

**ASSEMBLY, No. 1465**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**SYNOPSIS**

Establishes expedited construction plan review program.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Housing Committee with technical review.



A1465 KARABINCHAK

1 AN ACT establishing a program for expedited plan review under the  
2 construction code, and supplementing and amending P.L.1975,  
3 c.217.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) a. (1) The commissioner, in consultation  
9 with the code advisory board, shall promulgate rules and  
10 regulations establishing standards, procedures, and other  
11 requirements for an optional program providing expedited local  
12 enforcing agency plan review.

13 (2) The local enforcing agency plan review program shall  
14 provide that:

15 (a) a municipal governing body may participate in the program  
16 by requiring its enforcing agency to conduct expedited plan  
17 reviews;

18 (b) an owner of a project located in a municipality that is not  
19 requiring its enforcing agency to conduct expedited plan reviews  
20 may select a private plan review agency to conduct expedited plan  
21 reviews;

22 (c) a business entity shall not conduct expedited plan reviews  
23 unless licensed and authorized to do so by the department;

24 (d) an owner may opt to participate in the expedited plan review  
25 program at the time of submission of an application for a  
26 construction permit pursuant to section 12 of P.L.1975, c.217  
27 (C.52:27D-130);

28 (e) an owner participating in the expedited plan review program  
29 shall pay a premium in addition to all otherwise applicable fees; and

30 (f) plans submitted for expedited plan review, which plans  
31 conform with the code, and with the requirements of other  
32 applicable laws and ordinances, shall be reviewed and either  
33 approved, in whole or in part, or denied within ten calendar days of  
34 the date of their submission.

35 b. (1) A municipal governing body, in consultation with the  
36 construction official of its enforcing agency, shall determine  
37 whether the enforcing agency shall conduct expedited plan reviews  
38 or whether an owner may retain a private plan review agency to  
39 conduct expedited plan reviews. Regardless of whether expedited  
40 plan reviews are conducted by an enforcing agency or a private plan  
41 review agency, the enforcing agency shall retain the power and  
42 responsibility over issuance of the certificate of occupancy under  
43 section 15 of P.L.1975, c.217 (C.52:27D-133).

44 (2) The enforcing agency shall observe the progress of a  
45 construction project receiving expedited plan reviews by a private  
46 plan review agency and shall retain jurisdiction over the project in  
47 order to be responsive to inquiries from the general public and from

**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 special interests, to the needs of the owner and the private plan  
2 review agency, and to the obligations and requirements imposed by  
3 the code.

4 (3) An owner applying to participate in the expedited plan  
5 review program shall submit payment of all applicable fees,  
6 together with an expedited plan review premium fee of \$500 for  
7 each required plan review subcode area, to the enforcing agency  
8 together with the application for a construction permit. If the  
9 enforcing agency does not conduct expedited plan reviews, at the  
10 time of submission of an application for a construction permit, the  
11 owner shall identify the private plan review agency the owner has  
12 selected to conduct expedited plan reviews. The enforcing agency  
13 shall deliver payment of the expedited plan review premium fee to  
14 the private plan review agency selected to conduct the expedited  
15 plan review.

16 c. (1) The department shall establish a program for the  
17 licensure and authorization of business entities as private plan  
18 review agencies for the purpose of authorizing business entities to  
19 contract with owners to conduct expedited plan reviews. No  
20 business entity shall conduct expedited plan reviews or enter into  
21 any contract to do so without first receiving the licensure and  
22 authorization of the department. The department may impose and  
23 collect fees from applicants for licensure and authorization under  
24 this section.

25 (2) Licensure and authorization of a business entity as a private  
26 plan review agency shall include, but not be limited to,  
27 consideration of the qualifications of the management and technical  
28 personnel of the business entity, the fiscal integrity of the business  
29 entity, and the ability of the business entity to perform expedited  
30 plan reviews within the requisite time frames in a manner sufficient  
31 to ensure that the plan review is performed in accordance with the  
32 code and with the requirements of other applicable laws and  
33 ordinances.

34 (3) (a) The department may require a private plan review  
35 agency to employ a sufficient number of personnel certified to  
36 perform plan reviews under each subcode.

