

NEW JERSEY DEPARTMENT OF  
**COMMUNITY AFFAIRS**



## In This Issue

Barrier Free Subcode: Large Building and Small Building No Longer Apply to Multifamily Residential Structures   . . . . . 4

Changes in Testing . . . . . 8

Discount on ASHRAE Standards and Availability of NFPA Standards . . . . . 1

Does UL List Any "Raintight" Compression Type EMT Fittings for Use in Wet Locations?  . . . 14

Energy -- Can't Download? No Problem! . . . . . 11

Health Care Facilities Plan Review Authority . . . . . 8

Help Prevent the Illegal Development of Environmentally Sensitive Areas in Your Town . . . 5

IRC Height and Area Issue is Resolved  . . . . . 9

Local Government Ethics Law -- Acceptance of Gifts . . 7

New Jersey Code Adoptions -- Elevator Safety Subcode  . . . . . 6

*New Jersey Register* Adoptions . . . . . 2

Not Using Green Is Not a Violation  . . . . . 14

Packaged Spa/Hot Tub  . . . . . 11

Rain-Tight or Not?  . . . . . 14

Replacement Windows in Wind-Borne Debris Regions  . . . . . 12

Residential Site Improvement Standards Now on the DCA Web Site . . . . . 13

Single-Family Homeowner Plans . . . . . 9

Solar Energy -- Not Exempt from Fees . . . . . 13

Stacked Washers and Dryers . . . . . 12

The Redevelopment Handbook . . . . . 13

U.S. Census Bureau and DCA Monthly Data Collection . . . . . 4

Vent Piping Size for Fuel Oil Tanks . . . . . 7

Windows in Wind-Borne Debris Regions  . . . 12

### Discount on ASHRAE Standards and Availability of NFPA Standards

Since the adoption of the Energy Subcode, which references the 1999 edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) 90.1, the Department of Community Affairs has received many telephone calls pertaining to the high cost of purchasing copies of the ASHRAE 90.1-1999 standard. For those who are not members of ASHRAE, the cost of the above standard is \$20 higher than the member price.

We are happy to inform you that a "Code Official's Discount" for any of the ASHRAE standards has been negotiated with ASHRAE to provide a 30-percent discount off of the list price to eligible code officials. (Please note that prices do not include the cost of shipping.)

In order to receive the discount, "CODE OFFICIAL DISCOUNT" must be indicated clearly on the order form. All orders must be submitted on letterhead imprinted with the name of the municipality and title. A government purchase order and government check must also be included.

Please mail your order to:

ASHRAE  
1791 Tullie Circle, NE  
Atlanta, GA 30329

Attn: Phyllis Maurer, Customer Service Manager

Don't forget to indicate "CODE OFFICIAL DISCOUNT" on the order form!

Should you need to contact ASHRAE, the telephone number is 1 (800) 527-4723.

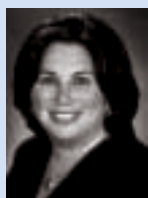
The Department has also received phone calls from code officials stating that back issues of the referenced National Fire Protection Association (NFPA) standards are unavailable. The Department has contacted NFPA to inquire about obtaining back issues of these standards and was informed that, for a fee, most back issues may be downloaded from the Internet. There are a limited number of certain standards available. Please call NFPA at (617) 770-3000 to verify which back issues are available.

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello  
Code Assistance Unit



James E. McGreevey  
Governor



Susan Bass Levin  
Commissioner

### ***New Jersey Register Adoptions***

**Date:** July 7, 2003  
**Adoption:** 35 *N.J.R.* 2864(b)  
**Summary:** This adopted amendment at *N.J.A.C.* 5:23-3.14(a)16x makes an administrative correction to include the correct abbreviation for compressive strength.

**Date:** July 7, 2003  
**Adoption:** 35 *N.J.R.* 2865(a)  
**Summary:** This adopted amendment at *N.J.A.C.* 5:23-9.2(b)3vi inserts text that describes software and prescriptive packages recognized by the Department of Community Affairs to demonstrate Energy Subcode compliance, which was omitted inadvertently in the May 19, 2003 code update.

**Date:** July 21, 2003  
**Adoption:** 35 *N.J.R.* 3298(a)  
**Summary:** This adopted amendment at *N.J.A.C.* 5:23-2.18 makes an administrative correction to revise a cross-reference to final inspection requirements and the codification of a subsection.

**Date:** August 4, 2003  
**Adoption:** 35 *N.J.R.* 3608(a)  
**Summary:** This adopted amendment at *N.J.A.C.* 5:23-2.24(g), entitled "Conditions of Certificate of Occupancy," makes an administrative correction to provide the correct name of the Bureau charged with enforcement of the Liquefied Petroleum Gas Code, which is the "Bureau of Code Services" of the Division of Codes and Standards, not the "Bureau of Codes and Services."

