

SENATE, No. 2962

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JUNE 22, 2009

Sponsored by:
Senator CHRISTOPHER "KIP" BATEMAN
District 16 (Morris and Somerset)

SYNOPSIS

Prohibits adoption of subcode requiring installation of fire sprinklers in one- and two-family residential buildings.

CURRENT VERSION OF TEXT

As introduced.

AN ACT prohibiting the requirement of fire sprinklers in certain residential buildings and amending and supplementing the "State Uniform Construction Code Act," P.L.1975, c.217.

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

1. Section 5 of P.L.1975, c.217 (C.52:27-123) is amended to read as follows:

5. a. The commissioner shall after public hearing pursuant to section 4 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-4) adopt a State Uniform Construction Code for the purpose of regulating the structural design, construction, maintenance and use of buildings or structures to be erected and alteration, renovation, rehabilitation, repair, maintenance, removal or demolition of buildings or structures already erected. Prior to the adoption of said code, the commissioner shall consult with the code advisory board and other departments, divisions, bureaus, boards, councils or other agencies of State Government heretofore authorized to establish or administer construction regulations.

Such prior consultations with departments, divisions, bureaus, boards, councils, or other agencies of State Government shall include but not be limited to consultation with the Commissioner of Health and Senior Services and the Public Health Council prior to adoption of a plumbing subcode pursuant to paragraph b. of this section. Said code shall include any code, rule or regulation incorporated therein by reference.

b. The code shall be divided into subcodes which may be adopted individually by the commissioner as he may from time to time consider appropriate. These subcodes shall include but not be limited to a building code, a plumbing code, an electrical code, an energy code, a fire prevention code, a manufactured or mobile home code and mechanical code.

[These] Subject to the requirements of P.L. , c. (C.) (pending before the Legislature as this bill), these subcodes shall be adoptions of the model codes of the Building Officials and Code Administrators International, Inc., the National Electrical Code, and the National Standard Plumbing Code, provided that for good reasons, the commissioner may adopt as a subcode a model code or standard of some other nationally recognized organization upon a finding that such model code or standard promotes the purposes of this act. The initial adoption of a model code or standard as a subcode shall constitute adoption of subsequent edition year publications of the model code or standard organization, except as provided for in paragraphs (1) through (4) of this subsection. Adoption of publications shall not occur more frequently than once every three years; provided, however, that a revision or amendment may be adopted at any time in the event that the commissioner finds that there exists an imminent peril to the public health, safety or welfare.

(1) Except as otherwise provided in this subsection, the edition of a model code or standard in effect as a subcode as of July 1, 1995 shall continue in effect regardless of any publication of a subsequent edition of that model code or standard. Prior to establishing the effective date for any subsequent revision or amendment of any model code or standard adopted as a subcode, the commissioner shall review, in consultation with the code advisory board, the text of the revised or amended model code or standard and determine whether the amended or revised provisions of the model code are essential to carry out the intent and purpose of this act as viewed in contrast to the corresponding provisions of the subcode then currently in effect.

(2) In the event that the commissioner, pursuant to paragraph (1) of this subsection, determines that any amended or revised provision of a model code is essential to carry out the intent and purpose of this act as viewed in contrast to any corresponding provision of the subcode then currently in effect, the commissioner may then adopt that provision of the amended or revised model code.

(3) The commissioner, in consultation with the code advisory board, shall have the authority to review any model code or standard currently in effect as a subcode of the State Uniform Construction Code and compare it with previously adopted editions of the same model code or standard in order to determine if the subcode currently in effect is at least as consistent with the intent and purpose of this act as were previously adopted editions of the same model code or standard.

(4) In the event that the commissioner, after consultation with the code advisory board, determines pursuant to this subsection that a provision of a model code or standard currently in effect as a subcode of the State Uniform Construction Code is less consistent with the intent and purpose of this act than was the corresponding provision of a previously adopted edition of the same model code or standard, the commissioner

may delete the provision in effect and substitute in its place the corresponding provision of the previously adopted edition of the same model code or standard determined to be more consistent with the intent and purpose of this act.

(5) The commissioner shall be authorized to adopt a barrier free subcode or to supplement or revise any model code adopted hereunder, for the purpose of insuring that adequate and sufficient features are available in buildings or structures so as to make them accessible to and usable by the physically handicapped. Multi-family residential buildings with four or more dwelling units in a single structure shall be constructed in accordance with the barrier free subcode; for the purposes of this subsection the term "multi-family residential buildings with four or more dwelling units in a single structure" shall not include buildings constructed as townhouses, which are single dwelling units with two or more stories of living space, exclusive of basement or attic, with most or all of the sleeping areas on one story and with most of the remaining habitable space, such as kitchen, living and dining areas, on another story, and with an independent entrance at or near grade level.

c. Any municipality through its construction official, and any State agency or political subdivision of the State may submit an application recommending to the commissioner that a State sponsored code change proposal be adopted. Such application shall contain such technical justification and shall be submitted in accordance with such rules of procedure as the commissioner may deem appropriate, except that whenever the State Board of Education shall determine that enhancements to the code are essential to the maintenance of a thorough and efficient system of education, the enhancements shall be made part of the code; provided that the amendments do not result in standards that fall below the adopted subcodes. The Commissioner of the Department of Education shall consult with the Commissioner of the Department of Community Affairs prior to publishing the intent of the State Board to adopt any amendments to the Uniform Construction Code. Upon adoption of any amendments by the State Board of Education they shall be transmitted forthwith to the Commissioner of the Department of Community Affairs who shall publish and incorporate the amendments as part of the Uniform Construction Code and the amendments shall be enforceable as if they had been adopted by the commissioner.

