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P.L. 2007, CHAPTER 149, *approved August 21, 2007*
Assembly, No. 1323 (*Second Reprint*)

1 AN ACT concerning construction code enforcement and amending
2 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 14 of P.L.1975, c.217 (C.52:27D-132) is amended to
8 read as follows:

9 14. a. The enforcing agency shall periodically inspect all
10 construction undertaken pursuant to a construction permit issued by
11 it to insure that the construction or alteration is performed in
12 accordance with the conditions of the construction permit and
13 consistent with the requirements of the code and any ordinance
14 implementing said code.

15 b. The owner of any premises upon which a building or structure
16 is being constructed shall be deemed to have consented to the
17 inspection by the enforcing agency and the department, of the entire
18 premises and of any and all construction being performed on it until
19 a certificate of occupancy has been issued. An inspector, or team of
20 inspectors, on presentation of proper credentials, shall have the
21 right to enter and inspect such premises, and any and all
22 construction thereon, for purposes of ensuring compliance with the
23 provisions of the applicable construction permit, the code, and other
24 applicable laws and regulations. All inspection pursuant to this act
25 shall be between the hours of 9 a.m. and 5 p.m. on business days, or
26 when construction is actually being undertaken, provided, however,
27 that inspections may be conducted at other times if the enforcing
28 agency has reasonable cause to believe that an immediate danger to
29 life, limb or property exists, or if permission is given by an owner,
30 or his agent, architect, engineer or builder. No person shall
31 accompany an inspector or team of inspectors on any inspection
32 pursuant to this act, unless his presence is necessary for the
33 enforcement of this act, or the code, or unless consent is given by
34 an owner or his agent, architect, engineer or builder.

35 c. If the construction of a structure or building is being
36 undertaken contrary to the provisions of a construction permit, this
37 act, the code, or other applicable laws or ordinances, the enforcing
38 agency may issue a stop construction order in writing which shall
39 state the conditions upon which construction may be resumed and
40 which shall be given to the owner or the holder of the construction
41 permit or to the person performing the construction. If the person
42 doing the construction is not known, or cannot be located with
43 reasonable effort, the notice may be delivered to the person in
44 charge of, or apparently in charge of, the construction. No person

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:

¹Assembly AHO committee amendments adopted May 11, 2006.

²Senate SCU committee amendments adopted May 10, 2007.

1 shall continue, or cause or allow to be continued, the construction
2 of a building or structure in violation of a stop construction order,
3 except with the permission of the enforcing agency to abate a
4 dangerous condition or remove a violation, or except by court
5 order. If an order to stop construction is not obeyed, the enforcing
6 agency may apply to the appropriate court as otherwise established
7 by law for an order enjoining the violation of the stop construction
8 order. The remedy for violation of such an order provided in this
9 subsection shall be in addition to, and not in limitation of, any
10 other remedies provided by law or ordinance.

11 d. When an inspector or team of inspectors finds a violation of
12 the provisions of a construction permit, the code, or other applicable
13 laws and regulations at ²[a premises] an owner-occupied single-
14 family residence², and issues a notice of violation and an order to
15 terminate the violation, the enforcing agency shall require the same
16 inspector or team of inspectors who found the violation to
17 undertake any subsequent reinspection thereof at the premises.
18 When the same inspector or team of inspectors cannot be assigned
19 to undertake the reinspection, the enforcing agency may assign an
20 available inspector provided the scope of the reinspection shall be
21 limited to the violation for which the reinspection is required. ¹The
22 requirements of this subsection shall not apply to violations of the
23 plumbing or electrical subcodes, or to fire safety code violations ²,
24 or to any violation of any other subcode that the Department of
25 Community Affairs determines to be a health or safety violation.
26 Nothing in this subsection shall be construed to infringe upon the
27 right of a property owner to request a different inspector, team of
28 inspectors, or supervisor, to perform any required reinspection^{2, 1}

29 (cf: P.L.1975, c.217, s.14)

30

31 2. This act shall take effect immediately.

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35

36 Requires assignment of same inspector or team of inspectors who
37 found a construction code violation to reinspection thereof.

ASSEMBLY, No. 1323

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman **PETER J. BIONDI**

District 16 (Morris and Somerset)

Assemblyman **VINCENT PRIETO**

District 32 (Bergen and Hudson)

Assemblyman **JERRY GREEN**

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblymen **Bateman, Wisniewski and Vas**

SYNOPSIS

Requires assignment of same inspector or team of inspectors who found a construction code violation to reinspection thereof.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning construction code enforcement and amending
2 P.L.1975, c.217.

