

# ASSEMBLY, No. 5031

## STATE OF NEW JERSEY

### 221st LEGISLATURE

INTRODUCED NOVEMBER 14, 2024

**Sponsored by:**

**Assemblyman GABRIEL RODRIGUEZ**

**District 33 (Hudson)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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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 that is  
9 classified as Residential Group R under the International Building  
10 Code and contains more than two dwelling or sleeping units may  
11 only be constructed utilizing light frame construction if the  
12 following requirements are satisfied:

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

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

19 (3) Each fire partition shall:

20 (a) be constructed of code-approved material;

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

23 (c) extend from the foundation to the attic; and

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

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

28 (a) be constructed of code-approved material;

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

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

33 (5) Each fire wall shall:

34 (a) be constructed of code-approved material;

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

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

38 (6) (a) If any light framing of the structure is unprotected, the  
39 structure shall not have more than three stories and shall not exceed  
40 60 feet above grade plane.

41 (b) If all light framing of the structure is protected, the structure  
42 shall not have more than four stories and shall not exceed 85 feet  
43 above grade plane.

44 b. All construction utilizing light frame construction shall not  
45 proceed unless, commencing at the time of framing, a fire watch  
46 warden who meets the requirements of paragraph (1) of this

**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.

1 subsection is present during non-working hours, or technology is  
2 employed pursuant to paragraph (7) of this subsection, to monitor  
3 the construction project and alert firefighters, medical, rescue, or  
4 law enforcement personnel if a fire or other emergency occurs.

5 (1) A person shall be eligible to be a fire watch warden if the  
6 person is qualified pursuant to N.J.S.40A:14-9 and is either an  
7 active or retired firefighter, building trades council member, police  
8 officer, first responder, registered security officer, or building or  
9 zoning code official, or is an active or retired fire inspector who is  
10 certified pursuant to subsection c. of section 12 of P.L.1983, c.383  
11 (C.52:27D-203).

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

17 (3) A fire watch warden shall make regular inspections and  
18 patrols of the area assigned to the fire watch warden for supervision  
19 by the developer or owner. A fire watch warden shall not be  
20 assigned any other responsibilities that would interfere with or  
21 prevent the fire watch warden from carrying out the fire watch  
22 warden's responsibilities under this subsection.

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

31 (5) A fire watch warden shall be present during non-working  
32 hours, commencing at the time of framing throughout the  
33 construction project, and shall continue to monitor the construction  
34 project until the final sprinkler inspection is completed or a  
35 temporary certificate of occupancy is issued.

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

41 (7) Any technology utilized in lieu of a fire watch warden  
42 shall provide monitoring and alerting capabilities comparable to  
43 that which may be provided by a fire watch warden.

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

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1 d. Any contractor or subcontractor employed in the  
2 construction of a new residential use structure subject to the  
3 provisions of subsection a. of this section shall certify compliance  
4 with all applicable labor laws, including but not limited to the  
5 "Construction Industry Independent Contractor Act," P.L.2007,  
6 c.114 (C.34:20-1 et seq.) and the workers' compensation law,  
7 R.S.34:15-1 et seq., and shall also be registered pursuant to "The  
8 Public Works Contractor Registration Act," P.L.1999, c.238  
9 (C.34:11-56.48 et seq.).

10 e. As used in this section:

11 "Dwelling unit" means a single unit providing complete,  
12 independent living facilities for one or more persons living as a  
13 single housekeeping unit, including permanent provisions for living,  
14 sleeping, eating, cooking, and sanitation.

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

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

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

25 "Fire watch warden" means an individual hired to monitor new  
26 residential use structure construction projects that utilize light frame  
27 construction.

28 "Horizontal assembly" means a fire-resistance rated floor or roof  
29 assembly of materials designed to restrict the spread of fire in  
30 which continuity is maintained.

31 "Horizontal separation" means a floor assembly separating  
32 dwelling units in the same structure, a floor assembly separating  
33 sleeping units in the same structure, and a floor assembly separating  
34 dwelling or sleeping units from other occupancies contiguous to  
35 them in the same structure.

36 "Light frame construction" means a type or construction the  
37 vertical and horizontal structural elements of which are primarily  
38 formed by a system of repetitive wood framing members or that  
39 utilizes metal-plate-connected wood trusses, metal-plate-connected  
40 metal-web wood trusses, pin-end connected steel-web wood trusses,  
41 wooden I-joists, solid-sawn wood joists, composite wood joists as  
42 floor or roof system structural elements, or load bearing elements  
43 made of combustible materials.

