

52:27D-123.7

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 52:27D-123.7 (Housing rehabilitation care-development)
LAWS OF: 1995 CHAPTER: 78
BILL NO: S834/A1484
SPONSOR(S): Wolfe and others
DATE INTRODUCED: March 7, 1994
COMMITTEE: ASSEMBLY: Housing
SENATE: ---
AMENDED DURING PASSAGE: No Assembly substitute enacted
DATE OF PASSAGE: ASSEMBLY: February 27, 1995
SENATE: October 27, 1994
DATE OF APPROVAL: April 11, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes
COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No
FISCAL NOTE: Yes
VETO MESSAGE: No
MESSAGE ON SIGNING: No
FOLLOWING WERE PRINTED:
REPORTS: No
HEARINGS: No

*Sponsor's statements
to S834 & A1484
are identical*

KBG:pp

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, No. 1484 and SENATE, No. 834

STATE OF NEW JERSEY

ADOPTED DECEMBER 5, 1994

Sponsored by Assemblyman WOLFE,
Assemblywoman TURNER, Senators INVERSO and LaROSSA

1 AN ACT concerning construction codes, authorizing the
2 establishment of a housing rehabilitation code, directing a
3 study of procedures for modifying the provisions of the State
4 Uniform Construction Code under certain circumstances, and
5 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).
6

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

9 1. The Legislature hereby finds, determines and declares:

10 a. There is an urgent need to improve the housing conditions of
11 low and moderate income individuals and families, many of whom
12 live in substandard housing, particularly in the older cities of the
13 State; and

14 b. There are large numbers of older residential buildings in the
15 State, both occupied and vacant, which are in urgent need of
16 rehabilitation and which must be rehabilitated if the State's
17 citizens are to be housed in decent, sound, and sanitary
18 conditions; and

19 c. The application of those building code requirements
20 currently in force to housing rehabilitation has led to the
21 imposition of costly and time-consuming requirements which
22 result in a significant reduction in the amount of rehabilitation
23 activity taking place; and

24 d. Extensive research has been conducted, in New Jersey and
25 elsewhere, which can serve as a sound basis for the development
26 and adoption of a building code specifically designed to foster
27 cost-effective housing rehabilitation while ensuring that
28 necessary health and safety requirements are met; and

29 e. Furthermore, in addition to the need for prudent
30 modification of code provisions applicable to rehabilitation of
31 older housing structures, it appears that complaints have from
32 time to time been made that the scope and rigidity of the
33 existing State Uniform Construction Code, as currently adopted
34 and applied, may make excessively stringent and onerous
35 requirements that burden the provision of affordable housing with
36 expenses without any commensurate benefit to the public health,
37 safety and welfare.

38 2. a. The Commissioner of Community Affairs is hereby
39 directed to develop a building code specifically designed to foster
40 cost-effective housing rehabilitation, while ensuring through its
41 provisions that necessary health and safety requirements are
42 met. The code shall be designed for use throughout the State but

1 shall have particular application to the older cities of the State,
2 and the housing types characteristic of those cities. The code
3 shall supplement the State Uniform Construction Code, adopted
4 pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.). The
5 commissioner may promulgate this code as a separate document
6 from the State Uniform Construction Code, or may, if he finds it
7 feasible and useful, incorporate its provisions directly into, and
8 make them an integral part of, that code.

9 b. In developing the code, the commissioner is directed to
10 investigate any model codes, such as Chapter 34, "Existing
11 Structures," of the "BOCA National Building Code/1993" and
12 experiences of other code enforcement jurisdictions, to consult
13 with individuals and organizations experienced in the
14 rehabilitation of low and moderate income housing in New
15 Jersey's urban areas, and conduct research as may be relevant to
16 the purposes of this act.

17 c. The commissioner is further directed to undertake a study
18 of the desirability of authorizing a procedure under which, in
19 adopting the provisions of the standard or model codes upon
20 which the State Uniform Construction Code is based, discretion
21 may be accorded to the commissioner to modify, amplify or
22 otherwise depart from any such provisions, without exceeding any
23 of them in stringency, for the purpose of accommodating this
24 State's construction code to the needs of the State and its
25 various regions, particularly with respect to encouraging the
26 provision of housing affordable to persons and families of low and
27 moderate income.

