

**ASSEMBLY, No. 1145**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman JOSEPH V. EGAN**

**District 17 (Middlesex and Somerset)**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman DiMaio, Assemblywoman B.DeCroce, Assemblymen Calabrese, Wirths, Space, Danielsen, Assemblywomen Pinkin, DiMaso, Swain, Assemblymen Tully and Benson**

**SYNOPSIS**

Establishes "Electronic Permit Processing Review System."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 1/27/2020)**

1 AN ACT establishing a State online electronic building permit  
2 review and inspection scheduling system, and supplementing and  
3 amending P.L.1975, c.217, and amending P.L.2005, c.212, and  
4 P.L.1979, c.121.

5

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

8

9 1. (New section) a. The Commissioner of Community Affairs  
10 shall establish, develop, implement, and administer the "Electronic  
11 Permit Processing Review System." This electronic system shall be  
12 an Internet-based system allowing for the electronic submission of  
13 applications for construction permits, plans, and specifications  
14 pursuant to the "State Uniform Construction Code Act," P.L.1975,  
15 c.217 (C.52:27D-119 et seq.), for the electronic review and  
16 approval of applications, plans, and specifications, for the  
17 scheduling of inspections, and for the exchange of information  
18 between the applicant, the applicant's professionals, and the  
19 department or enforcing agency during the review process. The  
20 electronic system shall offer a permit applicant:

21 (1) the ability to submit the materials necessary for application  
22 review;

23 (2) the ability to submit requests for on-site inspection of a  
24 project; and

25 (3) continuous, 24-hour accessibility for the submission of both  
26 scheduling requests, and the materials necessary for the permit  
27 application review.

28 b. (1) Following the effective date of P.L. , c. (C. )  
29 (pending before the Legislature as this bill), the commissioner may  
30 make the electronic system accessible, and facilitate its use, through  
31 the acceptance of application materials and scheduling submissions,  
32 by:

33 (a) the department, with regard to applications for which the  
34 department approves plans and specifications pursuant to the "State  
35 Uniform Construction Code Act";

36 (b) local enforcing agencies; and

37 (c) private agencies providing plan review and inspection  
38 services.

39 (2) Within one year following the effective date of P.L. ,  
40 c. (C. ) (pending before the Legislature as this bill), the  
41 commissioner shall fully implement the electronic system, and  
42 require its use, through the acceptance of application materials and  
43 scheduling submissions, by:

44 (a) the department, with regard to applications for which the

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

Matter underlined thus is new matter.

1 department approves plans and specifications pursuant to the "State  
2 Uniform Construction Code Act";  
3 (b) local enforcing agencies; and  
4 (c) private agencies providing plan review and inspection  
5 services.  
6 c. The commissioner shall provide training opportunities on the  
7 use of the electronic system for employees of local enforcing  
8 agencies and private agencies which provide plan review and  
9 inspection services.  
10 d. The commissioner shall, in accordance with the  
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
12 seq.), adopt rules and regulations to govern the form and format of  
13 applications for construction permits, plans, and specifications and  
14 other information exchanged through the electronic system.  
15 Notwithstanding the requirement, pursuant to subsection b. of this  
16 section, to accept electronically submitted materials within one year  
17 following the effective date of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill), the commissioner shall have the  
19 discretion to establish different submission requirements, including  
20 non-electronic submissions as necessary, for large, complicated, or  
21 otherwise unusual construction projects, so long as the system is  
22 designed to accept approximately 80 percent of construction permit  
23 application submissions electronically.  
24 e. The department may waive a contrary form and format  
25 requirement imposed by statute or ordinance or by the rules of  
26 another department or agency for the submission of information in  
27 physical form to the extent the waiver is necessary to facilitate the  
28 submission of the information electronically. The department may  
29 accept an electronic reproduction of a signature, stamp, seal,  
30 certification, or notarization as the equivalent of the original or may  
31 accept the substitution of identifying information for the signature,  
32 stamp, seal, certification, or notarization. The department shall not  
33 waive any other requirement.  
34 f. The commissioner may adopt, amend, and repeal rules and  
35 regulations providing for the charging of and setting the amount of  
36 construction permit surcharge fees to be collected by an enforcing  
37 agency or private agency and remitted to the department to defray  
38 the cost of developing and administering the electronic system.  
39 g. A person exchanging information through the electronic  
40 system in a form and format acceptable to the department is not  
41 subject to any licensing sanction, civil penalty, fine, permit  
42 disapproval, or revocation or other sanction for failure to comply  
43 with a form or format requirement imposed by statute, ordinance, or  
44 rule for submission of the information in physical form, including  
45 but not limited to any requirement that the information be in a  
46 particular form or of a particular size, be submitted with multiple  
47 copies, be physically attached to another document be an original  
48 document or be signed, stamped, sealed, certified, or notarized.

