

52:27D-124, 52:27D-124.1, 52:27D-126.

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:27D-124, 52:27D-124.1, 52:27D-126a (State Uniform Construction Code---
fees under)

LAWS OF 1979 CHAPTER 121

Bill No. A3296

Sponsor(s) Pellecchia

Date Introduced April 26, 1979

Committee: Assembly Municipal Govt.

Senate County and Municipal Govt.

Amended during passage Yes ~~xxx~~ Assembly Committee
Substitute enacted.
Date of Passage: Assembly May 21, 1979 Amendments during passage
Senate June 25, 1979 denoted by asterisks

Date of approval June 30, 1979

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

974.90 NJ. Legislature. Assembly. Municipal Government Committee.
B923 Public hearings on State Uniform Construction Code; held
1979 1-31, 2-14 and 2-23-79.

Attorney General opinion mentioned in Senate Committee Statement and in public hearings has not been written.

(over)

9/1/78

EJ

See also:

Wunsch, James, "The Uniform Construction Code Surcharge Fee: The Need for Statutory Authorization" (attached)

(Mr. Wunsch is Research Assistant to the Municipal Government Committee) of NJ. Legislative Services Agency)

974.90 NJ. Legislature. Assembly. Municipal Government Committee.
B923 The State Uniform Construction Code: report...January 3, 1980.
1980 Trenton, 1980.

[OFFICIAL COPY REPRINT]
 ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3296

STATE OF NEW JERSEY

ADOPTED MAY 10, 1979

AN ACT to amend and supplement 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) intergovernmental
 21 acceptance of such review and inspection to avoid unnecessary
 22 duplication of effort and fees. The commissioner shall have the
 23 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

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

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;*

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; and*

60 (3) *Review of applications for and the issuance of approvals*
 61 *authorizing a private agency to act as an onsite inspection and plan*
 62 *review agency or as an inplant inspection agency under this act.*

63 h. *To adopt, amend and repeal rules and regulations providing*
 64 *for the charging of and setting the amount of construction permit*
 65 *surcharge fees to be collected by the enforcing agency and remitted*
 66 *to the department to support those activities which may be under-*
 67 *taken with moneys credited to the Uniform Construction Code Re-*
 68 *volving Fund.*

1 2. (New section) There is established in the Department of
 2 Community Affairs, a nonlapsing, revolving fund to be known as
 3 the Uniform Construction Code Revolving Fund. All surcharge
 4 fees levied on new construction pursuant to section 6 of P. L. 1975,

5 c. 217, such moneys as may be appropriated by the State or Federal
 6 Government for inclusion in the fund, ***[**interest accruing to the
 7 fund,**]*** and such revenues as may be generated by departmental
 8 training, educational and instruction activities related to code
 9 enforcement shall be deposited in the fund.

10 ***[The]*** **Moneys appropriated from the** fund shall be used to
 11 prepare and administer examinations to determine the eligibility
 12 of persons seeking to be employed by an enforcing agency, to
 13 establish and administer courses for the training of code, and
 14 subcode officials and assistants, and to reimburse in whole or in
 15 part, such persons as deemed eligible by the department, who have
 16 paid tuition for such training courses, and to disseminate informa-
 17 tion concerning the code and code rules and regulations, and
 18 changes made therein.

1 3. (New section) Where the appointing authority of any munici-
 2 pality shall appoint an enforcing agency and construction board
 3 of appeals pursuant to section 8 of P. L. 1975, c. 217, the municipal
 4 governing body by ordinance, in accordance with standards estab-
 5 lished by the commissioner, shall set enforcing agency fees for
 6 plan review, construction permit, certificate of occupancy, demo-
 7 lition permit, moving of building permit, elevator permit and sign
 8 permit, provided, however, that such fees shall not exceed the
 9 annual costs for the operation of the enforcing agency.

1 *4. *Moneys in the Uniform Construction Code Revolving Fund*
 2 *are appropriated for the purposes of this act.**

1 ***[4.]*** *5.* This act shall take effect immediately.

SPONSOR'S STATEMENT

This bill amends and supplements the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 *et seq.*). It was the original intent of the Legislature that the activities related to this act which were required to be carried out at the local and State level be supported by fees. This has been the case since the code went into effect on January 1, 1977. The Uniform Construction Code is and has been a revenue-supported activity. This legislation makes more explicit in the act the original intent of the Legislature with regard to fees and expenditures therefrom.

This bill would establish the Uniform Construction Code Fund as a non-lapsing revolving fund in the Department of Community Affairs. Moneys in the fund would include any funds appropriated by the Legislature for inclusion therein and fees including construction surcharge fees related to certain activities undertaken pursuant to the act. These funds could be expended for a variety of purposes, including the development of training programs for construction code enforcement officials and the provision of financial assistance to officials participating in those programs, and the development of examination and testing procedures for persons seeking to be licensed as code enforcement officials.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 3296

STATE OF NEW JERSEY

DATED: MAY 7, 1979

This bill defines those services being performed at the State and local level with respect to the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.) for which the charging of a fee is appropriate. The bill also specifies that building permit surcharge fees shall be deposited in a non-lapsing Uniform Construction Code Revolving Fund to be used to train and license construction officials.

This committee substitute, while similar in substance to Assembly Bill No. 3296, allows State and local enforcing agencies to charge fees only for those services on which fees are currently being levied pursuant to departmental rules and regulations. Assembly Bill No. 3296 would have allowed the charging of fees on services, not explicitly defined by statute. This substitute, more explicitly than Assembly Bill No. 3296, defines those purposes for which Revolving Fund moneys should be spent. Finally, the committee substitute specifies that fees levied at the local level shall not exceed the annual cost of operating the local construction code enforcing agency.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3296

STATE OF NEW JERSEY

DATED: JUNE 14, 1979

The Assembly Committee Substitute for Assembly Bill No. 3296 permits the Commissioner of Community Affairs to require the payment of fees for services performed by the department under the "State Uniform Construction Code Act," which are:

1. Plan review and the issuance by the department of construction permits, certificates of occupancy, etc., whenever the department is acting in lieu of the local enforcing agency;
2. Review of applications for, and the issuance of, licenses for construction code officials and subcode officials; and,
3. Review of applications for, and the issuance of, approvals for private agencies to act as onsite inspection and plan review agencies.

The commissioner is also authorized to levy a surcharge fee added on to the regular construction permit fees of the local enforcing agency and remitted to the "Uniform Construction Code Revolving Fund" to be used to compensate the department for expenses incurred in administration of the code, and to prepare and administer examinations for local code officials to establish training courses for code officials, and to reimburse local code officials for tuition costs of attending such courses. The surcharge fee is now imposed by the department pursuant to 5:23-4.8(c) of the New Jersey Administrative Code. The attorney General has questioned the statutory basis for the imposition of the surcharge fee, and has stopped the expenditure of the funds so collected. This bill would resolve the impasse by providing the statutory authorization.

The bill would also clarify that local enforcing agency fees shall not exceed the costs of operation of the enforcing agency.