**Date:** September 2, 2003  
**Adoption:** 35 *N.J.R.* 4051(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-3.14 and 3.17 reflect changes made necessary by the adoption of the 2000 edition of the International Building Code (IBC/2000) and the 2002 edition of the National Electrical Code (NEC/2002) as the Building and Electrical Subcodes of the Uniform Construction Code (UCC), respectively. All references to the 1996 edition of the Building Officials and Code Administrators National Building Code (BOCA/1996) and the NEC/1999 have been deleted, and the appropriate IBC/2000 and NEC/2002 references have been inserted in their place.

**Date:** September 15, 2003  
**Adoption:** 35 *N.J.R.* 4281(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-4.5 delete the revision dates of the standard forms and logs listed in the UCC. In addition, the adopted amendments separate two existing dual-purpose forms (Notice of Violation and Order to Terminate/Notice Order to Pay Penalty and Notice of Unsafe Structure/Imminent Hazard) into their constituent parts. Finally, the adopted amendments delete the phrase "public inspection" because access to public records and files is addressed by the Open Public Records Act, *N.J.S.A.* 47:1A-1 et seq.

**Date:** October 6, 2003  
**Adoption:** 35 *N.J.R.* 4712(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-2.8, 3.7, 3.8, and 3.8A require the use of field evaluation labels and reports, or letters from nationally recognized testing laboratories and reports of engineering findings issued by nationally recognized evaluation service programs, in approving the use of alternate materials. In addition, these adopted amendments recodify existing language on Departmental approval of systems for indirect apportionment of heating costs in multiple dwellings.

**Date:** October 6, 2003  
**Adoption:** 35 *N.J.R.* 4713(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-2.23 and 4.5 define the inspection and enforcement responsibilities of construction and subcode officials with regard to buildings, structures, and projects that have received a Certificate of Occupancy or Certificate of Approval.

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**Date:** October 6, 2003  
**Adoption:** 35 *N.J.R.* 4714(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-9.1 revise previously adopted language at *N.J.A.C.* 5:23-9.1 to clarify that attached single-family dwellings in groups of three or more may be served by common water lines and sewer laterals provided a homeowners' association or other owners' entity ensures maintenance.

**Date:** October 20, 2003  
**Adoption:** 35 *N.J.R.* 4861(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-2.18C, 6.6, and 6.7 make administrative corrections to include correct cross-references to *N.J.A.C.* 5:23-2.20(e), entitled "Tests and Special Inspections," and *N.J.A.C.* 5:23-6.6(k)2, "Alterations."

**Date:** October 20, 2003  
**Adoption:** 35 *N.J.R.* 4861(b)  
**Summary:** These adopted amendments delete the provisions requiring elevators in large multifamily residential buildings from *N.J.A.C.* 5:23-7.5, which governs residential buildings other than Group R-1 (hotels and motels). In addition, these adopted amendments change "Use Group" to "Group" and delete or replace the references to Group R-4 to reflect the residential definitions in the recently adopted IBC/2000, the Building Subcode of the UCC.

**Date:** November 3, 2003  
**Adoption:** 35 *N.J.R.* 5073(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-3.14 and 3.21 retain the code requirements applicable to the height and area limitations for structures built to the One- and Two-Family Dwelling Subcode of the UCC. In addition, these adopted amendments incorporate the requirements of the previously adopted Building Subcode, BOCA/1996, which established the conditions for increasing the height or area of a one- or two-family dwelling. Finally, these adopted amendments to the Building Subcode of the UCC provide a single standard for means of egress components for one- and two-family dwellings and the interior of multifamily dwelling units regardless of whether the dwellings are constructed to the Building Subcode or the One- and Two-Family Dwelling Subcode.

**Date:** November 3, 2003  
**Adoption:** 35 *N.J.R.* 5062(b)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-3.2, "Matters Covered, Exceptions," update the references to the Building Subcode of the UCC that concern commercial farm buildings.

**Date:** November 3, 2003  
**Adoption:** 35 *N.J.R.* 5064(a)  
**Summary:** These adopted amendments to *N.J.A.C.* 5:23-3.4 assign plan review and field inspection responsibilities for the requirements of the Building, Electrical, and One- and Two-Family Dwelling Subcodes of the UCC.

**Date:** December 1, 2003  
**Adoption:** 35 *N.J.R.* 5371(b)  
**Summary:** This adopted amendment at *N.J.A.C.* 5:18-1.3 would allow any person seeking a waiver or modification of the requirements set forth at *N.J.A.C.* 5:18 to submit a request in instances where strict adherence to the rules would pose a hardship, or where technical advances allow for an alternative that would provide equivalent protection.

**Date:** December 15, 2003  
**Adoption:** 35 *N.J.R.* 5543(a)  
**Summary:** These adopted amendments at *N.J.A.C.* 5:23-1.4, 2.2, 2.17A, and 9.3 allow the replacement of shower or combination bath/shower valves in bathrooms in single-family dwellings without obtaining a UCC permit. Also, these adopted amendments update the UCC by deleting terms that are unnecessary or obsolete.

