

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2051**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 15, 2021

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2051.

As amended, 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 four stories and does not exceed 50 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 specifies that residential use structures constructed on or after the enactment of the bill, that include one or more affordable housing units would be exempt from the bill’s requirements.

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.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to provide that additional individuals are eligible to be a fire watch warden if the person is qualified pursuant to N.J.S.40A:14-9 and is either a building trades council member, police officer, first responder, registered security officer, or building or zoning code official. The bill previously limited eligibility for certain qualified firefighters and fire inspectors. The amendments also provide that the allowable height for all protected light frame structures, under the bill, would be limited to not more than

four stories and a height not to exceed 50 feet above grade plane. Previously, the bill provided that if all light framing of the structure is protected, the structure would not have been permitted to a height of more than three stories and would not be permitted to exceed 40 feet above grade plane. Additionally, the amendments define “affordable housing unit” and the amendments exempt residential use structures constructed on or after the enactment of the bill, that include one or more affordable housing units from the bill’s requirements.