1 h. As used in this section, “form and format” means the  
2 arrangement, organization, configuration, structure, or style of, or  
3 method of delivery for, providing required information or providing  
4 the substantive equivalent of required information. “Form and  
5 format” does not mean altering the substance of information or the  
6 addition or omission of information.

7  
8 2. Section 3 of P.L.2005, c.212 (C.52:27D-124.3) is amended  
9 to read as follows:

10 3. A proposal by a private agency to provide inspection or plan  
11 review services to a municipality to administer the provisions of the  
12 "State Uniform Construction Code Act," P.L.1975,  
13 c.217 (C.52:27D-119 et seq.) shall be submitted in accordance with  
14 and shall be subject to the bidding and other provisions of the  
15 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et  
16 seq.). A municipality shall require, as part of the bid specifications,  
17 that a private agency participate in the “Electronic Permit  
18 Processing Review System,” developed and implemented pursuant  
19 to section 1 of P.L. , c. (C. ) (pending before the Legislature  
20 as this bill). A municipality shall require as part of the bid  
21 specifications that a private agency submit a bid or proposal in  
22 terms of a percentage of the costs charged by the department when  
23 it serves as a local enforcement agency pursuant to section 10 of  
24 P.L.1975, c.217 (C.52:27D-128). A municipality may include in  
25 the fee charged by it for work done by private agencies an amount  
26 sufficient to cover a proportionate share of administrative costs  
27 incurred by the local enforcing agency in connection with  
28 inspections performed by private agencies.  
29 (cf: P.L.2005, c.212, s.3)

30  
31 3. Section 3 of P.L.1979, c.121 (C.52:27D-126a) is amended to  
32 read as follows:

33 3. Where the appointing authority of any municipality shall  
34 appoint an enforcing agency and construction board of appeals  
35 pursuant to section 8 of P.L.1975, c.217 (C.52:27D-126), the  
36 municipal governing body by ordinance, in accordance with  
37 standards established by the commissioner, shall set enforcing  
38 agency fees for plan review, construction permit, certificate of  
39 occupancy, demolition permit, moving of building permit, elevator  
40 permit and sign permit, provided, however, that such fees shall not  
41 exceed the annual costs for the operation of the enforcing agency.  
42 For the three year period commencing with an enforcing agency’s  
43 initial participation in the “Electronic Permit Processing Review  
44 System,” developed and implemented pursuant to section 1 of  
45 P.L. , c. (C. ) (pending before the Legislature as this bill), the  
46 municipal governing body may impose, and the enforcing agency  
47 may collect, construction permit surcharge fees to defray the  
48 enforcing agency’s startup costs related to offering electronic plan

1 review and scheduling. Surcharge fees shall be established in  
2 accordance with standards established by the commissioner.  
3 (cf: P.L.1979, c.121, s.3)  
4

5 4. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to  
6 read as follows:

7 12. Except as otherwise provided by this act or in the code,  
8 before construction or alteration of any building or structure, the  
9 owner, or his agent, engineer or architect, shall submit an  
10 application in writing, including signed and sealed drawings and  
11 specifications, to the enforcing agency as defined in this act. When  
12 an enforcing agency begins to participate in the “Electronic Permit  
13 Processing Review System,” pursuant to section 1 of P.L. \_\_\_\_\_,  
14 c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the Legislature as this bill), the owner,  
15 or his agent, engineer or architect, may submit applications and  
16 scheduling requests electronically. The application shall be in  
17 accordance with regulations established by the commissioner and  
18 on a form or in a format prescribed by the commissioner and shall  
19 be accompanied by payment of the fee to be established by the  
20 municipal governing body by ordinance in accordance with  
21 standards established by the commissioner. The application for a  
22 construction permit shall be filed with the enforcing agency and  
23 shall be a public record; and no application for a construction  
24 permit shall be removed from the custody of the enforcing agency  
25 after a construction permit has been issued. Nothing contained in  
26 this paragraph shall be interpreted as preventing the imposition of  
27 requirements in the code, for additional permits for particular kinds  
28 of work, including but not limited to plumbing, electrical, elevator,  
29 fire prevention equipment or boiler installation or repair work, or in  
30 other defined situations.

31 Upon the transfer of ownership of property that is the subject of  
32 a construction permit, and prior to beginning or continuing work  
33 authorized by the construction permit, the new owner shall file with  
34 the enforcing agency an application for a permit update to notify the  
35 enforcing agency of the name and address of the new owner and of  
36 all other changes to information previously submitted to the  
37 enforcing agency. If the municipality has adopted an ordinance  
38 requiring a successor developer to furnish a replacement  
39 performance guarantee, and a performance guarantee has previously  
40 been furnished in favor of the municipality to assure the installation  
41 of on-tract improvements on the property that is the subject of an  
42 application for a permit update for the purpose of notifying the  
43 enforcing agency of the name and address of a new owner, the  
44 enforcing agency shall not approve the application for a permit  
45 update until it receives notification from the governing body or its  
46 designee that the new owner has furnished an adequate replacement  
47 performance guarantee.