**Source:** Megan K. Sullivan  
Code Development Unit

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## Barrier Free Subcode: Large Building and Small Building No Longer Apply to Multifamily

### Residential Structures

Just a year ago (Winter 2002), I wrote an article in the *Construction Code Communicator* informing all readers the large building/small building distinction that had traditionally been applied to commercial buildings, as a result of an Appellate Court decision, also applied to multifamily residential structures. This year, I am writing to tell you that is no longer the case.

On May 5, 2003, Governor James E. McGreevey signed into law (P.L. 2003, c. 72) amendments to the Uniform Construction Code (UCC) Act specifying that the large building/small building distinction applies only to commercial structures and that townhouses, as they have been defined in the Barrier Free Subcode, are exempt. At the same time the UCC Act was amended, statutes that covered similar requirements were also amended, so there is now statutory agreement.

Amendments to the Barrier Free Subcode were proposed on July 7, 2003 and adopted on October 20, 2003 implementing the statutory change. Once and for all (we hope), the accessibility requirements for multifamily residential structures return to the 1995 Barrier Free Subcode requirements. In sum:

- In buildings with four or more dwelling units in a single structure, where there is elevator service, all (100 percent) of the dwelling units must be accessible.
- In buildings with four or more dwelling units in a single structure, where there is no elevator service, the ground-floor dwelling units must be accessible.
- When determining the number of dwelling units in a single structure, firewalls do not designate separate buildings.
- When determining whether a dwelling unit is a ground-floor dwelling unit, the following definition is critical: In a building containing dwelling units, the first floor containing a dwelling unit or a portion of a dwelling unit is considered the ground floor, regardless of whether that ground floor is at grade (*N.J.A.C. 5:23-7.5*).
- Townhouses are exempt from the Barrier Free Subcode. A townhouse is defined as: A single dwelling unit with two or more stories of living space, exclusive of basement or attic. The dwelling unit shall have an independent entrance that shall serve a single dwelling unit only and that is at or near grade; most or all of the sleeping rooms shall be

on one story; and most of the remaining habitable space, such as kitchen, living, and dining areas, shall be on another story.

- When being applied to dwelling units, the terms “accessible” and “adaptable” are interchangeable. They mean that the building has an accessible building entrance; an accessible interior route into and through the dwelling unit; and required clear floor spaces, reach ranges, and maneuvering space. The kitchen and bathrooms may have adaptable features.

If you have questions about the Barrier Free Subcode, please contact the Code Assistance Unit at (609) 984-7609.

Source: Emily W. Templeton  
Code Development Unit

## U.S. Census Bureau and DCA Monthly Data Collection

For those who don't know me, my name is Charlie Pierson, Jr. My job at the Department of Community Affairs is to collect all permit and certificate data that each town submits to the Department on a monthly basis, as well as provide technical support for the Uniform Construction Code Administrative Records System (UCCARS). I would like to begin by saying that you are all doing a wonderful job by submitting your data each month. This makes everything run much smoother at the Department.

Secondly, I would like to discuss census reports. Each month, *only* if you submit your reports to the Department on paper rather than through an electronic transmission or e-mail, you need to include a report to the Federal Census Bureau. It is very important that you *do not* send anything to the Census Bureau if you transmit your reports electronically or by e-mail because it will only cause confusion.

In addition, if you do not have form C-404, please call 1 (800) 845-8244 and request one. You must fill this form out for every month in which you send the Department a paper report. This form must also be submitted for any past months this year in which you have sent me a paper report.

If you do not send in your monthly building permit report to the Department, expect to hear from me. If you are sending paper reports to the Department, but forget to send in a paper report to the Census Bureau, you also can expect to hear from me because my job is to help the Census Bureau obtain its monthly reports, as well.

If you have questions about any of these monthly reports, please contact me at (609) 292-7899. You might have additional questions for the Census Bureau. Remember, you have monthly reporting obligations to both agencies.

Contact the U.S Census Bureau at:

U.S. Census Bureau  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132-0001

Phone: 1 (800) 845-8244  
Fax: 1 (800) 438-8040  
E-mail: [mcd@census.gov](mailto:mcd@census.gov)

Source: Charles Pierson, Jr.  
UCCARS Product Support

### **Help Prevent the Illegal Development of Environmentally Sensitive Areas in Your Town**

From the mountains of Sussex County to the shoreline of Cape May, New Jersey has several land-use laws and rules that impact many sites across the State. These laws are administered and enforced by the New Jersey Department of Environmental Protection (DEP) and include the Freshwater Wetlands Protection Act, the Flood Hazard Area Control Act, the Wetlands Act of 1970 (coastal wetlands), the Waterfront Development Act, the Coastal Area Facility Review Act, and the Riparian Lands Act (tidelands).

