

**ASSEMBLY, No. 5184**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JANUARY 14, 2025

**Sponsored by:**

**Assemblyman ROBERT AUTH**

**District 39 (Bergen)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Speight**

**SYNOPSIS**

Concerns availability of fire escape mechanisms in residential dwellings; provides penalty for violation.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/23/2025)**

1 AN ACT concerning fire safety and availability of escape  
2 mechanisms and amending P.L.1991, c.92.

3

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

6

7 1. Section 1 of P.L.1991, c.92 (C.52:27D-198.1) is amended to  
8 read:

9 1. a. A structure used or intended for use for residential  
10 purposes by not more than two households shall have a smoke-  
11 sensitive alarm device on each level of the structure and outside  
12 each separate sleeping area in the immediate vicinity of the  
13 bedrooms and located on or near the ceiling in accordance with  
14 National Fire Protection Association Standard No. 74-1984 for the  
15 installation, maintenance, and use of household fire warning  
16 equipment. The installation of battery operated smoke-sensitive  
17 alarm devices shall be accepted as meeting the requirements of this  
18 section. The smoke-sensitive device shall be tested and listed by a  
19 product certification agency recognized by the Bureau of Fire  
20 Safety.

21 b. Each structure, other than a seasonal rental unit, shall also be  
22 equipped with at least one portable fire extinguisher in conformance  
23 with rules and regulations promulgated by the Commissioner of  
24 Community Affairs pursuant to the "Administrative Procedure Act,"  
25 P.L.1968, c.410 (C.52:14B-1 et seq.). For the purposes of this  
26 section, "portable fire extinguisher" means an operable portable  
27 device, carried and operated by hand, containing an extinguishing  
28 agent that can be expelled under pressure for the purpose of  
29 suppressing or extinguishing fire, and which is: (1) rated for  
30 residential use consisting of an ABC type; (2) no larger than a 10  
31 pound rated extinguisher; and (3) mounted within 10 feet of the  
32 kitchen area, unless otherwise permitted by the enforcing agency.  
33 "Seasonal rental unit" means a dwelling unit rented for a term of not  
34 more than 125 consecutive days for residential purposes by a person  
35 having a permanent residence elsewhere, but shall not include use  
36 or rental of living quarters by migrant, temporary or seasonal  
37 workers in connection with any work or place where work is being  
38 performed.

39 c. Each structure used or intended for use for residential  
40 purposes shall also be equipped with a fire escape mechanism on  
41 each level of the structure containing living space above the ground  
42 floor of the structure. For purposes of this section, a "fire escape  
43 mechanism" means a device or system of devices which will  
44 provide for the safe exit of a person or persons from a window  
45 when egress through the use of ground floor exits is inaccessible

**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 due to fire, smoke, or other life-threatening danger. A fire escape  
2 mechanism shall include, but be not limited to, an anchor plate,  
3 hook, and rope system. The Commissioner of Community Affairs  
4 shall promulgate rules and regulations pursuant to the  
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
6 1 et seq.) to implement the requirements of P.L. , c. (C. )  
7 (pending before the Legislature as this bill).

8 d. This section shall not be enforced except pursuant to  
9 sections 2 and 3 of P.L.1991, c.92 (C.52:27D-198.2 and 52:27D-  
10 198.3).

11 (cf: P.L.2005, c.71, s.1)

12

13 2. Section 2 of P.L.1991, c.92 (C.52:27D-198.2) is amended to  
14 read:

15 2. a. In any case where a change of occupancy of any building  
16 subject to the requirements of section 1 of P.L.1991, c.92  
17 (C.52:27D-198.1) is subject to a municipal ordinance requiring the  
18 issuance of a certificate of occupancy, certificate of inspection or  
19 other documentary certification of compliance with laws and  
20 regulations relating to safety, healthfulness and upkeep of the  
21 premises, no such certificate shall issue until the municipal officer  
22 or agency responsible for its issuance has determined that the  
23 building is equipped with an alarm device or devices **[and]** , a  
24 portable fire extinguisher, and a fire escape mechanism as required  
25 by section 1 of P.L.1991, c.92 (C.52:27D-198.1).

26 b. In the case of change of occupancy of any building subject  
27 to the requirements of section 1 of P.L.1991, c.92 (C.52:27D-198.1)  
28 to which the provisions of subsection a. of this section do not apply,  
29 no owner shall sell, lease or otherwise permit occupancy for  
30 residential purposes of that building without first obtaining from the  
31 relevant enforcement agency under the "Uniform Fire Safety Act,"  
32 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing  
33 compliance with the requirements of P.L.1991, c.92 (C.52:27D-  
34 198.1 et seq.). The local governing body having jurisdiction over  
35 the said enforcing agency or, where the Bureau of Fire Safety is the  
36 enforcing agency, the Commissioner of Community Affairs shall  
37 establish a fee which covers the cost of inspection and of issuance  
38 of the certificate.

39 (cf: P.L.2005, c.71, s.2)

40

41 3. Section 3 of P.L.1991, c.92 (C.52:27D-198.3) is amended to  
42 read:

43 3. An owner who sells, leases, rents or otherwise permits to be  
44 occupied for residential purposes any premises subject to the  
45 provisions of P.L.1991, c.92 (C.52:27D-198.1 et seq.) when the  
46 premises do not comply with the requirements of section 1 of  
47 P.L.1991, c.92 (C.52:27D-198.1), or without complying with the  
48 inspection and certification requirements of section 2 of P.L.1991,

1 c.92 (C.52:27D-198.2), shall be subject to a fine of not more than  
2 ~~【\$500.00】~~ \$500 in the case of a violation for an alarm device, ~~【or】~~  
3 a fine of not more than \$100 in the case of a violation for a portable  
4 fire extinguisher, or a fine of not more than \$1,000 in the case of a  
5 violation for a fire escape mechanism, which may be collected and  
6 enforced by the local enforcing agency as defined in subsection g.  
7 of section 5 of P.L.1983, c.383 (C.52:27D-196) by summary  
8 proceedings pursuant to the "Penalty Enforcement Law of 1999,"  
9 P.L.1999, c.274 (C.2A:58-10 et seq.).  
10 (cf: P.L.2005, c.71, s.3)

11

12 4. This act shall take effect immediately.

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STATEMENT

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17 This bill provides for the implementation of additional fire safety  
18 measures in residential structures. This bill would require that in  
19 addition to smoke alarms and fire extinguishers, which are already  
20 required in certain residential structures, that such structures also be  
21 equipped with "fire escape mechanisms." A fire escape mechanism  
22 is defined as a device or system of devices which provide for the  
23 safe exit of a person or persons from a window when passage  
24 through the use of ground floor exits is inaccessible due to fire,  
25 smoke, or other life-threatening danger. This bill also provides the  
26 Commissioner of Community Affairs with authority to promulgate  
27 rules and regulations necessary to implement this new safety  
28 measure.

29 The fire escape mechanism requirement would be enforced by  
30 the municipality if it has an ordinance requiring inspections upon a  
31 change of occupancy, or by the appropriate fire code official in the  
32 event the municipality does not have an inspection ordinance. The  
33 bill permits a penalty, not to exceed \$1,000, to be imposed for a  
34 violation of the fire escape mechanism requirement.