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RWH 3/26/08

P.L. 2007, CHAPTER 2, *approved January 17, 2007*  
Assembly, No. 409 (*Second Reprint*)

1 AN ACT <sup>1</sup>[concerning] establishing an<sup>1</sup> emergency building  
2 <sup>1</sup>[inspectors] inspection program<sup>1</sup> and supplementing P.L.1975,  
3 c.217 (C.52:27D-119 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The Commissioner of Community Affairs <sup>1</sup>[, in consultation  
9 with the code advisory board,] <sup>1</sup> shall establish a <sup>1</sup>[list of  
10 volunteer] program for the<sup>1</sup> emergency <sup>1</sup>[building] deployment of  
11 State and local<sup>2</sup> construction<sup>2</sup> code officials and<sup>1</sup> inspectors to <sup>1</sup>[be  
12 deployed to]<sup>1</sup> assist <sup>1</sup>[municipal] local<sup>1</sup> <sup>2</sup>[housing <sup>1</sup>and]<sup>2</sup>  
13 construction code officials and<sup>1</sup> inspectors in the evaluation of  
14 buildings and structures affected by a natural or man-made disaster  
15 or emergency <sup>1</sup>, and to provide such other assistance in code  
16 enforcement and related activities as may be required in order to  
17 protect public health and safety<sup>1</sup>. The <sup>1</sup>[volunteer emergency] code  
18 officials and<sup>1</sup> inspectors <sup>1</sup>so deployed<sup>1</sup> shall <sup>1</sup>, when necessary,<sup>1</sup>  
19 assist in assessing possible damage to the structural design and life-  
20 safety systems of buildings, and [to facilitate] <sup>1</sup>in facilitating<sup>1</sup> rapid  
21 <sup>1</sup>[decisions] decision making<sup>1</sup> regarding the closure or reoccupancy  
22 of buildings, in the event of a natural or man-made disaster or  
23 emergency for which a state of emergency has been declared by the  
24 President of the United States or the Governor, or for which a state  
25 of emergency has been declared by a municipal emergency  
26 management coordinator. <sup>1</sup>[In order to qualify as an emergency  
27 inspector, a volunteer must be licensed as an architect, professional  
28 engineer, building inspector, or must be a skilled construction  
29 industry professional with at least five years of verifiable general  
30 building design, construction, or inspection experience, and who  
31 has completed a Post Emergency Safety Evaluation of Buildings  
32 course to be designed and administered by the Bureau of Housing  
33 Inspection, Division of Codes and Standards, Department of  
34 Community Affairs. Qualified volunteer emergency inspectors will  
35 be deputized by the municipal emergency management coordinator  
36 in the event that a state of emergency is declared to give them  
37 authorization to perform emergency inspections.] The  
38 commissioner may provide for participation in the program by  
39 licensed professional engineers, registered architects and other

**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>Assembly AHO committee amendments adopted February 23, 2006.

<sup>2</sup>Assembly floor amendments adopted March 16, 2006.

1 licensed professionals.<sup>1</sup> <sup>2</sup>For the purposes of this section, “local  
2 construction code officials and inspectors” means code officials and  
3 inspectors employed by a municipality or county.<sup>2</sup>

4  
5 <sup>1</sup>2. The governing bodies of two or more municipalities may by  
6 resolution enter into agreements with each other for mutual  
7 construction code enforcement aid concerning the evaluation of  
8 buildings and structures affected by a natural or man-made disaster  
9 or emergency. Such agreements may provide for the  
10 reimbursement of the municipality or municipalities rendering such  
11 aid, including reimbursement for any damage to property and for  
12 payment to any official or employee of a local construction code  
13 enforcing agency for injuries sustained while serving pursuant to  
14 such agreements, or to a surviving spouse or other dependent in the  
15 event of death of that official or employee.<sup>1</sup>

