

ASSEMBLY, No. 1782

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1996

By Assemblymen **GREGG, KELLY, O'Toole, Gibson, Augustine, Bodine, Assemblywoman Bark, Assemblymen Cottrell, Azzolina, Bateman, Assemblywoman Crecco, Assemblymen Bucco, Felice, Assemblywoman J. Smith, Assemblymen Malone, Wolfe, Rocco, Arnone, DeCroce, Assemblywomen Murphy, Myers, Assemblymen Garrett and Carroll**

1 AN ACT concerning the adoption of national model construction codes
2 and standards and amending P.L. 1975, c. 217.

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

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7 1. Section 5 of P.L. 1975, c. 217 (52:27D-123) is amended to read
8 as follows:

9 5. a. The commissioner shall after public hearing pursuant to
10 section 4 of the "Administrative Procedure Act," P.L.1968, c.410
11 (C.52:14B-4) adopt a State Uniform Construction Code for the
12 purpose of regulating the structural design, construction, maintenance
13 and use of buildings or structures to be erected and alteration,
14 renovation, rehabilitation, repair, maintenance, removal or demolition
15 of buildings or structures already erected. Prior to the adoption of
16 said code, the commissioner shall consult with the code advisory board
17 and other departments, divisions, bureaus, boards, councils or other
18 agencies of State Government heretofore authorized to establish or
19 administer construction regulations.

20 Such prior consultations with departments, divisions, bureaus,
21 boards, councils, or other agencies of State Government shall include
22 but not be limited to consultation with the Commissioner of Health
23 and the Public Health Council prior to adoption of a plumbing subcode
24 pursuant to paragraph b. of this section. Said code shall include any
25 code, rule or regulation incorporated therein by reference.

26 b. The code shall be divided into subcodes which may be adopted
27 individually by the commissioner as he may from time to time consider
28 appropriate. Said subcodes shall include but not be limited to a
29 building code, a plumbing code, an electrical code, an energy code, a

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.

1 fire prevention code, a manufactured or mobile home code and
2 mechanical code.

3 These subcodes shall be adoptions of the model codes of the
4 Building Officials and Code Administrators International, Inc., the
5 National Electrical Code, and the National Standard Plumbing Code,
6 provided that for good reasons, the commissioner may adopt as a
7 subcode a model code or standard of some other nationally recognized
8 organization upon a finding that such model code or standard
9 promotes the purposes of this act. The [initial] adoption of a model
10 code or standard as a subcode shall [constitute adoption of subsequent
11 edition year publications of the model code or standard organization.
12 Adoption of publications shall not occur more frequently than once
13 every three years; provided, however, that a revision or amendment
14 may be adopted at any time in the event that the commissioner finds
15 that there exists an imminent peril to the public health, safety or
16 welfare]be limited to those model codes and standards in effect as of
17 July 1, 1995.

18 The commissioner shall be authorized to adopt a barrier free
19 subcode or to supplement or revise any model code adopted
20 hereunder, for the purpose of insuring that adequate and sufficient
21 features are available in buildings or structures so as to make them
22 accessible to and usable by the physically handicapped.

23 c. Any municipality through its construction official, and any State
24 agency or political subdivision of the State may submit an application
25 recommending to the commissioner that a State sponsored code
26 change proposal be adopted. Such application shall contain such
27 technical justification and shall be submitted in accordance with such
28 rules of procedure as the commissioner may deem appropriate, except
29 that whenever the State Board of Education shall determine that
30 enhancements to the code are essential to the maintenance of a
31 thorough and efficient system of education, the enhancements shall be
32 made part of the code; provided that the amendments do not result in
33 standards that fall below the adopted subcodes. The Commissioner of
34 the Department of Education shall consult with the Commissioner of
35 the Department of Community Affairs prior to publishing the intent of
36 the State Board to adopt any amendments to the Uniform Construction
37 Code. Upon adoption of any amendments by the State Board of
38 Education they shall be transmitted forthwith to the Commissioner of
39 the Department of Community Affairs who shall publish and
40 incorporate the amendments as part of the Uniform Construction Code
41 and the amendments shall be enforceable as if they had been adopted
42 by the commissioner.

43 At least 45 days prior to the final date for the submission of
44 amendments or code change proposals to the National Model Code
45 Adoption Agency, the code of which has been adopted as a subcode
46 under this act, the commissioner shall hold a public hearing in

1 accordance with the "Administrative Procedure Act," P.L.1968, c.410
2 (C.52:14B-1 et seq.), at which testimony on any application
3 recommending a State sponsored code change proposal will be heard.

4 The commissioner shall maintain a file of such applications, which
5 shall be made available to the public upon request and upon payment
6 of a fee to cover the cost of copying and mailing.

7 After public hearing, the code advisory board shall review any such
8 applications and testimony and shall within 20 days of such hearing
9 present its own recommendations to the commissioner.

10 The commissioner may adopt, reject or return such
11 recommendations to the code advisory board for further deliberation.
12 If adopted, any such proposal shall be presented to the subsequent
13 meeting of the National Model Code Agency by the commissioner or
14 by persons designated by the commissioner as a State sponsored code
15 change proposal. Nothing herein, however, shall limit the right of any
16 municipality, the department, or any other person from presenting
17 amendments to the National Model Code Agency on its own initiative.

18 The commissioner may adopt further rules and regulations pursuant
19 to this subsection and may modify the procedures herein described
20 when a model code change hearing has been scheduled so as not to
21 permit adequate time to meet such procedures.

22 d. (Deleted by amendment, P.L.1983, c.496.)
23 (cf: P.L.1993, c.306,s.1)

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill would halt the adoption of modifications of national model
31 construction codes, and, in effect, "freeze" the current State Uniform
32 Construction Code Act, and the code adopted pursuant to that law,
33 to contain only the model codes and standards in effect as of July 1,
34 1995.

35 The Uniform Construction Code Act is intended to promote
36 affordable, safe and healthful housing for all New Jerseyans. Its goals
37 are advanced by construction standards that balance all of these
38 factors. Recent editions of the national model codes, especially those
39 published by the Building Officials and Code Administrators (BOCA)
40 International, Inc., have incorporated provisions which are inconsistent
41 with the balanced intent and purpose of the Uniform Construction
42 Code Act. Such provisions have increased construction costs and
43 placed restrictions on construction practices without proven benefits
44 to public health, safety and welfare, and have subsequently increased
45 the cost of housing in New Jersey. In addition, provisions contained
46 in the 1996 edition of the BOCA National Building Code may, if

1 implemented, add significant costs to building a single family dwelling
2 in New Jersey.

3 The 1995 edition of the Council of American Building Officials
4 (CABO) One and Two Family Dwelling Code, a building subcode
5 option for certain residential construction in New Jersey, also
6 incorporates provisions inconsistent with the balanced intent and
7 purpose and the legislative findings of the Uniform Construction Code
8 Act.

9 The status of BOCA and CABO as code publishing entities beyond
10 1996 remains uncertain since they have committed themselves to the
11 task of joining with other entities to publish an international building
12 code. The details of this future venture are not known at this time.

13 By retaining the building codes in effect as of July 1, 1995, New
14 Jersey will continue its tradition of balancing health, safety and
15 housing affordability, while the State undertakes a review of its
16 options for the future.

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21 Limits adoption of national model codes and standards under
22 Uniform Construction Code to those in effect on July 1, 1995.