

52:27D-122.1

LEGISLATIVE HISTORY CHECKLIST
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(Construction subcodes--flexibility)

NJSA: 52:27D-122.1

LAWS OF: 1996 CHAPTER: 53

BILL NO: A1708

SPONSOR(S): Kramer

DATE INTRODUCED: March 11, 1996

COMMITTEE: ASSEMBLY: Housing
SENATE: Community Affairs

AMENDED DURING PASSAGE: No Assembly Committee substitute
A1708/A1782

DATE OF PASSAGE: ASSEMBLY: May 30, 1996
SENATE: June 13, 1996

DATE OF APPROVAL: June 28, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1708 and 1782

STATE OF NEW JERSEY

ADOPTED MAY 2, 1996

Sponsored by Assemblymen **KRAMER, GREGG and KELLY**

1 AN ACT concerning the adoption of building construction codes,
2 supplementing and 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. (New section) The Legislature finds and declares that:

8 a. One of the specified purposes of the "State Uniform
9 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), was
10 the elimination of restrictive and unnecessary construction regulations
11 that tend to unnecessarily increase construction costs.

12 b. While the overall effect of the statutory requirement that the
13 subcodes of the State Uniform Construction Code be adoptions of the
14 model codes or standards of nationally recognized organizations,
15 including all amendments or revisions to such codes or standards, has
16 been consistent with the intent and purpose of the "State Uniform
17 Construction Code Act," there have been exceptional instances in
18 which the amendment or revision of an adopted code or standard has
19 included changes that are not consistent with that intent and purpose.

20 c. It is therefore necessary and appropriate that the Commissioner
21 of Community Affairs be given the authority to limit the adoption of
22 later revisions to the model code to include only those standards in
23 effect on July 1, 1995, and any later revisions or amendments of model
24 codes which would not be inconsistent with the intent and purpose of
25 the act.

26

27 2. Section 5 of P.L.1975, c.217 (C. 52:27D-123) is amended to
28 read as follows:

29 5. a. The commissioner shall after public hearing pursuant to
30 section 4 of the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-4) adopt a State Uniform Construction Code for the
32 purpose of regulating the structural design, construction, maintenance
33 and use of buildings or structures to be erected and alteration,

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 renovation, rehabilitation, repair, maintenance, removal or demolition
2 of buildings or structures already erected. Prior to the adoption of
3 said code, the commissioner shall consult with the code advisory board
4 and other departments, divisions, bureaus, boards, councils or other
5 agencies of State Government heretofore authorized to establish or
6 administer construction regulations.

7 Such prior consultations with departments, divisions, bureaus,
8 boards, councils, or other agencies of State Government shall include
9 but not be limited to consultation with the Commissioner of Health
10 and the Public Health Council prior to adoption of a plumbing subcode
11 pursuant to paragraph b. of this section. Said code shall include any
12 code, rule or regulation incorporated therein by reference.

13 b. The code shall be divided into subcodes which may be adopted
14 individually by the commissioner as he may from time to time consider
15 appropriate. **【Said】** These subcodes shall include but not be limited
16 to a building code, a plumbing code, an electrical code, an energy
17 code, a fire prevention code, a manufactured or mobile home code and
18 mechanical code.

19 These subcodes shall be adoptions of the model codes of the
20 Building Officials and Code Administrators International, Inc., the
21 National Electrical Code, and the National Standard Plumbing Code,
22 provided that for good reasons, the commissioner may adopt as a
23 subcode a model code or standard of some other nationally recognized
24 organization upon a finding that such model code or standard
25 promotes the purposes of this act. The initial adoption of a model
26 code or standard as a subcode shall constitute adoption of subsequent
27 edition year publications of the model code or standard organization,
28 except as provided for in paragraphs (1) through (4) of this subsection.
29 Adoption of publications shall not occur more frequently than once
30 every three years; provided, however, that a revision or amendment
31 may be adopted at any time in the event that the commissioner finds
32 that there exists an imminent peril to the public health, safety or
33 welfare.

