

52:27D-124

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27D-124

(Uniform Construction Code Act--
enforcement-tighten provisions)

LAWS OF: 1985

CHAPTER: 21

Bill No: S2114

Sponsor(s): Caufield and Foran

Date Introduced: Sept. 13, 1984

Committee: Assembly: /////

Senate: Law, Public Safety and Defense

Amended during passage: No

Date of Passage: Assembly: Dec. 13, 1984

Senate: Oct. 18, 1984

Date of Approval: January 25, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

974.90 New Jersey. Fire Safety Commission.
~~B923~~ 5128 Report on the fire at Great Adventure...
1984a Sept. 26, 1984. Trenton, 1984.
(see p. 13)

Hearing mentioned in statements, not transcribed.

SENATE, No. 2114

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 13, 1984

By Senators CAUFIELD and FORAN

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend the "State Uniform Construction Code Act,"
approved October 7, 1975 (P. L. 1975, c. 217).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 6 of P. L. 1975, c. 217 (C. 52:27D-124) is amended to
2 read as follows:

3 6. Powers of the commissioner. The commissioner shall have
4 all the powers necessary or convenient to effectuate the purposes
5 of this act, including, but not limited to, the following powers in
6 addition to all others granted by this act:

7 a. To adopt, amend and repeal, after consultation with the code
8 advisory board, rules: (1) relating to the administration and
9 enforcement of this act and (2) the qualifications or licensing, or
10 both, of all persons employed by enforcing agencies of the State to
11 enforce this act or the code, except that, plumbing inspectors shall
12 be subject to the rules adopted by the commissioner only insofar as
13 such rules are compatible with such rules and regulations, regard-
14 ing health and plumbing for public and private buildings, as may
15 be promulgated by the Public Health Council in accordance with
16 Title 26 of the Revised Statutes.

17 b. To enter into agreements with federal and State of New Jer-
18 sey agencies, after consultation with the code advisory board, to
19 provide insofar as practicable (1) single-agency review of construc-
20 tion plans and inspection of construction and (2) intergovern-
21 mental acceptance of such review and inspection to avoid unneces-

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 printed in italics *thus* is new matter.

22 sary duplication of effort and fees. The commissioner shall have
23 the power to enter into such agreements although the federal
24 standards are not identical with State standards; provided that
25 the same basic objectives are met. The commissioner shall have
26 the power through such agreements to bind the State of New Jersey
27 and all governmental entities deriving authority therefrom.

28 c. To take testimony and hold hearings relating to any aspect
29 of or matter relating to the administration or enforcement of this
30 act, including but not limited to prospective interpretation of the
31 code so as to resolve inconsistent or conflicting code interpreta-
32 tions, and, in connection therewith, issue subpoenas to compel the
33 attendance of witnesses and the production of evidence. The com-
34 missioner may designate one or more hearing examiners to hold
35 public hearings and report on such hearings to the commissioner.

36 d. To encourage, support or conduct, after consultation with
37 the code advisory board, educational and training programs for
38 employees, agents and inspectors of enforcing agencies, either
39 through the Department of Community Affairs or in cooperation
40 with other departments of State government, enforcing agencies,
41 educational institutions, or associations of code officials.

42 e. To study the effect of this act and the code to ascertain their
43 effect upon the cost of building construction and maintenance, and
44 the effectiveness of their provisions for insuring the health, safety,
45 and welfare of the people of the State of New Jersey.

46 f. To make, establish and amend, after consultation with the
47 code advisory board, such rules as may be necessary, desirable or
48 proper to carry out his powers and duties under this act.

49 g. To adopt, amend, and repeal rules and regulations providing
50 for the charging of and setting the amount of fees for the following
51 code enforcement services, licenses or approvals performed or
52 issued by the department, pursuant to the "State Uniform Con-
53 struction Code Act:"

54 (1) Plan review, construction permits, certificates of occupancy,
55 demolition permits, moving of building permits, elevator permits
56 and sign permits; and

57 (2) Review of applications for and the issuance of licenses certi-
58 fying an individual's qualifications to act as a construction code
59 official, subcode official or assistant under this act.

60 (3) (Deleted by amendment, P. L. **[1982]** 1983, c. 338).

61 h. To adopt, amend and repeal rules and regulations providing
62 for the charging of and setting the amount of construction permit
63 surcharge fees to be collected by the enforcing agency and remitted
64 to the department to support those activities which may be under-

65 taken with moneys credited to the Uniform Construction Code Re-
66 volving Fund.

