

**ASSEMBLY, No. 1465**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**SYNOPSIS**

Establishes expedited construction plan review program.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A1465 KARABINCHAK

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1 AN ACT establishing a program for expedited plan review under the  
2 construction code, and supplementing and amending P.L.1975,  
3 c.217.  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) a. (1) The commissioner, in consultation  
9 with the code advisory board, shall promulgate rules and  
10 regulations establishing standards, procedures, and other  
11 requirements for an optional program providing expedited local  
12 enforcing agency plan review.

13 (2) The local enforcing agency plan review program shall  
14 provide that:

15 (a) a municipal governing body may participate in the program  
16 by requiring its enforcing agency to conduct expedited plan  
17 reviews;

18 (b) an owner of a project located in a municipality that is not  
19 requiring its enforcing agency to conduct expedited plan reviews  
20 may select a private plan review agency to conduct expedited plan  
21 reviews;

22 (c) a business entity shall not conduct expedited plan reviews  
23 unless licensed and authorized to do so by the department;

24 (d) an owner may opt to participate in the expedited plan review  
25 program at the time of submission of an application for a  
26 construction permit pursuant to section 12 of P.L.1975, c.217  
27 (C.52:27D-130);

28 (e) an owner participating in the expedited plan review program  
29 shall pay a premium in addition to all otherwise applicable fees; and

30 (f) plans submitted for expedited plan review, which plans  
31 conform with the code, and with the requirements of other  
32 applicable laws and ordinances, shall be reviewed and either  
33 approved, in whole or in part, or denied within ten calendar days of  
34 the date of their submission.

35 b. (1) A municipal governing body, in consultation with the  
36 construction official of its enforcing agency, shall determine  
37 whether the enforcing agency shall conduct expedited plan reviews  
38 or whether an owner may retain a private plan review agency to  
39 conduct expedited plan reviews. Regardless of whether expedited  
40 plan reviews are conducted by an enforcing agency or a private plan  
41 review agency, the enforcing agency shall retain the power and  
42 responsibility over issuance of the certificate of occupancy under  
43 section 15 of P.L.1975, c.217 (C.52:27D-133).

44 (2) The enforcing agency shall observe the progress of a  
45 construction project receiving expedited plan reviews by a private  
46 plan review agency and shall retain jurisdiction over the project in

**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 order to be responsive to inquiries from the general public and from  
2 special interests, to the needs of the owner and the private plan  
3 review agency, and to the obligations and requirements imposed by  
4 the code.

5 (3) An owner applying to participate in the expedited plan  
6 review program shall submit payment of all applicable fees,  
7 together with an expedited plan review premium fee of \$500 for  
8 each required plan review subcode area, to the enforcing agency  
9 together with the application for a construction permit. If the  
10 enforcing agency does not conduct expedited plan reviews, at the  
11 time of submission of an application for a construction permit, the  
12 owner shall identify the private plan review agency the owner has  
13 selected to conduct expedited plan reviews. The enforcing agency  
14 shall deliver payment of the expedited plan review premium fee to  
15 the private plan review agency selected to conduct the expedited  
16 plan review.

17 c. (1) The department shall establish a program for the  
18 licensure and authorization of business entities as private plan  
19 review agencies for the purpose of authorizing business entities to  
20 contract with owners to conduct expedited plan reviews. No  
21 business entity shall conduct expedited plan reviews or enter into  
22 any contract to do so without first receiving the licensure and  
23 authorization of the department. The department may impose and  
24 collect fees from applicants for licensure and authorization under  
25 this section.

26 (2) Licensure and authorization of a business entity as a private  
27 plan review agency shall include, but not be limited to,  
28 consideration of the qualifications of the management and technical  
29 personnel of the business entity, the fiscal integrity of the business  
30 entity, and the ability of the business entity to perform expedited  
31 plan reviews within the requisite time frames in a manner sufficient  
32 to ensure that the plan review is performed in accordance with the  
33 code and with the requirements of other applicable laws and  
34 ordinances.

35 (3) (a) The department may require a private plan review  
36 agency to employ a sufficient number of personnel certified to  
37 perform plan reviews under each subcode.

38 (b) The department may establish classes of license for private  
39 plan review agencies based upon the number and type of subcode  
40 certifications maintained by officers and employees of an agency.

41 (4) A private plan review agency shall not refer a plan review to  
42 a plan reviewer unless the person is certified by the department in  
43 the appropriate subcode.

44 (5) A private plan review agency shall be subject to the orders  
45 and directives of the municipal construction official and the  
46 department in matters relating to the enforcement of the code.

47 (6) A private plan review agency shall maintain records of all  
48 plan reviews and any other information that may be required by the

A1465 KARABINCHAK

1 municipal construction official or the department. These records  
2 shall be open to department audit and shall not be destroyed or  
3 removed from the offices of the private plan review agency without  
4 the permission of the department.

5 (7) A private plan review agency shall not directly collect fees  
6 from the owner, or any agent or employee of the owner. The  
7 enforcing agency shall be the sole agent for the collection and  
8 delivery of an expedited plan review premium fee to a private plan  
9 review agency.

10 d. (1) Except as otherwise provided in this section, a private  
11 plan review agency that has contracted to perform expedited plan  
12 reviews for a project shall carry out its obligations under the  
13 contract and applicable provisions of law until full completion of  
14 the project, as evidenced by the enforcing agency's issuance of a  
15 certificate of occupancy.

16 (2) A private plan review agency conducting expedited plan  
17 reviews shall have all of the powers, and shall be subject to all of  
18 the requirements, applicable to an enforcing agency with regard to  
19 conducting plan reviews under P.L.1975, c.217 (C.52:27D-119 et  
20 seq.), however, the private plan review agency shall be obligated to  
21 conduct plan reviews in an expedited timeframe.