16  
17 <sup>1</sup>3. Persons deployed under the emergency deployment program  
18 established by the Commissioner of Community Affairs pursuant to  
19 section 1 of P.L. , c. (C. ) (pending before the Legislature as  
20 this bill), or providing assistance pursuant to an intermunicipal  
21 agreement pursuant to section 2 of P.L. , c. (C. ) (pending  
22 before the Legislature as this bill), shall, while on duty rendering  
23 assistance to any local construction code enforcing agency, have the  
24 same powers, authority and immunities as the members of the local  
25 construction code enforcing agency of the municipality in which such  
26 assistance is being rendered.<sup>1</sup>

27  
28 <sup>1</sup>4. If any <sup>2</sup>local construction<sup>2</sup> code official or inspector suffers  
29 injury or death in the performance of his duties, the legal  
30 beneficiaries of such official or inspector shall be entitled to such  
31 salary, pension rights, workers’ compensation, or other benefits as  
32 would have accrued if such injury or death had occurred in the  
33 performance of duties in the jurisdiction in which the official or  
34 employee is regularly employed.<sup>1</sup> <sup>2</sup>The responsibility for the  
35 payment of benefits pursuant to this section shall be determined in  
36 the agreements entered into pursuant to section 2 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>2</sup>

38  
39 <sup>1</sup>5. <sup>2</sup>a.<sup>2</sup> Participation by municipalities in the emergency  
40 deployment program established by the Commissioner of  
41 Community Affairs pursuant to section 1 of <sup>2</sup>[this act] P.L. ,  
42 c. (C. ) (pending before the Legislature as this bill)<sup>2</sup> shall be  
43 voluntary; provided, however, that any municipality that does not  
44 adopt a resolution of non-participation in the emergency  
45 deployment program, and file such resolution with the Department

1 of Community Affairs, within 60 days of the effective date of rules  
2 implementing section 1 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill), shall be deemed to be participating in the  
4 program, until such time as a resolution of non-participation may be  
5 adopted and filed. A non-participating municipality may join the  
6 emergency deployment program at any time by adopting a  
7 resolution of participation and filing it with the commissioner.<sup>1</sup>

8 <sup>2</sup>During a state of emergency, any deployed construction code  
9 official or inspector shall report to the municipal emergency  
10 management coordinator for the deployment area.<sup>2</sup>

11

12 <sup>1</sup>[2.] 6. This act shall take effect immediately.

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16

17 Establishes an emergency deployment program for building  
18 inspection following disaster or emergency.

**ASSEMBLY, No. 409**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman FRANCIS L. BODINE**

**District 8 (Burlington)**

**Assemblyman LARRY CHATZIDAKIS**

**District 8 (Burlington)**

**SYNOPSIS**

Establishes building inspection program for state of emergency.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning emergency building inspectors and  
2 supplementing P.L.1975, c. 217 (C. 52:27D-119 et seq.).

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, in consultation  
8 with the code advisory board, shall establish a list of volunteer  
9 emergency building inspectors to be deployed to assist municipal  
10 housing inspectors in the evaluation of buildings and structures  
11 affected by a natural or man-made disaster or emergency. The  
12 volunteer emergency inspectors shall assist in assessing possible  
13 damage to the structural design and life-safety systems of buildings,  
14 and to facilitate rapid decisions regarding the closure or  
15 reoccupancy of buildings, in the event of a natural or man-made  
16 disaster or emergency for which a state of emergency has been  
17 declared by the President of the United States or the Governor, or  
18 for which a state of emergency has been declared by a municipal  
19 emergency management coordinator. In order to qualify as an  
20 emergency inspector, a volunteer must be licensed as an architect,  
21 professional engineer, building inspector, or must be a skilled  
22 construction industry professional with at least five years of  
23 verifiable general building design, construction, or inspection  
24 experience, and who has completed a Post Emergency Safety  
25 Evaluation of Buildings course to be designed and administered by  
26 the Bureau of Housing Inspection, Division of Codes and  
27 Standards, Department of Community Affairs. Qualified volunteer  
28 emergency inspectors will be deputized by the municipal  
29 emergency management coordinator in the event that a state of  
30 emergency is declared to give them authorization to perform  
31 emergency inspections.

