

SENATE, No. 4300

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 20, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Prohibits certain changes to plumbing subcode.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT prohibiting certain changes to plumbing subcode and
2 amending P.L.1975, c.217.

3

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

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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, except for the plumbing subcode, the commissioner may
38 adopt as a subcode, a model code or standard of some other
39 nationally recognized organization upon a finding that such model
40 code or standard promotes the purposes of P.L.1975, c.217
41 (C.52:27D-119 et seq.). The plumbing subcode shall be an
42 adoption of the National Standard Plumbing Subcode, provided that
43 the commissioner may adjust its provisions to the extent authorized
44 by this section. The initial adoption of a model code or standard as
45 a subcode shall constitute adoption of subsequent edition year

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 publications of the model code or standard of such other nationally
2 recognized organization, except as provided for in paragraphs (1)
3 through (4) of this subsection. Adoption of publications shall not
4 occur more frequently than once every three years; provided,
5 however, that a revision or amendment may be adopted at any time
6 in the event that the commissioner finds that there exists an
7 imminent peril to the public health, safety, or welfare.

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

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

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

1 (3) The commissioner, in consultation with the code advisory
2 board, shall have the authority to review any model code or
3 standard currently in effect as a subcode of the State Uniform
4 Construction Code and compare it with previously adopted editions
5 of the same model code or standard in order to determine if the
6 subcode currently in effect is at least as consistent with the intent
7 and purpose of this act as were previously adopted editions of the
8 same model code or standard.

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

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

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

1 publishing the intent of the State Board to adopt any amendments to
2 the Uniform Construction Code. Upon adoption of any amendments
3 by the State Board of Education they shall be transmitted forthwith
4 to the Commissioner of Community Affairs who shall publish and
5 incorporate the amendments as part of the Uniform Construction
6 Code and the amendments shall be enforceable as if they had been
7 adopted by the commissioner.

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

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

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

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

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

35 d. (Deleted by amendment, P.L.1983, c.496.)
36 (cf: P.L.2017, c.131, s.191)

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38 2. This act shall take effect immediately.
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41 STATEMENT

42
43 This bill would limit the authority of the Commissioner of
44 Community Affairs to change the plumbing subcode, which is
45 currently an adoption of the 2018 National Standard Plumbing Code
46 ("NSPC"). The "State Uniform Construction Code Act," ("UCC
47 Act") P.L.1975, c.217 (C.52:27D-119 et seq.) currently directs the
48 plumbing subcode to be an adoption of the NSPC, unless the

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1 commissioner, for good reasons, determines to adopt as the
2 plumbing subcode an alternative standard of another nationally
3 recognized organization.

4 In order to ensure continuity at a time of uncertainty related to
5 the COVID-19 pandemic, and questions surrounding the continued
6 availability of construction supplies and qualified workers, this bill
7 would prohibit the commissioner from changing the plumbing
8 subcode from an adoption of the NSPC to an alternative standard of
9 another organization. The bill would, however, permit the
10 commissioner to adjust provisions of the NSPC, so long as any
11 removed provision is replaced with the corresponding provision of a
12 previously-adopted edition of the NSPC, in accordance with
13 existing law.