

ASSEMBLY, No. 1593

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

Assemblymen Mazzeo, Calabrese, Armato, Taliaferro and Peters

SYNOPSIS

Requires promulgation of separate code criteria for certain buildings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning certain farm building code requirements,
2 amending P.L.1975, c.217 and P.L.1986, c.119, and amending
3 and supplementing P.L.1983, c.383.

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

7
8 1. Section 3 of P.L.1975, c.217 (C.52:27D-121) is amended to
9 read as follows:

10 3. Definitions. As used in P.L.1975, c.217 (C.52:27D-119 et
11 seq.):

12 "Building" means a structure enclosed with exterior walls or fire
13 walls, built, erected and framed of component structural parts,
14 designed for the housing, shelter, enclosure and support of
15 individuals, animals or property of any kind.

16 "Business day" means any day of the year, exclusive of
17 Saturdays, Sundays, and legal holidays.

18 "Certificate of occupancy" means the certificate provided for in
19 section 15 of P.L.1975, c.217 (C.52:27D-133), indicating that the
20 construction authorized by the construction permit has been
21 completed in accordance with the construction permit, the State
22 Uniform Construction Code and any ordinance implementing said
23 code.

24 "Commissioner" means the Commissioner of Community
25 Affairs.

26 "Code" means the State Uniform Construction Code.

27 "Commercial farm" means the same as that term is defined in
28 section 3 of P.L.1983, c.31 (C.4:1C-3).

29 "Commercial farm building" means any building located on a
30 commercial farm which produces not less than \$2,500 worth of
31 agricultural or horticultural products annually, which building's
32 main use or intended use is related to the production of agricultural
33 or horticultural products produced on that farm. A building shall
34 not be regarded as a commercial farm building if more than 1,200
35 square feet of its floor space is used for purposes other than its main
36 use. A greenhouse constructed in conjunction with the odor control
37 bio-filter of a solid waste or sludge composting facility, which
38 greenhouse produces not less than \$2,500 worth of agricultural or
39 horticultural products in addition to its function as a cover for the
40 bio-filter, shall be considered a commercial farm building for the
41 purposes of P.L.1975, c.217 (C.52:27D-119 et seq.), provided,
42 however, that the greenhouse is not intended for human occupancy.

43 "Construction" means the construction, erection, reconstruction,
44 alteration, conversion, demolition, removal, repair or equipping of
45 buildings or structures.

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 "Construction board of appeals" means the board provided for in
2 section 9 of P.L.1975, c.217 (C.52:27D-127).

3 "Department" means the Department of Community Affairs.

4 "Enforcing agency" means the municipal or county construction
5 official and subcode officials provided for in section 8 of P.L.1975,
6 c.217 (C.52:27D-126), or section 1 of P.L.2018, c.157 (C.52:27D-
7 126.8) regarding a pilot county in the "County Code Enforcement
8 Pilot Program," and assistants thereto.

9 "Equipment" means plumbing, heating, electrical, ventilating, air
10 conditioning, refrigerating and fire prevention equipment, and
11 elevators, dumbwaiters, escalators, boilers, pressure vessels and
12 other mechanical facilities or installations.

13 "Hearing examiner" means a person appointed by the
14 commissioner to conduct hearings, summarize evidence, and make
15 findings of fact.

16 "Maintenance" means the replacement or mending of existing
17 work with equivalent materials or the provision of additional work
18 or material for the purpose of the safety, healthfulness, and upkeep
19 of the structure and the adherence to the other standards of upkeep
20 as are required in the interest of public safety, health and welfare.

21 "Manufactured home" or "mobile home" means a unit of housing
22 which:

23 (1) Consists of one or more transportable sections which are
24 substantially constructed off site and, if more than one section, are
25 joined together on site;

26 (2) Is built on a permanent chassis;

27 (3) Is designed to be used, when connected to utilities, as a
28 dwelling on a permanent or nonpermanent foundation; and

29 (4) Is manufactured in accordance with the standards
30 promulgated for a manufactured home by the Secretary of the
31 United States Department of Housing and Urban Development
32 pursuant to the "National Manufactured Housing Construction and
33 Safety Standards Act of 1974," Pub.L.93-383 (42 U.S.C. s. 5401 et
34 seq.) and the standards promulgated by the commissioner pursuant
35 to P.L.1975, c.217 (C.52:27D-119 et seq.).