44 "Residential use structure" means a hotel or multiple dwelling, as  
45 those terms are defined in section 3 of P.L.1967, c.76 (C.55:13A-3),  
46 or a boarding house or rooming house, as those terms are defined in  
47 section 3 of P.L.1979, c.496 (C.55:13B-3).

1 "Sleeping unit" means a room or space in which people sleep,  
2 which can also include permanent provisions for living, eating, and  
3 either sanitation or kitchen facilities but not both, but does not  
4 include such a room or space that is also part of a dwelling unit.

5  
6 2. Section 1 of P.L.1991, c.188 (C.52:27D-198.4) is amended  
7 to read as follows:

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

15 The emblem shall be of a bright and reflective color, or made of  
16 reflective material. The shape of the emblem shall be an isosceles  
17 triangle and the size shall be 12 inches horizontally by 6 inches  
18 vertically. The following letters, of a size and color to make them  
19 conspicuous, shall be printed on the emblem: "LF" to signify light  
20 frame construction; "F" to signify a floor with truss construction;  
21 "R" to signify a roof with truss construction; or "F/R" to signify  
22 both a floor and roof with truss construction.

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

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

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

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

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

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

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

5     One of the following descriptions shall be printed on a placard,  
6 as appropriate:

7     (1) "Load-bearing concrete walls";

8     (2) "Load-bearing masonry walls";

9     (3) "Load-bearing steel stud walls";

10    (4) "Load-bearing light-framed combustible walls";

11    (5) "Structural concrete frame";

12    (6) "Structural steel frame";

13    (7) "Timber or cross-laminated timber"; or

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

17    The following language shall be printed on each placard  
18 following the description of the structural system: "serves as the  
19 primary structural system of this structure".

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

21

22     3. (New section) The Commissioner of Community Affairs  
23 shall review the implementation of P.L. , c. (C. ) (pending  
24 before the Legislature as this bill) and, within one year of its  
25 effective date, provide a report to the Governor and the Legislature,  
26 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on its  
27 effectiveness and any challenges related to its implementation.

28

29     4. This act shall take effect immediately and shall apply to any  
30 covered construction that commences after the date of enactment,  
31 provided that a grace period of six months from the date of  
32 enactment shall be given to construction projects for which plans  
33 are not yet completed and are in the process of plan development.

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STATEMENT

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38     This bill would establish a number of fire safety standards for  
39 light frame construction of new multiple dwellings, hotels, and  
40 rooming and boarding houses with more than two dwelling or  
41 sleeping units, and a fire warden requirement for all light frame  
42 construction.

43     Under the bill, covered residential buildings may only be newly  
44 constructed utilizing light frame construction if: (1) an automatic  
45 sprinkler system is installed throughout the building in accordance  
46 with National Fire Protection Association (NFPA) 13; (2) the  
47 number of stories permitted is measured from grade plane excluding  
48 any pedestals or podiums; (3) the fire partitions and horizontal

1 separations have a fire-resistance rating of at least two hours; (4)  
2 the fire partitions extend from the foundation to the attic; (5) the  
3 fire walls are resistant to moisture and capable of passing the hose  
4 stream test in accordance with the construction code; and (6) if any  
5 light framing is unprotected, the building is limited to three stories  
6 and does not exceed 60 feet above grade plane or, if all light  
7 framing is protected, the building is limited to four stories and does  
8 not exceed 85 feet above grade plane.

9 In addition, for all new construction projects, this bill would  
10 require the owner or developer to hire a fire watch warden to  
11 provide monitoring of the construction project during non-working  
12 hours, or install comparable technology. A fire watch warden must  
13 be present from the time the construction project begins until the  
14 final sprinkler inspection is completed or a temporary certificate of  
15 occupancy is issued. In the event of a fire or other emergency, the  
16 fire watch warden must alert local first responders. The fire watch  
17 warden must also report fire safety issues to the Division of Fire  
18 Safety in the Department of Community Affairs, which may request  
19 that the local construction code official revoke construction permits  
20 for projects posing fire safety risks. The Division of Fire Safety  
21 may assess owners and developers of covered construction projects  
22 reasonable fees to cover the costs incurred by the division for  
23 carrying out its responsibilities under the bill.

24 The bill also requires that an identifying emblem be affixed to  
25 each exterior entrance of a structure with light frame or truss  
26 construction to warn firefighters and the general public of the  
27 existence of light frame and truss-type construction in the structure.  
28 Under current law, an identifying emblem must be affixed to the  
29 front of a structure utilizing truss construction only.

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