34 (1) Except as otherwise provided in this subsection, the edition of
35 a model code or standard in effect as a subcode as of July 1, 1995 shall
36 continue in effect regardless of any publication of a subsequent edition
37 of that model code or standard. Prior to establishing the effective
38 date for any subsequent revision or amendment of any model code or
39 standard adopted as a subcode, the commissioner shall review, in
40 consultation with the code advisory board, the text of the revised or
41 amended model code or standard and determine whether the amended
42 or revised provisions of the model code are essential to carry out the
43 intent and purpose of this act as viewed in contrast to the
44 corresponding provisions of the subcode then currently in effect.

45 (2) In the event that the commissioner, pursuant to paragraph (1)

1 of this subsection, determines that any amended or revised provision
2 of a model code is essential to carry out the intent and purpose of this
3 act as viewed in contrast to any corresponding provision of the
4 subcode then currently in effect, the commissioner may then adopt that
5 provision of the amended or revised model code.

6 (3) The commissioner, in consultation with the code advisory
7 board, shall have the authority to review any model code or standard
8 currently in effect as a subcode of the State Uniform Construction
9 Code and compare it with previously adopted editions of the same
10 model code or standard in order to determine if the subcode currently
11 in effect is at least as consistent with the intent and purpose of this act
12 as were previously adopted editions of the same model code or
13 standard.

14 (4) In the event that the commissioner, after consultation with the
15 code advisory board, determines pursuant to this subsection that a
16 provision of a model code or standard currently in effect as a subcode
17 of the State Uniform Construction Code is less consistent with the
18 intent and purpose of this act than was the corresponding provision
19 of a previously adopted edition of the same model code or standard,
20 the commissioner may delete the provision in effect and substitute in
21 its place the corresponding provision of the previously adopted edition
22 of the same model code or standard determined to be more consistent
23 with the intent and purpose of this act.

24 The commissioner shall be authorized to adopt a barrier free
25 subcode or to supplement or revise any model code adopted
26 hereunder, for the purpose of insuring that adequate and sufficient
27 features are available in buildings or structures so as to make them
28 accessible to and usable by the physically handicapped.

29 c. Any municipality through its construction official, and any State
30 agency or political subdivision of the State may submit an application
31 recommending to the commissioner that a State sponsored code
32 change proposal be adopted. Such application shall contain such
33 technical justification and shall be submitted in accordance with such
34 rules of procedure as the commissioner may deem appropriate, except
35 that whenever the State Board of Education shall determine that
36 enhancements to the code are essential to the maintenance of a
37 thorough and efficient system of education, the enhancements shall be
38 made part of the code; provided that the amendments do not result in
39 standards that fall below the adopted subcodes. The Commissioner of
40 the Department of Education shall consult with the Commissioner of
41 the Department of Community Affairs prior to publishing the intent of
42 the State Board to adopt any amendments to the Uniform Construction
43 Code. Upon adoption of any amendments by the State Board of
44 Education they shall be transmitted forthwith to the Commissioner of
45 the Department of Community Affairs who shall publish and

1 incorporate the amendments as part of the Uniform Construction Code
2 and the amendments shall be enforceable as if they had been adopted
3 by the commissioner.

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

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

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

17 The commissioner may adopt, reject or return such
18 recommendations to the code advisory board for further deliberation.
19 If adopted, any such proposal shall be presented to the subsequent
20 meeting of the National Model Code Agency by the commissioner or
21 by persons designated by the commissioner as a State sponsored code
22 change proposal. Nothing herein, however, shall limit the right of any
23 municipality, the department, or any other person from presenting
24 amendments to the National Model Code Agency on its own initiative.

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

29 d. (Deleted by amendment, P.L.1983, c.496.)

30 (cf: P.L.1993, c.306, s.1)

31

32 3. This act shall take effect on the first day of the third month
33 following enactment.

34

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36

37

38 Limits adoption of national model codes and standards under
39 Uniform Construction Code to those in effect on July 1, 1995, but
40 permits commissioner flexibility to adopt or modify code as necessary.

