

# 52:27D-198.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 71

**NJSA:** 52:27D-198.1 (Portable fire extinguisher for one and two family residences on change in occupancy)

**BILL NO:** S1294 (Substituted for A3432)

**SPONSOR(S):** Coniglio and others

**DATE INTRODUCED:** March 1, 2004

**COMMITTEE:** **ASSEMBLY:** Housing and Local Government  
**SENATE:** Community and Urban Affairs

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** February 24, 2005

**SENATE:** March 14, 2005

**DATE OF APPROVAL:** April 14, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (2<sup>nd</sup> reprint enacted)

**S1294**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A3432**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

**FOLLOWING WERE PRINTED:**

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No

**NEWSPAPER ARTICLES:**

Yes

"Law adds fire-extinguisher requirement for homes," 4-15-2005 Philadelphia Inquirer, p.B4

P.L. 2005, CHAPTER 71, *approved April 14, 2005*  
Senate, No. 1294 (*Second Reprint*)

1 AN ACT concerning residential <sup>2</sup>[portable]<sup>2</sup> fire <sup>2</sup>[extinguishers and  
2 supplementing chapter 27D of Title 52 of the Revised Statutes]  
3 safety and amending P.L.1991, c.92.<sup>2</sup>  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 <sup>2</sup>[1. Every dwelling unit located in a building with fewer than three  
9 dwelling units, upon its sale, lease or transfer, shall be equipped with  
10 at least one portable fire extinguisher, at the expense of the seller,  
11 landlord or transferor, as appropriate, in conformance with rules and  
12 regulations promulgated by the Commissioner of Community Affairs  
13 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
14 (C.52:14B-1 et seq.). The rules and regulations shall contain  
15 requirements pertaining to the maintenance and periodic testing of  
16 portable fire extinguishers, and any other matters which the  
17 commissioner <sup>1</sup>[considers]<sup>1</sup> deems necessary and proper for the  
18 administration of <sup>1</sup>[this section] P.L. ., c. (C. )(pending before  
19 the Legislature as this bill]<sup>1</sup>.]<sup>2</sup>  
20

21 <sup>2</sup>1. Section 1 of P.L. 1991,c. 92 (C.52:27D-198.1) is amended to  
22 read as follows:

23 1. A structure used or intended for use for residential purposes by  
24 not more than two households shall have a smoke-sensitive alarm  
25 device on each level of the structure and outside each separate  
26 sleeping area in the immediate vicinity of the bedrooms and located on  
27 or near the ceiling in accordance with National Fire Protection  
28 Association Standard No. 74-1984 for the installation, maintenance,  
29 and use of household fire warning equipment. The installation of  
30 battery operated smoke-sensitive alarm devices shall be accepted as  
31 meeting the requirements of this section. The smoke-sensitive device  
32 shall be tested and listed by a product certification agency recognized  
33 by the Bureau of Fire Safety.

34 Each structure, other than a seasonal rental unit, shall also be  
35 equipped with at least one portable fire extinguisher in conformance  
36 with rules and regulations promulgated by the Commissioner of  
37 Community Affairs pursuant to the "Administrative Procedure Act,"  
38 P.L.1968, c.410 (C.52:14B-1 et seq.) For the purposes of this section,  
39 "portable fire extinguisher" means an operable portable device, carried

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SCU committee amendments adopted May 13, 2004.

<sup>2</sup> Assembly AHO committee amendments adopted October 21, 2004.

1 and operated by hand, containing an extinguishing agent that can be  
2 expelled under pressure for the purpose of suppressing or  
3 extinguishing fire, and which is: (1) rated for residential use consisting  
4 of an ABC type; (2) no larger than a 10 pound rated extinguisher; and  
5 (3) mounted within 10 feet of the kitchen area, unless otherwise  
6 permitted by the enforcing agency. "Seasonal rental unit" means a  
7 dwelling unit rented for a term of not more than 125 consecutive days  
8 for residential purposes by a person having a permanent residence  
9 elsewhere, but shall not include use or rental of living quarters by  
10 migrant, temporary or seasonal workers in connection with any work  
11 or place where work is being performed.