These laws regulate a broad range of construction and development activities, as well as many activities related to site preparation including filling, grading, excavation, and the clearing of vegetation in areas that have been determined to have special environmental value or sensitivity.

As municipal officials, particularly those charged with issuing permits for construction and/or land disturbances, it is important to become familiar with these laws. Many violations identified by the DEP's Bureau of Coastal and Land Use Compliance and Enforcement (BCLUCE) can be prevented at the local level by zoning or construction officials and/or municipal engineers by ensuring that the proper permits have been obtained before building permits are issued. Once projects are approved on the local level and construction activities begin, they are much harder to stop or reconfigure. Please ensure that, prior to projects being approved by you, all necessary State land-use permits are in place.

Some towns require the submittal of a State-verified freshwater wetland Letter of Interpretation, which identifies

wetlands and buffers, as part of the building permit application. In addition, a DEP-issued permit may be required when development activity is to occur in a flood plain or in the vicinity of a stream. This permit is called a "Stream Encroachment Permit."

The DEP recognizes that the presence of freshwater wetlands or flood plains on a site is not always obvious. There are resources available to help you help us protect these important areas: iMap, found on the DEP web page at [www.nj.gov/dep](http://www.nj.gov/dep), is a mapping tool that can provide you with general information about various regulatory boundaries and much more. Wetlands should always be field verified for precise accuracy of location. The use of county soil surveys to identify poorly drained or very poorly drained soils is also helpful in locating areas that may contain wetlands. A caution is appropriate here. The maps that are available on iMap are up to ten years old. Therefore, they should not be regarded as definitive or accurate in their details, but should be used as a resource to provide more general land-use information.

If you suspect that a project may impact a sensitive environmental area, you may require the builder to obtain a determination from the DEP by calling the Land Use Regulation (permitting) Program at (609) 292-0060. For more information on these land-use laws and available permits, check out [www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse).

If you have any questions or concerns in regard to activities occurring on sensitive land areas, please call BCLUCE at (609) 292-1240 for Mercer County and north, and (732) 255-0787 for Monmouth County and south. For more information on BCLUCE, click onto [www.nj.gov/dep/enforcement/clue.html](http://www.nj.gov/dep/enforcement/clue.html).

Together we can ensure that these areas of beauty and benefit are managed in a responsible and intelligent way.

Source: Barbara Baus  
Supervising Environmental Specialist  
DEP BCLUCE

### New Jersey Code Adoptions -- Elevator Safety Subcode

The following chart gives the adoption dates and the edition of the codes and standards used for the Elevator Safety Subcode.

Edition Date for Building Subcode	Effective Date for Model Codes	BOCA Article Number for Elevators, Dumbwaiters, and Conveyor Equipment	ANSI A17 Safety Standard for Elevators and Escalators	ANSI A90.1 Safety Standard for Belt Manlifts	ASME A18.1 and A18.1a Safety Standard for Platform Lifts and Stairway Chairlifts
1975	01/01/77	16	A17.1 - 1971; A17.1a - 1972; A17.1b - 1973	A90.1-1969	
1976/S	12/01/77	16	A17.1 - 1971; A17.1a - 1972; A17.1b - 1973; A17.1c - 1974; A17.1d, e, f - 1975	A90.1 - 1969; A90.1a - 1972	
1978	10/01/78	16	A17.1 - 1971; A17.1a - 1972; A17.1b - 1973; A17.1c - 1974; A17.1d, e, f - 1975	A90.1 - 1969; A90.1a - 1972	
1981	05/07/81	21	A17.1 - 1978	A90.1 - 1976	
1983/AS	02/22/83*	21	A17.1 - 1981	A90.1 - 1976	
1984	08/06/84	21	A17.1 - 1981; A17.1a - 1982	A90.1 - 1976	
1985/S	04/01/85	21	A17.1 - 1984	A90.1 - 1976	
1986/AS	09/22/86	21	A17.1 - 1984	A90.1 - 1976	
1987	04/01/87	26	A17.1 - 1984 and 1985 Supplement	A90.1 - 1985	
1988/S	06/20/88	26	A17.1 - 1984 and 1985 Supplement	A90.1 - 1985	
1989/AS	11/01/89	26	A17.1 - 1987	A90.1 - 1985	
1990	07/01/90	26	A17.1 - 1987	A90.1 - 1985	
1991/S	03/04/91	26	A17.1 - 1987		
1993	05/01/93	Chapter 30	A17.1 - 1990	A90.1 - 1985	
1996	07/06/98	Chapter 30	A17.1 - 1993 and 1994, 1995 Supplements	A90.1 - 1992	
IBC-2000 New Jersey Edition	05/05/03	Chapter 30	A17.1 - 1996 and 1997, 1998 Supplements	A90.1 - 1997	A18.1 - 1999 and A18.1a - 2001

Note: The grace period is covered at *N.J.A.C. 5:23-1.6(a)*.

