

SENATE, No. 262

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

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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

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

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

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

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

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

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

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

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

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,
45 as those terms are defined in section 3 of P.L.1967, c.76 (C.55:13A-
46 3), or a boarding house or rooming house, as those terms are
47 defined in 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.

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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.