12 This section shall not be enforced except pursuant to sections 2 and  
13 3 of [this act] P.L.1991, c.92 (C.52:27D-198.2 and 52:27D-198.2)<sup>2</sup>  
14 (cf: P.L.1991, c.92, s.1)

15

16 <sup>2</sup>[2. a. In any case in which a change of occupancy of any  
17 dwelling unit in a building with fewer than three dwelling units is  
18 subject to a municipal ordinance requiring the issuance of a certificate  
19 of occupancy, certificate of inspection or other documentary  
20 certification of compliance with laws and regulations relating to the  
21 safety, healthfulness and upkeep of the premises, no such certificate  
22 shall issue until the officer or agency responsible for its issuance has  
23 determined that the dwelling unit is equipped with at least one portable  
24 fire extinguisher as required by section 1 of P.L. , c. (C. )  
25 (pending before the Legislature as this bill).

26 b. In the case of an initial occupancy or a change of occupancy of  
27 any dwelling unit in a building with fewer than three dwelling units to  
28 which the provisions of subsection a. of this section do not apply, no  
29 owner shall sell, lease or otherwise permit occupancy for residential  
30 purposes of that dwelling unit without first obtaining from the relevant  
31 enforcing agency under the "Uniform Fire Safety Act," P.L.1983, c.383  
32 (C.52:27D-192 et seq.) a certificate indicating that the dwelling unit  
33 is equipped with at least one portable fire extinguisher as required by  
34 section 1 of P.L. , c. (C. ) (pending before the Legislature  
35 as this bill).

36 c. The local governing body having jurisdiction over the enforcing  
37 agency or, when the Division of Fire Safety is the enforcing agency,  
38 the Commissioner of Community Affairs, may establish a fee which  
39 covers the cost of inspection and of issuance of the certificate;  
40 however, if an inspection is being made and a certificate is being issued  
41 evidencing compliance with section 2 of P.L.1991, c.92  
42 (C.52:27D-198.2), the fee authorized therein shall cover the costs of  
43 complying with this section.

44 d. For the purposes of P.L. , c. (C. )(pending before the  
45 Legislature as this bill):

46 "Dwelling unit" means a structure, or a room or group of rooms

1 within a structure, used or intended for use, in whole or in part, for  
2 residential purposes, but shall not include a seasonal rental dwelling  
3 unit rented for a term of not more than 125 consecutive days for  
4 residential purposes by a person having a permanent place of residence  
5 elsewhere. "Seasonal rental dwelling unit" does not mean use or rental  
6 of living quarters for seasonal, temporary or migrant farm workers in  
7 connection with any work or place where work is being performed.

8 "Portable fire extinguisher" means an operable portable device,  
9 carried and operated by hand, containing an extinguishing agent that  
10 can be expelled under pressure for the purpose of suppressing or  
11 extinguishing fire, and which is: (1) rated for residential use consisting  
12 of an ABC type; (2) no larger than a 10 pound rated extinguisher; and  
13 (3) mounted within 10 feet of the kitchen area, unless otherwise  
14 permitted by the enforcing agency.

15 e. An owner who sells, leases or otherwise permits occupancy of  
16 a dwelling unit without complying with the provisions of this section  
17 shall be subject to a fine of not more than \$100, which may be  
18 collected and enforced by the local enforcing agency by summary  
19 proceedings pursuant to the "Penalty Enforcement Law of 1999,"  
20 P.L.1999, c.274 (C.2A:58-10 et seq.).<sup>2</sup>

21  
22 <sup>2</sup>2. Section 2 of P.L.1991, c.92 (C52:27D-198.2) is amended to  
23 read as follows:

24 2. a. In any case where a change of occupancy of any building  
25 subject to the requirements of section 1 of [this act] P.L.1991, c.92  
26 (C.52:27D-198.1) is subject to a municipal ordinance requiring the  
27 issuance of a certificate of occupancy, certificate of inspection or other  
28 documentary certification of compliance with laws and regulations  
29 relating to safety, healthfulness and upkeep of the premises, no such  
30 certificate shall issue until the municipal officer or agency responsible  
31 for its issuance has determined that the building is equipped with an  
32 alarm device or devices and a portable fire extinguisher as required by  
33 section 1 of [this act] P.L.1991, c.92 (C.52:27D-198.1).