- 1) Consult construction files to determine under which code the permit was taken out;

- 2) If code information is not available, apply the previous code. For example, when performing cyclical inspections, if the permit — or installation — date precedes or is within the grace period, apply the code edition immediately preceding the adoption of the new subcode. Example: A permit was issued on May 15, 1987. If the construction file does not have the information about the edition of the standard used, then ANSI A17.1 - 1984 is enforced. If the permit was issued on November 16, 1987, the ANSI A17.1 - 1984 with the 1985 supplement apply.

S = Supplement  
AS = Accumulative Supplement  
A = Amendments  
\* = Operative date

If you have questions about the Elevator Safety Subcode, you may reach the Elevator Safety Unit at (609) 984-7833.

Source: Paulina Caploon  
Elevator Safety Unit

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### Vent Piping Size for Fuel Oil Tanks

The Department of Community Affairs has received questions pertaining to the vent piping size requirements for fuel oil storage tanks smaller than 660 gallons.

The 1992 edition of National Fire Protection Association (NFPA) 31 requires vents for tanks smaller than 660 gallons to be 1 1/4". In 1997, NFPA 31 increased the vent piping size requirement to 2". However, in 2001, NFPA 31 reverted to the smaller size requirement.

The 1997 edition of NFPA 31 is referenced in the 2000 edition of the International Mechanical Code (IMC/2003), the Mechanical Subcode of the Uniform Construction Code.

The Department is reviewing IMC/2003, which will be proposed for adoption early in 2004. Because IMC/2003 references the 2001 edition of NFPA 31, which requires the 1 1/4" vent, the Department advises that, in the interim, code officials allow the use of the smaller vent.

Should you have any questions, you may contact me at (609) 984-7609.

Source: Thomas C. Pitcherello  
Code Assistance Unit

### Local Government Ethics Law – Acceptance of Gifts

Code officials and inspectors, like all local government officials and employees, must bear in mind their obligations under the Local Government Ethics Law, specifically the prohibition in *N.J.S.A. 40A:9-22.5*, paragraph f, against soliciting or accepting any gift, favor, or other thing of value based upon an understanding that it was given or offered for the purpose of influencing the official or employee in the performance of his or her official duties. Code officials and inspectors may reasonably assume that **any** gifts given or offered to them by someone with whom they may have contact in an official capacity is being offered or given with the intent of influencing them in that official capacity, and all said gifts should therefore not be accepted, no matter how small they may be.

Any questions concerning this requirement may be addressed to the municipal ethics board, if there is one, or to the Local Finance Board of the Department of Community Affairs, which is responsible for enforcement of the Local Government Ethics Law in municipalities that do not have their own board.

If you have any questions regarding the Local Government Ethics Law, please call Dave Nenno of the Division of Local Government Services at (609) 292-4537, or e-mail [dnenno@dca.state.nj.us](mailto:dnenno@dca.state.nj.us).

Source: Michael L. Ticktin  
Chief, Legislative Analysis

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## Changes in Testing

There are three important changes in the test administration of the exams produced by the National Certification Program for Construction Code Inspectors (NCPCCI), which is administered by Experior Assessments, Inc. There are changes in test sites and examination fees, and in January all exams except electrical are being updated to the 2003 code editions.

1. **TEST SITES:** For the past few years, the exams used in licensing code officials have been offered in testing sites owned by Prometric, Inc., a test administration company. The tests have often been given in Sylvan Learning Centers. Effective in January 2004, test administration sites will change from those owned by Prometric to those that are part of the Experior Testing Network. There is currently only one Experior Testing Network site in New Jersey. It is in West Orange. In approximately six months, there will be an additional testing site in Princeton. There are also testing sites in Philadelphia and Manhattan. Information on these sites is available on the Experior web site, [www.experioronline.com](http://www.experioronline.com). For convenience, the Department of Community Affairs is in the process of establishing a link to Experior's web site on the Division's web site.

2. **EXAM FEES:** Also effective in January, the cost of taking a test will change. Each exam will be \$120. The cost of taking linked exams will also change: two linked exams will be \$195; three linked exams will be \$290. The linked exams are those listed in the Candidate Information Bulletin that is published by Experior. Remember: when the exams are linked, there is no break at all between the exams. The second (or third) exam begins the instant the first (or second) exam has been completed.

3. **UPDATED EXAMS:** Beginning in January 2004, all exams except electrical (which is on a different code-change cycle) will be updated to the 2003 code editions. **There will be a testing black-out period from January 1, 2004 through January 19, 2004. No exams will be given during this period.** This black-out period will enable Experior to load the new exams onto the computers in the test centers. All registrations received after December 19, 2003 will be processed for the 2004 exam dates that begin January 20, 2004. (This is because there is not enough time between December 19 and the end of the year to receive and process registrations, and to schedule examinations for a 2003 exam date.)