37 (b) The department may establish classes of license for private  
38 plan review agencies based upon the number and type of subcode  
39 certifications maintained by officers and employees of an agency.

40 (4) A private plan review agency shall not refer a plan review to  
41 a plan reviewer unless the person is certified by the department in  
42 the appropriate subcode.

43 (5) A private plan review agency shall be subject to the orders  
44 and directives of the municipal construction official and the  
45 department in matters relating to the enforcement of the code.

46 (6) A private plan review agency shall maintain records of all  
47 plan reviews and any other information that may be required by the  
48 municipal construction official or the department. These records  
49 shall be open to department audit and shall not be destroyed or

1 removed from the offices of the private plan review agency without  
2 the permission of the department.

3 (7) A private plan review agency shall not directly collect fees  
4 from the owner, or any agent or employee of the owner. The  
5 enforcing agency shall be the sole agent for the collection and  
6 delivery of an expedited plan review premium fee to a private plan  
7 review agency.

8 d. (1) Except as otherwise provided in this section, a private  
9 plan review agency that has contracted to perform expedited plan  
10 reviews for a project shall carry out its obligations under the  
11 contract and applicable provisions of law until full completion of  
12 the project, as evidenced by the enforcing agency's issuance of a  
13 certificate of occupancy.

14 (2) A private plan review agency conducting expedited plan  
15 reviews shall have all of the powers, and shall be subject to all of  
16 the requirements, applicable to an enforcing agency with regard to  
17 conducting plan reviews under P.L.1975, c.217 (C.52:27D-119 et  
18 seq.), however, the private plan review agency shall be obligated to  
19 conduct plan reviews in an expedited timeframe.

20 (3) A private plan review agency conducting expedited plan  
21 reviews shall:

22 (a) maintain all plan review records applicable to each  
23 construction permit;

24 (b) maintain an adequate number of certified staff to conduct  
25 expedited plan reviews for all classes of structure consistent with  
26 the private plan review agency's licensure and certification;

27 (c) provide adequate supervision of employees and ensure that  
28 an employee is properly licensed and certified before conducting a  
29 plan review;

30 (d) carry insurance as may be required by the department; and

31 (e) prepare and submit all required reports to the department and  
32 the enforcing agency.

33

34 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to  
35 read as follows:

36 6. The commissioner shall have all the powers necessary or  
37 convenient to effectuate the purposes of P.L.1975, c.217  
38 (C.52:27D-119 et seq.), including, but not limited to, the following  
39 powers in addition to all others granted by P.L.1975, c.217  
40 (C.52:27D-119 et seq.):

41 a. To adopt, amend and repeal, after consultation with the code  
42 advisory board, rules: (1) relating to the administration and  
43 enforcement of P.L.1975, c.217 (C.52:27D-119 et seq.) and (2) the  
44 qualifications or licensing, or both, of all persons employed by  
45 enforcing agencies of the State to enforce P.L.1975, c.217  
46 (C.52:27D-119 et seq.) or the code, except that, plumbing  
47 inspectors shall be subject to the rules adopted by the commissioner  
48 only insofar as such rules are compatible with such rules and  
49 regulations, regarding health and plumbing for public and private

1 buildings, as may be promulgated by the Public Health Council in  
2 accordance with Title 26 of the Revised Statutes.

3 b. To enter into agreements with federal and State of New  
4 Jersey agencies, after consultation with the code advisory board, to  
5 provide insofar as practicable (1) single-agency review of  
6 construction plans and inspection of construction and (2)  
7 intergovernmental acceptance of such review and inspection to  
8 avoid unnecessary duplication of effort and fees. The commissioner  
9 shall have the power to enter into such agreements although the  
10 federal standards are not identical with State standards; provided  
11 that the same basic objectives are met. The commissioner shall  
12 have the power through such agreements to bind the State of New  
13 Jersey and all governmental entities deriving authority therefrom.

14 c. To take testimony and hold hearings relating to any aspect of  
15 or matter relating to the administration or enforcement of P.L.1975,  
16 c.217 (C.52:27D-119 et seq.), including but not limited to  
17 prospective interpretation of the code so as to resolve inconsistent  
18 or conflicting code interpretations, and, in connection therewith,  
19 issue subpoenas to compel the attendance of witnesses and the  
20 production of evidence. The commissioner may designate one or  
21 more hearing examiners to hold public hearings and report on such  
22 hearings to the commissioner.