34 b. In the case of change of occupancy of any building subject to  
35 the requirements of section 1 of [this act] P.L.1991, c.92 (C.52:27D-  
36 198.1) which the provisions of subsection a. of this section do not  
37 apply, no owner shall sell, lease or otherwise permit occupancy for  
38 residential purposes of that building without first obtaining from the  
39 relevant enforcement agency under the "Uniform Fire Safety Act,"  
40 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing  
41 compliance with the requirements of [this act] P.L.1991, c.92  
42 (C.52:27D-198.1 et seq. The local governing body having jurisdiction  
43 over the said enforcing agency or, where the Bureau of Fire Safety is  
44 the enforcing agency, the Commissioner of Community Affairs shall  
45 establish a fee which covers the cost of inspection and of issuance of  
46 the certificate.<sup>2</sup>

47 (cf: P.L.1991, c.92, s.2)

1       <sup>2</sup>3. Section 3 of P.L.1991, c 92 (C.52:27D-198.3) is amended to  
2 read as follows:

3       3. An owner who sells, leases, rents or otherwise permits to be  
4 occupied for residential purposes any premises subject to the  
5 provisions of **[this supplementary act] P.L.1991, c.92 (C.52:27D-**  
6 **198.1**) when the premises do not comply with the requirements of  
7 section 1 **[hereof] of P.L.1991, c.92 (C.52:27D-198.1)**, or without  
8 complying with the inspection and certification requirements of section  
9 2 **[hereof] of P.L.1991, c.92 (C.52:27D-198.2)**, shall be subject to a  
10 fine of not more than \$500.00 in the case of a violation for an alarm  
11 device, or a fine of not more than \$100 in the case of a violation for  
12 a portable fire extinguisher, which may be collected and enforced by  
13 the local enforcing agency as defined in subsection g. of section 5 of  
14 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant to  
15 **["the penalty enforcement law," N.J.S.2A:58-1 et seq] the Penalty**  
16 **Enforcement Law of 1999," P.L.1999, C.274 (C.2A:58-10 et seq.)**<sup>2</sup>  
17 (cf: P.L.1991, c.92, s.3)

18

19       <sup>2</sup>[3.] 4.<sup>2</sup> This act shall take effect on the first day of the seventh  
20 month next following enactment.

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25       \_\_\_\_\_

26 Adds requirement under "Uniform Fire Safety Act" for one and two-  
27 family residences to be equipped with a portable fire extinguisher to  
be enforced upon change of occupancy.

**SENATE, No. 1294**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED MARCH 1, 2004

**Sponsored by:**  
**Senator JOSEPH CONIGLIO**  
**District 38 (Bergen)**

**SYNOPSIS**

Requires sellers, landlords and transferors of certain dwelling units to provide portable fire extinguisher upon sale, lease or transfer.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning residential portable fire extinguishers and  
2 supplementing chapter 27D of Title 52 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Every dwelling unit located in a building with fewer than three  
8 dwelling units, upon its sale, lease or transfer, shall be equipped with  
9 at least one portable fire extinguisher, at the expense of the seller,  
10 landlord or transferor, as appropriate, in conformance with rules and  
11 regulations promulgated by the Commissioner of Community Affairs  
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.). The rules and regulations shall contain  
14 requirements pertaining to the maintenance and periodic testing of  
15 portable fire extinguishers, and any other matters which the  
16 commissioner considers deems necessary and proper for the  
17 administration of this section.

