

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Amendment: N.J.A.C. 5:23-3.21

Proposed: December 2, 2024, at 56 N.J.R. 2263(a).

Adopted: August 26, 2025, by Kia King, Acting Commissioner, Department of Community Affairs.

Filed: August 26, 2025, as R.2025 d.111, **without change**.

Authority: N.J.S.A. 52:27D-124.

Effective Date: October 6, 2025.

Expiration Date: February 9, 2029.

Summary of Public Comments and Agency Responses:

Comments were received from John Drucker, New Jersey Fire Protection and Electrical Code Official; David Kurasz, New Jersey Fire Sprinkler Advisory Board; Mitch Malec; and David Oliver, Oliver Fire Protection and Security

John Drucker, New Jersey Fire Protection and Electrical Code Official

1. COMMENT: The commenter states that the proposed changes to the Uniform Construction Code are a positive step forward for the safety of building occupants and applauds the State of New Jersey in their efforts towards fire safety. Additionally, they note that while it is beyond the scope of this rulemaking, they hope that in the near future, New Jersey contractor certification and licensing laws can be amended to recognize New Jersey licensed master plumbers as capable installers of multipurpose IRC P2904/NFPA-13D Fire Sprinkler System technology. The commenter states that this technology combines the plumbing and fire sprinkler systems into an

efficient, cost-effective, multipurpose system that further reduces installation costs and is in concert with New Jersey's affordable housing goals.

RESPONSE: The Department of Community Affairs (Department) thanks the commenter for their input.

David Kurasz, New Jersey Fire Sprinkler Advisory Board

2. COMMENT: The commenter states that, on behalf of the New Jersey Fire Sprinkler Advisory Board, they would like to formally submit support for this rulemaking, which would require the installation of automatic fire sprinkler systems in newly constructed townhouses subject to the one- and two-family dwelling subcode of the Uniform Construction Code. The commenter notes that fire sprinklers save lives and property, and by adoption of the rulemaking, there will be a positive impact on our society and communities. The commenter explains that because of this rulemaking, not only will the State see a reduction of fire fatalities in the State, but homes will be saved. The commenter further explains that automatic fire sprinklers will be able to assist firefighters by keeping the fire in check until they arrive on scene.

Additionally, the commenter notes that the rules and regulations for automatic fire sprinklers in townhouses have been a part of the national model code since 2009, and fire safety and code experts have understood the importance of this life-saving device through the code adoption process for over 15 years. The commenter would like to thank the Governor and the Legislature for moving this forward and would like to thank the Department of Community Affairs for adopting the provisions that govern the proper installation of these systems.

RESPONSE: The Department thanks the commenter for their support.

Mitch Malec

3. COMMENT: The commenter questions why the Department is including administrative provisions in the adopted subcode and notes that it appears that the Department is making the one- and two-family dwelling subcode similar to the electrical subcode. The commenter states that the laws appear to modify N.J.A.C. 5:23-1.6(a) and (b) by adding exceptions to subsections (a) and (b). The commenter questions if the Department adopts these proposed changes, what does the text of Section R313, and not just R313.1, look like. Additionally, the commenter notes missing text within the notice of proposal Summary.

RESPONSE: The Department is including the provisions relating to P.L. 2023, c. 265 and P.L. 2024, c. 42 (Laws) within N.J.A.C. 5:23-3.21 because the language provided by the Laws states that they are applicable to townhomes built in accordance with the requirements pursuant to the one- and two-family dwelling subcode. Further, the text of Section R313 remains as amended by the Uniform Construction Code. Additionally, the Department has reviewed the New Jersey Register and did not find any issues with the notice of proposal; however, the rule text on the publisher's website has missing text from the notice of proposal Summary. The publisher has been contacted to correct this error.

4. COMMENT: The commenter recommends the Department try and write Section R313 incorporating the proposed and existing amendments. The commenter suggests reviewing N.J.A.C. 5:23-3.21(c)3xxv, which deletes R313.2. The commenter notes that, by deleting R313.2, the section loses reference to one- and two-family dwellings because the reference is included in R313.2.1. In addition, the commenter notes that automatic sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D; however, they were

under the impression that NFPA 13, 13R, or 13D systems were permitted to be designed and installed in townhouse occupancies.

RESPONSE: In accordance with the statutory requirements of the Laws, Section R313.1 is amended to ensure townhouses with applications for construction permits or development submitted following the date specified by law shall have automatic fire sprinkler systems installed. Section R313.2 applies to all dwellings within the one- and two-family dwelling subcode and not only townhouses, and as such, it is inapplicable to the statutory provisions of the Laws. Additionally, in addition to NFPA 13D systems, NFPA 13 and 13R systems may be designed and installed in townhouse occupancies. The regulations within the Uniform Construction Code set forth the minimum base code for construction, and as such, systems that go above and beyond the code are permitted.

