

SENATE, No. 2152

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JULY 28, 2006

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator MARTHA W. BARK

District 8 (Burlington)

Co-Sponsored by:

Senator B.Smith

SYNOPSIS

Requires promulgation of green building subcode under State Uniform Construction Code.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning green buildings and construction codes and
2 amending P.L.1975, c.217.

3

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

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7 1. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to
8 read 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,
13 maintenance and use of buildings or structures to be erected and
14 alteration, renovation, rehabilitation, repair, maintenance, removal
15 or demolition of buildings or structures already erected. Prior to the
16 adoption of said code, the commissioner shall consult with the code
17 advisory board and other departments, divisions, bureaus, boards,
18 councils or other agencies of State Government heretofore
19 authorized to establish or administer construction regulations.

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

27 b. The code shall be divided into subcodes which may be
28 adopted individually by the commissioner as he may from time to
29 time consider appropriate. These subcodes shall include but not be
30 limited to a building code, a plumbing code, an electrical code, an
31 energy code, a fire prevention code, a manufactured or mobile home
32 code and mechanical code.

33 These subcodes shall be adoptions of the model codes of the
34 Building Officials and Code Administrators International, Inc., the
35 National Electrical Code, and the National Standard Plumbing
36 Code, provided that for good reasons, the commissioner may adopt
37 as a subcode a model code or standard of some other nationally
38 recognized organization upon a finding that such model code or
39 standard promotes the purposes of this act. The initial adoption of a
40 model code or standard as a subcode shall constitute adoption of
41 subsequent edition year publications of the model code or standard
42 organization, except as provided for in paragraphs (1) through (4)
43 of this subsection. Adoption of publications shall not occur more
44 frequently than once every three years; provided, however, that a
45 revision or amendment may be adopted at any time in the event that

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 the commissioner finds that there exists an imminent peril to the
2 public health, safety or welfare.

3 (1) Except as otherwise provided in this subsection, the edition
4 of a model code or standard in effect as a subcode as of July 1, 1995
5 shall continue in effect regardless of any publication of a
6 subsequent edition of that model code or standard. Prior to
7 establishing the effective date for any subsequent revision or
8 amendment of any model code or standard adopted as a subcode,
9 the commissioner shall review, in consultation with the code
10 advisory board, the text of the revised or amended model code or
11 standard and determine whether the amended or revised provisions
12 of the model code are essential to carry out the intent and purpose
13 of this act as viewed in contrast to the corresponding provisions of
14 the subcode then currently in effect.

15 (2) In the event that the commissioner, pursuant to paragraph (1)
16 of this subsection, determines that any amended or revised
17 provision of a model code is essential to carry out the intent and
18 purpose of this act as viewed in contrast to any corresponding
19 provision of the subcode then currently in effect, the commissioner
20 may then adopt that provision of the amended or revised model
21 code.

22 (3) The commissioner, in consultation with the code advisory
23 board, shall have the authority to review any model code or
24 standard currently in effect as a subcode of the State Uniform
25 Construction Code and compare it with previously adopted editions
26 of the same model code or standard in order to determine if the
27 subcode currently in effect is at least as consistent with the intent
28 and purpose of this act as were previously adopted editions of the
29 same model code or standard.

30 (4) In the event that the commissioner, after consultation with
31 the code advisory board, determines pursuant to this subsection that
32 a provision of a model code or standard currently in effect as a
33 subcode of the State Uniform Construction Code is less consistent
34 with the intent and purpose of this act than was the corresponding
35 provision of a previously adopted edition of the same model code or
36 standard, the commissioner may delete the provision in effect and
37 substitute in its place the corresponding provision of the previously
38 adopted edition of the same model code or standard determined to
39 be more consistent with the intent and purpose of this act.

40 (5) The commissioner shall be authorized to adopt a barrier free
41 subcode or to supplement or revise any model code adopted
42 hereunder, for the purpose of insuring that adequate and sufficient
43 features are available in buildings or structures so as to make them
44 accessible to and usable by the physically handicapped. Multi-
45 family residential buildings with four or more dwelling units in a
46 single structure shall be constructed in accordance with the barrier
47 free subcode; for the purposes of this subsection the term "multi-
48 family residential buildings with four or more dwelling units in a

1 single structure" shall not include buildings constructed as
2 townhouses, which are single dwelling units with two or more
3 stories of living space, exclusive of basement or attic, with most or
4 all of the sleeping areas on one story and with most of the
5 remaining habitable space, such as kitchen, living and dining areas,
6 on another story, and with an independent entrance at or near grade
7 level.

8 (6) The commissioner shall be authorized to adopt a green
9 building subcode, or to supplement or revise any model code
10 adopted hereunder, for the purpose of ensuring that standards are
11 available for those buildings which may be required to meet them.
12 The standards shall comply in all aspects with federal guidelines
13 and regulations for energy efficiency in building construction. The
14 subcode shall encompass residential as well as commercial
15 buildings.

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

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

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

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

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

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

17 d. (Deleted by amendment, P.L.1983, c.496.)
18 (cf: P.L.2003, c.72, s.2)

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20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill authorizes the Commissioner of Community Affairs to
26 promulgate a green building subcode as part of the State Uniform
27 Construction Code. The green building subcode shall serve as
28 guidance and establish standards which must be met by buildings
29 which may be required by law to meet green building standards. At
30 the current time, only certain newly constructed affordable housing
31 units are being built in accordance with general guidelines. The
32 subcode standards are to comply in all aspects with federal
33 guidelines and regulations for energy efficiency in building
34 construction, and will apply to residential as well as commercial
35 buildings.