18

19 2. a. In any case in which a change of occupancy of any dwelling  
20 unit in a building with fewer than three dwelling units is subject to a  
21 municipal ordinance requiring the issuance of a certificate of  
22 occupancy, certificate of inspection or other documentary certification  
23 of compliance with laws and regulations relating to the safety,  
24 healthfulness and upkeep of the premises, no such certificate shall  
25 issue until the officer or agency responsible for its issuance has  
26 determined that the dwelling unit is equipped with at least one portable  
27 fire extinguisher as required by section 1 of P.L. , c. (C. )  
28 (pending before the Legislature as this bill).

29 b. In the case of an initial occupancy or a change of occupancy of  
30 any dwelling unit in a building with fewer than three dwelling units to  
31 which the provisions of subsection a. of this section do not apply, no  
32 owner shall sell, lease or otherwise permit occupancy for residential  
33 purposes of that dwelling unit without first obtaining from the relevant  
34 enforcing agency under the "Uniform Fire Safety Act," P.L.1983, c.383  
35 (C.52:27D-192 et seq.) a certificate indicating that the dwelling unit  
36 is equipped with at least one portable fire extinguisher as required by  
37 section 1 of P.L. , c. (C. ) (pending before the Legislature  
38 as this bill).

39 c. The local governing body having jurisdiction over the enforcing  
40 agency or, when the Division of Fire Safety is the enforcing agency,  
41 the Commissioner of Community Affairs, may establish a fee which  
42 covers the cost of inspection and of issuance of the certificate;  
43 however, if an inspection is being made and a certificate is being issued  
44 evidencing compliance with section 2 of P.L.1991, c.92  
45 (C.52:27D-198.2), the fee authorized therein shall cover the costs of  
46 complying with this section.



S1294 CONIGLIO

1 d. For the purposes of P.L. , c. (C. )(pending before the  
2 Legislature as this bill):

3 "Dwelling unit" means a structure, or a room or group of rooms  
4 within a structure, used or intended for use, in whole or in part, for  
5 residential purposes, but shall not include a seasonal rental dwelling  
6 unit rented for a term of not more than 125 consecutive days for  
7 residential purposes by a person having a permanent place of residence  
8 elsewhere. "Seasonal rental dwelling unit" does not mean use or rental  
9 of living quarters for seasonal, temporary or migrant farm workers in  
10 connection with any work or place where work is being performed.

11 "Portable fire extinguisher" means an operable portable device,  
12 carried and operated by hand, containing an extinguishing agent that  
13 can be expelled under pressure for the purpose of suppressing or  
14 extinguishing fire, and which is: (1) rated for residential use consisting  
15 of an ABC type; (2) no larger than a 10 pound rated extinguisher; and  
16 (3) mounted within 10 feet of the kitchen area, unless otherwise  
17 permitted by the enforcing agency.

18 e. An owner who sells, leases or otherwise permits occupancy of  
19 a dwelling unit without complying with the provisions of this section  
20 shall be subject to a fine of not more than \$100, which may be  
21 collected and enforced by the local enforcing agency by summary  
22 proceedings pursuant to the "Penalty Enforcement Law of 1999,"  
23 P.L.1999, c.274 (C.2A:58-10 et seq.).

24

25 3. This act shall take effect on the first day of the seventh month  
26 next following enactment.

27

28

29

STATEMENT

30

31 This bill would require a seller, landlord or transferor of a dwelling  
32 unit located in a building with fewer than three dwelling units to equip  
33 each dwelling unit with at least one portable fire extinguisher, at the  
34 expense of the seller, landlord or transferor. The bill would exclude  
35 any seasonal use rental units, which are defined as dwelling units  
36 rented for a term of not more than 125 consecutive days for residential  
37 purposes by a person having a permanent place of residence elsewhere,  
38 excluding rental of living quarters for seasonal, temporary or migrant  
39 farm workers in connection with any work or place where work is  
40 being performed. The Commissioner of Community Affairs would be  
41 responsible for promulgating rules and regulations containing  
42 requirements pertaining to the maintenance and periodic testing of the  
43 portable fire extinguishers.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 1294**

with committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 21, 2004

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Senate Bill No. 1294 (1R).