1 No permit shall be issued for a public school facility unless the  
2 final plans and specifications have been first approved by the  
3 Bureau of Facility Planning Services in the Department of  
4 Education or a municipal code official who is appropriately licensed  
5 by the Commissioner of Community Affairs for the type and level  
6 of plans being reviewed. Approval by the Bureau of Facility  
7 Planning Services in the Department of Education shall only be  
8 required when a review for educational adequacy is necessary.  
9 Requirements determining when a review for educational adequacy  
10 is necessary shall be established jointly by the Department of  
11 Community Affairs and the Department of Education. The  
12 standards shall thereafter be adopted as part of the Uniform  
13 Construction Code regulations by the Department of Community  
14 Affairs. After the final plans and specifications have been approved  
15 for educational adequacy by the Bureau of Facility Planning  
16 Services in the Department of Education, a local board of education  
17 may submit the final plans and specifications for code approval to  
18 either the Bureau of Facility Planning Services in the Department of  
19 Education or a municipal code official who is appropriately licensed  
20 by the Commissioner of Community Affairs for the type and level  
21 of plans being reviewed. The Bureau of Facility Planning Services  
22 in the Department of Education when approving final plans and  
23 specifications shall be responsible for insuring that the final plans  
24 and specifications conform to the requirements of the code as well  
25 as for insuring that they provide for an educationally adequate  
26 facility. In carrying out its responsibility pursuant to the provisions  
27 of this section the Department of Education shall employ persons  
28 licensed by the Commissioner of Community Affairs for the type  
29 and level of plans being reviewed.  
30 (cf: P.L.2013, c.123, s.5)

31

32 5. This act shall take effect immediately.

33

34

35 STATEMENT

36

37 This bill establishes the "Electronic Permit Processing Review  
38 System," a web-based system allowing for the electronic  
39 submission of applications for construction permits, plans, and  
40 specifications pursuant to the "State Uniform Construction Code  
41 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the electronic  
42 review and approval of applications, plans, and specifications, for  
43 the scheduling of inspections, and for the exchange of information  
44 between the applicant, the applicant's professionals, and the  
45 department or enforcing agency during the review process. The  
46 electronic system established by the bill would offer a permit  
47 applicant:

- 1       • the ability to submit the materials necessary for application
- 2       review;
- 3       • the ability to submit requests for on-site inspection of a
- 4       project; and
- 5       • continuous, 24-hour accessibility for these submissions.

6       The bill directs the commissioner to make the electronic system  
7 accessible, and facilitate its use, through the acceptance of  
8 application materials and scheduling submissions, by:

- 9       • the department itself with regard to applications for which
- 10       the department approves plans and specifications pursuant to
- 11       the "State Uniform Construction Code Act";
- 12       • local enforcing agencies; and
- 13       • private agencies providing plan review and inspection
- 14       services.

15       The bill directs the commissioner to fully implement the  
16 electronic system, and require its use by the parties discussed above  
17 within one year of the effective date of the bill.

18       The bill requires the commissioner to provide training  
19 opportunities on the use of the electronic system for employees of  
20 local enforcing agencies and private agencies that provide plan  
21 review and inspection services. The bill requires the commissioner  
22 to adopt rules and regulations to govern the form and format of  
23 applications for construction permits, plans, and specifications and  
24 other information exchanged through the electronic system.

25       The bill allows the department to waive requirements in other  
26 laws that require the submission of information in physical form to  
27 the extent the waiver is necessary to facilitate the submission of the  
28 information electronically. The bill allows the department to accept  
29 an electronic reproduction of a signature, stamp, seal, certification,  
30 or notarization as the equivalent of the original or to accept the  
31 substitution of identifying information for the signature, stamp,  
32 seal, certification, or notarization. However, the bill allows the  
33 commissioner the discretion to establish different submission  
34 requirements, including non-electronic submissions as necessary,  
35 for large, complicated, or otherwise unusual construction projects,  
36 so long as the system is designed to accept approximately 80  
37 percent of application submissions electronically.

38       The bill holds a person harmless from any licensing sanction,  
39 civil penalty, fine, permit disapproval or revocation or other  
40 sanction for failure to comply with a form or format requirement  
41 imposed by law for submission of the information in physical form  
42 in order to facilitate the exchange of information through the  
43 electronic system in a form and format acceptable to the  
44 department.

45       The bill allows the department and local enforcing agencies to  
46 establish permit surcharge fees to defray the cost of transitioning to  
47 electronic plan review.