For information on the testing sites or test registration, please contact Experior at 1 (800) 864-5309, or access the Experior web site at [www.experioronline.com](http://www.experioronline.com).

The most recent Candidate Information Bulletin is available on the Experior web site.

## ICC Exams

At this time, the Department will accept the results of the exams offered by the International Code Council (ICC). The ICC offers exams for building and mechanical, will offer plumbing exams that are compatible with the National Standard Plumbing Code shortly, and are developing exams for fire protection officials. Information about the ICC exams may be found on its web site, [www.iccsafe.org](http://www.iccsafe.org). Exams that are eligible in New Jersey are listed under "New Jersey Legacy Exams."

For information on licensing requirements for code officials in New Jersey, please contact the Licensing Unit in the Bureau of Code Services at (609) 984-7834.

If you have problems with the exams themselves, or if you have problems with Experior, please contact me at (609) 984-7609.

Source: Emily W. Templeton  
Code Development

## Health Care Facilities Plan Review Authority

It has come to the Department of Community Affairs (DCA), Bureau of Construction Project Review's attention that the authority for the review of projects to be undertaken at licensed health care facilities may be unclear to some local officials. Several design firms have called or e-mailed the DCA regarding this subject after having been told by construction officials and subcode officials throughout the State that their plans are not required to be reviewed by the DCA because Class I municipalities are permitted by law to review and approve construction plans for licensed health care facilities.

This is incorrect!

The Uniform Construction Code (UCC) at *N.J.A.C. 5:23-3.11(a)8*, "Enforcement Activities Reserved to the Department," clearly provides that the DCA shall be the sole plan review agency for all health care facilities.

The Health Care Plan Review Unit, which is now at the DCA and was formerly at the New Jersey Department of Health and Senior Services, has been the sole plan review agency for health care facilities for over 30 years. The unit was given this responsibility due to the complexity of these types of projects, and because of the numerous codes and standards -- including both State and Federal licensing

standards -- that must be applied in the review of such projects. Local officials, unfamiliar with these standards or how they must be applied, might miss these important items. This could result in noncompliance of these facilities with the noted standards, which in turn would result in the loss of funding to such facilities under several Federal programs.

The DCA does allow the return of some small, non-patient care projects in health care facilities (e.g., employee offices, staff lounges on non-patient floors, administrative offices, staff dining areas, etc.) to local jurisdiction, but only after the DCA has performed a cursory evaluation of the proposed project. Upon completion of this evaluation, written permission in the form of a letter from either David B. Uhaze, Chief, Bureau of Construction Project Review, or Farivar Kiani, Supervisor, Health Care Plan Review, must accompany the plans sent to the municipality's building department.

Further guidance on this matter for construction officials or subcode officials can be found in UCC Bulletin No. 98-3, "Health Care Facilities Plan Review," or by calling our offices at (609) 984-7850.

Source: David B. Uhaze, RA  
Chief  
Bureau of Construction Project Review

### Single-Family Homeowner Plans

A number of callers have asked the Code Assistance Unit of the Department of Community Affairs whether a homeowner may submit his or her own plans to the local construction department for a detached accessory structure (e.g., garage, barn) for personal vehicles, pets, and/or storage on the same property of a single-family home.

The answer is "Yes."

Based upon the provisions set forth at *N.J.A.C.* 5:23-2.15(e)1ix, "Construction Permits – Application," a single-family homeowner may prepare his or her own plans for the construction, alteration, or repair of a structure that will be used **exclusively** as the homeowner's private residence and/or accessory structure. These provisions also require that the structure be constructed by the homeowner or homeowner's agent. The home and/or accessory structure must be intended for personal use, not business or commercial purposes.

If you have any questions on this issue, you may reach me at (609) 984-7609.

Source: Rob Austin  
Code Assistance Unit

### IRC Height and Area Issue is Resolved

As most of you know, upon adoption of the International Residential Code (IRC), the Department of Community Affairs reserved the old height and area limitations of the 1996 edition of the Building Officials and Code Administrators (BOCA) National Building Code for additional public comment. The Department has received several comments and, upon review, concluded that the height and area limitations of BOCA/1996, which were incorporated into the One- and Two-Family Dwelling Subcode, would better serve the citizens of the State. The purpose of this article is to explain the impacts of these amendments.

□ At *N.J.A.C.* 5:23-3.14(b)3, the Building Subcode, the definition of Group R-3 has been changed to clarify that all detached one- and two-family dwellings beyond the design parameters of the IRC must be designed and constructed in accordance with the International Building Code (IBC) as an R-3.

□ At *N.J.A.C.* 5:23-3.14(b)10, Chapter 10 of the IBC, "Means of Egress," has been amended to reflect all of the residential stair, guardrail, and handrail issues that were changed in the IRC. Because there are more residential buildings required to be constructed in accordance with the IBC, it was necessary to incorporate the residential stair, guardrail, and handrail requirements into the IBC.