22 (3) A private plan review agency conducting expedited plan  
23 reviews shall:

24 (a) maintain all plan review records applicable to each  
25 construction permit;

26 (b) maintain an adequate number of certified staff to conduct  
27 expedited plan reviews for all classes of structure consistent with  
28 the private plan review agency's licensure and certification;

29 (c) provide adequate supervision of employees and ensure that  
30 an employee is properly licensed and certified before conducting a  
31 plan review;

32 (d) carry insurance as may be required by the department; and

33 (e) prepare and submit all required reports to the department and  
34 the enforcing agency.

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

38 6. The commissioner shall have all the powers necessary or  
39 convenient to effectuate the purposes of this act, including, but not  
40 limited to, the following powers in addition to all others granted by  
41 this act:

42 a. To adopt, amend and repeal, after consultation with the code  
43 advisory board, rules: (1) relating to the administration and  
44 enforcement of this act and (2) the qualifications or licensing, or  
45 both, of all persons employed by enforcing agencies of the State to  
46 enforce this act or the code, except that, plumbing inspectors shall  
47 be subject to the rules adopted by the commissioner only insofar as  
48 such rules are compatible with such rules and regulations, regarding

1 health and plumbing for public and private buildings, as may be  
2 promulgated by the Public Health Council in accordance with Title  
3 26 of the Revised Statutes.

4 b. To enter into agreements with federal and State of New  
5 Jersey agencies, after consultation with the code advisory board, to  
6 provide insofar as practicable (1) single-agency review of  
7 construction plans and inspection of construction and (2)  
8 intergovernmental acceptance of such review and inspection to  
9 avoid unnecessary duplication of effort and fees. The commissioner  
10 shall have the power to enter into such agreements although the  
11 federal standards are not identical with State standards; provided  
12 that the same basic objectives are met. The commissioner shall  
13 have the power through such agreements to bind the State of New  
14 Jersey and all governmental entities deriving authority therefrom.

15 c. To take testimony and hold hearings relating to any aspect of  
16 or matter relating to the administration or enforcement of this act,  
17 including but not limited to prospective interpretation of the code so  
18 as to resolve inconsistent or conflicting code interpretations, and, in  
19 connection therewith, issue **[subpena]** subpoena to compel the  
20 attendance of witnesses and the production of evidence. The  
21 commissioner may designate one or more hearing examiners to hold  
22 public hearings and report on such hearings to the commissioner.

23 d. To encourage, support or conduct, after consultation with the  
24 code advisory board, educational and training programs for  
25 employees, agents and inspectors of enforcing agencies, either  
26 through the Department of Community Affairs or in cooperation  
27 with other departments of State government, enforcing agencies,  
28 educational institutions, or associations of code officials.

29 e. To study the effect of this act and the code to ascertain their  
30 effect upon the cost of building construction and maintenance, and  
31 the effectiveness of their provisions for insuring the health, safety,  
32 and welfare of the people of the State of New Jersey.

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

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

41 (1) Plan review, construction permits, certificates of occupancy,  
42 demolition permits, moving of building permits, elevator permits  
43 and sign permits; and

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

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

1 h. To adopt, amend and repeal rules and regulations providing  
2 for the charging of and setting the amount of construction permit  
3 surcharge fees to be collected by the enforcing agency and remitted  
4 to the department to support those activities which may be  
5 undertaken with moneys credited to the Uniform Construction Code  
6 Revolving Fund.

7 i. To adopt, amend and repeal rules and regulations providing  
8 for:

9 (1) Setting the amount of and the charging of fees to be paid to  
10 the department by a **private agency** business entity for the review  
11 of applications for and the issuance of approvals authorizing a  
12 **private agency** business entity to act as a private plan review  
13 agency, an on-site inspection and plan review agency, or an in-plant  
14 inspection agency;

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

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

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

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

32 l. To adopt, amend, and repeal rules and regulations  
33 implementing the provisions of P.L.1999, c.15, P.L.2003, c.44, and  
34 section 1 of P.L.2015, c.146 (C.52:27D-123f) concerning the  
35 installation and maintenance of carbon monoxide sensors.  
36 (cf: P.L.2015, c.146, s.2)

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38 3. This act shall take effect in the first day of the fourth month  
39 next following the date of enactment, however, the commissioner  
40 shall immediately commence the process of promulgating rules and  
41 regulations.

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STATEMENT

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46 This bill establishes an alternate expedited plan review process  
47 under the State Uniform Construction Code Act. Under the bill, an  
48 applicant for a construction permit may opt to pay a premium fee to

**A1465 KARABINCHAK**

1 have review and approval of the plans and specifications submitted  
2 together with the application for the permit performed on an  
3 expedited basis, within ten calendar days of the date of submission  
4 of the permit application. The premium fee would be \$500 for each  
5 required plan review subcode area. The applicant would make this  
6 option at the time of submitting a permit application. A  
7 municipality may offer expedited plan reviews by its construction  
8 code enforcing agency. If a municipality does not offer in-house  
9 expedited plan reviews, a construction permit applicant may retain  
10 any properly licensed private plan review agency to perform an  
11 expedited plan review. Because the local enforcing agency would  
12 retain supervisory control over the construction project, and retain  
13 the obligation and authority to issue the certificate of occupancy  
14 upon completion of the project, the bill provides for a bifurcation of  
15 the construction permit fees. Under the bill, a local enforcing  
16 agency would retain the generally applicable fees and the private  
17 plan review agency would receive the expedited plan review  
18 premium fee. The bill requires and empowers the Department of  
19 Community Affairs to develop and implement rules and regulations  
20 establishing program details, which would include a licensure  
21 program for businesses that want to privately perform expedited  
22 plan reviews.