32

33 2. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill directs the Commissioner of Community Affairs, in  
39 consultation with the code advisory board, to establish a list of  
40 volunteer emergency building inspectors to be deployed to assist  
41 municipal housing inspectors in the evaluation of buildings and  
42 structures affected by a natural or man-made disaster or emergency.  
43 The volunteer emergency inspectors shall assist in assessing  
44 possible damage to the structural design and life-safety systems of  
45 buildings, and to facilitate rapid decisions regarding the closure or  
46 reoccupancy of buildings, in the event of a natural or man-made  
47 disaster or emergency for which a state of emergency has been  
48 declared by the President of the United States or the Governor, or

1 for which a state of emergency has been declared by a municipal  
2 emergency management coordinator. In order to qualify as an  
3 emergency inspector, a volunteer must be licensed as an architect,  
4 professional engineer, building inspector, or must be a skilled  
5 construction industry professional with at least five years of  
6 verifiable general building design, construction, or inspection  
7 experience, and who has completed a Post Emergency Safety  
8 Evaluation of Buildings course to be designed and administered by  
9 the Bureau of Housing Inspection, Division of Codes and  
10 Standards, Department of Community Affairs. Qualified volunteer  
11 emergency inspectors will be deputized by the municipal  
12 emergency management coordinator in the event that a state of  
13 emergency is declared to give them authorization to perform  
14 emergency inspections.



ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 409**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 23, 2006

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 409 with committee amendments.

This bill, as amended, directs the Commissioner of Community Affairs to establish an emergency deployment program to assist local housing and code official inspectors in the evaluation of buildings and structures affected by a natural or man-made disaster or emergency, such as when a state of emergency has been declared by the President of the United States or the Governor, or when a state of emergency has been declared by a municipal emergency management coordinator. The commissioner may provide for participation in the program by licensed professional engineers, registered architects and by other licensed professionals.

The bill as amended, also provides that the deployment program allow the governing bodies of two or more municipalities by resolution to enter into agreements with each other for mutual construction code enforcement aid concerning the evaluation of buildings and structures affected by a natural or man-made disaster or emergency. Such agreements may provide for the reimbursement of the municipality or municipalities rendering such aid, including reimbursement for any damage to property and for payment to any official or employee of a local construction code enforcing agency for injuries sustained while serving pursuant to such agreements, or to a surviving spouse or other dependent in the event of the death of that official or employee.

Persons deployed under the emergency deployment program shall, while on duty rendering assistance to any local construction code enforcing agency, have the same powers, authority and immunities as the members of the local construction code enforcing agency of the municipality in which such assistance is being rendered. In addition, if any code official or inspector suffers injury or death in the performance of his duties, the legal beneficiaries of such official or inspector shall be entitled to such salary, pension rights, workers'

compensation or other benefits as would have accrued if such injury or death had occurred in the performance of duties in the jurisdiction in which the official or employee is regularly employed. Participation in the emergency deployment program will be deemed automatic unless a municipality opts out of the program by adopting a resolution of non-participation, and files the resolution with the Department of Community Affairs within 60 days of the effective date of rules promulgated to effectuate the bill. A non-participating municipality may join the emergency deployment program at any time by adopting a resolution of participation and filing it with the commissioner.

#### COMMITTEE AMENDMENTS

The committee amended the bill to provide that the Commissioner of Community Affairs establish a program of emergency deployment utilizing existing code officials, rather than maintaining a list of volunteers for that purpose. In addition, participation in the emergency deployment program will be deemed automatic, unless a municipality adopts a resolution of nonparticipation, which is to be filed with the Commissioner of Consumer Affairs.

This bill was pre-filed 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

[Second Reprint]

**ASSEMBLY, No. 409**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 16, 2006

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 409 [2R].

This bill directs the Commissioner of Community Affairs to establish a program for the emergency deployment of construction code officials and inspectors to assist local construction code officials in the case of a disaster or other emergency. Inspectors and code officials would help evaluate buildings and structures affected by a disaster or other emergency and provide other assistance as may be required. The commissioner may provide for participation in the program by licensed professional engineers, registered architects and by other licensed professionals.

The bill also allows the governing bodies of two or more municipalities to enter into mutual construction code enforcement aid agreements concerning the evaluation of buildings and structures affected by a natural or man-made disaster or emergency.