28 d. The commissioner shall, pursuant to the "Administrative
29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate
30 the code prescribed in subsection a. of this section within six
31 months of the effective date of this act; or, if he finds it
32 impracticable to do so, shall make a written report to the
33 Legislature setting forth the grounds of the impracticability and
34 making such recommendations for further legislative action as he
35 may deem likely to remove those grounds. Within the same
36 period of time the commissioner shall also make his report and
37 recommendations to the Legislature on the study directed by
38 subsection c. of this section.

39 3. This act shall take effect immediately.

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STATEMENT

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44 This floor substitute combines Assembly Bill No. 1484 and
45 Senate Bill No. 834 into an Assembly Substitute. The substitute
46 is intended to impart a desirable degree of flexibility to the
47 State's construction regulations, in an effort to address the
48 urgent need for decent, sound and sanitary housing in the State.

49 The bill directs the Commissioner of Community Affairs to
50 establish a building code applicable to the rehabilitation of
51 existing structures, thus encouraging such rehabilitation by
52 allowing for economical methods without impairing structural
53 soundness and safety. The bill provides for a code-modification

1 study by the Commissioner of Community Affairs to ascertain
2 the desirability of establishing procedures for modifying
3 provisions of the State Uniform Construction Code (UCC) under
4 certain circumstances. Under the present statute, the
5 commissioner is authorized to adopt the provisions of one or more
6 "model" codes promulgated by professional organizations as a
7 subcode to the State code. However, these codes must be
8 adopted as a whole, without modification of specific standards to
9 fit particular circumstances. This inflexibility may have placed
10 unnecessary barriers in the way of construction of affordable
11 housing.

12 The substitute also provides that the rehabilitation code may
13 be either be incorporated in, or form a supplement to, the State
14 UCC. The State UCC was adopted in 1975 for the primary
15 purpose of establishing and enforcing uniform statewide standards
16 for new construction. As applied to the rehabilitation of existing
17 structures, it has often proved too burdensome, thus making
18 rehabilitation unfeasible in many instances.

19 The substitute also provides that if the commissioner finds the
20 promulgation of the rehabilitation code is impracticable under
21 the terms of this authorization, he or she is to report the
22 difficulty to the Legislature and recommend any measures to
23 remove the impracticalities.

24 The commissioner is to promulgate the code within six months
25 of the effective date of the act.

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30 Provides for a housing rehabilitation code and directs a study of
31 procedures for modifying the State Uniform Construction Code.

ASSEMBLY, No. 1484
STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1994

By Assemblywoman HAINES and Assemblyman WOLFE

1 **AN ACT** concerning construction codes, authorizing the
2 establishment of a housing rehabilitation code, directing a
3 study of procedures for modifying the provisions of the
4 Uniform State Construction Code under certain circumstances,
5 and supplementing P.L.1975 c.217 (C.52:27D-119 et seq.).
6

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

9 1. The Legislature hereby finds, determines and declares:

10 a. There is an urgent need to improve the housing conditions of
11 low and moderate income individuals and families, many of whom
12 live in substandard housing, particularly in the older cities of the
13 State;

14 b. There are large numbers of older residential buildings in the
15 State, both occupied and vacant, which are in urgent need of
16 rehabilitation and which must be rehabilitated if the State's
17 citizens are to be housed in decent, sound, and sanitary
18 conditions; and

19 c. The application of those building code requirements
20 currently in force to housing rehabilitation has led to the
21 imposition of costly and time-consuming requirements which
22 result in a significant reduction in the amount of rehabilitation
23 activity taking place;

24 d. Extensive research has been conducted, in New Jersey and
25 elsewhere, which can serve as a sound basis for the development
26 and adoption of a building code specifically designed to foster
27 cost-effective housing rehabilitation while ensuring that
28 necessary health and safety requirements are met; and

29 e. Furthermore, in addition to the need for prudent
30 modification of code provisions applicable to rehabilitation of
31 older housing structures, it appears that complaints have from
32 time to time been made that the scope and rigidity of the
33 existing State Uniform Construction Code, as currently adopted
34 and applied, may make excessively stringent and onerous
35 requirements that burden the provision of affordable housing with
36 expenses without any commensurate benefit to the public health,
37 safety and welfare.

