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ASSEMBLY, No. 1351

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Co-Sponsored by:

Assemblywoman McHose, Assemblyman Giblin, Assemblywoman Vandervalk, Assemblyman Vas, Assemblywomen Oliver, Lampitt, Evans, Senators Weinberg, T.Kean, Sarlo, Madden and Sweeney

SYNOPSIS

Requires training program for and recognizes position of technical assistant to construction code official.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing and Local Government Committee with technical review.

(Sponsorship Updated As Of: 6/19/2009)

A1351 PRIETO, SCALERA

2

1 AN ACT concerning technical assistants to construction code
2 officials 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 8 of P.L. 1975, c. 217 (C.52:27D-126) is amended to
8 read as follows:

9 8. a. The appointing authority of any municipality shall appoint
10 a construction official **[and]**, any necessary subcode officials and
11 technical assistants to assist such officials to administer and enforce
12 the code. The appointing authority may, by resolution or order as
13 appropriate, set the total number of weekly hours of operation of the
14 construction official's office and the total number of weekly work
15 hours of the construction official, commensurate with the
16 compensation paid to the construction official. The appointing
17 authority shall not set the specific work hours of the construction
18 official. The appointing authority shall also appoint a construction
19 board of appeals to hear and decide appeals from decisions made by
20 said construction official and subcode officials, in the
21 administration and enforcement of the code. Nothing herein,
22 however, shall prevent a municipality from accepting inspections as
23 to compliance with the code or any subcode thereof made by an
24 inspection authority approved by the State of New Jersey pursuant
25 to law.

26 b. To establish tenure rights or any other right or protection
27 provided by the "State Uniform Construction Code Act" or Title
28 11A, Civil Service, of the New Jersey Statutes, or any pension law
29 or retirement system, the job title "construction official" shall be
30 equivalent to that job title which, prior to the adoption of the State
31 Uniform Construction Code as provided in section 5 of the "State
32 Uniform Construction Code Act," entailed the chief administrative
33 responsibility to enforce all construction codes which had been
34 adopted by the municipal governing body, the enforcement of
35 which was not the responsibility of an authorized private inspection
36 agency; and the job title "subcode official" shall be equivalent to
37 that job title which, prior to the adoption of the State Uniform
38 Construction Code, entailed subordinate administrative
39 responsibility to enforce one or more of the following construction
40 codes: building, plumbing, electrical or fire code.

41 Any person, in a municipality operating under Title 11A, Civil
42 Service, of the New Jersey Statutes, who, prior to the adoption of
43 the State Uniform Construction Code, held the equivalent of the job
44 title "construction" official or "subcode" official, but who no longer
45 holds his position as a result of a determination that his old job title

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.

A1351 PRIETO, SCALERA

1 was not equivalent to that of "construction" official or "subcode"
2 official, shall be offered reappointment as a construction official or
3 subcode official, as the case may be, and shall be granted permanent
4 classified status in such position. Tenure shall continue for (1) any
5 construction official or subcode official who is serving under tenure
6 as otherwise provided by law on the effective date of this act or
7 within one year thereafter, or (2) any person certified pursuant to
8 subsection c. of this section and who subsequently gains such
9 tenure.

10 A construction official or subcode official appointed in a
11 municipality operating under the provisions of Title 11A, Civil
12 Service, of the New Jersey Statutes, who, at the time of adoption of
13 the State Uniform Construction Code, January 1, 1977, or prior to
14 January 1, 1981, had permanent classified status or was employed
15 as a construction official or subcode official or in another position
16 in the unclassified service, shall be included in the classified service
17 without civil service examination in his respective title of
18 construction official or subcode official. Any individual employed
19 by a municipality, who, in his employment with the municipality
20 between January 1, 1977 and prior to January 1, 1981, was charged
21 with the chief administrative responsibility to enforce all existing
22 municipal construction codes, shall be deemed as appointed to the
23 position of construction official for the purposes of this act. Any
24 individual employed by a municipality, who, in his employment
25 with the municipality between January 1, 1977 and prior to January
26 1, 1981, was charged with chief responsibility to enforce the
27 municipal building, plumbing, fire, or electrical code, shall be
28 deemed as appointed to the position of subcode official for the
29 purposes of this act. No person, on or after January 1, 1981, shall
30 be appointed as construction or subcode official in a municipality
31 operating under Title 11A, Civil Service, of the New Jersey Statutes
32 without having passed an examination administered by the Merit
33 System Board certifying the merit and fitness of the person to hold
34 such position; provided that, whenever a noncivil service
35 municipality adopts the provisions of that Title, construction code
36 officials and subcode officials of such municipality appointed prior
37 to the filing of the petition for the adoption of civil service, shall
38 attain permanent status in the classified service without
39 examination. Any construction or subcode official appointed after
40 January 1, 1981 on a provisional basis in a municipality which has
41 adopted the provisions of Title 11A, Civil Service, of the New
42 Jersey Statutes, may not be removed from office except for just
43 cause after a fair and impartial hearing has been held at the local
44 level, with no further appeal to the Merit System Board; provided,
45 however, that such a construction or subcode official may be
46 removed to permit the appointment of a person certified for
47 appointment by the Merit System Board. A construction official or
48 subcode official in a noncivil service municipality shall be

