

ASSEMBLY, No. 4463

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2018

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator BOB ANDRZEJCZAK

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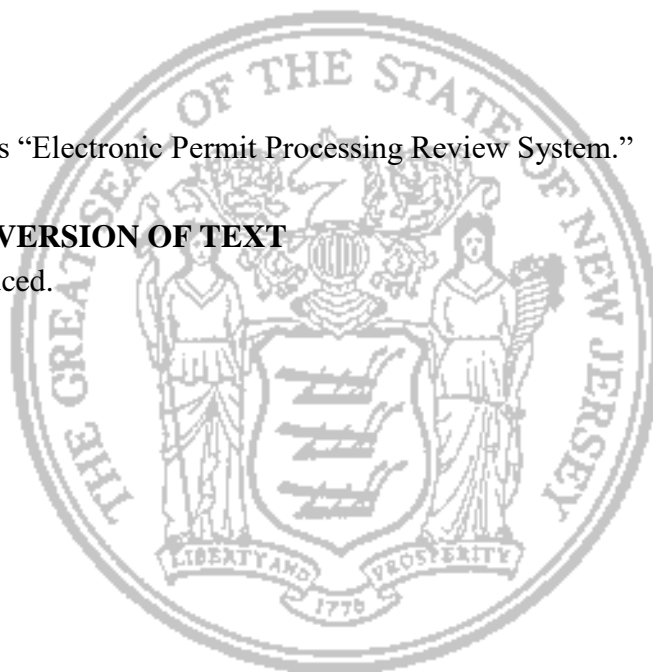
Assemblyman DiMaio, Assemblywoman B.DeCroce, Assemblymen Calabrese, Wirths, Space, Danielsen, Assemblywomen Pinkin, DiMaso, Swain, Assemblyman Tully, Senators O'Scanlon, Greenstein and Pennacchio

SYNOPSIS

Establishes "Electronic Permit Processing Review System."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT establishing a State online electronic building permit
2 review and inspection scheduling system, and supplementing and
3 amending P.L.1975, c.217, and amending P.L.2005, c.212, and
4 P.L.1979, c.121.

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

8
9 1. (New section) a. The Commissioner of Community Affairs
10 shall establish, develop, implement, and administer the "Electronic
11 Permit Processing Review System." This electronic system shall be
12 an Internet-based system allowing for the electronic submission of
13 applications for construction permits, plans, and specifications
14 pursuant to the "State Uniform Construction Code Act," P.L.1975,
15 c.217 (C.52:27D-119 et seq.), for the electronic review and
16 approval of applications, plans, and specifications, for the
17 scheduling of inspections, and for the exchange of information
18 between the applicant, the applicant's professionals, and the
19 department or enforcing agency during the review process. The
20 electronic system shall offer a permit applicant:

21 (1) the ability to submit the materials necessary for application
22 review;

23 (2) the ability to submit requests for on-site inspection of a
24 project; and

25 (3) continuous, 24-hour accessibility for the submission of both
26 scheduling requests, and the materials necessary for the permit
27 application review.

28 b. (1) Following the effective date of P.L. , c. (C.)
29 (pending before the Legislature as this bill), the commissioner may
30 make the electronic system accessible, and facilitate its use, through
31 the acceptance of application materials and scheduling submissions,
32 by:

33 (a) the department, with regard to applications for which the
34 department approves plans and specifications pursuant to the "State
35 Uniform Construction Code Act";

36 (b) local enforcing agencies; and

37 (c) private agencies providing plan review and inspection
38 services.

39 (2) Within one year following the effective date of P.L. ,
40 c. (C.) (pending before the Legislature as this bill), the
41 commissioner shall fully implement the electronic system, and
42 require its use, through the acceptance of application materials and
43 scheduling submissions, by:

44 (a) the department, with regard to applications for which the
45 department approves plans and specifications pursuant to the "State
46 Uniform Construction Code Act";

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 (b) local enforcing agencies; and

2 (c) private agencies providing plan review and inspection
3 services.

4 c. The commissioner shall provide training opportunities on the
5 use of the electronic system for employees of local enforcing
6 agencies and private agencies which provide plan review and
7 inspection services.

8 d. The commissioner shall, in accordance with the
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
10 seq.), adopt rules and regulations to govern the form and format of
11 applications for construction permits, plans, and specifications and
12 other information exchanged through the electronic system.
13 Notwithstanding the requirement, pursuant to subsection b. of this
14 section, to accept electronically submitted materials within one year
15 following the effective date of P.L. , c. (C.) (pending
16 before the Legislature as this bill), the commissioner shall have the
17 discretion to establish different submission requirements, including
18 non-electronic submissions as necessary, for large, complicated, or
19 otherwise unusual construction projects, so long as the system is
20 designed to accept approximately 80 percent of construction permit
21 application submissions electronically.

