

# 52:27D-130.6

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007      **CHAPTER:** 132

**NJSA:** 52:27D-130.6 (Authorizes DCA Commissioner to prepare and make available to the public a green building manual)

**BILL NO:** S2152 (Substituted for A3845)

**SPONSOR(S):** Vitale and others

**DATE INTRODUCED:** July 28, 2006

**COMMITTEE:**      **ASSEMBLY:** Housing and Local Government  
                          **SENATE:**      Economic Growth

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**      **ASSEMBLY:** June 11, 2007  
  **SENATE:**      March 15, 2007

**DATE OF APPROVAL:** August 6, 2007

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute enacted)

#### S2152

**[SPONSOR'S STATEMENT:](#)** (Begins on page 5 of original bill)      [Yes](#)

**COMMITTEE STATEMENT:**      **[ASSEMBLY:](#)**      [Yes](#)  
  **[SENATE:](#)**      [Yes](#)

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

#### A3845

**[SPONSOR'S STATEMENT:](#)** (Begins on page 2 of original bill)      [Yes](#)

**COMMITTEE STATEMENT:**      **[ASSEMBLY:](#)**      [Yes](#)  
  **SENATE:**      No

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

**VETO MESSAGE:**      No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**      No

### FOLLOWING WERE PRINTED:

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

IS 4/24/08

P.L. 2007, CHAPTER 132, *approved August 6, 2007*  
Senate Committee Substitute for  
Senate, No. 2152

1 **AN ACT** concerning green buildings and supplementing Title 52 of  
2 the Revised Statutes.

3

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

6

7 1. The Commissioner of Community Affairs is authorized to  
8 prepare, in consultation with other State agencies, and make  
9 available to the public, a green building manual for the purpose of  
10 ensuring that standards are available for those owners and builders  
11 who participate in any program that encourages or requires the  
12 construction of green buildings. The manual shall include federal  
13 guidelines and regulations for energy efficiency in building  
14 construction. The manual shall cover residential as well as  
15 commercial buildings. For the purposes of this act, “green  
16 building” means those building construction practices that  
17 significantly reduce or eliminate the negative impact of buildings  
18 on the environment and their occupants and may consider, but need  
19 not be limited to five broad areas: sustainable site planning;  
20 safeguarding water and water efficiency; energy efficiency and  
21 renewable energy; conservation of materials and resources; and  
22 indoor environmental quality.

23

24 2. This act shall take effect immediately.

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29 Authorizes DCA Commissioner to prepare and make available to  
30 the public a green building manual.

31

# SENATE, No. 2152

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JULY 28, 2006

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator MARTHA W. BARK**

**District 8 (Burlington)**

**Co-Sponsored by:**

**Senator B.Smith**

**SYNOPSIS**

Requires promulgation of green building subcode under State Uniform Construction Code.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning green buildings and construction codes and  
2 amending P.L.1975, c.217.

3

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

6

7 1. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to  
8 read 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,  
13 maintenance and use of buildings or structures to be erected and  
14 alteration, renovation, rehabilitation, repair, maintenance, removal  
15 or demolition of buildings or structures already erected. Prior to the  
16 adoption of said code, the commissioner shall consult with the code  
17 advisory board and other departments, divisions, bureaus, boards,  
18 councils or other agencies of State Government heretofore  
19 authorized to establish or administer construction regulations.

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

27 b. The code shall be divided into subcodes which may be  
28 adopted individually by the commissioner as he may from time to  
29 time consider appropriate. These subcodes shall include but not be  
30 limited to a building code, a plumbing code, an electrical code, an  
31 energy code, a fire prevention code, a manufactured or mobile home  
32 code and mechanical code.

33 These subcodes shall be adoptions of the model codes of the  
34 Building Officials and Code Administrators International, Inc., the  
35 National Electrical Code, and the National Standard Plumbing  
36 Code, provided that for good reasons, the commissioner may adopt  
37 as a subcode a model code or standard of some other nationally  
38 recognized organization upon a finding that such model code or  
39 standard promotes the purposes of this act. The initial adoption of a  
40 model code or standard as a subcode shall constitute adoption of  
41 subsequent edition year publications of the model code or standard  
42 organization, except as provided for in paragraphs (1) through (4)  
43 of this subsection. Adoption of publications shall not occur more  
44 frequently than once every three years; provided, however, that a  
45 revision or amendment may be adopted at any time in the event that

**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 the commissioner finds that there exists an imminent peril to the  
2 public health, safety or welfare.