38 2. a. The Commissioner Community Affairs is hereby directed
39 to develop a building code specifically designed to foster
40 cost-effective housing rehabilitation, while ensuring through its
41 provisions that necessary health and safety requirements are
42 met. The code shall be designed for use throughout the State but
43 shall have particular application to the older cities of the State,
44 and the housing types characteristic of those cities. The code
45 shall supplement the State Uniform Construction Code, P.L.1975,
46 c.217 (C.52:27D-119 et seq.). The commissioner may promulgate
47 this code as a separate document from the State Uniform

1 Construction Code, or may, if he finds it feasible and useful,
2 incorporate its provisions directly into, and make them an
3 integral part of, that code.

4 b. In developing the code, the commissioner is directed to
5 investigate any model codes, such as the "BOCA National
6 Existing Structures Code of 1987," and experiences of other code
7 enforcement jurisdictions, to consult with individuals and
8 organizations experienced in the rehabilitation of low and moderate
9 income housing in New Jersey's urban areas, and conduct
10 research as may be relevant to the purposes of this act.

11 c. The commissioner is further directed to undertake a study
12 of the desirability of authorizing a procedure under which, in
13 adopting the provisions of the standard or model codes upon
14 which the Uniform State Construction Code is based, discretion
15 may be accorded to the commissioner to modify, amplify or
16 otherwise depart from any such provisions, without exceeding any
17 of them in stringency, for the purpose of accommodating this
18 State's construction code to the needs of the State and its
19 various regions, particularly with respect to encouraging the
20 provision of housing affordable to persons and families of low and
21 moderate income.

22 d. The commissioner shall, pursuant to the "Administrative
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate
24 the code prescribed in subsection a. of this section within nine
25 months of the effective date of this act; or, if he finds it
26 impracticable to do so, shall make a written report to the
27 Legislature setting forth the grounds of the impracticability and
28 making such recommendations for further legislative action as he
29 may deem likely to remove those grounds. Within the same
30 period of time the commissioner shall also make his report and
31 recommendations to the Legislature on the study directed by
32 subsection c. of this section.

33 3. This act shall take effect immediately.

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STATEMENT

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38 This bill is intended to impart a desirable degree of flexibility
39 to the State's construction regulations, in two particular areas:

40 (1) It directs the Commissioner of Community Affairs to
41 establish a building code applicable to the rehabilitation of
42 existing structures, and encouraging such rehabilitation by
43 allowing for economical methods without impairing structural
44 soundness and safety. Such a code would expedite the
45 rehabilitation of this State's ample stock of structurally sound
46 but deteriorated dwelling units in an effort to meet the critical
47 need for decent, sound and sanitary housing. The rehabilitation
48 code would either be incorporated in, or form a supplement to,
49 the State Uniform Construction Code (UCC). The UCC was
50 adopted in 1975 for the primary purpose of establishing and
51 enforcing uniform statewide standards for new construction;
52 when applied to rehabilitation of existing structures, its
53 requirements are often cumbersome and costly.

54 (2) The bill also directs the Commissioner of Community

1 Affairs to study the desirability of establishing procedures for
2 modifying provisions of the UCC under certain circumstances.
3 Under the present statute, the commissioner is authorized to
4 adopt the provisions of one or more "model" codes promulgated
5 by professional organizations; but such codes must be adopted as
6 a whole, without modification of specific standards to fit
7 particular circumstances. It has been suggested that rigid
8 application of code standards may place unnecessary barriers in
9 the way of construction of affordable housing.

10 The bill (1) provides for the code-modification study; (2)
11 provides that the rehabilitation code may be either incorporate in
12 the UCC or issued as a separate supplementary document; and
13 (3) provides that if the commissioner finds the promulgation of
14 the rehabilitation code impracticable under the terms of this
15 authorization, that he report the difficulty to the Legislature and
16 recommend any measures by which he believes the Legislature
17 may remove the impracticalities.

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22 Provides for a housing rehabilitation code and directs a study of
23 procedures for modifying the State Uniform Construction Code.