23 d. To encourage, support or conduct, after consultation with the  
24 code advisory board, educational and training programs for  
25 employees, agents and inspectors of enforcing agencies, either  
26 through the Department of Community Affairs or in cooperation  
27 with other departments of State government, enforcing agencies,  
28 educational institutions, or associations of code officials.

29 e. To study the effect of P.L.1975, c.217 (C.52:27D-119 et  
30 seq.) and the code to ascertain their effect upon the cost of building  
31 construction and maintenance, and the effectiveness of their  
32 provisions for insuring the health, safety, and welfare of the people  
33 of the State of New Jersey.

34 f. To make, establish and amend, after consultation with the  
35 code advisory board, such rules as may be necessary, desirable or  
36 proper to carry out his powers and duties under P.L.1975, c.217  
37 (C.52:27D-119 et seq.)

38 g. To adopt, amend, and repeal rules and regulations providing  
39 for the charging of and setting the amount of fees for the following  
40 code enforcement services, licenses or approvals performed or  
41 issued by the department, pursuant to the "State Uniform  
42 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.):

43 (1) Plan review, construction permits, certificates of occupancy,  
44 demolition permits, moving of building permits, elevator permits  
45 and sign permits; and

46 (2) Review of applications for and the issuance of licenses  
47 certifying an individual's qualifications to act as a construction code  
48 official, subcode official or assistant under P.L.1975, c.217  
49 (C.52:27D-119 et seq.)

1 (3) (Deleted by amendment, P.L.1983, c.338)

2 h. To adopt, amend and repeal rules and regulations providing  
3 for the charging of and setting the amount of construction permit  
4 surcharge fees to be collected by the enforcing agency and remitted  
5 to the department to support those activities which may be  
6 undertaken with moneys credited to the Uniform Construction Code  
7 Revolving Fund.

8 i. To adopt, amend and repeal rules and regulations providing  
9 for:

10 (1) Setting the amount of and the charging of fees to be paid to  
11 the department by a **private agency** business entity for the review  
12 of applications for and the issuance of approvals authorizing a  
13 **private agency** business entity to act as a private plan review  
14 agency, an on-site inspection and plan review agency, a private on-  
15 site inspection agency, including a supplemental private on-site  
16 inspection agency, or an in-plant inspection agency;

17 (2) (Deleted by amendment, P.L.2005, c.212)

18 (3) (Deleted by amendment, P.L.2005, c.212)

19 j. To enforce and administer the provisions of the "State  
20 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119  
21 et seq.) and the code promulgated thereunder, and to prosecute or  
22 cause to be prosecuted violators of the provisions of that act or the  
23 code promulgated thereunder in administrative hearings and in civil  
24 proceedings in State and local courts.

25 k. To monitor the compliance of local enforcing agencies with  
26 the provisions of the "State Uniform Construction Code Act,"  
27 P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action,  
28 or issue penalties, as may be necessary where a local enforcing  
29 agency is found to be failing to carry out its responsibilities under  
30 that act, to supplant or replace the local enforcing agency for a  
31 specific project, and to order it dissolved and replaced by the  
32 department where the local enforcing agency repeatedly or  
33 habitually fails to enforce the provisions of the "State Uniform  
34 Construction Code Act." This shall include the power to compel an  
35 enforcing agency to, within 15 business days, notify the department  
36 of any instance where the enforcing agency is unable to meet its  
37 obligation under P.L. 1975, c.217 (C.52:27D-119 et seq.).

38 l. To adopt, amend, and repeal rules and regulations  
39 implementing the provisions of P.L.1999, c.15, P.L.2003, c.44, and  
40 section 1 of P.L.2015, c.146 (C.52:27D-123f) concerning the  
41 installation and maintenance of carbon monoxide sensors.

42 (cf: P.L.2022, c.139, s.1)

43  
44 3. This act shall take effect in the first day of the fourth month  
45 next following the date of enactment, however, the commissioner  
46 shall immediately commence the process of promulgating rules and  
47 regulations.