3 (1) Except as otherwise provided in this subsection, the edition  
4 of a model code or standard in effect as a subcode as of July 1, 1995  
5 shall continue in effect regardless of any publication of a  
6 subsequent edition of that model code or standard. Prior to  
7 establishing the effective date for any subsequent revision or  
8 amendment of any model code or standard adopted as a subcode,  
9 the commissioner shall review, in consultation with the code  
10 advisory board, the text of the revised or amended model code or  
11 standard and determine whether the amended or revised provisions  
12 of the model code are essential to carry out the intent and purpose  
13 of this act as viewed in contrast to the corresponding provisions of  
14 the subcode then currently in effect.

15 (2) In the event that the commissioner, pursuant to paragraph (1)  
16 of this subsection, determines that any amended or revised  
17 provision of a model code is essential to carry out the intent and  
18 purpose of this act as viewed in contrast to any corresponding  
19 provision of the subcode then currently in effect, the commissioner  
20 may then adopt that provision of the amended or revised model  
21 code.

22 (3) The commissioner, in consultation with the code advisory  
23 board, shall have the authority to review any model code or  
24 standard currently in effect as a subcode of the State Uniform  
25 Construction Code and compare it with previously adopted editions  
26 of the same model code or standard in order to determine if the  
27 subcode currently in effect is at least as consistent with the intent  
28 and purpose of this act as were previously adopted editions of the  
29 same model code or standard.

30 (4) In the event that the commissioner, after consultation with  
31 the code advisory board, determines pursuant to this subsection that  
32 a provision of a model code or standard currently in effect as a  
33 subcode of the State Uniform Construction Code is less consistent  
34 with the intent and purpose of this act than was the corresponding  
35 provision of a previously adopted edition of the same model code or  
36 standard, the commissioner may delete the provision in effect and  
37 substitute in its place the corresponding provision of the previously  
38 adopted edition of the same model code or standard determined to  
39 be more consistent with the intent and purpose of this act.

40 (5) The commissioner shall be authorized to adopt a barrier free  
41 subcode or to supplement or revise any model code adopted  
42 hereunder, for the purpose of insuring that adequate and sufficient  
43 features are available in buildings or structures so as to make them  
44 accessible to and usable by the physically handicapped. Multi-  
45 family residential buildings with four or more dwelling units in a  
46 single structure shall be constructed in accordance with the barrier  
47 free subcode; for the purposes of this subsection the term "multi-  
48 family residential buildings with four or more dwelling units in a

1 single structure" shall not include buildings constructed as  
2 townhouses, which are single dwelling units with two or more  
3 stories of living space, exclusive of basement or attic, with most or  
4 all of the sleeping areas on one story and with most of the  
5 remaining habitable space, such as kitchen, living and dining areas,  
6 on another story, and with an independent entrance at or near grade  
7 level.

8 (6) The commissioner shall be authorized to adopt a green  
9 building subcode, or to supplement or revise any model code  
10 adopted hereunder, for the purpose of ensuring that standards are  
11 available for those buildings which may be required to meet them.  
12 The standards shall comply in all aspects with federal guidelines  
13 and regulations for energy efficiency in building construction. The  
14 subcode shall encompass residential as well as commercial  
15 buildings.

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

37 At least 45 days prior to the final date for the submission of  
38 amendments or code change proposals to the National Model Code  
39 Adoption Agency, the code of which has been adopted as a subcode  
40 under this act, the commissioner shall hold a public hearing in  
41 accordance with the "Administrative Procedure Act," P.L.1968,  
42 c.410 (C.52:14B-1 et seq.), at which testimony on any application  
43 recommending a State sponsored code change proposal will be  
44 heard.