5. COMMENT: The commenter states that they anticipate that the dates included in these proposed amendments will be moot. The commenter notes that the proposed amendment or any revised amendments will not be adopted on or before February 1, 2025, and the impact of the inclusion of the July 10, 2024 date, may be minimal, except for prototype approvals and townhouse developments completed in stages. Additionally, the commenter explains that it may be time for the Department to publish an Alert or Issue.

RESPONSE: The Department determined that publication of the date was useful for inclusion to ensure appropriate clarification of the statutory requirements of the Laws to the public. Further, the Department staff may publish guidance or an interpretation if it determines that action is necessary to provide additional clarification or notice.

6. COMMENT: The commenter recommends the Department take a broader look at the proposed amendment because it appears that modification of R313.2.1 and R313.1.1 is necessary. The commenter suggests rewriting the proposed language to state: “Automatic sprinkler systems shall be permitted to be designed and installed throughout in accordance with Section P2904 or NFPA 13D” or “Automatic sprinkler systems shall be permitted to be designed and installed throughout in accordance with Section P2904, or NFPA 13, 13R, 13D.” The commenter notes that it would be more appropriate than requiring the systems to be designed and installed in accordance with Section P2904 or NFPA 13D. The commenter states that while the Department may not understand why someone would install an NFPA 13R or 13 system, it should still be allowed. The commenter recommends reviewing the text of the 2021 IBC Section 903.3.1.3 for comparison.

RESPONSE: See the Department’s Response to Comment 4.

7. COMMENT: The commenter states that the impact of requiring an automatic sprinkler system in townhouses in other provisions in the regulations needs further evaluation. The commenter recommends the Department review IRC Sections R300, R300.2, R300.4, and others. The commenter questions why an individual would design and build a construction type VA, three-story townhouse, with a 13D system, which are limited to three stories, 40 feet, and unlimited square feet per floor, when a construction type VB, three-story townhouse, with a 13D system is allowed to be three stories, 55 feet, and unlimited area.

The commenter also questions if a three-story construction type VB townhouse could be built in accordance with the International Building Code (IBC), and notes that they understand that it cannot be built with the IBC, but requests that the Department consider if it could. The

commenter states that, by law, an automatic sprinkler system is not required, but is required by the IBC, and questions what the IBC height and area limitations are for type VA and VB construction.

RESPONSE: The Department thanks the commenter for their recommendations and will evaluate the listed sections, as applicable. Additionally, regarding the scenario posed by the commenter, because the comment only references the type of construction and not the occupancy classification or type of automatic sprinkler system, the Department is not able to provide specific IBC height and area limitations. To view the IBC height and area limitations, please see Chapter 5, General Building Heights and Areas, of the New Jersey edition of the IBC.

8. COMMENT: The commenter notes that if townhouses built in accordance with the IRC are considered safe, then, the same amount of safety should be allowed if townhouses are built in accordance with the IBC.

RESPONSE: The Department thanks the commenter for their input. The Department notes that the IBC and the International Residential Code (IRC) set forth construction standards for buildings with different uses and requirements and, as such, differences between the two codes may be present.

9. COMMENT: The commenter questions what happens to the fire ratings of walls between townhouses when a fire sprinkler system is installed. The commenter states that the Department should require that all townhouses three stories or less, under 55 feet in height, unlimited area, shall be built in accordance with the IRC and be type VB construction with an automatic sprinkler system designed and installed in accordance with Section P2904 or NFPA 13D.

RESPONSE: The fire rating for a common wall between townhouses permits a reduction of a two-hour, fire-resistance-rated wall to a one-hour, fire-resistance-rated wall pursuant to Section R302.2.2 of the IRC. The Department thanks the commenter for their recommendation; however, because Chapter 3 of the one- and two-family dwelling subcode is intended to be read in whole and not in part, these regulations are currently in place within the Uniform Construction Code.

10. COMMENT: The commenter states that the impact of only adding the requirement of an automatic sprinkler system in the IRC for townhouses to implement the law needs further evaluation on the impact on other codes and administrative provisions. The commenter notes that if it is not modified, please provide the Department's justification for these conflicting provisions and explain when IRC Section R300.3.2 would be used for a sprinklered townhouse. Further, the commenter states that UCC Bulletin 14-1 needs revision.

RESPONSE: The Department's justification is that the referenced provisions do not conflict. This is because the one- and two-family dwelling subcode, Chapter 3, is intended to be read in whole, and not in part and, as such, the current proposed amendment's inclusion within the chapter ensures that proper clarification exists when the entire chapter is read. The Department may consider making further amendments or changes to Bulletin 14-1 if deemed necessary. Additionally, Section R300.3.2 is not applicable for the construction of a townhouse but would still need to be included in the IRC for purposes of evaluating existing, non-sprinklered townhouses utilizing the open perimeter increases.

