

ASSEMBLY, No. 2889

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Requires evaluation of appropriateness of light frame construction for multiple dwellings and imposes moratorium on light frame construction until determination and recommendations are adopted.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning light frame construction of multiple dwellings
2 and amending P.L.1975, c.217.

3

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

6

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 the Public Health Council prior to adoption of a
24 plumbing subcode pursuant to paragraph b. of this section. Said
25 code shall include any code, rule, or regulation incorporated therein
26 by reference.

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

33 These subcodes, except for the energy subcode, shall be
34 adoptions of the model codes of the Building Officials and Code
35 Administrators International, Inc., the National Electrical Code, and
36 the National Standard Plumbing Code, provided that for good
37 reasons, the commissioner may adopt as a subcode, a model code or
38 standard of some other nationally recognized organization upon a
39 finding that such model code or standard promotes the purposes of
40 P.L.1975, c.217 (C.52:27D-119 et seq.). The initial adoption of a
41 model code or standard as a subcode shall constitute adoption of
42 subsequent edition year publications of the model code or standard
43 of such other nationally recognized organization, except as provided
44 for in paragraphs (1) through (4) of this subsection. Adoption of
45 publications shall not occur more frequently than once every three

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 years; provided, however, that a revision or amendment may be
2 adopted at any time in the event that the commissioner finds that
3 there exists an imminent peril to the public health, safety, or
4 welfare.

5 The energy subcode shall be based upon the model codes cited
6 under this subsection or the International Energy Conservation
7 Code. It may be amended or supplemented by the commissioner
8 once before 2012 without regard to intervals between the adoption
9 of the energy subcode in effect on the effective date of
10 P.L.2009, c.106 (C.52:27D-122.2 et al.) and subsequent year
11 revisions of that subcode. In amending or supplementing the
12 energy subcode, the commissioner shall rely upon 10-year energy
13 price projections provided by an institution of higher education
14 within one year following the effective date of P.L.2009, c.106
15 (C.52:27D-122.2 et al.), and thereafter at three-year intervals. In
16 developing the energy price projections, the institution of higher
17 education shall consult with the Board of Public Utilities. The
18 commissioner shall be authorized to amend the energy subcode to
19 establish enhanced energy conservation construction requirements,
20 the added cost of each of which may reasonably be recovered
21 through energy conservation over a period of not more than seven
22 years. Such requirements shall include provisions to ensure that, in
23 all parts of the State the anticipated energy savings shall be
24 similarly proportionate to the additional costs of energy subcode
25 compliance.

26 (1) Except as otherwise provided in this subsection, the edition
27 of a model code or standard in effect as a subcode as of July 1, 1995
28 shall continue in effect regardless of any publication of a
29 subsequent edition of that model code or standard. Prior to
30 establishing the effective date for any subsequent revision or
31 amendment of any model code or standard adopted as a subcode,
32 the commissioner shall review, in consultation with the code
33 advisory board, the text of the revised or amended model code or
34 standard and determine whether the amended or revised provisions
35 of the model code are essential to carry out the intent and purpose
36 of P.L.1975, c.217 (C.52:27D-119 et seq.) as viewed in contrast to
37 the corresponding provisions of the subcode then currently in effect.

38 (2) In the event that the commissioner, pursuant to paragraph (1)
39 of this subsection, determines that any amended or revised
40 provision of a model code is essential to carry out the intent and
41 purpose of this act as viewed in contrast to any corresponding
42 provision of the subcode then currently in effect, the commissioner
43 may then adopt that provision of the amended or revised model
44 code.

45 (3) The commissioner, in consultation with the code advisory
46 board, shall have the authority to review any model code or
47 standard currently in effect as a subcode of the State Uniform
48 Construction Code and compare it with previously adopted editions

1 of the same model code or standard in order to determine if the
2 subcode currently in effect is at least as consistent with the intent
3 and purpose of this act as were previously adopted editions of the
4 same model code or standard.

5 (4) In the event that the commissioner, after consultation with
6 the code advisory board, determines pursuant to this subsection that
7 a provision of a model code or standard currently in effect as a
8 subcode of the State Uniform Construction Code is less consistent
9 with the intent and purpose of P.L.1975, c.217 (C.52:27D-119 et
10 seq.) than was the corresponding provision of a previously adopted
11 edition of the same model code or standard, the commissioner may
12 delete the provision in effect and substitute in its place the
13 corresponding provision of the previously adopted edition of the
14 same model code or standard determined to be more consistent with
15 the intent and purpose of P.L.1975, c.217 (C.52:27D-119 et seq.).

16 (5) The commissioner shall be authorized to adopt a barrier free
17 subcode or to supplement or revise any model code adopted
18 hereunder, for the purpose of insuring that adequate and sufficient
19 features are available in buildings or structures so as to make them
20 accessible to and usable by persons with physical disabilities.
21 Multi-family residential buildings with four or more dwelling units
22 in a single structure shall be constructed in accordance with the
23 barrier free subcode; for the purposes of this subsection the term
24 "multi-family residential buildings with four or more dwelling units
25 in a single structure" shall not include buildings constructed as
26 townhouses, which are single dwelling units with two or more
27 stories of living space, exclusive of basement or attic, with most or
28 all of the sleeping areas on one story and with most of the
29 remaining habitable space, such as kitchen, living, and dining areas,
30 on another story, and with an independent entrance at or near grade
31 level.