□ At *N.J.A.C.* 5:23-3.21(b), the One- and Two-Family Dwelling Subcode, the parameters of the IRC have been clearly established as all detached one- and two-family buildings or single-family townhouses that are not more than three stories in height (Group R-5). Additionally, the definition of the term "townhouse" is incorporated into the Uniform Construction Code (UCC).

□ At *N.J.A.C.* 5:23-3.21(c)3, a new section has been added establishing height and area limitations for Group R-5 buildings. These height and area limitations include the concepts of "Increase in Height" and "Increase in Area."

This is a brief summary of the changes that have been promulgated. Please take the time to amend your New Jersey editions of both the IRC and the IBC to reflect these amendments. The full text of the amendments follows and subscribers to the UCC have received this amendment through the subscription service. Should you have any further questions, please contact me directly at (609) 984-7609.

The following is provided so it can be inserted easily on page 25 of the IBC for Section 310.1 R-3 and R-5, and page 14 of the IRC for Section R.300.

(continued from page 9)

### **310.1 (page 25 of NJ IBC)**

**R-3** Detached one- and two-family dwellings greater than three stories in height, multiple single-family townhouses greater than three stories in height, attached two-family dwellings separated from adjacent units by firewalls, and other single-family dwellings that are outside the scope of the One- and Two-Family Dwelling Subcode. Group R-3 includes:

- Single residential occupancies, accessory to a dwelling unit, having no more than five roomers or lodgers. (Single occupancies, accessory to a dwelling unit, having more than five roomers or lodgers shall be classified as Group R-2 or I-1, as appropriate.)
- Adult and child day-care facilities, accessory to a dwelling unit, serving five or fewer persons of any age for less than 24 hours.
- Rooming houses with five or fewer residents.
- Therapeutic residences with five or fewer residents.

### **310.1 (page 25 of NJ IBC)**

**R-5** Detached one- and two-family dwellings not more than three stories in height, and multiple single-family townhouses not more than three stories in height, designed and constructed in accordance with the One- and Two-Family Dwelling Subcode.

### **R300 (page 14 of NJ IRC)**

**R300 Height and Area Limitations** Buildings of VB, unprotected, wood-framed construction, as that term is defined in Section 602 of the Building Subcode, shall be not more than two stories, not more than 35 feet in height, and not more than 4,800 square feet in area per floor. For the purpose of applying this section, a habitable attic shall not constitute a story. A habitable attic shall be an attic that has a stairway as a means of access and egress, and in which the ceiling area at a height of seven feet above the attic floor is not more than one-third the area of the next floor below.

**R300.1 Increases in Height** The building shall be not more than three stories and not more than 55 feet in height where the building is equipped throughout with an automatic sprinkler system installed in accordance with the National Fire Protection Association (NFPA) Standard 13 or 13R, and where the system is monitored by an approved supervising station in accordance with NFPA 72.

**R300.2 Increases in Area** The area of a building may be increased as provided in Sections R300.2.1 and R300.2.2 below.

**R300.2.1** The area limitation shall be permitted to be increased 200 percent for one- and two-story buildings, and 100 percent for buildings more than two stories in height

where a building is equipped throughout with an automatic sprinkler system installed in accordance with NFPA Standard 13.

**R300.2.2** The area limitation shall be permitted to be increased 2 percent for each 1 percent of excess frontage where a building has more than 25 percent of the building perimeter fronting on a street or other unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet in width, and shall have access from a street by a posted fire lane that is not less than 18 feet in width.

**R300.3 Buildings of VA Construction** Buildings of VA, protected, wood-framed construction, as that term is defined in Section 602 of the Building Subcode, shall be not more than three stories, not more than 40 feet in height, and not more than 10,200 square feet in area per floor.

**R300.3.1** Buildings of VA construction greater than three stories in height shall be designed and constructed in accordance with the Building Subcode.

**R300.3.2** Buildings of VA construction shall be permitted to be increased in area in accordance with R300.2.

**R300.4 Buildings of Other Types of Construction** The height and area limits allowable for buildings of construction type VA shall apply to other construction types, as they are defined in Section 602 of the Building Subcode, provided that the fire ratings of building elements meet or exceed the requirements for type VA in Tables 601 and 602 of the Building Subcode.

If you have any questions you may reach me at (609) 984-7609.

Source: John N. Terry  
Code Assistance Unit

## Packaged Spa/Hot Tub

A number of callers have asked the Code Assistance Unit of the Department of Community Affairs whether the use of nonmetallic, sheathed cable is an acceptable wiring method for a packaged spa/hot tub with factory-installed and wired luminaries, and whether this type of wiring method can be used for a disconnect switch or breaker enclosure (no additional poles and not a sub-panel, but the breaker for the unit only).