11. COMMENT: The commenter recommends that the Department separate the fire sprinkler system requirements to address detached one- and two-family dwellings and townhouses. The

commenter states that because of the Laws requiring sprinkler systems in townhouses, the IRC R300 requirements are recommended to be separated to address one- and two-family dwellings and townhouses as separate. To create separation, the commenter suggests including as an organization within the Uniform Construction Code, IRC Sections R300A, R300A.1, R300A.2, R300A.3, R300A.3.1, R300.3.2, R300A.4, R300A.4.1, R300A.4.2, R300A.5, R300B, R300B.1, R300B.2, and R300B.3, for one- and two-family dwellings and townhouses. Additionally, the commenter states that Section R300.4 needs modification to allow a height of not more than 55 feet with the fire sprinkler system, and Section R300B.3 needs modification because frontage increase allowance is not applicable.

RESPONSE: The Department thanks the commenter for their recommendations and will review them accordingly; however, the Department maintains that additional amendments to effectuate the Laws are not necessary at this time. The one- and two-family dwelling subcode, Chapter 3, is intended to be read in whole, and not in part and, as such, the current proposed amendments provide the necessary clarification. Further amendments to Chapter 3 to reorganize or clarify sections are deemed unnecessary.

12. COMMENT: The commenter recommends that the area limitation should be unlimited for townhouses equipped throughout with an automatic sprinkler system installed in accordance with NFPA Standard 13, 13R, 13D, or Section P2904.

RESPONSE: The Department thanks the commenter for their recommendation. The Department will review the regulations to determine if the recommendation is necessary for inclusion within the Uniform Construction Code.

13. COMMENT: The commenter recommends that IRC Section R300.4, Buildings of VA construction, be modified to allow height of not more than 55 feet. The commenter also states that because a sprinkler system is required, the Department can eliminate the 10,200 square feet in area per floor because a sprinkler system inclusion triggers unlimited area. Additionally, the commenter states that their recommendations for reorganized Sections R300B.4.1, R300B.4.2, and R300B.5 are not needed for inclusion.

RESPONSE: The Department thanks the commenter for their recommendations and will review the referenced sections accordingly.

14. COMMENT: The commenter states that they believe their recommendations are what the Laws require and are far clearer than the Department regulations. The commenter requests that following their recommendations for the IRC, the Department can make the appropriate amendments to the IBC. The commenter also questions if Department staff can determine how to retain the IRC Section R300 text and include exceptions when provisions are not applicable either for one- and two-family dwellings or townhouses.

RESPONSE: The Department thanks the commenter for their recommendations and will review accordingly. Further, the Department will review the International Building Code to determine if amendments are necessary. Although the Department currently does not anticipate amending Section R300, it may consider making further amendments in the future to clarify these requirements if Department staff deem it necessary.

15. COMMENT: The commenter recommends that the Department's proposed amendment at N.J.A.C. 5:23-3.21 not be adopted until the matters they brought forward are addressed. The

commenter further states that the issuance of a UCC Bulletin or Alert and Issues document at this time could suffice since the Laws' mandatory compliance dates will most likely not be achieved.

RESPONSE: The Department respectfully disagrees that the proposed amendment at N.J.A.C. 5:23-3.21 should not be adopted. The Department proposes to adopt the amendment to the Uniform Construction Code to comply with the statutory provisions of the Laws.

David Oliver, Oliver Fire Protection and Security

16. COMMENT: The commenter states that they would like to formally submit support for this rulemaking, which would require the installation of automatic fire sprinkler systems in newly constructed townhouses subject to the one- and two-family dwelling subcode of the Uniform Construction Code. The commenter notes that fire sprinklers save lives and property, and by adoption of the rulemaking, there will be a positive impact on our society and communities. The commenter explains that because of this rulemaking, not only will the State see a reduction in fire fatalities in the State, but homes will be saved. The commenter further explains that automatic fire sprinklers will be able to assist firefighters by keeping the fire in check until they arrive on scene.

Additionally, the commenter notes that the rules and regulations for automatic fire sprinklers in townhouses have been a part of the national model code since 2009, and fire safety and code experts have understood the importance of this life-saving device through the New Jersey Administrative Code adoption process for over 15 years. The commenter would like to thank the Governor and the Legislature for moving this forward and would like to thank the Department of Community Affairs for adopting the provisions that govern the proper installation

of these systems.

RESPONSE: The Department thanks the commenter for their support.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are not being adopted in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows:

TEXT