32 c. Any municipality through its construction official, and any
33 State agency or political subdivision of the State, may submit an
34 application recommending to the commissioner that a State
35 sponsored code change proposal be adopted. Such application shall
36 contain such technical justification and shall be submitted in
37 accordance with such rules of procedure as the commissioner may
38 deem appropriate, except that whenever the State Board of
39 Education shall determine that enhancements to the code are
40 essential to the maintenance of a thorough and efficient system of
41 education, the enhancements shall be made part of the code;
42 provided that the amendments do not result in standards that fall
43 below the adopted subcodes. The Commissioner of Education shall
44 consult with the Commissioner of Community Affairs prior to
45 publishing the intent of the State Board to adopt any amendments to
46 the Uniform Construction Code. Upon adoption of any amendments
47 by the State Board of Education they shall be transmitted forthwith
48 to the Commissioner of Community Affairs who shall publish and

1 incorporate the amendments as part of the Uniform Construction
2 Code and the amendments shall be enforceable as if they had been
3 adopted by the commissioner.

4 At least 45 days prior to the final date for the submission of
5 amendments or code change proposals to the National Model Code
6 Adoption Agency, the code of which has been adopted as a subcode
7 under P.L.1975, c.217 (C.52:27D-119 et seq.), the commissioner
8 shall hold a public hearing in accordance with the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), at which
10 testimony on any application recommending a State sponsored code
11 change proposal will be heard.

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

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

18 The commissioner may adopt, reject, or return such
19 recommendations to the code advisory board for further
20 deliberation. If adopted, any such proposal shall be presented to the
21 subsequent meeting of the National Model Code Agency by the
22 commissioner or by persons designated by the commissioner as a
23 State sponsored code change proposal. Nothing herein, however,
24 shall limit the right of any municipality, the department, or any
25 other person from presenting amendments to the National Model
26 Code Agency on its own initiative.

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

31 d. (Deleted by amendment, P.L.1983, c.496.)

32 e. (1) As used in this subsection:

33 "Light frame construction" means any method of construction
34 utilizing metal-plate-connected wood trusses, metal-plate-connected
35 metal-web wood trusses, pin-end connected steel-web wood trusses,
36 wooden I-joists, steel bar joists, solid-sawn wood joists, or
37 composite wood joists as floor or roof system structural elements.

38 "Multiple dwelling" means the same as that term is defined
39 pursuant to subsection (k) of section 3 of P.L.1967, c.76 (C.55:13A-
40 3).

41 (2) The commissioner shall evaluate whether light frame
42 construction is an appropriately safe method of constructing
43 multiple dwellings, focusing specifically on the potential hazards
44 that light frame construction poses in the event of a fire. If the
45 commissioner determines that utilizing light frame construction is
46 appropriate for multiple dwellings, the commissioner shall adopt,
47 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
48 (C.52:14B-1 et seq.), a light frame construction subcode, or may

1 propose amendments to revise the appropriate model code adopted
2 pursuant to this section, for the purpose of establishing adequate
3 and appropriate standards for multiple dwellings designed utilizing
4 light frame construction. If the commissioner determines that light
5 frame construction is inappropriate for multiple dwellings, the
6 commissioner shall adopt a rule prohibiting the use of light frame
7 construction for multiple dwellings. The commissioner shall make
8 his determination and, if appropriate, adopt a light frame
9 construction subcode within two years of the effective date of
10 P.L. , c. (pending before the Legislature as this bill).

11 (3) Following the effective date of P.L. , c. (pending before
12 the Legislature as this bill), there shall be a moratorium up to two
13 years on approving or commencing, or both, new construction of
14 multiple dwellings utilizing light frame construction until such time
15 as the commissioner determines the appropriateness of utilizing
16 light frame construction for multiple dwellings and either deems it
17 inappropriate or adopts standards for light frame construction
18 pursuant to paragraph (2) of this subsection. If new standards for
19 light frame construction are adopted, the commissioner shall
20 provide for an expedited re-approval process for multiple dwellings
21 approved, but not constructed, as a result of the moratorium.
22 Nothing in this subsection shall prohibit the approval and
23 construction of multiple dwellings utilizing heavy-frame
24 construction, such as timber framing or steel framing.

25 (cf: P.L.2017, c.131, s.191)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill would require the Commissioner of Community Affairs
33 to evaluate whether light frame construction is an appropriately safe
34 method of constructing multiple dwellings. If the commissioner
35 determines that light frame construction is safe for multiple
36 dwellings, he must establish adequate and appropriate standards for
37 multiple dwellings containing three or more dwelling units designed
38 utilizing light frame construction. If the commissioner determines
39 that light frame construction is not safe for multiple dwellings, he
40 must adopt a rule prohibiting the use of light frame construction for
41 multiple dwellings. The bill provides the commissioner up to two
42 years to make his determination.

43 This bill would also impose a moratorium on the approval and
44 construction of multiple dwellings utilizing light frame construction
45 until the commissioner makes his determination and, if appropriate,
46 adopts standards for light frame construction. Projects approved,
47 but not constructed because of the moratorium, will be subject to an

1 expedited re-approval process once the commissioner makes a
2 determination and adopts appropriate changes.

3 The bill is in response to the five-alarm fire that destroyed a 408-
4 unit apartment building in Edgewater, New Jersey on January 21,
5 2015. The incident highlighted the extreme speed with which light
6 frame construction, such as that used in the apartment complex that
7 burned, can reach its failure point when exposed to fire. The fire
8 chief in Edgewater blamed the wood construction and truss-style
9 roof for the fire's rapid spread. Although the Edgewater fire caused
10 no human fatalities, a sudden structural collapse caused by
11 lightweight construction that quickly fails in a fire could have
12 devastating results for residents and first responders.