

SENATE, No. 721

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

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 individuals,
15 animals or property of any kind.

16 "Business day" means any day of the year, exclusive of Saturdays,
17 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 completed
21 in accordance with the construction permit, the State Uniform
22 Construction Code and any ordinance implementing said code.

23 "Commissioner" means the Commissioner of Community Affairs.

24 "Code" means the State Uniform Construction Code.

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

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

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

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 "Department" means the Department of Community Affairs.

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

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

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

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

19 "Manufactured home" or "mobile home" means a unit of housing
20 which:

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

24 (2) Is built on a permanent chassis;

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

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

34 "Municipality" means any city, borough, town, township or
35 village.

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

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

43 "Premanufactured system" means an assembly of materials or
44 products that is intended to comprise all or part of a building or
45 structure and that is assembled off site by a repetitive process under
46 circumstances intended to insure uniformity of quality and material
47 content.

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

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

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

16 "Stop construction order" means the order provided for in section
17 14 of P.L.1975, c.217 (C.52:27D-132).

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

21 "Structure" means a combination of materials to form a
22 construction for occupancy, use, or ornamentation, whether installed
23 on, above, or below the surface of a parcel of land; provided the word
24 "structure" shall be construed when used herein as though followed by
25 the words "or part or parts thereof and all equipment therein" unless
26 the context clearly requires a different meaning.
27 (cf: P.L.2018, c.157, s.2)

28
29 2. Section 2 of P.L.1986, c.119 (C.52:27D-123.2) is amended
30 to read as follows:

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

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

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

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

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

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

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

32
33 3. Section 5 of P.L.1983, c.383 (C.52:27D-196) is amended to
34 read as follows:

35 5. As used in **【this act】** P.L.1983, c.383 (C.52:27D-192 et seq.):

36 a. "Commissioner" means the Commissioner of **【the Department**
37 **of】** Community Affairs or **【his】** the commissioner's delegate.

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

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

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

45 e. "Life hazard use" means a building or structure, or part thereof,
46 classified in any of the following use groups in the 1981 edition of the
47 Building Officials and Code Administrators International (BOCA)
48 Basic Building Code: A-1, A-2, A-3, A-5, and I, a covered mall

1 subject to section 630.0 of the 1981 edition of the BOCA Basic
2 Building Code, and any other use which the commissioner defines by
3 regulation as a life hazard.

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

7 g. "Enforcing agency" means the department, a municipal or
8 county department or agency, or a fire district which has been
9 authorized by municipal ordinance to enforce **[this act]** P.L.1983,
10 c.383 (C.52:27D-192 et seq.).

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

17 i. "Owner" means a person who owns, purports to own, manages,
18 rents, leases, or exercises control over a building, structure, or
19 premises.

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

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

36 l. "Seasonal agricultural labor housing" means the same as that
37 term is defined pursuant to regulations adopted by the Director of the
38 Division of Taxation in the Department of the Treasury under chapter
39 15 of Title 18 of the New Jersey Administrative Code.

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

41
42 4. (New section) a. (1) Notwithstanding any other provision of
43 P.L.1983, c.383 (C.52:27D-192 et seq.), the Commissioner of
44 Community Affairs and the Secretary of Agriculture shall, within
45 270 days of the effective date of P.L. , c. (C.) (pending
46 before the Legislature as this bill), jointly promulgate, pursuant to
47 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
48 seq.), separate fire safety code criteria for commercial farm

1 buildings. The Commissioner of Community Affairs shall, upon
2 adoption, incorporate these criteria into the uniform fire safety code
3 promulgated pursuant to section 7 of P.L.1983, c.383 (C.52:27D-
4 198).

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

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

16 (4) The Commissioner of Community Affairs and the Secretary
17 of Agriculture shall, to the greatest extent possible, ensure that
18 criteria are completely eliminated for structures and buildings
19 which are not intended for human occupancy, including but not
20 limited to storage bins and silos.

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

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

39

40 5. This act shall take effect immediately.

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42

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STATEMENT

44

45 This bill requires the promulgation of separate construction and
46 fire safety code criteria for seasonal agricultural labor housing. The
47 bill also requires the promulgation of separate fire safety code criteria
48 for commercial farm buildings.

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

8 This bill requires the Commissioner of Community Affairs, the
9 Commissioner of Labor and Workforce Development, and the
10 Secretary of Agriculture to jointly promulgate separate construction
11 and fire safety code criteria for seasonal agricultural labor housing.
12 These criteria is to protect the occupants of seasonal agricultural labor
13 housing, while also minimizing, to the greatest extent possible, any
14 impediment to the orderly development of the State's agricultural and
15 horticultural enterprises.

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

20 Seasonal agricultural labor housing is defined, under the applicable
21 regulation, as dwelling units designed solely for lodging farm
22 employees and their family members, including their civil union
23 partners or domestic partners, where such employees perform seasonal
24 agricultural or horticultural labor on the contiguous land, five acres or
25 more, qualifying for farmland assessment. Any housing that is either
26 occupied by the landowner, the landowner's spouse, the landowner's
27 civil union partner, the landowner's domestic partner, or their children,
28 parents, or siblings, or is not vacant annually for a minimum period of
29 90 continuous days during any period of 12 continuous months, is not
30 to be considered to meet this definition.