

ASSEMBLY, No. 2802

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman GARY S. SCHAER
District 36 (Bergen and Passaic)

SYNOPSIS

Establishes the “New Jersey Electronic Plan Review System.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the "New Jersey Electronic Plan Review
2 System," supplementing and amending P.L.1975, c.217, and
3 amending P.L.2005, c.212, and P.L.1979, c.121.

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

7
8 1. (New section) a. The Commissioner of Community Affairs
9 shall develop, implement, and administer the "New Jersey
10 Electronic Plan Review System," which shall be a web-based
11 system allowing for the electronic submission of applications for
12 construction permits, plans, and specifications pursuant to the
13 "State Uniform Construction Code Act," P.L.1975,
14 c.217 (C.52:27D-119 et seq.), for the electronic review and
15 approval of applications, plans, and specifications, and for the
16 exchange of information between the applicant, the applicant's
17 professionals, and the department or enforcing agency during the
18 review process.

19 b. The commissioner shall implement the electronic plan
20 review system as soon as is practicable with regard to applications
21 for which the department approves plans and specifications
22 pursuant to the "State Uniform Construction Code Act."

23 c. The commissioner shall make the electronic plan review
24 system accessible for use by local enforcing agencies and by private
25 agencies providing plan review services. Prior to making the
26 electronic plan review system generally accessible by local
27 enforcing agencies and by private agencies, the commissioner may
28 establish a pilot program for local enforcing agencies and private
29 agencies to perform plan reviews with the electronic plan review
30 system.

31 d. The commissioner shall provide training opportunities on the
32 use of the electronic plan review system for employees of local
33 enforcing agencies and private agencies which provide plan review
34 services.

35 e. The commissioner shall, in accordance with the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), adopt rules and regulations to govern the form and format of
38 applications for construction permits, plans, and specifications and
39 other information exchanged through the electronic plan review
40 system.

41 f. The department may waive a contrary form and format
42 requirement imposed by statute or ordinance or by the rules of
43 another department or agency for the submission of information in
44 physical form to the extent the waiver is necessary to facilitate the
45 submission of the information electronically. The department may

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 accept an electronic reproduction of a signature, stamp, seal,
2 certification or notarization as the equivalent of the original or may
3 accept the substitution of identifying information for the signature,
4 stamp, seal, certification or notarization. The department shall not
5 waive any other requirement.

6 g. A person exchanging information through the electronic plan
7 review system in a form and format acceptable to the department is
8 not subject to any licensing sanction, civil penalty, fine, permit
9 disapproval or revocation or other sanction for failure to comply
10 with a form or format requirement imposed by statute, ordinance or
11 rule for submission of the information in physical form, including
12 but not limited to any requirement that the information be in a
13 particular form or of a particular size, be submitted with multiple
14 copies, be physically attached to another document be an original
15 document or be signed, stamped, sealed, certified or notarized.

16 h. As used in this section, “form and format” means the
17 arrangement, organization, configuration, structure or style of, or
18 method of delivery for, providing required information or providing
19 the substantive equivalent of required information. “Form and
20 format” does not mean altering the substance of information or the
21 addition or omission of information.

22

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

25 6. The commissioner shall have all the powers necessary or
26 convenient to effectuate the purposes of this act, including, but not
27 limited to, the following powers in addition to all others granted by
28 this act:

29 a. To adopt, amend and repeal, after consultation with the code
30 advisory board, rules: (1) relating to the administration and
31 enforcement of this act and (2) the qualifications or licensing, or
32 both, of all persons employed by enforcing agencies of the State to
33 enforce this act or the code, except that, plumbing inspectors shall
34 be subject to the rules adopted by the commissioner only insofar as
35 such rules are compatible with such rules and regulations, regarding
36 health and plumbing for public and private buildings, as may be
37 promulgated by the Public Health Council in accordance with Title
38 26 of the Revised Statutes.

39 b. To enter into agreements with federal and State of New
40 Jersey agencies, after consultation with the code advisory board, to
41 provide insofar as practicable (1) single-agency review of
42 construction plans and inspection of construction and (2)
43 intergovernmental acceptance of such review and inspection to
44 avoid unnecessary duplication of effort and fees. The commissioner
45 shall have the power to enter into such agreements although the
46 federal standards are not identical with State standards; provided
47 that the same basic objectives are met. The commissioner shall

1 have the power through such agreements to bind the State of New
2 Jersey and all governmental entities deriving authority therefrom.

3 c. To take testimony and hold hearings relating to any aspect of
4 or matter relating to the administration or enforcement of this act,
5 including but not limited to prospective interpretation of the code so
6 as to resolve inconsistent or conflicting code interpretations, and, in
7 connection therewith, issue **【subpena】** subpoenas to compel the
8 attendance of witnesses and the production of evidence. The
9 commissioner may designate one or more hearing examiners to hold
10 public hearings and report on such hearings to the commissioner.

11 d. To encourage, support or conduct, after consultation with the
12 code advisory board, educational and training programs for
13 employees, agents and inspectors of enforcing agencies, either
14 through the Department of Community Affairs or in cooperation
15 with other departments of State government, enforcing agencies,
16 educational institutions, or associations of code officials.