Persons deployed under the commissioner's program and persons providing assistance pursuant to an intermunicipal agreement would have the same powers, authority and immunities as the members of the local construction code enforcing agency of the municipality being assisted.

The bill provides that if a local construction code official or inspector is injured or dies while on duty and being deployed under the commissioner's program or providing assistance pursuant to an intermunicipal agreement, the legal beneficiaries of the official or inspector would be entitled to the rights and benefits as would have accrued if the injury or death had occurred in the performance of duties in the jurisdiction in which the official or employee is regularly employed.

The bill provides that participation in the emergency deployment program will be deemed automatic unless a municipality opts out of the program by adopting a resolution of non-participation, and files the resolution with the Department of Community Affairs within 60 days of the effective date of rules promulgated to effectuate the bill. A non-participating municipality may join the emergency deployment

program at any time by adopting a resolution of participation and filing it with the commissioner. During a state of emergency, deployed construction code officials and inspectors would report to the municipal emergency management coordinator for the area of their deployment for the purpose of making their presence known, however, any other established emergency management protocols shall remain in effect.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 409**

with Assembly Floor Amendments  
(Proposed By Assemblyman BODINE)

ADOPTED: MARCH 16, 2006

These floor amendments clarify that the construction code officials and inspectors participating in the program for emergency deployment must be employed by the State or a county or municipality. The amendments also require local units to make agreements as to the responsible entity for the payments of compensation and benefits for construction code officials and inspectors deployed outside of their normal jurisdiction. Finally, the amendments require deployed construction code officials and inspectors to report to the municipal emergency management coordinator for the area of their deployment, and made a technical correction to the bill.

# SENATE, No. 863

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

**Sponsored by:**  
**Senator MARTHA W. BARK**  
**District 8 (Burlington)**

### **SYNOPSIS**

Establishes building inspection program for state of emergency.

### **CURRENT VERSION OF TEXT**

As introduced.



S863 BARK

2

1 AN ACT concerning emergency building inspectors and  
2 supplementing P.L.1975, c. 217 (C. 52:27D-119 et seq.).  
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:  
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7 1. The Commissioner of Community Affairs, in consultation  
8 with the code advisory board, shall establish a list of volunteer  
9 emergency building inspectors to be deployed to assist municipal  
10 housing inspectors in the evaluation of buildings and structures  
11 affected by a natural or man-made disaster or emergency. The  
12 volunteer emergency inspectors shall assist in assessing possible  
13 damage to the structural design and life-safety systems of buildings,  
14 and to facilitate rapid decisions regarding the closure or  
15 reoccupancy of buildings, in the event of a natural or man-made  
16 disaster or emergency for which a state of emergency has been  
17 declared by the President of the United States or the Governor, or  
18 for which a state of emergency has been declared by a municipal  
19 emergency management coordinator. In order to qualify as an  
20 emergency inspector, a volunteer must be licensed as an architect,  
21 professional engineer, building inspector, or must be a skilled  
22 construction industry professional with at least five years of  
23 verifiable general building design, construction, or inspection  
24 experience, and who has completed a Post Emergency Safety  
25 Evaluation of Buildings course to be designed and administered by  
26 the Bureau of Housing Inspection, Division of Codes and  
27 Standards, Department of Community Affairs. Qualified volunteer  
28 emergency inspectors will be deputized by the municipal  
29 emergency management coordinator in the event that a state of  
30 emergency is declared to give them authorization to perform  
31 emergency inspections.  
32

33 2. This act shall take effect immediately.  
34  
35

36 STATEMENT  
37

38 This bill directs the Commissioner of Community Affairs, in  
39 consultation with the code advisory board, to establish a list of  
40 volunteer emergency building inspectors to be deployed to assist  
41 municipal housing inspectors in the evaluation of buildings and  
42 structures affected by a natural or man-made disaster or emergency.  
43 The volunteer emergency inspectors shall assist in assessing  
44 possible damage to the structural design and life-safety systems of  
45 buildings, and to facilitate rapid decisions regarding the closure or  
46 reoccupancy of buildings, in the event of a natural or man-made  
47 disaster or emergency for which a state of emergency has been  
48 declared by the President of the United States or the Governor, or