ASSEMBLY, No. 1708

STATE OF NEW JERSEY

INTRODUCED MARCH 11, 1996

By Assemblyman KRAMER

1 AN ACT concerning the adoption of building construction codes,
2 supplementing and 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. (New section) The Legislature finds and declares that:

8 a. One of the specified purposes of the "State Uniform
9 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), was
10 the elimination of restrictive and unnecessary construction regulations
11 that tend to unnecessarily increase construction costs.

12 b. While the overall effect of the statutory requirement that the
13 subcodes of the State Uniform Construction Code be adoptions of the
14 model codes or standards of nationally recognized organizations,
15 including all amendments or revisions to such codes or standards, has
16 been consistent with the intent and purpose of the "State Uniform
17 Construction Code Act," there have been exceptional instances in
18 which the amendment or revision of an adopted code or standard has
19 included changes that are not consistent with that intent and purpose.

20 c. It is therefore necessary and appropriate that the Commissioner
21 of Community Affairs be given the authority to exclude from the
22 adoption of any revision or amendment of an adopted model code or
23 standard any provision the adoption of which would be inconsistent
24 with the intent and purpose of the act.

25

26 2. Section 5 of P.L.1975, c.217 (C. 52:27D-123) is amended to
27 read as follows:

28 5. a. The commissioner shall after public hearing pursuant to
29 section 4 of the "Administrative Procedure Act," P.L.1968, c.410
30 (C.52:14B-4) adopt a State Uniform Construction Code for the
31 purpose of regulating the structural design, construction, maintenance
32 and use of buildings or structures to be erected and alteration,
33 renovation, rehabilitation, repair, maintenance, removal or demolition
34 of buildings or structures already erected. Prior to the adoption of

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 said code, the commissioner shall consult with the code advisory board
2 and other departments, divisions, bureaus, boards, councils or other
3 agencies of State Government heretofore authorized to establish or
4 administer construction regulations.

5 Such prior consultations with departments, divisions, bureaus,
6 boards, councils, or other agencies of State Government shall include
7 but not be limited to consultation with the Commissioner of Health
8 and the Public Health Council prior to adoption of a plumbing subcode
9 pursuant to paragraph b. of this section. Said code shall include any
10 code, rule or regulation incorporated therein by reference.

11 b. The code shall be divided into subcodes which may be adopted
12 individually by the commissioner as he may from time to time consider
13 appropriate. ~~【Said】~~ These subcodes shall include but not be limited
14 to a building code, a plumbing code, an electrical code, an energy
15 code, a fire prevention code, a manufactured or mobile home code and
16 mechanical code.

17 These subcodes shall be adoptions of the model codes of the
18 Building Officials and Code Administrators International, Inc., the
19 National Electrical Code, and the National Standard Plumbing Code,
20 provided that for good reasons, the commissioner may adopt as a
21 subcode a model code or standard of some other nationally recognized
22 organization upon a finding that such model code or standard
23 promotes the purposes of this act. The initial adoption of a model
24 code or standard as a subcode shall constitute adoption of subsequent
25 edition year publications of the model code or standard organization,
26 except as provided for in paragraphs (1) and (2) of this subsection.
27 Adoption of publications shall not occur more frequently than once
28 every three years; provided, however, that a revision or amendment
29 may be adopted at any time in the event that the commissioner finds
30 that there exists an imminent peril to the public health, safety or
31 welfare.

32 (1) Prior to establishing the effective date for any subsequent
33 revision or amendment of any model code or standard adopted as a
34 subcode, the commissioner shall review, in consultation with the code
35 advisory board, the text of the revised or amended model code or
36 standard and determine whether the amended or revised provisions of
37 the model code are at least as consistent with the intent and purpose
38 of this act as are the corresponding provisions of the subcode then
39 currently in effect.

40 (2) In the event that the commissioner, pursuant to paragraph (1)
41 of this subsection, determines that any amended or revised provision
42 of a model code is less consistent with the intent and purpose of this
43 act than is the corresponding provision of the subcode then currently
44 in effect, the commissioner may exclude that provision from the
45 adoption of the amended or revised model code and retain, in its place,
46 the corresponding provision then currently in effect.

