

(CORRECTED COPY)

P.L. 2021, CHAPTER 70, *approved April 30, 2021*

Assembly No. 1145 (*First Reprint*)

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.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted January 28, 2021.

- 1       (2) <sup>1</sup>(a)<sup>1</sup> Within one year following the effective date of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 the commissioner shall fully implement the electronic system, and  
4 <sup>1</sup>**require** provide for<sup>1</sup> its use, through the acceptance of  
5 application materials and scheduling submissions, by <sup>1</sup>**;**  
6 (a)<sup>1</sup> the department, with regard to applications for which the  
7 department approves plans and specifications pursuant to the "State  
8 Uniform Construction Code Act" <sup>1</sup>**;**<sup>1</sup>  
9 (b) <sup>1</sup>**local** Local<sup>1</sup> enforcing agencies <sup>1</sup>**;** and  
10 (c) private agencies providing plan review and inspection  
11 services **may elect to utilize the electronic system implemented by**  
12 the department. In the alternative, a local enforcing agency may  
13 utilize a different electronic system, which system shall provide the  
14 same level of functionality as the system implemented by the  
15 department<sup>1</sup>.  
16 c. The commissioner shall provide training opportunities on the  
17 use of the electronic system for employees of local enforcing  
18 agencies and private agencies which provide plan review and  
19 inspection services.  
20 d. The commissioner shall, in accordance with the  
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
22 1 et seq.), adopt rules and regulations to govern the form and format  
23 of applications for construction permits, plans, and specifications  
24 and other information exchanged through the electronic system.  
25 Notwithstanding the requirement, pursuant to subsection b. of this  
26 section, to accept electronically submitted materials within one year  
27 following the effective date of P.L. , c. (C. ) (pending  
28 before the Legislature as this bill), the commissioner shall have the  
29 discretion to establish different submission requirements, including  
30 non-electronic submissions as necessary, for large, complicated, or  
31 otherwise unusual construction projects, so long as the system is  
32 designed to accept approximately 80 percent of construction permit  
33 application submissions electronically.  
34 e. The department may waive a contrary form and format  
35 requirement imposed by statute or ordinance or by the rules of  
36 another department or agency for the submission of information in  
37 physical form to the extent the waiver is necessary to facilitate the  
38 submission of the information electronically. The department may  
39 accept an electronic reproduction of a signature, stamp, seal,  
40 certification, or notarization as the equivalent of the original or may  
41 accept the substitution of identifying information for the signature,  
42 stamp, seal, certification, or notarization. The department shall not  
43 waive any other requirement.  
44 f. The commissioner may adopt, amend, and repeal rules and  
45 regulations providing for the charging of and setting the amount of  
46 construction permit surcharge fees to be collected by an enforcing  
47 agency or private agency <sup>1</sup>**and** Fees shall be<sup>1</sup> remitted to the

1 department to defray the cost of developing and administering the  
2 electronic system <sup>1</sup>by local enforcing agencies that have elected to  
3 utilize the electronic system implemented by the department<sup>1</sup>.

4 g. A person exchanging information through the electronic  
5 system in a form and format acceptable to the department is not  
6 subject to any licensing sanction, civil penalty, fine, permit  
7 disapproval, or revocation or other sanction for failure to comply  
8 with a form or format requirement imposed by statute, ordinance, or  
9 rule for submission of the information in physical form, including  
10 but not limited to any requirement that the information be in a  
11 particular form or of a particular size, be submitted with multiple  
12 copies, be physically attached to another document be an original  
13 document or be signed, stamped, sealed, certified, or notarized.

14 h. As used in this section, “form and format” means the  
15 arrangement, organization, configuration, structure, or style of, or  
16 method of delivery for, providing required information or providing  
17 the substantive equivalent of required information. “Form and  
18 format” does not mean altering the substance of information or the  
19 addition or omission of information.

20  
21 2. Section 3 of P.L.2005, c.212 (C.52:27D-124.3) is amended  
22 to read as follows:

23 3. A proposal by a private agency to provide inspection or plan  
24 review services to a municipality to administer the provisions of the  
25 "State Uniform Construction Code Act," P.L.1975,  
26 c.217 (C.52:27D-119 et seq.) shall be submitted in accordance with  
27 and shall be subject to the bidding and other provisions of the  
28 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et  
29 seq.). A municipality shall require, as part of the bid specifications,  
30 that a private agency participate in <sup>1</sup>the “Electronic Permit  
31 Processing Review System,” developed and implemented pursuant  
32 to section 1 of P.L. , c. (C. ) (pending before the Legislature  
33 as this bill).] whichever electronic system the municipality has  
34 elected to utilize<sup>1</sup>. A municipality shall require as part of the bid  
35 specifications that a private agency submit a bid or proposal in  
36 terms of a percentage of the costs charged by the department when  
37 it serves as a local enforcement agency pursuant to section 10 of  
38 P.L.1975, c.217 (C.52:27D-128). A municipality may include in  
39 the fee charged by it for work done by private agencies an amount  
40 sufficient to cover a proportionate share of administrative costs  
41 incurred by the local enforcing agency in connection with  
42 inspections performed by private agencies.  
43 (cf: P.L.2005, c.212, s.3)