17 e. To study the effect of this act and the code to ascertain their
18 effect upon the cost of building construction and maintenance, and
19 the effectiveness of their provisions for insuring the health, safety,
20 and welfare of the people of the State of New Jersey.

21 f. To make, establish and amend, after consultation with the
22 code advisory board, such rules as may be necessary, desirable or
23 proper to carry out his powers and duties under this act.

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

29 (1) Plan review, construction permits, certificates of occupancy,
30 demolition permits, moving of building permits, elevator permits
31 and sign permits; and

32 (2) Review of applications for and the issuance of licenses
33 certifying an individual's qualifications to act as a construction code
34 official, subcode official or assistant under this act.

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

36 h. To adopt, amend and repeal rules and regulations providing
37 for the charging of and setting the amount of construction permit
38 surcharge fees to be collected by the enforcing agency and remitted
39 to the department to support those activities which may be
40 undertaken with moneys credited to the Uniform Construction Code
41 Revolving Fund.

42 i. To adopt, amend and repeal rules and regulations providing
43 for:

44 (1) Setting the amount of and the charging of fees to be paid to
45 the department by a private agency for the review of applications
46 for and the issuance of approvals authorizing a private agency to act
47 as an on-site inspection and plan review agency or an in-plant
48 inspection agency;

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

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

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

9 k. To monitor the compliance of local enforcing agencies with
10 the provisions of the "State Uniform Construction Code Act,"
11 P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action
12 as may be necessary where a local enforcing agency is found to be
13 failing to carry out its responsibilities under that act, to supplant or
14 replace the local enforcing agency for a specific project, and to
15 order it dissolved and replaced by the department where the local
16 enforcing agency repeatedly or habitually fails to enforce the
17 provisions of the "State Uniform Construction Code Act."

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

22 m. To adopt, amend, and repeal rules and regulations providing
23 for the charging of and setting the amount of construction permit
24 surcharge fees to be collected by an enforcing agency or private
25 agency and remitted to the department to defray the cost of
26 developing and administering the "New Jersey Electronic Plan
27 Review System," pursuant to section 1 of P.L. , c. (C.)
28 (pending before the Legislature as this bill).
29 (cf: P.L.2015, c.146, s.2)

30

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

33 3. A proposal by a private agency to provide inspection or plan
34 review services to a municipality to administer the provisions of the
35 "State Uniform Construction Code Act," P.L.1975,
36 c.217 (C.52:27D-119 et seq.) shall be submitted in accordance with
37 and shall be subject to the bidding and other provisions of the
38 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et
39 seq.). A municipality shall require, as part of the bid specifications,
40 that a private agency participate in the "New Jersey Electronic Plan
41 Review System," developed and implemented pursuant to section 1
42 of P.L. , c. (C.) (pending before the Legislature as this bill).
43 A municipality shall require as part of the bid specifications that a
44 private agency submit a bid or proposal in terms of a percentage of
45 the costs charged by the department when it serves as a local
46 enforcement agency pursuant to section 10 of P.L.1975,
47 c.217 (C.52:27D-128). A municipality may include in the fee
48 charged by it for work done by private agencies an amount

1 sufficient to cover a proportionate share of administrative costs
2 incurred by the local enforcing agency in connection with
3 inspections performed by private agencies.

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

5
6 4. Section 3 of P.L.1979, c.121 (C.52:27D-126a) is amended to
7 read as follows:

8 3. Where the appointing authority of any municipality shall
9 appoint an enforcing agency and construction board of appeals
10 pursuant to section 8 of P.L.1975, c. 217, the municipal governing
11 body by ordinance, in accordance with standards established by the
12 commissioner, shall set enforcing agency fees for plan review,
13 construction permit, certificate of occupancy, demolition permit,
14 moving of building permit, elevator permit and sign permit,
15 provided, however, that such fees shall not exceed the annual costs
16 for the operation of the enforcing agency. For the three year period
17 commencing with an enforcing agency's initial participation in the
18 "New Jersey Electronic Plan Review System," developed and
19 implemented pursuant to section 1 of P.L. , c. (C.) (pending
20 before the Legislature as this bill), the municipal governing body
21 may impose, and the enforcing agency may collect, construction
22 permit surcharge fees to defray the enforcing agency's startup costs
23 related to offering electronic plan review. Surcharge fees shall be
24 established in accordance with standards established by the
25 commissioner.

26 (cf: P.L.1979, c.121, s.3)

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

30 12. Except as otherwise provided by this act or in the code,
31 before construction or alteration of any building or structure, the
32 owner, or his agent, engineer or architect, shall submit an
33 application in writing, including signed and sealed drawings and
34 specifications, to the enforcing agency as defined in this act. If an
35 enforcing agency participates in the "New Jersey Electronic Plan
36 Review System," pursuant to section 1 of P.L. , c. (C.)
37 (pending before the Legislature as this bill), the owner, or his agent,
38 engineer or architect, may submit an application electronically. The
39 application shall be in accordance with regulations established by
40 the commissioner and on a form or in a format prescribed by the
41 commissioner and shall be accompanied by payment of the fee to be
42 established by the municipal governing body by ordinance in
43 accordance with standards established by the commissioner. The
44 application for a construction permit shall be filed with the
45 enforcing agency and shall be a public record; and no application
46 for a construction permit shall be removed from the custody of the
47 enforcing agency after a construction permit has been issued.
48 Nothing contained in this paragraph shall be interpreted as

1 preventing the imposition of requirements in the code, for
2 additional permits for particular kinds of work, including but not
3 limited to plumbing, electrical, elevator, fire prevention equipment
4 or boiler installation or repair work, or in other defined situations.