**S863 BARK**

1 for which a state of emergency has been declared by a municipal  
2 emergency management coordinator. In order to qualify as an  
3 emergency inspector, a volunteer must be licensed as an architect,  
4 professional engineer, building inspector, or must be a skilled  
5 construction industry professional with at least five years of  
6 verifiable general building design, construction, or inspection  
7 experience, and who has completed a Post Emergency Safety  
8 Evaluation of Buildings course to be designed and administered by  
9 the Bureau of Housing Inspection, Division of Codes and  
10 Standards, Department of Community Affairs. Qualified volunteer  
11 emergency inspectors will be deputized by the municipal  
12 emergency management coordinator in the event that a state of  
13 emergency is declared to give them authorization to perform  
14 emergency inspections.



# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 863**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 16, 2006

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 863.

This bill, as amended by the committee, directs the Commissioner of Community Affairs to establish a program for the emergency deployment of construction code officials and inspectors to assist local construction code officials in the case of a disaster or other emergency. Inspectors and code officials would help evaluate buildings and structures affected by a disaster or other emergency and provide other assistance as may be required. The commissioner may provide for participation in the program by licensed professional engineers, registered architects and by other licensed professionals.

The bill, as amended by the committee, also allows the governing bodies of two or more municipalities to enter into mutual construction code enforcement aid agreements concerning the evaluation of buildings and structures affected by a natural or man-made disaster or emergency.

Persons deployed under the commissioner's program and persons providing assistance pursuant to an intermunicipal agreement would have the same powers, authority and immunities as the members of the local construction code enforcing agency of the municipality being assisted.

The bill, as amended, provides that if a local construction code official or inspector is injured or dies while on duty and being deployed under the commissioner's program or providing assistance pursuant to an intermunicipal agreement, the legal beneficiaries of the official or inspector would be entitled to the rights and benefits as would have accrued if the injury or death had occurred in the performance of duties in the jurisdiction in which the official or employee is regularly employed.

As amended by the committee, the bill provides that participation in the emergency deployment program will be deemed automatic unless a municipality opts out of the program by adopting a resolution of non-participation, and files the resolution with the Department of

Community Affairs within 60 days of the effective date of rules promulgated to effectuate the bill. A non-participating municipality may join the emergency deployment program at any time by adopting a resolution of participation and filing it with the commissioner. During a state of emergency, deployed construction code officials and inspectors would report to the municipal emergency management coordinator for the area of their deployment for the purpose of making their presence known, however, any other established emergency management protocols shall remain in effect.

The committee amended the bill to provide that the Commissioner of Community Affairs establish a program of emergency deployment utilizing existing code officials, rather than maintaining a list of volunteers for that purpose. The amendments also provide that the deployment program allow the governing bodies of two or more municipalities by resolution to enter into agreements with each other for mutual construction code enforcement aid concerning the evaluation of buildings and structures affected by a natural or man-made disaster or emergency.

The amendments address the status of persons deployed under the emergency deployment program, providing that while on duty rendering assistance to a local construction code enforcing agency, officials and inspectors would have the same powers, authority and immunities as the members of the local construction code enforcing agency of the municipality in which such assistance is being rendered. The amendments also provide that if a local construction code official or inspector suffers injury or death while deployed under an emergency deployment program or pursuant to an intermunicipal agreement, the individual's legal beneficiaries would be entitled to the same salary, pension rights, workers' compensation or other benefits as would have accrued if the injury or death had occurred in the performance of duties in the jurisdiction in which the official or employee is regularly employed.

The amendments provide that participation in the emergency deployment program is automatic for municipalities but allows a municipality to opt out of the program by adopting a resolution of non-participation, and filing the resolution with the Department of Community Affairs within 60 days of the effective date of rules promulgated to effectuate the bill. The amendments provide that a non-participating municipality may join the emergency deployment program at any time by adopting a resolution of participation and filing it with the commissioner.

These amendments makes this bill identical to A409 (2R) which bill was also reported from committee this date.