At least 45 days prior to the final date for the submission of amendments or code change proposals to the National Model Code Adoption Agency, the code of which has been adopted as a subcode under this act, the commissioner shall hold a public hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), at which testimony on any application recommending a State sponsored code change proposal will be heard.

The commissioner shall maintain a file of such applications, which shall be made available to the public upon request and upon payment of a fee to cover the cost of copying and mailing.

After public hearing, the code advisory board shall review any such applications and testimony and shall within 20 days of such hearing present its own recommendations to the commissioner.

The commissioner may adopt, reject or return such recommendations to the code advisory board for further deliberation. If adopted, any such proposal shall be presented to the subsequent meeting of the National Model Code Agency by the commissioner or by persons designated by the commissioner as a State sponsored code change proposal. Nothing herein, however, shall limit the right of any municipality, the department, or any other person from presenting amendments to the National Model Code Agency on its own initiative.

The commissioner may adopt further rules and regulations pursuant to this subsection and may modify the procedures herein described when a model code change hearing has been scheduled so as not to permit adequate time to meet such procedures.

d. (Deleted by amendment, P.L.1983, c.496.) (cf: P.L.2003, c.72, s.2)

2. (New section) A building subcode applicable to residential property, and adopted by the commissioner pursuant to section 5 of P.L.1975, c.217 (C.52:27D-123), shall not require fire sprinklers or an automatic fire suppression system to be installed in a residential building that contains less than three dwelling units.

3. This act shall take effect immediately.

STATEMENT

This bill would ensure that the State will not require fire sprinklers to be installed in one- and two-family homes. This bill would make changes to the "State Uniform Construction Code Act," P.L.1975, c.217.

This legislation would prohibit the Commissioner of Community Affairs from adopting a residential building subcode that would require the installation of fire sprinklers in existing and newly-constructed single-family and two-family homes. Requiring sprinklers to be included in a newly constructed home, or the installation of sprinklers in an existing home, would be expensive, potentially adding thousands of dollars to the cost of a home, which would be borne by the owner or purchaser of the residence. In addition, it is the understanding of the sponsor that requiring sprinklers in these homes would place an enormous burden on municipalities because of the standby water supplies required for a dedicated fire service water line.



National Fire Protection Association

The authority on fire, electrical, and building safety

News releases

Cost of installing residential fire sprinklers averages \$1.61 per square foot New Fire Protection Research Foundation report assesses costs

September 11, 2008 – A national perspective on the cost of installing residential fire sprinklers is examined in a new report [Home Fire Sprinkler Cost Assessment](#) (PDF, 634 KB), released today by the [Fire Protection Research Foundation](#), an affiliate of the National Fire Protection Association. According to the report, the cost of installing sprinkler systems to the home builder averaged \$1.61 per sprinklered square foot. Sprinklered square feet is the total area of spaces with sprinklers.

The cost of sprinkler systems to the home builder, in dollars per sprinklered square foot, ranged from \$0.38 to \$3.66. This cost includes all costs to the builder associated with the system including design, installation, and other costs such as permits; additional equipment, increased tap and water meter fees – to the extent that they apply.

“There’s no question that an investment in a residential fire sprinkler system can prove to be a life-saving decision, but when seeking cost information to make that decision, people are often hard pressed to find true costs.” said Kathleen Almand, executive director of the Fire Protection Research Foundation. “We found that professionals in the field and the average person were in great need of reliable information in this area – the findings from our latest research project provide costs based on actual data.”

Case studies that examined installation costs and insurance premium discounts associated with the installation of home fire sprinkler systems were conducted for 10 communities, nine distributed throughout the United States and one in Canada. They are: Pitt Meadows, BC (Canada); San Clemente, CA; Fort Collins, CO; Huntley, IL; Matteson, IL; North Andover, MA; Carroll County, MD; Prince George’s County, MD; Wilsonville, OR; and Pleasant View, TN.

Communities were selected based on diversity in terms of sprinkler ordinance longevity, geographic location, housing style, and sprinkler system variables such as the type of piping material and the water supply source (municipal or on-site). Three building plans were collected from builders and sprinkler installers within each of these communities, along with sprinkler system cost data and other related cost and system information.

“More than 8 in 10 fire deaths occur in homes, yet the likelihood of someone dying in a home fire is cut in half when sprinklers are present,” said Gary Keith, NFPA’s vice

president of field operations. “Installing a home fire sprinkler system is a huge step in the right direction when protecting people and property. This national cost assessment will help jurisdictions, building professionals, insurance companies, the fire service, and members of the general public interested in making informed decisions about home fire sprinklers.”

The Fire Protection Research Foundation Project Technical Panel included: David Butry, National Institute of Standards & Technology; Mike Chapman, Chapman Homes; Keith Covington, Third Coast Design Studio, LLC; Paul Emrath, National Association of Home Builders; Jeff Feid, State Farm Insurance; Tony Fleming, Metropolitan Fire Protection; J. Dennis Gentzel, Office of the Maryland State Fire Marshal; Michael Kebles, Las Vegas Valley Water District; Gary Keith, National Fire Protection Association; Ron Murray, UA Local 290, Portland, OR; James Tidwell, International Code Council; Paul Valentine, Mt. Prospect Fire Department; and Kenneth Zaccard, Hanover Park Fire Department, representing IAFC.