1 The commissioner shall be authorized to adopt a barrier free
2 subcode or to supplement or revise any model code adopted
3 hereunder, for the purpose of insuring that adequate and sufficient
4 features are available in buildings or structures so as to make them
5 accessible to and usable by the physically handicapped.

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

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

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

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

39 The commissioner may adopt, reject or return such
40 recommendations to the code advisory board for further deliberation.
41 If adopted, any such proposal shall be presented to the subsequent
42 meeting of the National Model Code Agency by the commissioner or
43 by persons designated by the commissioner as a State sponsored code
44 change proposal. Nothing herein, however, shall limit the right of any
45 municipality, the department, or any other person from presenting
46 amendments to the National Model Code Agency on its own initiative.

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

5 d. (Deleted by amendment, P.L.1983, c.496.)

6 e. The commissioner, in consultation with the code advisory board,
7 shall have the authority to review any model code or standard
8 currently in effect as a subcode of the State Uniform Construction
9 Code and compare it with previously adopted editions of the same
10 model code or standard in order to determine if the subcode currently
11 in effect is at least as consistent with the intent and purpose of this act
12 as were previously adopted editions of the same model code or
13 standard.

14 In the event that the commissioner, after consultation with the code
15 advisory board, determines pursuant to this subsection that a provision
16 of a model code or standard currently in effect as a subcode of the
17 State Uniform Construction Code is less consistent with the intent and
18 purpose of this act than was the corresponding provision of a
19 previously adopted edition of the same model code or standard, the
20 commissioner may delete the provision in effect and substitute in its
21 place the corresponding provision of the previously adopted edition of
22 the same model code or standard determined to be more consistent
23 with the intent and purpose of this act.

24 (cf: P.L.1993, c.306, s.1)

25
26 3. This act shall take effect on the first day of the third month
27 following enactment.

30 STATEMENT

31
32 The bill grants the Commissioner of Community Affairs flexibility
33 in adoption of national model codes and standards as subcodes of the
34 State Uniform Construction Code. Under current law, the
35 commissioner is not given an opportunity to refuse to accept revisions
36 or amendments to previously adopted subcode requirements. In a few
37 instances, this has resulted in the adoption of revised editions of codes
38 that contain requirements that are unduly restrictive and unnecessary.

39 This bill would give the commissioner, prior to the adoption of any
40 amendment or revision of an adopted subcode and in consultation with
41 the code advisory board, the authority to retain the subcode provision
42 currently in effect if the adoption of the revised code would be
43 inconsistent with the intent of the "State Uniform Construction Code
44 Act," P.L. 1975, c. 217 (C.52:27D-119 et seq.).

45 The bill also gives the commissioner the authority, in consultation
46 with the code advisory board, to review the provisions of the current

1 subcodes, and if portions are deemed inconsistent with the purposes
2 of the "State Uniform Construction Code Act," to replace them with
3 those prior subcodes which are more consistent with statutory intent.

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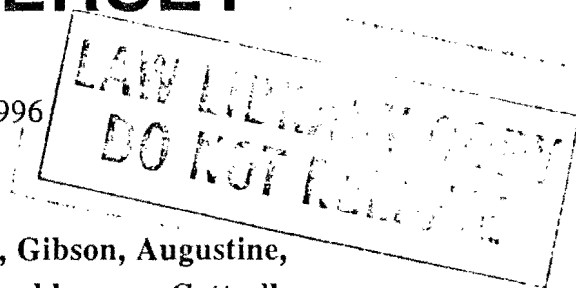
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8 Permits flexibility of DCA commissioner in adopting national model
9 construction code provisions.

ASSEMBLY, No. 1782

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1996



By Assemblymen GREGG, KELLY, O'Toole, Gibson, Augustine, Bodine, Assemblywoman Bark, Assemblymen Cottrell, Azzolina, Bateman, Assemblywoman Crecco, Assemblymen Bucco, Felice, Assemblywoman J. Smith, Assemblymen Malone, Wolfe, Rocco, Arnone, DeCroce, Assemblywomen Murphy, Myers, Assemblymen Garrett and Carroll

1 AN ACT concerning the adoption of national model construction codes
2 and standards and 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 (52:27D-123) is amended to read
8 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, maintenance
13 and use of buildings or structures to be erected and alteration,
14 renovation, rehabilitation, repair, maintenance, removal or demolition
15 of buildings or structures already erected. Prior to the adoption of
16 said code, the commissioner shall consult with the code advisory board
17 and other departments, divisions, bureaus, boards, councils or other
18 agencies of State Government heretofore authorized to establish or
19 administer construction regulations.