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

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

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

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

17 d. (Deleted by amendment, P.L.1983, c.496.)  
18 (cf: P.L.2003, c.72, s.2)

19

20 2. This act shall take effect immediately.

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STATEMENT

24

25 This bill authorizes the Commissioner of Community Affairs to  
26 promulgate a green building subcode as part of the State Uniform  
27 Construction Code. The green building subcode shall serve as  
28 guidance and establish standards which must be met by buildings  
29 which may be required by law to meet green building standards. At  
30 the current time, only certain newly constructed affordable housing  
31 units are being built in accordance with general guidelines. The  
32 subcode standards are to comply in all aspects with federal  
33 guidelines and regulations for energy efficiency in building  
34 construction, and will apply to residential as well as commercial  
35 buildings.



ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2152**

**STATE OF NEW JERSEY**

DATED: MAY 10, 2007

The Assembly Housing and Local Government Committee reports favorably Senate Bill No. 2152 (SCS).

This bill, as substituted, authorizes the Commissioner of Community Affairs to prepare, in consultation with other State agencies, and make available to the public, a green building manual for the purpose of ensuring that standards are available for those owners and builders who participate in any program that encourages or requires the construction of green buildings. The manual is to include federal guidelines and regulations for energy efficiency in building construction and is to cover residential as well as commercial buildings. The bill also provides a definition of a “green building.”

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2152**

**STATE OF NEW JERSEY**

DATED: OCTOBER 23, 2006

The Senate Economic Growth Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2152.

This bill, as substituted, authorizes the Commissioner of Community Affairs to prepare, in consultation with other State agencies, and make available to the public, a green building manual for the purpose of ensuring that standards are available for those owners and builders who participate in any program that encourages or requires the construction of green buildings. The manual is to include federal guidelines and regulations for energy efficiency in building construction and is to cover residential as well as commercial buildings. Further, the bill provides a definition for “green building.”

# ASSEMBLY, No. 3845

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 4, 2007

**Sponsored by:**

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

**Co-Sponsored by:**

Assemblywoman Greenstein, Assemblymen Gusciora and Whelan

**SYNOPSIS**

Authorizes DCA Commissioner to prepare and make available to the public a green building manual.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/12/2007)

1 AN ACT concerning green buildings and supplementing Title 52 of  
2 the Revised Statutes.

3

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

6

7 1. The Commissioner of Community Affairs is authorized to  
8 prepare, in consultation with other State agencies, and make  
9 available to the public, a green building manual for the purpose of  
10 ensuring that standards are available for those owners and builders  
11 who participate in any program that encourages or requires the  
12 construction of green buildings. The manual shall include federal  
13 guidelines and regulations for energy efficiency in building  
14 construction. The manual shall cover residential as well as  
15 commercial buildings. For the purposes of this act, “green  
16 building” means those building construction practices that  
17 significantly reduce or eliminate the negative impact of buildings  
18 on the environment and their occupants and may consider, but need  
19 not be limited to five broad areas: sustainable site planning;  
20 safeguarding water and water efficiency; energy efficiency and  
21 renewable energy; conservation of materials and resources; and  
22 indoor environmental quality.

23

24 2. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 This bill authorizes the Commissioner of Community Affairs to  
30 prepare, in consultation with other State agencies, and make  
31 available to the public, a green building manual for the purpose of  
32 ensuring that standards are available for those owners and builders  
33 who participate in any program that encourages or requires the  
34 construction of green buildings. The manual is to include federal  
35 guidelines and regulations for energy efficiency in building  
36 construction and is to cover residential as well as commercial  
37 buildings. Further, the bill provides a definition for “green  
38 building.”

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3845**

**STATE OF NEW JERSEY**

DATED: MAY 10, 2007

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 3845.

The bill authorizes the Commissioner of Community Affairs to prepare, in consultation with other State agencies, and make available to the public, a green building manual for the purpose of ensuring that standards are available for those owners and builders who participate in any program that encourages or requires the construction of green buildings. The manual is to include federal guidelines and regulations for energy efficiency in building construction and is to cover residential as well as commercial buildings. The bill also provides a definition of a "green building."