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7 1. Section 14 of P.L.1975, c.217 (C.52:27D-132) is amended to
8 read as follows:

9 14. a. The enforcing agency shall periodically inspect all
10 construction undertaken pursuant to a construction permit issued by
11 it to insure that the construction or alteration is performed in
12 accordance with the conditions of the construction permit and
13 consistent with the requirements of the code and any ordinance
14 implementing said code.

15 b. The owner of any premises upon which a building or structure
16 is being constructed shall be deemed to have consented to the
17 inspection by the enforcing agency and the department, of the entire
18 premises and of any and all construction being performed on it until
19 a certificate of occupancy has been issued. An inspector, or team of
20 inspectors, on presentation of proper credentials, shall have the
21 right to enter and inspect such premises, and any and all
22 construction thereon, for purposes of ensuring compliance with the
23 provisions of the applicable construction permit, the code, and other
24 applicable laws and regulations. All inspection pursuant to this act
25 shall be between the hours of 9 a.m. and 5 p.m. on business days, or
26 when construction is actually being undertaken, provided, however,
27 that inspections may be conducted at other times if the enforcing
28 agency has reasonable cause to believe that an immediate danger to
29 life, limb or property exists, or if permission is given by an owner,
30 or his agent, architect, engineer or builder. No person shall
31 accompany an inspector or team of inspectors on any inspection
32 pursuant to this act, unless his presence is necessary for the
33 enforcement of this act, or the code, or unless consent is given by
34 an owner or his agent, architect, engineer or builder.

35 c. If the construction of a structure or building is being
36 undertaken contrary to the provisions of a construction permit, this
37 act, the code, or other applicable laws or ordinances, the enforcing
38 agency may issue a stop construction order in writing which shall
39 state the conditions upon which construction may be resumed and
40 which shall be given to the owner or the holder of the construction
41 permit or to the person performing the construction. If the person
42 doing the construction is not known, or cannot be located with
43 reasonable effort, the notice may be delivered to the person in
44 charge of, or apparently in charge of, the construction. No person
45 shall continue, or cause or allow to be continued, the construction

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 of a building or structure in violation of a stop construction order,
2 except with the permission of the enforcing agency to abate a
3 dangerous condition or remove a violation, or except by court
4 order. If an order to stop construction is not obeyed, the enforcing
5 agency may apply to the appropriate court as otherwise established
6 by law for an order enjoining the violation of the stop construction
7 order. The remedy for violation of such an order provided in this
8 subsection shall be in addition to, and not in limitation of, any
9 other remedies provided by law or ordinance.

10 d. When an inspector or team of inspectors finds a violation of
11 the provisions of a construction permit, the code, or other applicable
12 laws and regulations at a premises, and issues a notice of violation
13 and an order to terminate the violation, the enforcing agency shall
14 require the same inspector or team of inspectors who found the
15 violation to undertake any subsequent reinspection thereof at the
16 premises. When the same inspector or team of inspectors cannot be
17 assigned to undertake the reinspection, the enforcing agency may
18 assign an available inspector provided the scope of the reinspection
19 shall be limited to the violation for which the reinspection is
20 required.

21 (cf: P.L.1975, c.217, s.14)

22

23 2. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This bill would amend the "State Uniform Construction Code
29 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to require that when
30 an inspector or team of inspectors finds a violation of the code at a
31 premises, the same inspector or team of inspectors is assigned to
32 carry out any necessary reinspection concerning such violation.
33 When the same inspector or team of inspectors cannot be assigned
34 to reinspect, the bill allows the enforcing agency to assign an
35 available inspector, provided the scope of the reinspection is limited
36 to the violation for which the reinspection is required. This bill is
37 intended to increase the uniformity of inspections throughout the
38 construction process.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1323

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2006

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 1323 with committee amendments.

This bill, as amended by the committee, would amend the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to require that when an inspector or team of inspectors finds a violation of the code at a premises, the same inspector or team of inspectors is assigned to carry out any necessary reinspection concerning such violation. When the same inspector or team of inspectors cannot be assigned to reinspect, the bill allows the enforcing agency to assign an available inspector, provided the scope of the reinspection is limited to the violation for which the reinspection is required. the provisions of the bill would not apply to violations of the plumbing or electrical subcode, or to fire safety code violations. The bill is intended to increase the uniformity of inspections throughout the construction process.

Committee Amendments

The committee amended the bill to exempt reinspections relating to fire safety, plumbing or electrical subcodes from the bill's provisions that would require reinspection to be performed by the same inspector who initially cited the violation.

This bill was prefiled for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1323

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 2007

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 1323 (1R).

