

56 N.J.R. 2263(a)

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RULE PROPOSALS

Reporter

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Interested Persons Statement

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of [N.J.S.A. 52:14B-3](#). An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

Agency

COMMUNITY AFFAIRS > DIVISION OF CODES AND STANDARDS

Administrative Code Citation

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

Text

Uniform Construction Code

Authorized By: Jacquelyn A. Suarez, Commissioner, Department of Community Affairs.

Authority: [N.J.S.A. 52:27D-124](#).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-142.

Submit written comments by January 31, 2025, to:

Dominic Giova
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696

Dominic.Giova@dca.nj.gov(mailto:)

The agency proposal follows:

Summary

The Department of Community Affairs (Department) is proposing amendments to implement the requirements at P.L. 2024, c. 42 and P.L. 2023, c. 265 (the laws), both of which 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 (UCC). The effective date of the laws is February 1, 2025. Be advised that the laws establish mandatory compliance dates. Therefore, the six-month grace period following the adoption of the changes pursuant to N.J.A.C. 5:23-1.6 is not applicable.

Therefore, N.J.A.C. 5:23-3.21, the one- and two-family dwelling subcode, is proposed for amendment. Existing N.J.A.C. 5:23-3.21(c)3xxiv deletes Section R313.1, Townhouse automatic fire sprinkler systems, but retains Section R313.1.1. This rulemaking amends N.J.A.C. 5:23-3.21(c)3xxiv to adopt the entirety of the requirements of Section R313.1, which includes Section R313.1.1, and adds that this is effective as of February 1, 2025, in accordance with the timeframes set forth in the laws.

Further, the language of the exception to Section R313.1 is proposed for deletion as it applies to rehabilitation elements, which are not addressed within the one- and two-family dwelling subcode and which applies to new construction. New language for the exception is then proposed for amendment to reflect the exception set forth in the law that a newly constructed townhouse shall not be subject to this section if an application for a construction permit or an application for development has been submitted to a State, county, or municipal agency prior to the date of enactment of P.L. 2024, c. 42 (July 10, 2024).

As the Department is now adopting the entirety of Section R313.1, the language stating that Section R313.1.1 shall be retained is proposed for deletion because this language is no longer necessary.

With these changes, Section R313.1 of the one- and two-family dwelling subcode will read as follows:

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

It is expected that this rulemaking will have a positive social impact as it will ensure new townhouses are equipped with automatic fire sprinkler systems, which make townhouses safer. An analysis undertaken from 2017-2021 by the National Fire Protection Association found that automatic fire sprinkler systems effectively controlled fires in 93 percent of homes where a fire large enough to trigger the system occurred. That same analysis showed the civilian death and injury rates in house fires where automatic fire sprinkler systems were present were 89 percent and 31 percent lower, respectively, than in house fires with no automatic fire sprinkler systems. In addition, the average

property loss per house fire was 55 percent lower in reported fires where sprinklers were present compared to fires in homes with no sprinkler systems, and the firefighter injury rate was 48 percent lower.

Economic Impact

The Department anticipates the requirement to include installation of an automatic fire sprinkler system in new townhouses will increase the cost of construction. According to the National Fire Sprinkler Association, in 2020, the average expense to install an automatic fire sprinkler system in new homes was about \$ 1.35 per square foot. However, this cost is minor, and the positive life-safety impact outweighs the increased cost of construction.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are not being proposed for amendment pursuant to the authority of, or to implement, comply with, or participate in, any program [page=2264] established pursuant to Federal law or a State statute that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate the proposed amendments, which codify P.L. 2024, c. 42, and P.L. 2023, c. 265, requiring automatic fire sprinkler systems in newly constructed townhouses, would result in either the creation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate the proposed amendments, which codify P.L. 2024, c. 42, and P.L. 2023, c. 265, requiring automatic fire sprinkler systems in newly constructed townhouses, would have any effect on the agricultural industry.

Regulatory Flexibility Analysis

The proposed amendments would apply to builders of new townhouses, many of whom could be considered small businesses as defined in the New Jersey Regulatory Flexibility Act, [*N.J.S.A. 52:14B-16 et seq.*](#) The proposed amendments requiring automatic fire sprinkler systems in townhouses are necessary to comply with New Jersey State law and ensure a greater level of life safety in townhouses and are not anticipated to impose undue hardships on businesses of any size. Further, the proposed amendments would not create any new reporting or recordkeeping requirements for these companies. Therefore, there is no basis to conclude small businesses will be treated differently.

Housing Affordability Impact Analysis

Although this rulemaking will have an increase on the cost of construction, it is not expected that the proposed amendments will have a substantial impact on the affordability of housing or the average costs associated with housing. The installation of an automatic sprinkler system in a typical 2,000 square foot townhome is approximately \$ 2,700 and is not likely to incur significant additional costs over the lifespan of the dwelling. The increased cost of compliance is necessary to comply with New Jersey State law and ensures a greater level of life-safety in newly constructed townhouses.

Smart Growth Development Impact Analysis

It is not expected that the proposed new amendments and rules will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, pursuant to the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

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The Department has evaluated this rulemaking and determined it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. SUBCODES

5:23-3.21 One- and two-family dwelling subcode

(a)-(b) (No change.)

(c) The following chapters or sections of the IRC/2021 shall be modified as follows:

1.-2. (No change.)

3. Chapter 3, Building Planning, shall be amended as follows:

i.-xxiii. (No change.)

xxiv. **In Section R313.1, Townhouse automatic fire sprinkler systems [shall be deleted. Section R313.1.1 shall be retained.], "As of February 1, 2025," shall be inserted at the beginning of the sentence, and "regardless of the grace period set forth pursuant to N.J.A.C. 5:23-1.6" shall be inserted at the end of the sentence. Additionally, the text of the exception shall be deleted, and "A newly constructed townhouse shall not be subject to this section if an application for a construction permit or an application for development has been submitted to a State, county, or municipal agency prior to July 10, 2024" shall be inserted in its place.**

xxv.-xlv. (No change.)

4.-24. (No change.)

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