[SECOND REPRINT]
ASSEMBLY, No. 1484

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1994

By Assemblywoman HAINES, Assemblyman WOLFE
and Assemblywoman Turner and Assemblyman Yuhas

1 AN ACT concerning construction codes, authorizing the
2 establishment of a housing rehabilitation code, directing a
3 study of procedures for modifying the provisions of the
4 ¹[Uniform]¹ State ¹Uniform¹ Construction Code under certain
5 circumstances, and supplementing P.L.1975, c.217
6 (C.52:27D-119 et seq.).
7

8 BE IT ENACTED by the Senate and General Assembly of the
9 State of New Jersey:

10 1. The Legislature hereby finds, determines and declares:

11 a. There is an urgent need to improve the housing conditions of
12 low and moderate income individuals and families, many of whom
13 live in substandard housing, particularly in the older cities of the
14 State;

15 b. There are large numbers of older residential buildings in the
16 State, both occupied and vacant, which are in urgent need of
17 rehabilitation and which must be rehabilitated if the State's
18 citizens are to be housed in decent, sound, and sanitary
19 conditions; and

20 c. The application of those building code requirements
21 currently in force to housing rehabilitation has led to the
22 imposition of costly and time-consuming requirements which
23 result in a significant reduction in the amount of rehabilitation
24 activity taking place;

25 d. Extensive research has been conducted, in New Jersey and
26 elsewhere, which can serve as a sound basis for the development
27 and adoption of a building code specifically designed to foster
28 cost-effective housing rehabilitation while ensuring that
29 necessary health and safety requirements are met; and

30 e. Furthermore, in addition to the need for prudent
31 modification of code provisions applicable to rehabilitation of
32 older housing structures, it appears that complaints have from
33 time to time been made that the scope and rigidity of the
34 existing State Uniform Construction Code, as currently adopted
35 and applied, may make excessively stringent and onerous
36 requirements that burden the provision of affordable housing with
37 expenses without any commensurate benefit to the public health,
38 safety and welfare.

39 2. a. The Commissioner ²of² Community Affairs is hereby
40 directed to develop a building code specifically designed to foster
41 cost-effective housing rehabilitation, while ensuring through its
42 provisions that necessary health and safety requirements are

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:

¹ Assembly AMO committee amendments adopted May 12, 1994.

² Assembly floor amendments adopted November 14, 1994.

1 met. The code shall be designed for use throughout the State but
2 shall have particular application to the older cities of the State,
3 and the housing types characteristic of those cities. The code
4 shall supplement the State Uniform Construction Code, ²adopted
5 pursuant to² P.L.1975, c.217 (C.52:27D-119 et seq.). The
6 commissioner may promulgate this code as a separate document
7 from the State Uniform Construction Code, or may, if he finds it
8 feasible and useful, incorporate its provisions directly into, and
9 make them an integral part of, that code.

10 b. In developing the code, the commissioner is directed to
11 investigate any model codes, such as ²[the "BOCA National
12 Existing Structures Code of 1987," and ¹any supplements thereto
13 pertaining to rehabilitation¹] Chapter 34, "Existing Structures,"
14 of the "BOCA National Building Code/1993" and² experiences of
15 other code enforcement jurisdictions, to consult with individuals
16 and organizations experienced in the rehabilitation of low and
17 moderate income housing in New Jersey's urban areas, and
18 conduct research as may be relevant to the purposes of this act.

19 c. The commissioner is further directed to undertake a study
20 of the desirability of authorizing a procedure under which, in
21 adopting the provisions of the standard or model codes upon
22 which the ¹[Uniform]¹ State ¹Uniform¹ Construction Code is
23 based, discretion may be accorded to the commissioner to
24 modify, amplify or otherwise depart from any such provisions,
25 without exceeding any of them in stringency, for the purpose of
26 accommodating this State's construction code to the needs of the
27 State and its various regions, particularly with respect to
28 encouraging the provision of housing affordable to persons and
29 families of low and moderate income.