67 i. To adopt, amend and repeal rules and regulations providing
68 for:

69 (1) Setting the amount of and the charging of fees to be paid
70 to the department by a private agency for the review of applica-
71 tions for and the issuance of approvals authorizing a private agency
72 to act as an on-site inspection and plan review agency or an in-plant
73 inspection agency;

74 (2) The setting of the amounts of fees to be charged by a private
75 agency for inspection and plan review services; provided, how-
76 ever, that such fees shall be identical to those adopted and charged
77 by the department when it serves as a local enforcement agency
78 pursuant to section 10 of P. L. 1975, c. 217 (C. 52:27D-128); and

79 (3) The formulation of standards to be observed by a municipi-
80 pality in the evaluation of a proposal submitted by a private
81 agency to provide inspection or plan review services within a
82 municipality.

83 *j. To enforce and administer the provisions of the "State Uni-*
84 *form Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119*
85 *et seq.) and the code promulgated thereunder, and to prosecute or*
86 *cause to be prosecuted violators of the provisions of that act or the*
87 *code promulgated thereunder in administrative hearings and in civil*
88 *proceedings in State and local courts.*

89 *k. To monitor the compliance of local enforcing agencies with the*
90 *provisions of the "State Uniform Construction Code Act," P. L.*
91 *1975, c. 217 (C. 52:27D-119 et seq.), to order corrective action as*
92 *may be necessary where a local enforcing agency is found to be fail-*
93 *ing to carry out its responsibilities under that act, to supplant or*
94 *replace the local enforcing agency for a specific project, and to order*
95 *it dissolved and replaced by the department where the local en-*
96 *forcing agency repeatedly or habitually fails to enforce the provi-*
97 *sions of the "State Uniform Construction Code Act."*

1 2. This act shall take effect immediately.

STATEMENT

This bill remedies two defects in the State's Uniform Construc-
tion Code Act which were brought to light at the recent hearing
which the Fire Safety Commission held regarding the tragedy at
Great Adventure. The Department of Community Affairs is re-
sponsible for the overall administration and enforcement of the
Uniform Construction Code Act yet the act does not confer two

important powers on the commissioner. The department is not empowered to take effective action where a municipal government fails to properly carry out its responsibilities to enforce the code. Neither does the act allow the department to take enforcement action to remedy the hazards at a specific building. If the local government fails to act, the State cannot. This bill closes those two loopholes. The 1985 fiscal year Appropriations Act did provide funding so that the Department of Community Affairs can routinely monitor to ensure that local governments are properly enforcing the code. This bill will make it possible for the department to take action when problems are found. These powers would not actually be implemented until the commissioner adopts regulations consistent with the procedural safeguards already contained in the Uniform Construction Code Act itself and the Administrative Procedure Act.

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52114(1985)

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 2114

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

Senate Bill No. 2114 remedies two defects in New Jersey's Uniform Construction Code Act that were brought to light at the hearing regarding the fire at Great Adventure held by the New Jersey Fire Safety Commission and the Senate Law, Public Safety and Defense Committee on June 6, 1984.

Under current law, the Department of Community Affairs is responsible for the overall administration and enforcement of the Uniform Construction Code Act; yet the act does not empower the department to take effective action when a municipal governing body fails to carry out its responsibilities to enforce the Uniform Construction Code, nor does it allow the department to take enforcement action to remedy hazards at a particular building.

This bill would remedy the two defects described above by granting to the Commissioner of the Department of Community Affairs the power to enforce and administer the provisions of the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and the code promulgated thereunder and to prosecute violators of the act or the code in administrative hearings and in civil proceedings in State and local courts.

The bill also grants to the commission the power to monitor the compliance of local enforcing agencies with the act, to order corrective action if a local enforcing agency is found to be failing to carry out its responsibilities under the act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department if the local enforcing agency repeatedly or habitually fails to enforce the provisions of the act.

S-1782, sponsored by State Senator Wayne Dumont, Jr., R-Warren, which permits assistance for voters who are unable to read or mark their ballot without assistance.

S-2114, sponsored by State Senator John P. Caufield, D-Essex, which grants to the Department of Community Affairs the authority to enforce, locally, the State Uniform Construction Code, and to prosecute violators of the code, or of the State Uniform Construction Code Act. It also allows the Commissioner of Community Affairs to monitor the compliance of local enforcing agencies and order corrective action.

A-1152, sponsored by Assemblyman Thomas J. Deverin, D-Middlesex, which amends the law regulating mortgage bankers and brokers to permit the use of bank checks to pay the proceeds of a mortgage loan to a buyer prior to the mortgage closing transaction. Previously, the law permitted only the use of a certified or cashiers check or an electronic transfer.

A-2282/S-2257, sponsored by Assemblyman John S. Watson, D-Mercer, and State Senator Gerald R. Stockman, D-Mercer, which exempts from the sales and use tax advertising and promotional materials prepared for distribution by a New Jersey direct mail firm to out-of-state customers.

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