1 appointed for a term of four years and shall, upon appointment to a
2 second consecutive term or on or after the commencement of a fifth
3 consecutive year of service, including years of service in an
4 equivalent job title held prior to the adoption of the State Uniform
5 Construction Code, be granted tenure and shall not be removed
6 from office except for just cause after a fair and impartial hearing.

7 A construction or subcode official, to be eligible for appointment
8 in civil service or noncivil service municipalities, shall be certified
9 by the State of New Jersey in accordance with subsection c. of this
10 section and shall have had at least three years' experience in
11 construction, design or supervision as a licensed engineer or
12 registered architect; or five years' experience in construction,
13 design, or supervision as an architect or engineer with a bachelor's
14 degree from an accredited institution of higher education; or 10
15 years' experience in construction, design or supervision as a
16 journeyman in a trade or as a contractor. A subcode official shall,
17 pursuant to any subcode which he administers, pass upon:

18 (1) matters relative to the mode, manner of construction or
19 materials to be used in the erection or alteration of buildings or
20 structures, except as to any such matter foreclosed by State
21 approval pursuant to this act, and (2) actual execution of the
22 approved plans and the installation of the materials approved by the
23 State. The construction official in each municipality shall be the
24 chief administrator of the "enforcing agency." He shall have the
25 power to overrule a determination of a subcode official based on an
26 interpretation of a substantive provision of the subcode which such
27 subcode official administers, only if the construction official is
28 qualified to act pursuant to this act as a subcode official for such
29 subcode. He may serve as subcode official for any subcode which
30 he is qualified under this act to administer. A subcode official or
31 municipal engineer may serve as a construction official if otherwise
32 qualified under the provisions of this act. The municipal enforcing
33 agency shall require compliance with the provisions of the code, of
34 all rules lawfully adopted and promulgated thereunder and of laws
35 relating to the construction, alteration, repair, removal, demolition
36 and integral equipment and location, occupancy and maintenance of
37 buildings and structures, except as may be otherwise provided for.

38 Two or more municipalities may provide by ordinance, subject to
39 regulations established by the commissioner, for the joint
40 appointment of a construction official and subcode official for the
41 purpose of enforcing the provisions of the code in the same manner.

42 c. No person shall act as a construction official or subcode
43 official for any municipality unless the commissioner determines
44 that said person is so qualified, except for the following:

45 (1) a municipal construction official or subcode official holding
46 office under permanent civil service status, or tenure as otherwise
47 provided by law on the effective date of this act or within one year
48 thereafter and (2) a municipal construction official or subcode

1 official holding office without such permanent civil service status
2 or tenure on the effective date of this act or within one year
3 thereafter; provided said construction official or subcode official
4 not having such permanent civil service status or tenure shall be
5 certified in accordance with this act within four years of the
6 effective date thereof; provided further that a person holding on the
7 effective date of this act a valid plumbing inspector's license from
8 the Department of Health and Senior Services pursuant to Title 26
9 of the Revised Statutes may serve as a plumbing subcode official
10 and a person holding on the effective date of this act a valid
11 electrical inspector's license from the Board of Public Utilities
12 pursuant to Title 48 of the Revised Statutes may serve as an
13 electrical subcode official. The commissioner, after consultation
14 with the code advisory board, may authorize the preparation and
15 conducting of oral, written and practical examinations to determine
16 if a person is qualified by this act to be eligible to be a construction
17 official or subcode official or, in the alternative, may accept
18 successful completion of programs of training as proof of
19 qualification within the meaning of this act. Upon a determination
20 of qualification the commissioner shall issue or cause to be issued a
21 certificate to the construction official or subcode official or trainee
22 stating that he is so certified. The commissioner, after consultation
23 with the code advisory board, may establish classes of certification
24 that will recognize the varying complexities of code enforcement in
25 the municipalities within the State. The commissioner shall, after
26 consultation with the code advisory board, provide for educational
27 programs designed to train and assist construction officials **[and]**,
28 subcode officials, and technical assistants to these officials in
29 carrying out their responsibilities.