44  
45 3. Section 3 of P.L.1979, c.121 (C.52:27D-126a) is amended to  
46 read as follows:

1       3. Where the appointing authority of any municipality shall  
2       appoint an enforcing agency and construction board of appeals  
3       pursuant to section 8 of P.L.1975, c.217 (C.52:27D-126), the  
4       municipal governing body by ordinance, in accordance with  
5       standards established by the commissioner, shall set enforcing  
6       agency fees for plan review, construction permit, certificate of  
7       occupancy, demolition permit, moving of building permit, elevator  
8       permit and sign permit, provided, however, that such fees shall not  
9       exceed the annual costs for the operation of the enforcing agency.  
10      For the three year period commencing with an enforcing agency's  
11      initial participation in the "Electronic Permit Processing Review  
12      System," developed and implemented pursuant to section 1 of  
13      P.L. , c. (C. ) (pending before the Legislature as this bill), the  
14      municipal governing body may impose, and the enforcing agency  
15      may collect, construction permit surcharge fees to defray the  
16      enforcing agency's startup costs related to offering electronic plan  
17      review and scheduling. Surcharge fees shall be established in  
18      accordance with standards established by the commissioner.  
19      (cf: P.L.1979, c.121, s.3)

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

23       12. Except as otherwise provided by this act or in the code,  
24       before construction or alteration of any building or structure, the  
25       owner, or his agent, engineer or architect, shall submit an  
26       application in writing, including signed and sealed drawings and  
27       specifications, to the enforcing agency as defined in this act. When  
28       an enforcing agency begins to participate in the "Electronic Permit  
29       Processing Review System," pursuant to section 1 of P.L. ,  
30       c. (C. ) (pending before the Legislature as this bill), the owner,  
31       or his agent, engineer or architect, may submit applications and  
32       scheduling requests electronically. The application shall be in  
33       accordance with regulations established by the commissioner and  
34       on a form or in a format prescribed by the commissioner and shall  
35       be accompanied by payment of the fee to be established by the  
36       municipal governing body by ordinance in accordance with  
37       standards established by the commissioner. The application for a  
38       construction permit shall be filed with the enforcing agency and  
39       shall be a public record; and no application for a construction  
40       permit shall be removed from the custody of the enforcing agency  
41       after a construction permit has been issued. Nothing contained in  
42       this paragraph shall be interpreted as preventing the imposition of  
43       requirements in the code, for additional permits for particular kinds  
44       of work, including but not limited to plumbing, electrical, elevator,  
45       fire prevention equipment or boiler installation or repair work, or in  
46       other defined situations.

47       Upon the transfer of ownership of property that is the subject of  
48       a construction permit, and prior to beginning or continuing work

1 authorized by the construction permit, the new owner shall file with  
2 the enforcing agency an application for a permit update to notify the  
3 enforcing agency of the name and address of the new owner and of  
4 all other changes to information previously submitted to the  
5 enforcing agency. If the municipality has adopted an ordinance  
6 requiring a successor developer to furnish a replacement  
7 performance guarantee, and a performance guarantee has previously  
8 been furnished in favor of the municipality to assure the installation  
9 of on-tract improvements on the property that is the subject of an  
10 application for a permit update for the purpose of notifying the  
11 enforcing agency of the name and address of a new owner, the  
12 enforcing agency shall not approve the application for a permit  
13 update until it receives notification from the governing body or its  
14 designee that the new owner has furnished an adequate replacement  
15 performance guarantee.

16 No permit shall be issued for a public school facility unless the  
17 final plans and specifications have been first approved by the  
18 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. Approval by the Bureau of Facility  
22 Planning Services in the Department of Education shall only be  
23 required when a review for educational adequacy is necessary.  
24 Requirements determining when a review for educational adequacy  
25 is necessary shall be established jointly by the Department of  
26 Community Affairs and the Department of Education. The  
27 standards shall thereafter be adopted as part of the Uniform  
28 Construction Code regulations by the Department of Community  
29 Affairs. After the final plans and specifications have been approved  
30 for educational adequacy by the Bureau of Facility Planning  
31 Services in the Department of Education, a local board of education  
32 may submit the final plans and specifications for code approval to  
33 either the Bureau of Facility Planning Services in the Department of  
34 Education or a municipal code official who is appropriately licensed  
35 by the Commissioner of Community Affairs for the type and level  
36 of plans being reviewed. The Bureau of Facility Planning Services  
37 in the Department of Education when approving final plans and  
38 specifications shall be responsible for insuring that the final plans  
39 and specifications conform to the requirements of the code as well  
40 as for insuring that they provide for an educationally adequate  
41 facility. In carrying out its responsibility pursuant to the provisions  
42 of this section the Department of Education shall employ persons  
43 licensed by the Commissioner of Community Affairs for the type  
44 and level of plans being reviewed.

45 (cf: P.L.2013, c.123, s.5)

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47 5. This act shall take effect immediately.

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- Establishes “Electronic Permit Processing Review System.”