36 "Municipality" means any city, borough, town, township or
37 village.

38 "Outdoor advertising sign" means a sign required to be permitted
39 pursuant to P.L.1991. c.413 (C.27:5-5 et seq.).

40 "Owner" means the owner or owners in fee of the property or a
41 lesser estate therein, a mortgagee or vendee in possession, an
42 assignee of rents, receiver, executor, trustee, lessee, or any other
43 person, firm or corporation, directly or indirectly in control of a
44 building, structure, or real property and shall include any
45 subdivision thereof of the State.

46 "Premanufactured system" means an assembly of materials or
47 products that is intended to comprise all or part of a building or
48 structure and that is assembled off site by a repetitive process under

1 circumstances intended to insure uniformity of quality and material
2 content.

3 "Public school facility" means any building, or any part thereof,
4 of a school, under college grade, owned and operated by a local,
5 regional, or county school district.

6 "Seasonal agricultural labor housing" means the same as that
7 term is defined pursuant to regulations adopted by the Director of
8 the Division of Taxation in the Department of the Treasury under
9 chapter 15 of Title 18 of the New Jersey Administrative Code.

10 "State sponsored code change proposal" means any proposed
11 amendment or code change adopted by the commissioner in
12 accordance with subsection c. of section 5 of P.L.1975, c.217
13 (C.52:27D-123) for the purpose of presenting the proposed
14 amendment or code change at any of the periodic code change
15 hearings held by the National Model Code Adoption Agencies, the
16 codes of which have been adopted as subcodes under P.L.1975,
17 c.217 (C.52:27D-119 et seq.).

18 "Stop construction order" means the order provided for in section
19 14 of P.L.1975, c.217 (C.52:27D-132).

20 "State Uniform Construction Code" means the code provided for
21 in section 5 of P.L.1975, c.217 (C.52:27D-123), or any portion
22 thereof, and any modification of or amendment thereto.

23 "Structure" means a combination of materials to form a
24 construction for occupancy, use, or ornamentation, whether
25 installed on, above, or below the surface of a parcel of land;
26 provided the word "structure" shall be construed when used herein
27 as though followed by the words "or part or parts thereof and all
28 equipment therein" unless the context clearly requires a different
29 meaning.

30 (cf: P.L.2018, c.157, s.2)

31

32 2. Section 2 of P.L.1986, c.119 (C.52:27D-123.2) is amended
33 to read as follows:

34 2. a. Notwithstanding any other provision of P.L.1975, c.217
35 (C.52:27D-119 et seq.), the Commissioner of **the Department of**
36 Community Affairs and the Secretary of Agriculture shall, within
37 270 days of the effective date of **this amendatory and**
38 **supplementary act** P.L.1986, c.119 (C.52:27D-123.2 et seq.),
39 jointly promulgate, pursuant to the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.), separate construction code
41 criteria for commercial farm buildings. The Commissioner of
42 Community Affairs shall, upon adoption, incorporate these criteria
43 into the State Uniform Construction Code.

44 b. The Secretary of Agriculture shall, in consultation with the
45 Commissioner of Community Affairs and all other interested and
46 affected parties, prepare the criteria to be proposed for adoption
47 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
48 (C.52:14B-1 et seq.). The Secretary may, in his discretion, make

1 use of the services of Rutgers, The State University to prepare the
2 proposed criteria.

3 c. The Commissioner of Community Affairs and the Secretary
4 of Agriculture shall, to the greatest extent possible, ensure that the
5 criteria provide no impediment to the orderly development of the
6 State's agricultural and horticultural enterprises. They shall pay
7 particular attention to establishing separate height, area, fire
8 protection, and construction type requirements which are more
9 suitable to agricultural and horticultural uses than those which are
10 presently incorporated in the State Uniform Construction Code.

11 d. The Commissioner of Community Affairs and the Secretary
12 of Agriculture shall ensure that, to the greatest extent possible,
13 criteria are completely eliminated for structures and buildings
14 which are not intended for human occupancy, such as storage bins,
15 silos, and the like.