30 Whenever the commissioner is required by the terms of this
31 subsection to consult with the code advisory board and the matter in
32 question concerns plumbing subcode officials, the commissioner
33 shall also consult with the Public Health Council and Commissioner
34 of Health and Senior Services.

35 d. The commissioner, after consultation with the code advisory
36 board, may periodically require that each construction official
37 **[and]**, subcode official, and technical assistant demonstrate a
38 working knowledge of innovations in construction technology and
39 materials, recent changes in and additions to the relevant portions of
40 the State Uniform Construction Code, and current standards of
41 professional ethics and legal responsibility; or, in the alternative,
42 the commissioner, after consultation with the code advisory board,
43 may accept successful completion of appropriate programs of
44 training as proof of such working knowledge.

45 (cf: P.L.2000, c.126, s.29)

46

47 2. This act shall take effect immediately.

1 SPONSOR'S STATEMENT

2

3 This bill recognizes the position of technical assistant to the
4 construction code official and subcode official required to be
5 appointed by a municipality to administer the Uniform Construction
6 Code. A technical assistant is required to demonstrate an
7 understanding of the Uniform Construction Code and the applicable
8 regulations promulgated by the Commissioner of Community
9 Affairs, in order to provide valuable assistance to the construction
10 code and subcode officials in processing requests for construction
11 permits. Recently the department created a certificate program for
12 the position. The bill codifies the educational requirements of the
13 current practice, and recognizes the position and duties of the
14 technical assistant to the construction code and subcode officials.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1351

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2008

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 1351.

This bill recognizes the position of technical assistant to the construction code official and subcode official required to be appointed by a municipality to administer the Uniform Construction Code. A technical assistant is required to demonstrate an understanding of the Uniform Construction Code and the applicable regulations promulgated by the Commissioner of Community Affairs, in order to provide valuable assistance to the construction code and subcode officials in processing requests for construction permits. Recently the department created a certificate program for the position. The bill codifies the educational requirements of the current practice, and recognizes the position and duties of the technical assistant to the construction code and subcode officials.

This bill was pre-filed for introduction in the 2008-2009 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

ASSEMBLY, No. 1351

STATE OF NEW JERSEY

DATED: MAY 4, 2009

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 1351.

This bill codifies the position of technical assistant to the construction code official and subcode official, who may be appointed by a municipality to administer the Uniform Construction Code. Under the bill, a technical assistant must demonstrate an understanding of the Uniform Construction Code and the applicable regulations promulgated by the Commissioner of Community Affairs. Recently the department created a certificate program for the position of technical assistant. The bill codifies the educational requirements of the current practice, and recognizes the position and duties of the technical assistant to the construction code and subcode officials.

This bill is identical to S-1437 which was reported from this committee on May 4, 2009.

1 SPONSOR'S STATEMENT

2

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4 construction code official and subcode official required to be
5 appointed by a municipality to administer the Uniform Construction
6 Code. A technical assistant is required to demonstrate an
7 understanding of the Uniform Construction Code and the applicable
8 regulations promulgated by the Commissioner of Community
9 Affairs, in order to provide valuable assistance to the construction
10 code and subcode officials in processing requests for construction
11 permits. Recently the department created a certificate program for
12 the position. The bill codifies the educational requirements of the
13 current practice, and recognizes the position and duties of the
14 technical assistant to the construction code and subcode officials.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1437

STATE OF NEW JERSEY

DATED: MAY 4, 2009

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1437.

This bill codifies the position of technical assistant to the construction code official and subcode official, who may be appointed by a municipality to administer the Uniform Construction Code. Under the bill, a technical assistant must demonstrate an understanding of the Uniform Construction Code and the applicable regulations promulgated by the Commissioner of Community Affairs. Recently the department created a certificate program for the position of technical assistant. The bill codifies the educational requirements of the current practice, and recognizes the position and duties of the technical assistant to the construction code and subcode officials.

This bill is identical to A-1351 which was reported from this committee on May 4, 2009.