30 d. The commissioner shall, pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate
32 the code prescribed in subsection a. of this section within ⁴[nine]
33 ^{six}¹ months of the effective date of this act ²[¹which code shall
34 incorporate such supplementary or amendatory provisions into the
35 State Uniform Construction Code to effectuate the purposes of
36 this act or incorporate the "BOCA National Existing Structures
37 Code of 1987," and any supplements thereto pertaining to
38 rehabilitation as a component of the State Uniform Construction
39 Code¹²]; or, if he finds it impracticable to do so, shall make a
40 written report to the Legislature setting forth the grounds of the
41 impracticability and making such recommendations for further
42 legislative action as he may deem likely to remove those
43 grounds. Within the same period of time the commissioner shall
44 also make his report and recommendations to the Legislature on
45 the study directed by subsection c. of this section.

46 3. This act shall take effect immediately.
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51 Provides for a housing rehabilitation code and directs a study of
52 procedures for modifying the State Uniform Construction Code.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1484

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 1994

The Assembly Housing Committee favorably reports Assembly, No. 1484, with committee amendments.

This bill is intended to impart a desirable degree of flexibility to the State's construction regulations, in an effort to address the urgent need for decent, sound and sanitary housing in the State.

The bill directs the Commissioner of Community Affairs to establish a building code applicable to the rehabilitation of existing structures, thus encouraging such rehabilitation by allowing for economical methods without impairing structural soundness and safety. The bill provides for a code-modification study by the Commissioner of Community Affairs to ascertain the desirability of establishing procedures for modifying provisions of the State Uniform Construction Code under certain circumstances. Under the present statute, the commissioner is authorized to adopt the provisions of one or more "model" codes promulgated by professional organizations as a subcode to the State code. However, these codes must be adopted as a whole, without modification of specific standards to fit particular circumstances. This inflexibility may have placed unnecessary barriers in the way of construction of affordable housing.

The bill also provides that the rehabilitation code may be either be incorporated in, or form a supplement to, the UCC. The UCC was adopted in 1975 for the primary purpose of establishing and enforcing uniform statewide standards for new construction. As applied to the rehabilitation of existing structures, it has often proved too burdensome, thus making rehabilitation unfeasible in many instances.

The bill also provides that if the commissioner finds the promulgation of the rehabilitation code is impracticable under the terms of this authorization, he or she is to report the difficulty to the Legislature and recommend any measures to remove the impracticalities.

The committee amended the bill to provide that the commissioner promulgate the code within six months of the effective date of the act, by either incorporating supplementary or amendatory provisions into the State Uniform Construction Code, or by adopting the "BOCA National Existing Structures Code of 1987," and any supplements thereto pertaining to rehabilitation as a component of the State Uniform Construction Code. The committee also amended the title of the bill to correct a citation to the State Uniform Construction Code.

SENATE URBAN POLICY AND
PLANNING COMMITTEE

STATEMENT TO

SENATE, No. 834

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1994

The Senate Urban Policy and Planning Committee favorably reports Senate, No. 834, with committee amendments.

Senate Bill No. 834, as amended by the committee, directs the Commissioner of Community Affairs to develop a building code applicable to the rehabilitation of existing structures and to promulgate it within six months of the bill's effective date. Additionally, the bill directs the Commissioner of Community Affairs to undertake a study to ascertain the desirability of establishing procedures for modifying provisions of the State Uniform Construction Code (UCC) under certain circumstances. Under the present statute, the commissioner is authorized to adopt the provisions of one or more "model" codes promulgated by professional organizations as a subcode to the State code. These codes, however, must be adopted as a whole, without modification of specific standards to fit particular circumstances.

The commissioner is directed, in developing the code, to investigate any model codes, such as the "BOCA National Existing Structures Code of 1987," and any supplements thereto pertaining to rehabilitation experiences of other code enforcement jurisdictions. The code which the Commissioner promulgates, as required under this bill, shall either be incorporated in, or form a supplement to the State Uniform Construction Code or incorporate the "BOCA National Existing Structures Code of 1987" and any supplements thereto pertaining to rehabilitation.

The UCC was adopted in 1975 for the primary purpose of establishing and enforcing uniform statewide standards for new construction. As applied to the rehabilitation of existing structures, it has often proved too burdensome, thus making rehabilitation unfeasible in many instances.