16 e. (1) Notwithstanding any other provision of P.L.1975, c.217
17 (C.52:27D-119 et seq.), the Commissioner of Community Affairs,
18 the Commissioner of Labor and Workforce Development, and the
19 Secretary of Agriculture shall, within 90 days of the effective date
20 of P.L. , c. (C.) (pending before the Legislature as this
21 bill), jointly promulgate, pursuant to the "Administrative Procedure
22 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), separate construction
23 code criteria for seasonal agricultural labor housing. The
24 Commissioner of Community Affairs shall, upon adoption,
25 incorporate these criteria into the State Uniform Construction Code.

26 (2) The Commissioner of Community Affairs, the
27 Commissioner of Labor and Workforce Development, and the
28 Secretary of Agriculture shall ensure that the criteria promulgated
29 pursuant to paragraph (1) of this subsection protect the occupants of
30 seasonal agricultural labor housing, while also minimizing, to the
31 greatest extent possible, any impediment to the orderly development
32 of the State's agricultural and horticultural enterprises.

33 (cf: P.L.1986, c.119, s.2)

34

35 3. Section 5 of P.L.1983, c.383 (C.52:27D-196) is amended to
36 read as follows:

37 5. As used in **[this act]** P.L.1983, c.383 (C.52:27D-192 et
38 seq.):

39 a. "Commissioner" means the Commissioner of **[the**
40 Department of**]** Community Affairs or **[his]** the commissioner's
41 delegate.

42 b. "Department" means the Department of Community Affairs.

43 c. "Fire safety commission" means the fire safety commission
44 created by section 5 of P.L. 1983, c. 382 (C. 52:27D-25e).

45 d. "High-rise structure" means a building or structure having
46 floors used for human occupancy located either more than six
47 stories or more than 75 feet above the lowest level accessible to a
48 fire department vehicle.

1 e. "Life hazard use" means a building or structure, or part
2 thereof, classified in any of the following use groups in the 1981
3 edition of the Building Officials and Code Administrators
4 International (BOCA) Basic Building Code: A-1, A-2, A-3, A-5,
5 and I, a covered mall subject to section 630.0 of the 1981 edition of
6 the BOCA Basic Building Code, and any other use which the
7 commissioner defines by regulation as a life hazard.

8 f. "Dwelling unit" means a room, suite, or apartment which is
9 occupied or intended to be occupied for dwelling purposes by one
10 or more persons living independently of persons in similar dwelling
11 units.

12 g. "Enforcing agency" means the department, a municipal or
13 county department or agency, or a fire district which has been
14 authorized by municipal ordinance to enforce **【this act】** P.L.1983,
15 c.383 (C.52:27D-192 et seq.).

16 h. "Protective equipment" mean any equipment, device,
17 system, or apparatus permitted or required by the commissioner to
18 be constructed or installed in or upon a building, structure, or
19 premises for the purpose of protecting the occupants or intended
20 occupants thereof, fire fighters, or the public generally from fire or
21 other products of combustion.

22 i. "Owner" means a person who owns, purports to own,
23 manages, rents, leases, or exercises control over a building,
24 structure, or premises.

25 j. "Commercial farm" means the same as that term is defined in
26 section 3 of P.L.1983, c.31 (C.4:1C-3).

27 k. "Commercial farm building" means any building located on a
28 commercial farm which produces not less than \$2,500 worth of
29 agricultural or horticultural products annually, which building's
30 main use or intended use is related to the production of agricultural
31 or horticultural products produced on that farm. A building shall
32 not be regarded as a commercial farm building if more than 1,200
33 square feet of its floor space is used for purposes other than its main
34 use. A greenhouse constructed in conjunction with the odor control
35 bio-filter of a solid waste or sludge composting facility, which
36 greenhouse produces not less than \$2,500 worth of agricultural or
37 horticultural products in addition to its function as a cover for the
38 bio-filter, shall be considered a commercial farm building for the
39 purposes of P.L.1983, c.383 (C.52:27D-192 et seq.), provided,
40 however, that the greenhouse is not intended for human occupancy.

41 l. "Seasonal agricultural labor housing" means the same as that
42 term is defined pursuant to regulations adopted by the Director of
43 the Division of Taxation in the Department of the Treasury under
44 chapter 15 of Title 18 of the New Jersey Administrative Code.