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

26 b. The code shall be divided into subcodes which may be adopted
27 individually by the commissioner as he may from time to time consider
28 appropriate. Said subcodes shall include but not be limited to a
29 building code, a plumbing code, an electrical code, an energy code, a

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

Matter underlined thus is new matter.

1 fire prevention code, a manufactured or mobile home code and
2 mechanical code.

3 These subcodes shall be adoptions of the model codes of the
4 Building Officials and Code Administrators International, Inc., the
5 National Electrical Code, and the National Standard Plumbing Code,
6 provided that for good reasons, the commissioner may adopt as a
7 subcode a model code or standard of some other nationally recognized
8 organization upon a finding that such model code or standard
9 promotes the purposes of this act. The [initial] adoption of a model
10 code or standard as a subcode shall [constitute adoption of subsequent
11 edition year publications of the model code or standard organization.
12 Adoption of publications shall not occur more frequently than once
13 every three years; provided, however, that a revision or amendment
14 may be adopted at any time in the event that the commissioner finds
15 that there exists an imminent peril to the public health, safety or
16 welfare] be limited to those model codes and standards in effect as of
17 July 1, 1995.

18 The commissioner shall be authorized to adopt a barrier free
19 subcode or to supplement or revise any model code adopted
20 hereunder, for the purpose of insuring that adequate and sufficient
21 features are available in buildings or structures so as to make them
22 accessible to and usable by the physically handicapped.

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

43 At least 45 days prior to the final date for the submission of
44 amendments or code change proposals to the National Model Code
45 Adoption Agency, the code of which has been adopted as a subcode
46 under this act, the commissioner shall hold a public hearing in

1 accordance with the "Administrative Procedure Act," P.L.1968, c.410
2 (C.52:14B-1 et seq.), at which testimony on any application
3 recommending a State sponsored code change proposal will be heard.

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

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

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

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

22 d. (Deleted by amendment, P.L.1983, c.496.)
23 (cf: P.L.1993, c.306,s.1)

24

25 2. This act shall take effect immediately.

26

27

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STATEMENT

29

30 This bill would halt the adoption of modifications of national model
31 construction codes, and, in effect, "freeze" the current State Uniform
32 Construction Code Act, and the code adopted pursuant to that law,
33 to contain only the model codes and standards in effect as of July 1,
34 1995.

35 The Uniform Construction Code Act is intended to promote
36 affordable, safe and healthful housing for all New Jerseyans. Its goals
37 are advanced by construction standards that balance all of these
38 factors. Recent editions of the national model codes, especially those
39 published by the Building Officials and Code Administrators (BOCA)
40 International, Inc., have incorporated provisions which are inconsistent
41 with the balanced intent and purpose of the Uniform Construction
42 Code Act. Such provisions have increased construction costs and
43 placed restrictions on construction practices without proven benefits
44 to public health, safety and welfare, and have subsequently increased
45 the cost of housing in New Jersey. In addition, provisions contained
46 in the 1996 edition of the BOCA National Building Code may, if

1 implemented, add significant costs to building a single family dwelling
2 in New Jersey.

3 The 1995 edition of the Council of American Building Officials
4 (CABO) One and Two Family Dwelling Code, a building subcode
5 option for certain residential construction in New Jersey, also
6 incorporates provisions inconsistent with the balanced intent and
7 purpose and the legislative findings of the Uniform Construction Code
8 Act.

9 The status of BOCA and CABO as code publishing entities beyond
10 1996 remains uncertain since they have committed themselves to the
11 task of joining with other entities to publish an international building
12 code. The details of this future venture are not known at this time.

13 By retaining the building codes in effect as of July 1, 1995, New
14 Jersey will continue its tradition of balancing health, safety and
15 housing affordability, while the State undertakes a review of its
16 options for the future.