This bill, as amended, would require that a structure used or intended for use for residential purposes, other than a seasonal rental unit, by not more than two households shall have at least one portable fire extinguisher installed, in conformance with rules and regulations promulgated by the Commissioner of Community Affairs pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The requirement would be enforced in the same manner as the requirement for these dwellings to have smoke alarm devices, pursuant to sections 2 and 3 of P.L.1991, c.92 (C.52:27D-198.2 and 52:27D-198.3), upon a change in occupancy of the structure. "Portable fire extinguisher" is defined to mean an operable portable device, carried and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire, and which is: (1) rated for residential use consisting of an ABC type; (2) no larger than a 10 pound rated extinguisher; and (3) mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency. A seasonal rental unit is defined to mean a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere, but does not include use or rental of living quarters by migrant, temporary or seasonal workers in connection with any work or place where work is being performed.

Currently, the smoke alarm requirement is enforced by the municipality if it has an ordinance requiring inspections upon a change of occupancy, or by the appropriate fire code official in the event the municipality does not have an inspection ordinance. The bill permits a penalty to be imposed for a violation of the fire extinguisher requirement not to exceed \$100.

COMMITTEE AMENDMENTS

The committee amended the bill to make the requirement to have a portable fire extinguisher a part of the "Uniform Fire Safety Act" under which one and two-family residences are required to have smoke alarms. This change clarifies the enforcement mechanism for the requirement.

This bill, as amended by the committee, is identical to the Assembly Committee Substitute for Assembly, No. 3432, also released by the committee today.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1294**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 13, 2004

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 1294.

As amended by the committee, this bill would require a seller, landlord or transferor of a dwelling unit located in a building with fewer than three dwelling units to equip each dwelling unit with at least one portable fire extinguisher, at the expense of the seller, landlord or transferor. The bill would exclude seasonal use rental units from this requirement. The Commissioner of Community Affairs would be responsible for promulgating rules and regulations pertaining to the maintenance and periodic testing of portable fire extinguishers and other matters the commissioner deems necessary and proper for the administration of this requirement.

The bill defines "portable fire extinguisher" as an operable portable device, carried and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire, and which is: (1) rated for residential use consisting of an ABC type; (2) no larger than a 10 pound rated extinguisher; and (3) mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency.

The committee amendments to the bill delete an extraneous word and expand the scope of rules and regulations from section 1 to the entire bill.

# ASSEMBLY, No. 3432

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED OCTOBER 21, 2004

**Sponsored by:**

**Assemblyman FREDERICK SCALERA**

**District 36 (Bergen, Essex and Passaic)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**SYNOPSIS**

Requires sellers, landlords and transferors of certain dwelling units to provide portable fire extinguisher upon sale, lease or transfer.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning residential portable fire extinguishers and  
2 supplementing chapter 27D of Title 52 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Every dwelling unit located in a building with fewer than three  
8 dwelling units, upon its sale, lease or transfer, shall be equipped with  
9 at least one portable fire extinguisher, at the expense of the seller,  
10 landlord or transferor, as appropriate, in conformance with rules and  
11 regulations promulgated by the Commissioner of Community Affairs  
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.). The rules and regulations shall contain  
14 requirements pertaining to the maintenance and periodic testing of  
15 portable fire extinguishers, and any other matters which the  
16 commissioner deems necessary and proper for the administration of  
17 P.L. , c. (C. )(pending before the Legislature as this bill).

18  
19 2. a. In any case in which a change of occupancy of any dwelling  
20 unit in a building with fewer than three dwelling units is subject to a  
21 municipal ordinance requiring the issuance of a certificate of  
22 occupancy, certificate of inspection or other documentary certification  
23 of compliance with laws and regulations relating to the safety,  
24 healthfulness and upkeep of the premises, no such certificate shall  
25 issue until the officer or agency responsible for its issuance has  
26 determined that the dwelling unit is equipped with at least one portable  
27 fire extinguisher as required by section 1 of P.L. , c. (C. )  
28 (pending before the Legislature as this bill).

