

**ASSEMBLY, No. 3453**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2024

**Sponsored by:**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman WILLIAM B. SAMPSON, IV**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblymen Venezia, Wimberly, Assemblywomen Bagolie and Hall**

**SYNOPSIS**

Concerns implementation of fire sprinkler system requirements in newly constructed townhouses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/12/2024)**

1 AN ACT concerning the implementation of fire sprinkler system  
2 requirements in newly constructed townhouses and amending  
3 P.L.2023, c.265.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.2023, c.265 (C. ) is amended to read as  
9 follows:

10 1. a. A **newly constructed** construction permit application for  
11 a new townhouse subject to the one-and two-family dwelling  
12 subcode, adopted by the Commissioner of Community Affairs  
13 pursuant to section 5 of P.L.1975, c.217 (C.52:27D-123), adopted  
14 as N.J.A.C.5:23-3.21, or succeeding subcode, **for which an**  
15 **application for a construction permit has not been** shall not be  
16 declared complete by the enforcing agency before on or after the  
17 first day of the seventh 25th month next following the date of  
18 enactment of P.L.2023, c.265 (C. ), **shall be installed with**  
19 unless the construction permit application for the new townhouse  
20 contains provisions for the installation of an automatic fire sprinkler  
21 system in accordance with the requirements of  
22 P.L.2023, c.265 (C. ).

23 b. On or before the first day of the **fifth** 13th month next  
24 following the date of enactment of **P.L.2023, c.265 (C. )**  
25 P.L. , c. (C. ) (pending before the Legislature as this bill,  
26 the Commissioner of Community Affairs shall adopt, pursuant to  
27 section 5 of the "State Uniform Construction Code Act," P.L.1975,  
28 c.217 (C.52:27D-123) and the "Administrative Procedure Act,"  
29 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
30 amend and supplement, as necessary, the one- and two-family  
31 dwelling subcode, and any other necessary components of the State  
32 Uniform Construction Code, to establish standards for the design  
33 and construction of townhouses to comply with  
34 P.L.2023, c.265 (C. ). The rules and regulations shall  
35 incorporate the provisions of the 2021 International Residential  
36 Code, Section R313.1, or any successor model code, for the  
37 installation of an automatic fire sprinkler systems.

38 c. A development shall not be subject to the provisions of this  
39 section if, prior to the first day of the 25th month next following the  
40 date of enactment of P.L.2023, c.265 (C. ), a development plan  
41 or subdivision application has been submitted that pertains to the  
42 development, which, for the purposes of this section, includes but  
43 shall not be limited to:

**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     (1) a preliminary or final approval from a municipal planning or
- 2     zoning board memorialized by a resolution of approval;
- 3     (2) a developer's agreement granted pursuant to P.L.1975, c.291
- 4     (C.40:55D-1 et seq.);
- 5     (3) a redevelopment agreement entered pursuant to P.L.1992,
- 6     c.79 (C.40A:12A-1 et al.);
- 7     (4) a payment in lieu of tax agreement;
- 8     (5) a fair share plan or housing element that provides for the
- 9     development, and is subject to a judgment of repose or compliance,
- 10    an affordable housing settlement agreement, or other approval
- 11    provided pursuant to the "Fair Housing Act," P.L.1985, c.222
- 12    (C.52:27D-301 et al.) or Mount Laurel doctrine; or
- 13    (6) a building permit.

14    d. As used in this section:

15       "Automatic fire sprinkler system" means an integrated system of

16    underground and overhead piping designed in accordance with fire

17    protection engineering standards and shall include a suitable water

18    supply. The portion of the system above the ground is a network of

19    specially sized or hydraulically designed piping installed in a

20    structure or area, generally overhead, and to which automatic

21    sprinklers are connected in a systematic pattern. The system is

22    generally activated by heat from a fire and discharges water over

23    the fire area.

24       "Townhouse" means a single-family dwelling unit constructed in

25    a group of three or more attached units in which each unit extends

26    from foundation to roof and with a yard or public way on not less

27    than two sides.

28    (cf: P.L.2023, c.265, s.1)

29

30       2. Section 2 of P.L.2023, c.265 (C.     ) is amended to read as

31    follows:

32       2. **【This act】** P.L.2023, c.265 (C.     ) shall take effect on the

33    first day of the **【seventh】** 25th month next following the date of

34    enactment, except that the Commissioner of Community Affairs

35    may take anticipatory action necessary to implement the provisions

36    of P.L.2023, c.265 (C.     ).

37    (cf: P.L.2023, c.265, s.2)

38

39       3. This act shall take effect immediately.

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## STATEMENT

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44       In order to provide sufficient time for the Department of

45    Community Affairs (DCA) to adopt necessary rules and regulations,

46    and for developers to prepare to install sprinkler systems in

47    townhouses, in accordance with the requirements of a recently-

1 enacted statute, P.L.2023, c.265, this bill would extend and modify  
2 certain implementation-related timelines and requirements in that  
3 statute.

4 Enacted in January 2024, P.L.2023, c.265 requires the  
5 installation of an automatic fire sprinkler system in new townhouses  
6 for which a construction permit application has not been declared  
7 complete prior to August 1, 2024, the first day of the seventh month  
8 following the statute's enactment. This bill would modify this  
9 requirement so that a construction permit application for a new  
10 townhouse subject to the one-and two-family dwelling subcode,  
11 adopted by the Commissioner of Community Affairs pursuant to  
12 section 5 of P.L.1975, c.217 (C.52:27D-123), would not be declared  
13 complete by the enforcing agency on or after the first day of the  
14 25th month next following the date of enactment of P.L.2023,  
15 c.265, unless the construction permit application for the new  
16 townhouse contains provisions for the installation of an automatic  
17 fire sprinkler system in accordance with the requirements of  
18 P.L.2023, c.265.

19 The bill also specifies that the provisions of P.L.2023, c.265  
20 would not apply to a development for which a developmental site  
21 plan or subdivision application has been submitted prior to the first  
22 day of the 25th month following the enactment of P.L.2023, c.265,  
23 including:

- 24     ▪ a preliminary or final approval from a municipal planning or  
25        zoning board memorialized by a resolution of approval;
- 26     ▪ developer's agreement;
- 27     ▪ a redevelopment agreement;
- 28     ▪ a payment in lieu of tax agreement;
- 29     ▪ a fair share plan or housing element that provides for the  
30        development, and is subject to a judgment of repose or  
31        compliance, an affordable housing settlement agreement, or  
32        other approval provided under the "Fair Housing Act" or  
33        Mount Laurel doctrine; or
- 34     ▪ a building permit.

35 P.L.2023, c.265 also requires the Commissioner of Community  
36 Affairs to adopt rules and regulations incorporating International  
37 Residential Code guidance pertaining to such installations by June  
38 1, 2024, the first day of the fifth month following the date of that  
39 statute's enactment. The bill would modify this requirement to  
40 allow the commissioner until the first day of the 13th month  
41 following the enactment of this bill, instead of the enactment of  
42 P.L.2023, c.265, to adopt these rules and regulations.