

DIMENSIONS

NEW JERSEY RESIDENTIAL FIRE SPRINKLER REQUIREMENTS

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On January 21, 2015, a huge fire ripped through The Avalon at Edgewater, a large apartment complex in Edgewater, New Jersey, causing significant property damage to the building and displacing hundreds of the buildings' residents. It has been reported that lawsuits have already been filed and legislation has been introduced in the General Assembly calling for a moratorium on all approvals for multi-family development until the State's building codes can be reviewed and revised. Additionally, a bill, A-1698, known as the "New Home Fire Safety Act" is being pushed with renewed urgency and recently was approved by the New Jersey Senate Budget and Appropriations Committee by a nearly unanimous vote. Interestingly, the same legislation was passed in both houses last year but expired on Governor Christie's desk via the so called "pocket veto." A-1698, which, if approved and signed into law, will require fire suppression systems in new single and two family homes. It is apparent the Edgewater fire brings the ongoing national debate surrounding building codes and sprinkler requirements to a head in New Jersey.

Sprinkler systems are required for certain residential buildings under the International Building Code ("IBC") and National Fire Protection Association ("NFPA") standards, as adopted in New Jersey. Specific fire sprinkler requirements known as NFPA 13 and NFPA 13R apply depending on the type and size of the building. NFPA 13R is commonly regarded as the residential

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code while NFPA 13 applies to larger buildings. Most states' building codes require NFPA 13 for buildings with more than four stories, while NFPA 13R can be used for buildings up to and including four stories, like the Edgewater complex. NFPA 13 is considered a "fully sprinklered" system, protecting most of the building, including attics and other unoccupied spaces, while NFPA 13R protects more limited, occupied spaces. NFPA 13R is generally considered a protection to allow building occupants time to escape a building in the event of a fire, but not fully protect the building and property from damage. Like most states, New Jersey's construction code currently allows for NFPA 13R for residential buildings up to and including four stories in height.

Advocates argue that the current construction codes do not do enough

to protect against events like the Avalon fire and NFPA 13 and/or other fire retardant measures such as limiting the use of particle board sheathing and engineered trusses should be required for multi-family residential buildings. As noted, there has been a renewed political interest in previously introduced legislation in the New Jersey State legislature.

Opponents to increased requirements argue that the NFPA 13R performed as intended at Edgewater— allowing all residents to safely exit the buildings without injury. Many building industry advocates also argue that adding additional sprinkler requirements will only increase the cost for consumers without a corresponding increase in safety.

The enhanced political sensitivity regarding fire suppression systems corresponds with a proposal on January 5, 2015 from the New Jersey Department of Community Affairs ("DCA") to update the current version of the State Uniform Construction Code (based on the 2009 International Code Council Model codes). The DCA proposes to update the State's code to correspond to the most recent model code, the 2015 edition. The question remains whether the model code adequately increases fire protection through the use of fire resistant materials and other enhanced systems or whether additional legislation and changes are necessary. In the meantime, the debate continues - will the enhanced measures cause an increase cost in housing and is it justified.

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