As amended by the committee, this bill would amend the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to require that when an inspector or team of inspectors finds a violation of the code at an owner-occupied single family residence, the same inspector or team of inspectors that found the violation must be assigned to carry out any necessary reinspection concerning the violation. When the same inspector or team of inspectors cannot be assigned to reinspect, the bill allows the enforcing agency to assign an available inspector, provided the scope of the reinspection is limited to the violation for which the reinspection is required. As amended by the committee, the provisions of the bill would not apply to violations of the plumbing or electrical subcode, to fire safety code violations or to other violations determined by the Department of Community Affairs to be health or safety violations. The bill, as amended by the committee, would allow a property owner to request a different inspector, team of inspectors or a supervisor to perform any required reinspection.

The committee amended the bill to limit applicability of the bill to single family owner-occupied residences. The amendments also limit applicability of the provisions of the bill to violations that are not health or safety violations. The committee also amended the bill to allow a property owner to request a different inspector, team of inspectors or a supervisor to perform a reinspection.

SENATE, No. 2601

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 15, 2007

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Requires assignment of same inspector or team of inspectors who found a construction code violation to reinspection thereof.

CURRENT VERSION OF TEXT

As introduced.



S2601 RICE

2

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18 premises and of any and all construction being performed on it until
19 a certificate of occupancy has been issued. An inspector, or team of
20 inspectors, on presentation of proper credentials, shall have the
21 right to enter and inspect such premises, and any and all
22 construction thereon, for purposes of ensuring compliance with the
23 provisions of the applicable construction permit, the code, and other
24 applicable laws and regulations. All inspection pursuant to this act
25 shall be between the hours of 9 a.m. and 5 p.m. on business days, or
26 when construction is actually being undertaken, provided, however,
27 that inspections may be conducted at other times if the enforcing
28 agency has reasonable cause to believe that an immediate danger to
29 life, limb or property exists, or if permission is given by an owner,
30 or his agent, architect, engineer or builder. No person shall
31 accompany an inspector or team of inspectors on any inspection
32 pursuant to this act, unless his presence is necessary for the
33 enforcement of this act, or the code, or unless consent is given by
34 an owner or his agent, architect, engineer or builder.

35 c. If the construction of a structure or building is being
36 undertaken contrary to the provisions of a construction permit, this
37 act, the code, or other applicable laws or ordinances, the enforcing
38 agency may issue a stop construction order in writing which shall
39 state the conditions upon which construction may be resumed and
40 which shall be given to the owner or the holder of the construction
41 permit or to the person performing the construction. If the person
42 doing the construction is not known, or cannot be located with
43 reasonable effort, the notice may be delivered to the person in
44 charge of, or apparently in charge of, the construction. No person
45 shall continue, or cause or allow to be continued, the construction

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S2601 RICE

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3 dangerous condition or remove a violation, or except by court
4 order. If an order to stop construction is not obeyed, the enforcing
5 agency may apply to the appropriate court as otherwise established
6 by law for an order enjoining the violation of the stop construction
7 order. The remedy for violation of such an order provided in this
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17 assigned to undertake the reinspection, the enforcing agency may
18 assign an available inspector provided the scope of the reinspection
19 shall be limited to the violation for which the reinspection is
20 required. The requirements of this subsection shall not apply to
21 violations of the plumbing or electrical subcodes, or to fire safety
22 code violations.

23 (cf: P.L.1975, c.217, s.14)

24

25 2. This act shall take effect immediately.

26

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STATEMENT

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30 This bill would amend the "State Uniform Construction Code
31 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to require that when
32 an inspector or team of inspectors finds a violation of the code at a
33 premises, the same inspector or team of inspectors is assigned to
34 carry out any necessary reinspection concerning such violation.
35 When the same inspector or team of inspectors cannot be assigned
36 to reinspect, the bill allows the enforcing agency to assign an
37 available inspector, provided the scope of the reinspection is limited
38 to the violation for which the reinspection is required. The
39 provisions of the bill would not apply to violations of the plumbing
40 or electrical subcode, or to fire safety code violations. The bill is
41 intended to increase the uniformity of inspections throughout the
42 construction process.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2601

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 2007

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2601.

As amended by the committee, this bill would amend the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), to require that when an inspector or team of inspectors finds a violation of the code at an owner-occupied single family residence, the same inspector or team of inspectors that found the violation must be assigned to carry out any necessary reinspection concerning the violation. When the same inspector or team of inspectors cannot be assigned to reinspect, the bill allows the enforcing agency to assign an available inspector, provided the scope of the reinspection is limited to the violation for which the reinspection is required. As amended by the committee, the provisions of the bill would not apply to violations of the plumbing or electrical subcode, to fire safety code violations or to other violations determined by the Department of Community Affairs to be health or safety violations. The bill, as amended by the committee, would allow a property owner to request a different inspector, team of inspectors or a supervisor to perform any required reinspection.

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