29 b. In the case of an initial occupancy or a change of occupancy of  
30 any dwelling unit in a building with fewer than three dwelling units to  
31 which the provisions of subsection a. of this section do not apply, no  
32 owner shall sell, lease or otherwise permit occupancy for residential  
33 purposes of that dwelling unit without first obtaining from the relevant  
34 enforcing agency under the "Uniform Fire Safety Act," P.L.1983, c.383  
35 (C.52:27D-192 et seq.) a certificate indicating that the dwelling unit  
36 is equipped with at least one portable fire extinguisher as required by  
37 section 1 of P.L. , c. (C. ) (pending before the Legislature  
38 as this bill).

39 c. The local governing body having jurisdiction over the enforcing  
40 agency or, when the Division of Fire Safety is the enforcing agency,  
41 the Commissioner of Community Affairs, may establish a fee which  
42 covers the cost of inspection and of issuance of the certificate;  
43 however, if an inspection is being made and a certificate is being issued  
44 evidencing compliance with section 2 of P.L.1991, c.92  
45 (C.52:27D-198.2), the fee authorized therein shall cover the costs of  
46 complying with this section.

1 d. For the purposes of P.L. , c. (C. )(pending before the  
2 Legislature as this bill):

3 "Dwelling unit" means a structure, or a room or group of rooms  
4 within a structure, used or intended for use, in whole or in part, for  
5 residential purposes, but shall not include a seasonal rental dwelling  
6 unit rented for a term of not more than 125 consecutive days for  
7 residential purposes by a person having a permanent place of residence  
8 elsewhere. "Seasonal rental dwelling unit" does not mean use or rental  
9 of living quarters for seasonal, temporary or migrant farm workers in  
10 connection with any work or place where work is being performed.

11 "Portable fire extinguisher" means an operable portable device,  
12 carried and operated by hand, containing an extinguishing agent that  
13 can be expelled under pressure for the purpose of suppressing or  
14 extinguishing fire, and which is: (1) rated for residential use consisting  
15 of an ABC type; (2) no larger than a 10 pound rated extinguisher; and  
16 (3) mounted within 10 feet of the kitchen area, unless otherwise  
17 permitted by the enforcing agency.

18 e. An owner who sells, leases or otherwise permits occupancy of  
19 a dwelling unit without complying with the provisions of this section  
20 shall be subject to a fine of not more than \$100, which may be  
21 collected and enforced by the local enforcing agency by summary  
22 proceedings pursuant to the "Penalty Enforcement Law of 1999,"  
23 P.L.1999, c.274 (C.2A:58-10 et seq.).

24

25 3. This act shall take effect on the first day of the seventh month  
26 next following enactment.

27

28

29

#### STATEMENT

30

31 This bill would require a seller, landlord or transferor of a dwelling  
32 unit located in a building with fewer than three dwelling units to equip  
33 each dwelling unit with at least one portable fire extinguisher, at the  
34 expense of the seller, landlord or transferor. The bill would exclude  
35 seasonal use rental units from this requirement. The Commissioner of  
36 Community Affairs would be responsible for promulgating rules and  
37 regulations pertaining to the maintenance and periodic testing of  
38 portable fire extinguishers and other matters the commissioner deems  
39 necessary and proper for the administration of this requirement.

40 The bill defines "portable fire extinguisher" as an operable portable  
41 device, carried and operated by hand, containing an extinguishing  
42 agent that can be expelled under pressure for the purpose of  
43 suppressing or extinguishing fire, and which is: (1) rated for residential  
44 use consisting of an ABC type; (2) no larger than a 10 pound rated  
45 extinguisher; and (3) mounted within 10 feet of the kitchen area,  
46 unless otherwise permitted by the enforcing agency.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 3432

**STATE OF NEW JERSEY**

DATED: OCTOBER 21, 2004

The Assembly Housing and Local Government Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 3432.

