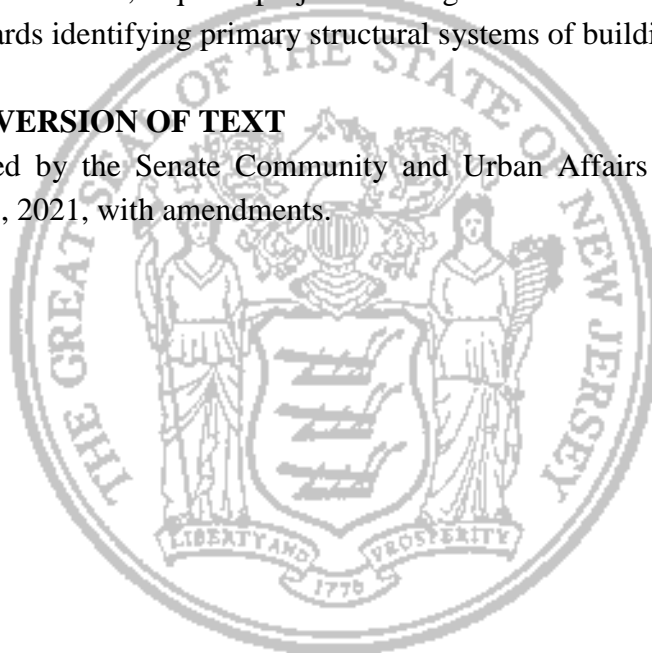
**Senators Singleton, Bateman, Pou, Thompson, Ruiz, Cruz-Perez, Gill,
Cunningham and Cryan**

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 reported by the Senate Community and Urban Affairs Committee on November 15, 2021, with amendments.



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

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 30
39 feet above grade plane.

40 (b) If all light framing of the structure is protected, the structure
41 shall not have more than ¹~~three~~ four¹ stories and shall not exceed
42 ¹~~40~~ 50¹ feet 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted November 15, 2021.

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 “Code
12 Compliance Certification Program” implemented by the Steel Framing
13 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 ¹either¹ an active
23 or retired firefighter, ¹building trades council member, police officer,
24 first responder, registered security officer, or building or zoning code
25 official,¹ or is ¹**[a]** an active or retired¹ fire inspector who is certified
26 pursuant to subsection c. of section 12 of P.L.1983, c.383 (C.52:27D-
27 203).

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

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

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

46 (5) A fire watch warden shall be present throughout the
47 construction project and shall continue to monitor the construction

1 project until the final sprinkler inspection is completed and a
2 certificate of occupancy is issued.

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

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

22 d. ¹If construction of a residential use structure commences on or
23 after the effective date of P.L. , c. (C.) (pending before the
24 Legislature as this bill) and the structure is to include one or more new
25 affordable housing units, then the provisions of P.L. , c. (C.)
26 (pending before the Legislature as this bill) shall not apply to the
27 residential use structure.

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

32 ¹**[e.] f.**¹ As used in this section:

33 ¹“Affordable housing unit” means a housing unit reserved for
34 occupancy by households with a gross household income equal to less
35 than 80 percent of the median gross household income for households
36 of the same size within the housing region in which the housing is
37 located.¹

38 “Class A Apprenticeship Program” means an apprenticeship
39 program which is registered with and approved by the United States
40 Department of Labor or a state apprenticeship agency and has
41 graduated apprentices to journeyman status during three of the
42 immediately preceding five years, and shall include a program that is
43 subject to the "Employee Retirement Income Security Act of 1974"
44 (29 U.S.C. s.1001 et seq.), or one that is not.

45 “Dwelling unit” means a single unit providing complete,
46 independent living facilities for one or more persons living as a single

1 housekeeping unit, including permanent provisions for living,
2 sleeping, eating, cooking, and sanitation.

3 “Fire barrier” means a fire-resistance rated wall assembly of
4 materials designed to restrict the spread of fire in which continuity is
5 maintained.

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

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

13 “Fire watch warden” means an individual hired to monitor new
14 residential use structure construction projects that utilize light frame
15 construction.

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

19 “Horizontal separation” means a floor assembly separating
20 dwelling units in the same structure, a floor assembly separating
21 sleeping units in the same structure, and a floor assembly separating
22 dwelling or sleeping units from other occupancies contiguous to them
23 in the same structure.

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

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

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

40

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

43 1. a. The Commissioner of Community Affairs shall, pursuant
44 to the authority under the "Uniform Fire Safety Act," P.L.1983,
45 c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to
46 require that an identifying emblem be affixed to the front of each
47 exterior entrance of structures with light frame or truss construction

1 to clearly communicate that the structure in the affected area is
2 combustible and known to the State to pose a fire hazard.

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

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

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

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

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

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

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

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

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

- 42 (1) "Load-bearing concrete walls";
- 43 (2) "Load-bearing masonry walls";
- 44 (3) "Load-bearing steel stud walls";
- 45 (4) "Load-bearing light-framed combustible walls";
- 46 (5) "Structural concrete frame";
- 47 (6) "Structural steel frame";
- 48 (7) "Timber or cross-laminated timber"; or

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

4 The following language shall be printed on each placard
5 following the description of the structural system: “serves as the
6 primary structural system of this structure”.

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

8

9 3. This act shall take effect immediately.