45 (cf: P.L.1983, c.383, s.5)

46
47 4. (New section) a. (1) Notwithstanding any other provision
48 of P.L.1983, c.383 (C.52:27D-192 et seq.), the Commissioner of

1 Community Affairs and the Secretary of Agriculture shall, within
2 270 days of the effective date of P.L. , c. (C.) (pending
3 before the Legislature as this bill), jointly promulgate, pursuant to
4 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), separate fire safety code criteria for commercial farm
6 buildings. The Commissioner of Community Affairs shall, upon
7 adoption, incorporate these criteria into the uniform fire safety code
8 promulgated pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
9 198).

10 (2) The Commissioner of Community Affairs shall, in
11 consultation with the Secretary of Agriculture and all other
12 interested and affected parties, prepare the criteria to be proposed
13 for adoption pursuant to the "Administrative Procedure Act,"
14 P.L.1968, c.410 (C.52:14B-1 et seq.). The Commissioner of
15 Community Affairs may make use of the services of Rutgers, The
16 State University to prepare the proposed criteria.

17 (3) The Commissioner of Community Affairs and the Secretary
18 of Agriculture shall, to the greatest extent possible, ensure that the
19 criteria provide no impediment to the orderly development of the
20 State's agricultural and horticultural enterprises.

21 (4) The Commissioner of Community Affairs and the Secretary
22 of Agriculture shall, to the greatest extent possible, ensure that
23 criteria are completely eliminated for structures and buildings
24 which are not intended for human occupancy, including but not
25 limited to storage bins and silos.

26 b. (1) Notwithstanding any other provision of P.L.1983, c.383
27 (C.52:27D-192 et seq.), the Commissioner of Community Affairs,
28 the Commissioner of Labor and Workforce Development, and the
29 Secretary of Agriculture shall, within 90 days of the effective date
30 of P.L. , c. (C.) (pending before the Legislature as this
31 bill), jointly promulgate, pursuant to the "Administrative Procedure
32 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), separate fire safety code
33 criteria for seasonal agricultural labor housing. The Commissioner
34 of Community Affairs shall, upon adoption, incorporate these
35 criteria into the uniform fire safety code promulgated pursuant to
36 section 7 of P.L.1983, c.383 (C.52:27D-198).

37 (2) The Commissioner of Community Affairs, the
38 Commissioner of Labor and Workforce Development, and the
39 Secretary of Agriculture shall ensure that the criteria promulgated
40 pursuant to paragraph (1) of this subsection protect the occupants of
41 seasonal agricultural labor housing, while also minimizing, to the
42 greatest extent possible, any impediment to the orderly development
43 of the State's agricultural and horticultural enterprises.

44

45 5. This act shall take effect immediately.

STATEMENT

This bill would require the promulgation of separate construction and fire safety code criteria for seasonal agricultural labor housing. The bill would also require the promulgation of separate fire safety code criteria for commercial farm buildings.

Current law requires the Commissioner of Community Affairs and the Secretary of Agriculture to jointly promulgate separate construction code criteria for commercial farm buildings. Current law does not provide for separate code criteria for seasonal agricultural labor housing under either the construction code or the fire safety code. Current law also does not provide for separate code criteria for commercial farm buildings under the fire safety code.

This bill would require the Commissioner of Community Affairs, the Commissioner of Labor and Workforce Development, and the Secretary of Agriculture to jointly promulgate separate construction and fire safety code criteria for seasonal agricultural labor housing. These criteria would have to protect the occupants of seasonal agricultural labor housing, while also minimizing, to the greatest extent possible, any impediment to the orderly development of the State's agricultural and horticultural enterprises.

The bill would also require the Commissioner of Community Affairs and the Secretary of Agriculture to jointly promulgate separate fire safety code criteria for commercial farm buildings, similar to what is provided with respect to the construction code.

Seasonal agricultural labor housing is defined, under the applicable regulation, as dwelling units designed solely for lodging farm employees and their family members, including their civil union partners or domestic partners, where such employees perform seasonal agricultural or horticultural labor on the contiguous land, five acres or more, qualifying for farmland assessment. Any housing that is either occupied by the landowner, the landowner's spouse, the landowner's civil union partner, the landowner's domestic partner, or their children, parents, or siblings, or is not vacant annually for a minimum period of 90 continuous days during any period of 12 continuous months, would not be considered to meet this definition.