17

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21 Limits adoption of national model codes and standards under
22 Uniform Construction Code to those in effect on July 1, 1995.

ASSEMBLY HOUSING COMMITTEE

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STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1708 and 1782

STATE OF NEW JERSEY

DATED: APRIL 22, 1996

The Assembly Housing Committee reports favorably an Assembly Committee Substitute for Assembly Bills Nos. 1708 and 1782.

The substitute would halt the adoption of modifications of national model construction codes, and, in effect, "freeze" the provisions of the code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) to contain only the model codes and standards in effect as of July 1, 1995. The Commissioner of Community Affairs, however, would be granted the power under the bill to adopt those code revisions that she deems to be essential and which comport with the intent of the "State Uniform Construction Code Act." In addition, the commissioner is granted flexibility to replace current code provisions with prior code provisions, if the prior code provisions are more consistent with the intent of the "State Uniform Construction Code Act."

Recent editions of the national model codes, especially those published by the Building Officials and Code Administrators (BOCA) International, Inc., have incorporated provisions which are inconsistent with the balanced intent and purpose of the Uniform Construction Code Act. Such provisions have increased construction costs and placed restrictions on construction practices without proven benefits to public health, safety and welfare, and have subsequently increased the cost of housing in New Jersey.

The commissioner may only adopt proposed amendments to the code or replace current code provisions with provisions from previous code revisions in consultation with the code advisory board.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSITUTE FOR
ASSEMBLY, Nos 1708 and 1782

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Senate Community Affairs Committee reports favorably Assembly Bill Nos 1708 and 1782.

This bill would halt the adoption of modifications of national model construction codes, and, in effect, "freeze" the provisions of the code adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) to contain only the model codes and standards in effect as of July 1, 1995. The Commissioner of Community Affairs, however, would be granted the power under the bill to adopt those code revisions that she deems to be essential and which comport with the intent of the "State Uniform Construction Code Act." In addition, the commissioner is granted flexibility to replace current code provisions with prior code provisions, if the prior code provisions are more consistent with the intent of the "State Uniform Construction Code Act."

Recent editions of the national model codes, especially those published by the Building Officials and Code Administrators (BOCA) International, Inc., have incorporated provisions which are inconsistent with the balanced intent and purpose of the Uniform Construction Code Act. Such provisions have increased construction costs and placed restrictions on construction practices without proven benefits to public health, safety and welfare, and have subsequently increased the cost of housing in New Jersey.

The commissioner may only adopt proposed amendments to the code or replace current code provisions with provisions from previous code revisions in consultation with the code advisory board.

This bill is identical to S-1165 which was also favorably reported by the committee on June 3, 1996.

A-1708 and 1782/ S-1165, sponsored by Assembly Members Paul Kramer (R-Mercer/Middlesex) and John Kelly (R-Bergen/Essex/Passaic) and Senators John Mautheusen (R-Camden/Gloucester) and Wayne Bryant (D-Camden/Gloucester), which limits the adoption of the codes and standards proposed by the State Uniform Construction Code Act to those in effect as of July 1, 1995. This bill provides the Commissioner of Community Affairs with the power to eliminate restrictive and unnecessary construction regulations, and to replace current code provisions with prior code provisions, if the prior code provisions are more consistent with the State Uniform Construction Act.

S-1181/A-1710, sponsored by Senate President Donald DiFrancesco (R-Middlesex/Morris/Somerset/Union) and Senator John Lynch (D-Middlesex/Somerset/Union) and Assemblymen Jack Collins (R-Salem/Cumberland/Gloucester) and Joseph Doria (D-Hudson), increases filing fees in the New Jersey Supreme Court and in the Law and Chancery Divisions of the Superior Court as follows: for filing a complaint, fees increase from \$135 to \$170, for filing an answer fees increase from \$80 to \$110, and for filing a notice of appeal, cross-appeal, petition for certification, cross-petition for certification, or petition for review fees increase from \$135 to \$170. These fee increases will provide funds to the Legal Services of New Jersey, which provides legal services to the poor, and also support additional Superior Court Judgeships.