The bill also provides that if the commissioner finds the promulgation of the rehabilitation code is impracticable under the terms of this authorization, he or she is to report the difficulty to the Legislature and recommend any measures to remove the impracticalities.

The committee amended the bill to provide that the commissioner promulgate the code within six months of the effective date of the act, by either incorporating supplementary or amendatory provisions into the UCC, or by adopting the "BOCA National Existing Structures Code of 1987," and any supplements thereto pertaining to rehabilitation as a component of the UCC. The committee also amended the title of the bill to correct a citation to the State UCC.

LEGISLATIVE FISCAL ESTIMATE TO

[FIRST REPRINT]

ASSEMBLY, No. 1484

STATE OF NEW JERSEY

DATED: November 1, 1994

Assembly Bill No. 1484(1R) of 1994 directs the Commissioner of Community Affairs to develop a building code within six months of the effective date of this act specifically designed to foster cost-effective housing rehabilitation, while ensuring through its provisions that necessary health and safety requirements are met. The code is to supplement or amend the State Uniform Construction Code, P.L.1975, c.217 (C.52:27D-119 et seq.). If the Commissioner can not do so, he is directed to make a written report to the Legislature setting forth the grounds of the impracticability and making such recommendations for further legislative action as he may deem likely to remove those grounds.

Further, the bill directs a study of procedures for modifying the State Uniform Construction Code to give the Commissioner flexibility to accommodate the State's construction code to the needs of the State and its various regions, particularly with respect to encouraging the provision of housing affordable to persons and families of low and moderate income.

The Department of Community Affairs (DCA) and the Office of Management and Budget have not submitted a fiscal note worksheet on this bill. OLS believes that any administrative, personnel or printing costs associated with the work of establishing a new housing rehabilitation code or flexibility study can be accomplished at no additional State cost by DCA if they redeploy the appropriate personnel and reallocate administrative and printing priorities as appropriate.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.



ASSEMBLY Amendments
(Proposed by Assemblyman Wolfe)

to

Assembly, No. 1484 (1R)

(Sponsored by Assemblywoman HAINES, Assemblyman WOLFE
and Assemblywoman Turner)

- Speaker
- Clerk (3)
- Majority Leader
- Minority Leader
- Sponsor of Aa
- Sponsor of Bill

REPLACE SECTION 2 TO READ:

2. a. The Commissioner ²of² Community Affairs is hereby directed to develop a building code specifically designed to foster cost-effective housing rehabilitation, while ensuring through its provisions that necessary health and safety requirements are met. The code shall be designed for use throughout the State but shall have particular application to the older cities of the State, and the housing types characteristic of those cities. The code shall supplement the State Uniform Construction Code, ²adopted pursuant to² P.L.1975, c.217 (C.52:27D-119 et seq.). The commissioner may promulgate this code as a separate document from the State Uniform Construction Code, or may, if he finds it feasible and useful, incorporate its provisions directly into, and make them an integral part of, that code.

b. In developing the code, the commissioner is directed to investigate any model codes, such as ²[the "BOCA National Existing Structures Code of 1987," and ¹any supplements thereto pertaining to rehabilitation¹]² Chapter 34, "Existing Structures," of the "BOCA National Building Code/1993" and² experiences of other code enforcement jurisdictions, to consult with individuals and organizations experienced in the rehabilitation of low and moderate income housing in New Jersey's urban areas, and conduct research as may be relevant to the purposes of this act.

c. The commissioner is further directed to undertake a study of the desirability of authorizing a procedure under which, in adopting the provisions of the standard or model codes upon which the ¹[Uniform]¹ State ¹Uniform¹ Construction Code is based, discretion may be accorded to the commissioner to modify, amplify or otherwise depart from any such provisions, without exceeding any of them in stringency, for the purpose of accommodating this State's construction code to the needs of the State and its various regions, particularly with respect to encouraging the provision of housing affordable to persons and families of low and moderate income.

d. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate the code prescribed in subsection a. of this section within ¹[nine] ~~six~~¹ months of the effective date of this act ²[¹which code shall incorporate such supplementary or amendatory provisions

into the State Uniform Construction Code to effectuate the purposes of this act or incorporate the "BOCA National Existing Structures Code of 1987," and any supplements thereto pertaining to rehabilitation as a component of the State Uniform Construction Code¹⁾²⁾; or, if he finds it impracticable to do so, shall make a written report to the Legislature setting forth the grounds of the impracticability and making such recommendations for further legislative action as he may deem likely to remove those grounds. Within the same period of time the commissioner shall also make his report and recommendations to the Legislature on the study directed by subsection c. of this section.