22 e. The department may waive a contrary form and format
23 requirement imposed by statute or ordinance or by the rules of
24 another department or agency for the submission of information in
25 physical form to the extent the waiver is necessary to facilitate the
26 submission of the information electronically. The department may
27 accept an electronic reproduction of a signature, stamp, seal,
28 certification, or notarization as the equivalent of the original or may
29 accept the substitution of identifying information for the signature,
30 stamp, seal, certification, or notarization. The department shall not
31 waive any other requirement.

32 f. The commissioner may adopt, amend, and repeal rules and
33 regulations providing for the charging of and setting the amount of
34 construction permit surcharge fees to be collected by an enforcing
35 agency or private agency and remitted to the department to defray
36 the cost of developing and administering the electronic system.

37 g. A person exchanging information through the electronic
38 system in a form and format acceptable to the department is not
39 subject to any licensing sanction, civil penalty, fine, permit
40 disapproval, or revocation or other sanction for failure to comply
41 with a form or format requirement imposed by statute, ordinance, or
42 rule for submission of the information in physical form, including
43 but not limited to any requirement that the information be in a
44 particular form or of a particular size, be submitted with multiple
45 copies, be physically attached to another document be an original
46 document or be signed, stamped, sealed, certified, or notarized.

47 h. As used in this section, "form and format" means the
48 arrangement, organization, configuration, structure, or style of, or

1 method of delivery for, providing required information or providing
2 the substantive equivalent of required information. "Form and
3 format" does not mean altering the substance of information or the
4 addition or omission of information.

5

6 2. Section 3 of P.L.2005, c.212 (C.52:27D-124.3) is amended
7 to read as follows:

8 3. A proposal by a private agency to provide inspection or plan
9 review services to a municipality to administer the provisions of the
10 "State Uniform Construction Code Act," P.L.1975,
11 c.217 (C.52:27D-119 et seq.) shall be submitted in accordance with
12 and shall be subject to the bidding and other provisions of the
13 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et
14 seq.). A municipality shall require, as part of the bid specifications,
15 that a private agency participate in the "Electronic Permit
16 Processing Review System," developed and implemented pursuant
17 to section 1 of P.L. , c. (C.) (pending before the Legislature
18 as this bill). A municipality shall require as part of the bid
19 specifications that a private agency submit a bid or proposal in
20 terms of a percentage of the costs charged by the department when
21 it serves as a local enforcement agency pursuant to section 10 of
22 P.L.1975, c.217 (C.52:27D-128). A municipality may include in
23 the fee charged by it for work done by private agencies an amount
24 sufficient to cover a proportionate share of administrative costs
25 incurred by the local enforcing agency in connection with
26 inspections performed by private agencies.

27 (cf: P.L.2005, c.212, s.3)

28

29 3. Section 3 of P.L.1979, c.121 (C.52:27D-126a) is amended to
30 read as follows:

31 3. Where the appointing authority of any municipality shall
32 appoint an enforcing agency and construction board of appeals
33 pursuant to section 8 of P.L.1975, c. 217 (C.52:27D-126), the
34 municipal governing body by ordinance, in accordance with
35 standards established by the commissioner, shall set enforcing
36 agency fees for plan review, construction permit, certificate of
37 occupancy, demolition permit, moving of building permit, elevator
38 permit and sign permit, provided, however, that such fees shall not
39 exceed the annual costs for the operation of the enforcing agency.
40 For the three year period commencing with an enforcing agency's
41 initial participation in the "Electronic Permit Processing Review
42 System," developed and implemented pursuant to section 1 of
43 P.L. , c. (C.) (pending before the Legislature as this bill), the
44 municipal governing body may impose, and the enforcing agency
45 may collect, construction permit surcharge fees to defray the
46 enforcing agency's startup costs related to offering electronic plan
47 review and scheduling. Surcharge fees shall be established in

1 accordance with standards established by the commissioner.
2 (cf: P.L.1979, c.121, s.3)

3

4 4. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to
5 read as follows:

6 12. Except as otherwise provided by this act or in the code,
7 before construction or alteration of any building or structure, the
8 owner, or his agent, engineer or architect, shall submit an
9 application in writing, including signed and sealed drawings and
10 specifications, to the enforcing agency as defined in this act. When
11 an enforcing agency begins to participate in the “Electronic Permit
12 Processing Review System,” pursuant to section 1 of P.L. _____,
13 c. _____ (C. _____) (pending before the Legislature as this bill), the owner,
14 or his agent, engineer or architect, may submit applications and
15 scheduling requests electronically. The application shall be in
16 accordance with regulations established by the commissioner and
17 on a form or in a format prescribed by the commissioner and shall
18 be accompanied by payment of the fee to be established by the
19 municipal governing body by ordinance in accordance with
20 standards established by the commissioner. The application for a
21 construction permit shall be filed with the enforcing agency and
22 shall be a public record; and no application for a construction
23 permit shall be removed from the custody of the enforcing agency
24 after a construction permit has been issued. Nothing contained in
25 this paragraph shall be interpreted as preventing the imposition of
26 requirements in the code, for additional permits for particular kinds
27 of work, including but not limited to plumbing, electrical, elevator,
28 fire prevention equipment or boiler installation or repair work, or in
29 other defined situations.