5 Upon the transfer of ownership of property that is the subject of
6 a construction permit, and prior to beginning or continuing work
7 authorized by the construction permit, the new owner shall file with
8 the enforcing agency an application for a permit update to notify the
9 enforcing agency of the name and address of the new owner and of
10 all other changes to information previously submitted to the
11 enforcing agency. If the municipality has adopted an ordinance
12 requiring a successor developer to furnish a replacement
13 performance guarantee, and a performance guarantee has previously
14 been furnished in favor of the municipality to assure the installation
15 of on-tract improvements on the property that is the subject of an
16 application for a permit update for the purpose of notifying the
17 enforcing agency of the name and address of a new owner, the
18 enforcing agency shall not approve the application for a permit
19 update until it receives notification from the governing body or its
20 designee that the new owner has furnished an adequate replacement
21 performance guarantee.

22 No permit shall be issued for a public school facility unless the
23 final plans and specifications have been first approved by the
24 Bureau of Facility Planning Services in the Department of
25 Education or a municipal code official who is appropriately licensed
26 by the Commissioner of Community Affairs for the type and level
27 of plans being reviewed. Approval by the Bureau of Facility
28 Planning Services in the Department of Education shall only be
29 required when a review for educational adequacy is necessary.
30 Requirements determining when a review for educational adequacy
31 is necessary shall be established jointly by the Department of
32 Community Affairs and the Department of Education. The
33 standards shall thereafter be adopted as part of the Uniform
34 Construction Code regulations by the Department of Community
35 Affairs. After the final plans and specifications have been approved
36 for educational adequacy by the Bureau of Facility Planning
37 Services in the Department of Education, a local board of education
38 may submit the final plans and specifications for code approval to
39 either the Bureau of Facility Planning Services in the Department of
40 Education or a municipal code official who is appropriately licensed
41 by the Commissioner of Community Affairs for the type and level
42 of plans being reviewed. The Bureau of Facility Planning Services
43 in the Department of Education when approving final plans and
44 specifications shall be responsible for insuring that the final plans
45 and specifications conform to the requirements of the code as well
46 as for insuring that they provide for an educationally adequate
47 facility. In carrying out its responsibility pursuant to the provisions
48 of this section the Department of Education shall employ persons

1 licensed by the Commissioner of Community Affairs for the type
2 and level of plans being reviewed.

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

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5 6. This act shall take effect immediately.

6
7
8 STATEMENT

9
10 This bill establishes the "New Jersey Electronic Plan Review
11 System," a web-based system allowing for the electronic
12 submission of applications for construction permits, plans, and
13 specifications pursuant to the "State Uniform Construction Code
14 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the electronic
15 review and approval of applications, plans, and specifications, and
16 for the exchange of information between the applicant, the
17 applicant's professionals, and the department or enforcing agency
18 during the review process.

19 The bill requires implementation of the electronic plan review
20 system as soon as possible for construction projects for which the
21 Department of Community Affairs is responsible for performing
22 plan review under "State Uniform Construction Code Act." The bill
23 provides that the electronic plan review system should be made
24 accessible for use by local enforcing agencies and by private
25 agencies providing plan review services, but prior thereto, the
26 Commissioner of Community Affairs may establish a pilot program
27 for local enforcing agencies and private agencies.

28 The bill requires the commissioner to provide training
29 opportunities on the use of the electronic plan review system for
30 employees of local enforcing agencies and private agencies that
31 provide plan review services. The bill empowers the commissioner
32 to adopt rules and regulations to govern the form and format of
33 applications for construction permits, plans, and specifications and
34 other information exchanged through the electronic plan review
35 system.

36 The bill allows the department to waive requirements in other
37 laws that require the submission of information in physical form to
38 the extent the waiver is necessary to facilitate the submission of the
39 information electronically. The bill allows the department to accept
40 an electronic reproduction of a signature, stamp, seal, certification,
41 or notarization as the equivalent of the original or to accept the
42 substitution of identifying information for the signature, stamp,
43 seal, certification or notarization.

44 The bill holds a person harmless from any licensing sanction,
45 civil penalty, fine, permit disapproval or revocation or other
46 sanction for failure to comply with a form or format requirement
47 imposed by law for submission of the information in physical form
48 in order to facilitate the exchange of information through the

1 electronic plan review system in a form and format acceptable to
2 the department.

3 The bill allows the department and local enforcing agencies to
4 establish permit surcharge fees to defray the cost of transitioning to
5 electronic plan review.