This substitute bill would require that a structure used or intended for use for residential purposes by not more than two households, other than seasonal rental units, shall have at least one portable fire extinguisher installed, in conformance with rules and regulations promulgated by the Commissioner of Community Affairs pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The requirement would be enforced in the same manner as the requirement for these dwellings to have smoke alarm devices, pursuant to sections 2 and 3 of P.L.1991, c.92, upon a change in occupancy of the structure. "Portable fire extinguisher" means an operable portable device, carried and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire, and which is: (1) rated for residential use consisting of an ABC type; (2) no larger than a 10 pound rated extinguisher; and (3) mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency. A seasonal rental unit is defined as a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere, but does not include use or rental of living quarters by migrant, temporary or seasonal workers in connection with any work or place where work is being performed.

Currently, the smoke alarm requirement is enforced by the municipality if it has an ordinance requiring inspections upon a change of occupancy, or by the appropriate fire code official in the event the municipality does not have an inspection ordinance. The bill permits a penalty to be imposed for a violation of the fire extinguisher requirement not to exceed \$100.

This substitute bill is identical to Senate, No. 1294 [1R] also released by the committee today.



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## **Codey Signs Bill Requiring Fire Extinguishers in Homes**

(TRENTON) – Acting Governor Richard J. Codey today signed S-1294 / A-3432, a bill requiring that single-, double- or triple-occupancy homes be equipped with a fire extinguisher upon sale, lease or transfer.

State Senator Joseph Coniglio first drafted the bill two years ago, when a fifth-grade student at Cliffside Park School #6 suggested the idea. Senator Coniglio was visiting Mrs. Donna Spoto's fifth-grade class when the student, Christopher Keethe, raised his hand and asked why every home in New Jersey is not required to have a fire extinguisher.

“He went on to say that he believed everyone would be safer and lives would be saved if we all had access to fire extinguishers. I couldn't have agreed more, so I went to work on broadening our existing fire safety laws,” Senator Coniglio said.

The Senator joined Acting Governor Codey for the public bill signing during a school assembly at Cliffside Park School #6 – which Christopher still attends as a seventh-grader. The bill's other primary sponsors are Assemblyman Frederick Scalera, Assemblyman Gordon M. Johnson and Assemblyman Brian P. Stack.

“I'm sure most of you have heard a lot about politics and government from adults, the newspapers or television. You've heard how complicated the political system is and how it often feels as if it is impossible to get anything done,” Codey told the assembled students before signing the bill.

“Today the work of one student proves that, if you have an idea, if you get involved and if you advocate for your idea, you can make a difference. There are many ways to advocate. You can call or send letters to your Legislator's office. You can work with a group of people to make sure your ideas are heard. Or you can run for office, like we did,” Codey continued.

Senator Coniglio said: “Each year there are thousands of fires in New Jersey homes. A good portion of those fires are kitchen fires or caused by candles or cigarettes – the type of fires that can be put out with a fire extinguisher before major damage can occur. By making sure homeowners and tenants are equipped with the fire extinguishers necessary to fight these small fires, we can help prevent millions of dollars in damage and countless deaths each year.”

“Fire extinguishers are a cost-effective tool to help residents safely leave a burning building while waiting for firefighters to answer the alarm,” said Assemblyman Scalera, who also is deputy fire chief in Nutley. “By providing all new homeowner and tenants with a working fire extinguisher, we can ensure that these residents are prepared to protect themselves from the moment they step into their new home.”

“Single- and two-family homes are not required to have sprinkler systems like high-rise apartments,” said Assemblyman Johnson. “Requiring a fire extinguisher be part of a home transfer will close this gap that leaves many residents unprotected from fire.”

“Homeowners and tenants often are overwhelmed with a litany of tasks when they move into a new house,” said Assemblyman Stack. “This law will ensure that being able to protect themselves from a fire is not lost in the shuffle.”

The bill’s text can be found online by visiting the Legislature’s website, [www.njleg.state.nj.us/](http://www.njleg.state.nj.us/), and conducting a “Bill Search” for S1294.