SENATE, No. 2469

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 5, 2024

Sponsored by: Senator LINDA R. GREENSTEIN District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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	of thew sersey.
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 as
14	N.J.A.C.5:23-3.21, or succeeding subcode, [for which an application
15	for a construction permit has not been shall not be declared
16	complete by the enforcing agency [before] on or after the first day
17	of the [seventh] 25th month next following the date of enactment of
18	P.L.2023, c.265 (C.), [shall be installed with] unless the
19	construction permit application for the new townhouse contains
20	provisions for the installation of an automatic fire sprinkler system
21	in accordance with the requirements of P.L.2023, c.265 (C.).
22	b. On or before the first day of the [fifth] 13th month next
23	following the date of enactment of [P.L.2023, c.265 (C.)]
24	P.L., c. (C.) (pending before the Legislature as this bill, the
25	Commissioner of Community Affairs shall adopt, pursuant to section
26	5 of the "State Uniform Construction Code Act," P.L.1975, c.217
27	(C.52:27D-123) and the "Administrative Procedure Act," P.L.1968,
28	c.410 (C.52:14B-1 et seq.), rules and regulations to amend and
29	supplement, as necessary, the one- and two-family dwelling subcode,
30	and any other necessary components of the State Uniform
31	Construction Code, to establish standards for the design and
32	construction of townhouses to comply with P.L.2023, c.265 (C.).
33	The rules and regulations shall incorporate the provisions of the 2021
34	International Residential Code, Section R313.1, or any successor
35	model code, for the installation of an automatic fire sprinkler
36	systems.
37 38	c. A development shall not be subject to the provisions of this
38 39	section if, prior to the first day of the 25th month next following the date of enactment of P.L.2023, c.265 (C.), a development plan
40	or subdivision application has been submitted that pertains to the
41	development, which, for the purposes of this section, includes but
42	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.

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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	<u>d.</u> 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 the
23	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)
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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 may
35	take anticipatory action necessary to implement the provisions of
36	P.L.2023, c.265 (C.).
37	(cf: P.L.2023, c.265, s.2)
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39	3. This act shall take effect immediately.
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42	STATEMENT
43 44	In order to provide sufficient time for the Deportment of
44 45	In order to provide sufficient time for the Department of Community Affairs (DCA) to adopt necessary rules and regulations,
45	and for developers to prepare to install sprinkler systems in
40	and for developers to prepare to install sprinkler systems in

and for developers to prepare to install sprinkler systems in townhouses, in accordance with the requirements of a recently1 enacted statute, P.L.2023, c.265, this bill would extend and modify 2 certain implementation-related timelines and requirements in that 3

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

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

- a preliminary or final approval from a municipal planning or zoning board memorialized by a resolution of approval;
- developer's agreement;

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- a redevelopment agreement;
- a payment in lieu of tax agreement;
- a fair share plan or housing element that provides for the development, and is subject to a judgment of repose or compliance, an affordable housing settlement agreement, or other approval provided under the "Fair Housing Act" or Mount Laurel doctrine; or
- a building permit.

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