



Department of Community Affairs



Division of Fire Safety

To: Douglas H. Fisher Secretary of Agriculture

From: Louis Kilmer, Chief Bureau of Fire Code Enforcement *LK*

Date: May 28, 2020

Subject: Fire Code Clarification

This document provides clarification for employer provided congregate living housing. Please note that to the extent the information below contradicts any previously issued guidance on creating separation between individuals in employer-provided congregate housing, this guidance controls.

On May 20, 2020 an Interim Guidance Document titled Coronavirus Disease 2019 (COVID – 19) Guidance For Migrant and Seasonal Farm Workers, Their Employers, and Housing Providers was issued. Section III part 2 of this document on page 5 references housing. Various options for social distancing are noted in the guidance if beds are unable to remain 6 feet apart. Below is critical information that employers must follow from the New Jersey Uniform Fire Code when implementing social distancing measures for sleeping arrangements.

1. Amount of combustible decorative materials:
 - a. Materials such as curtains, draperies, fabric hangings and other similar materials suspended from walls or ceilings shall not exceed 10 percent of the aggregate wall and ceiling area combined to which they are attached.
 - b. Where the building is equipped through-out with an approved automatic sprinkler system the hanging material shall not exceed 50 percent of the aggregate wall areas.
2. Flame retardant materials:
 - a. If combustible decorative materials such as sheets, blankets or shower curtains are used to partition beds, those materials **must** either be already flame retardant when purchased or be treated after purchase.
 - Items sold as being flame retardant must have appropriate documentation from an approved testing agency showing the product meets the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701.
 - Where employers choose to treat materials after purchase, it is important that the treatment product (i) is designed for use on that specific material, (ii) is applied at the specified rate, and (iii) is applied in accordance with all manufacturer's instructions.
 - Labels from all containers should be kept in order to document that enough material was used to cover the required area.

- Washing the decorative materials may remove the flame-retardant application and it will need to be reapplied.
 - Please note that combustible materials such as cardboard must be kept to an absolute minimum in the living spaces. They **are not permitted to be used** as dividers unless they also meet the flame spread requirements.
3. Location and height of hanging materials:
- a. Employers must abide by the following rules when hanging materials to divide the living space:
 - Do not block means of egress
 - Do not diminish any emergency lighting
 - Ensure all exit signs are visible and unobscured
 - Place materials so that they do not cover electrical panels
 - Ensure materials are not near any heating equipment or other source of ignition
 - b. Employers must also consider the following:
 - In buildings equipped with an automatic sprinkler system, all hanging materials must remain a minimum of 18” below the bottom of the sprinkler head to ensure water discharge is not obstructed.
 - The maximum height of hanging material must remain at a minimum of 15% of the ceiling height below the ceiling for the separate spaces to not be considered separate rooms.
 - Smoke alarms must be above the hanging materials.
 - Smoke alarms can either be ceiling mounted at least 4” away from the wall or on the wall a minimum of 4” down from the ceiling. Manufacturers installation instructions must be followed. This clear area above the hanging dividers will allow the smoke and heat to rise and activate the fire detection devices.
 - Alarm devices must still be able to be heard at the required decibel levels at the pillow level or additional devices may be required.

The above guidance is also being shared with our partners at the local level. This will help to ensure consistent enforcement of the Fire Code through-out the State during this challenging time. I will be pleased to assist any employer or housing provider with specific questions that they may have. Inquiries may be directed to louis.kilmer@dca.nj.gov. Thank you for your continued partnership with the Division of Fire Safety.