30 Upon the transfer of ownership of property that is the subject of
31 a construction permit, and prior to beginning or continuing work
32 authorized by the construction permit, the new owner shall file with
33 the enforcing agency an application for a permit update to notify the
34 enforcing agency of the name and address of the new owner and of
35 all other changes to information previously submitted to the
36 enforcing agency. If the municipality has adopted an ordinance
37 requiring a successor developer to furnish a replacement
38 performance guarantee, and a performance guarantee has previously
39 been furnished in favor of the municipality to assure the installation
40 of on-tract improvements on the property that is the subject of an
41 application for a permit update for the purpose of notifying the
42 enforcing agency of the name and address of a new owner, the
43 enforcing agency shall not approve the application for a permit
44 update until it receives notification from the governing body or its
45 designee that the new owner has furnished an adequate replacement
46 performance guarantee.

47 No permit shall be issued for a public school facility unless the
48 final plans and specifications have been first approved by the

1 Bureau of Facility Planning Services in the Department of
2 Education or a municipal code official who is appropriately licensed
3 by the Commissioner of Community Affairs for the type and level
4 of plans being reviewed. Approval by the Bureau of Facility
5 Planning Services in the Department of Education shall only be
6 required when a review for educational adequacy is necessary.
7 Requirements determining when a review for educational adequacy
8 is necessary shall be established jointly by the Department of
9 Community Affairs and the Department of Education. The
10 standards shall thereafter be adopted as part of the Uniform
11 Construction Code regulations by the Department of Community
12 Affairs. After the final plans and specifications have been approved
13 for educational adequacy by the Bureau of Facility Planning
14 Services in the Department of Education, a local board of education
15 may submit the final plans and specifications for code approval to
16 either the Bureau of Facility Planning Services in the Department of
17 Education or a municipal code official who is appropriately licensed
18 by the Commissioner of Community Affairs for the type and level
19 of plans being reviewed. The Bureau of Facility Planning Services
20 in the Department of Education when approving final plans and
21 specifications shall be responsible for insuring that the final plans
22 and specifications conform to the requirements of the code as well
23 as for insuring that they provide for an educationally adequate
24 facility. In carrying out its responsibility pursuant to the provisions
25 of this section the Department of Education shall employ persons
26 licensed by the Commissioner of Community Affairs for the type
27 and level of plans being reviewed.

28 (cf: P.L.2013, c.123, s.5)

29

30 5. This act shall take effect immediately.

31

32

33 STATEMENT

34

35 This bill establishes the “Electronic Permit Processing Review
36 System,” a web-based system allowing for the electronic
37 submission of applications for construction permits, plans, and
38 specifications pursuant to the "State Uniform Construction Code
39 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the electronic
40 review and approval of applications, plans, and specifications, for
41 the scheduling of inspections, and for the exchange of information
42 between the applicant, the applicant’s professionals, and the
43 department or enforcing agency during the review process. The
44 electronic system established by the bill would offer a permit
45 applicant:

- 46 • the ability to submit the materials necessary for application
47 review;

1 • the ability to submit requests for on-site inspection of a
2 project; and

3 • continuous, 24-hour accessibility for these submissions.

4 The bill directs the commissioner to make the electronic system
5 accessible, and facilitate its use, through the acceptance of
6 application materials and scheduling submissions, by:

7 • the department itself with regard to applications for which
8 the department approves plans and specifications pursuant to
9 the "State Uniform Construction Code Act";

10 • local enforcing agencies; and

11 • private agencies providing plan review and inspection
12 services.

13 The bill directs the commissioner to fully implement the
14 electronic system, and require its use by the parties discussed above
15 within one year of the effective date of the bill.

16 The bill requires the commissioner to provide training
17 opportunities on the use of the electronic system for employees of
18 local enforcing agencies and private agencies that provide plan
19 review and inspection services. The bill requires the commissioner
20 to adopt rules and regulations to govern the form and format of
21 applications for construction permits, plans, and specifications and
22 other information exchanged through the electronic system.

23 The bill allows the department to waive requirements in other
24 laws that require the submission of information in physical form to
25 the extent the waiver is necessary to facilitate the submission of the
26 information electronically. The bill allows the department to accept
27 an electronic reproduction of a signature, stamp, seal, certification,
28 or notarization as the equivalent of the original or to accept the
29 substitution of identifying information for the signature, stamp,
30 seal, certification, or notarization. However, the bill allows the
31 commissioner the discretion to establish different submission
32 requirements, including non-electronic submissions as necessary,
33 for large, complicated, or otherwise unusual construction projects,
34 so long as the system is designed to accept approximately 80
35 percent of application submissions electronically.

36 The bill holds a person harmless from any licensing sanction,
37 civil penalty, fine, permit disapproval or revocation or other
38 sanction for failure to comply with a form or format requirement
39 imposed by law for submission of the information in physical form
40 in order to facilitate the exchange of information through the
41 electronic system in a form and format acceptable to the
42 department.

43 The bill allows the department and local enforcing agencies to
44 establish permit surcharge fees to defray the cost of transitioning to
45 electronic plan review.