STATEMENT

These amendments correct a citation to the most-recently adopted chapter of the BOCA National Building Code regarding the rehabilitation of existing structures. In addition, the amendments clarify that the Commissioner of Community Affairs has the option under the bill to adopt a rehabilitation code as a separate code from the State Uniform Construction Code (UCC), or may incorporate a rehabilitation code as an integral part of the UCC.

Senate Amendments
(Proposed by Senator Inverso)

to

SENATE, No. 834 (1R)

(Sponsored by Senators Inverso and LaRossa)

u.c.

ADOPTED
OCT 20 1994

REPLACE SECTION 2 TO READ:

2. a. The Commissioner ²of² Community Affairs is hereby directed to develop a building code specifically designed to foster cost-effective housing rehabilitation, while ensuring through its provisions that necessary health and safety requirements are met. The code shall be designed for use throughout the State but shall have particular application to the older cities of the State, and the housing types characteristic of those cities. The code shall supplement the State Uniform Construction Code, ²adopted pursuant to² P.L.1975, c.217 (C.52:27D-119 et seq.). The commissioner may promulgate this code as a separate document from the State Uniform Construction Code, or may, if he finds it feasible and useful, incorporate its provisions directly into, and make them an integral part of, that code.

b. In developing the code, the commissioner is directed to investigate any model codes, such as ²[the "BOCA National Existing Structures Code of 1987," and ¹any supplements thereto pertaining to rehabilitation¹] Chapter 34, "Existing Structures," of the ¹"BOCA National Building Code/1993" and ²experiences of other code enforcement jurisdictions, to consult with individuals and organizations experienced in the rehabilitation of low and moderate income housing in New Jersey's urban areas, and conduct research as may be relevant to the purposes of this act.

c. The commissioner is further directed to undertake a study of the desirability of authorizing a procedure under which, in adopting the provisions of the standard or model codes upon which the ¹[Uniform]¹ State ¹Uniform¹ Construction Code is based, discretion may be accorded to the commissioner to modify, amplify or otherwise depart from any such provisions, without exceeding any of them in stringency, for the purpose of accommodating this State's construction code to the needs of the State and its various regions, particularly with respect to encouraging the provision of housing affordable to persons and families of low and moderate income.

d. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate the code prescribed in subsection a. of this section within ¹[nine] ¹six¹ months of the effective date of this act ²[¹which code shall incorporate such supplementary or amendatory provisions into the State Uniform Construction Code to effectuate the purposes of this act or incorporate the "BOCA National Existing Structures Code of 1987," and any supplements thereto pertaining to rehabilitation as a component of the State Uniform Construction

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Code¹²; or, if he finds it impracticable to do so, shall make a written report to the Legislature setting forth the grounds of the impracticability and making such recommendations for further legislative action as he may deem likely to remove those grounds. Within the same period of time the commissioner shall also make his report and recommendations to the Legislature on the study directed by subsection c. of this section.

STATEMENT

These amendments replace a reference in subsection b. of section 2 of the bill to the "BOCA National Existing Structures Code of 1987" with a reference to Chapter 34, "Existing Structures," of the "BOCA National Building Code/1993," as one model code that should be investigated by the Commissioner of Community Affairs in developing a building code to foster cost-effective housing rehabilitation. The reference to the "BOCA National Existing Structures Code of 1987" is incorrect, in that that code is a maintenance code, not a rehabilitation code. ✓

These amendments also remove from subsection d. of section 2 of the bill language which identifies the "BOCA National Existing Structures Code of 1987" as the model code that shall be incorporated into the State Uniform Construction Code when the commissioner promulgates a rehabilitation code, in order to remove an inconsistency with subsection b. of section 2.

These amendments also correct a typographical error and an incorrect citation.