The 2002 edition of the National Electrical Code, Section 680.2, entitled "Swimming Pools, Foundations, and Similar Installations, Definitions," defines a packaged spa or hot-tub equipment assembly as a factory-fabricated unit consisting of water-circulating, heating, and control equipment mounted on a common base. (Equipment may include pumps, air blowers, heaters, lights, controls, sanitizer generators, etc.)

Section 680.42(C), "Outdoor Installations, Interior Wiring to Outdoor Installations," states that any wiring method set forth in Chapter 3, "Wiring Methods and Materials," containing a copper equipment-grounding conductor that is insulated or enclosed within the outer sheath of the wiring method and not smaller than 12 AWG shall be permitted to be used.

Section 680.42 shall comply with Part 1, "General," and Part II, "Permanently Installed Pools." Single-family dwellings under Section 680.21(A)(4) are permitted the use of wiring methods set forth in Chapter 3. Section 680.25, "Feeders," must be applied for feeders that supply panelboards (sub-panels) for the spa/hot-tub equipment.

Therefore, nonmetallic, sheathed cable is an acceptable interior wiring method in a single-family dwelling, or in the interior of another building or structure associated with a single-family dwelling, for a packaged spa or hot tub. If the disconnect is located on the interior of a building or structure, nonmetallic, sheathed cable is allowable on the line and load side. If the disconnect is located at the exterior of the building or structure, nonmetallic, sheathed cable may be used on the line side of the disconnect and an approved exterior wiring method with an insulated copper equipment-grounding conductor from Chapter 3, and as applicable under Sections 680.42 and 680.42(A), on the load side. In any case, if the light is factory-installed, the wiring requirements of Section 680.23, "Underwater Luminaries (Lighting Fixtures)," or Section 680.33, "Luminaries (Lighting Fixtures)," do not apply. If you have any questions on this matter, you may reach me at (609) 984-7609.

Source: Suzanne Borek  
Code Assistance Unit

## Energy – Can't Download? No Problem!

The REScheck, New Jersey edition and COMcheck EZ Energy Subcode compliance tools can be downloaded FREE from the U.S. Department of Energy's web site at [www.energycodes.com](http://www.energycodes.com).

If the user is unable to download the compliance tools, he or she may use the ONLINE compliance tools. No downloading is required — just use the compliance tool as it appears on your computer screen.

The link for the new online REScheck Package Generator compliance tool is:

<http://bldgcode.pnl.gov/REScheckPkgGen/PkgGen.html>

The link for the new online COMcheck Package Generator compliance tool is:

<http://bldgcode.pnl.gov/COMcheckPkgGen/PkgGen.html>

REScheck Package Generator has the following features:

- Requires no download or installation of software on your desktop.
- Demonstrates compliance with 1992, 1993, and 1995 Mechanical Energy Code; 1998 International Energy Conservation Code (IECC); and 2000 IECC (state-specific code versions are available as of late 2003).
- No additional downloads required for code changes.
- Performs the same UA calculation as the desktop software.
- Saves your projects online for easy access from work or home.

COMcheck Package Generator has the following features:

- Is a cross between two currently available tools: the COMcheck EZ Software and the COMcheck Prescriptive Packages.
- Allows you to generate your own custom prescriptive packages on the web without downloading software or PDF versions of prescriptive packages.
- Allows you to generate your own code-compliant packages based on your building location and window-to-wall ratio.

If you have any questions on this issue, you may reach me at (609) 984-7609.

Source: Rob Austin  
Code Assistance Unit

## Replacement Windows in Wind-Borne Debris Regions

With the adoption of the International Residential Code (IRC), there have been numerous inquiries regarding replacement windows in high-wind regions.

By definition, a wind-borne debris region is an area within a hurricane-prone region that is within one mile of the coastal mean high water line where the basic wind speed is 110 miles per hour or greater.

According to the Rehabilitation Subcode (*N.J.A.C. 5:23-6*), the replacement of windows is considered a renovation and must comply with *N.J.A.C. 5:23-6.8*, "Materials and Methods." The provision of the IRC that requires windows to be protected from impact resistance is NOT contained in *N.J.A.C. 5:23-6.8*. Therefore, replacement windows in wind-borne debris regions are NOT required to be protected.

Should you have further questions regarding this issue, please contact me at (609) 984-7609.

Source: Marcel Iglesias  
Code Assistance Unit

## Windows in Wind-Borne Debris Regions

The section of the International Residential Code that has been the root of the largest number of code assistance inquiries is Section R301.2.1.2, "Internal Pressure." The purpose of this article is to provide a clear summary of the requirements of this code section.

Section R301.2.1.2 requires windows in *wind-borne debris regions* to be protected from wind-borne debris; otherwise, the building must be designed as a partially enclosed building in accordance with the International Building Code. An exception to this rule is provided that allows the use of 7/16-inch wood structural panels precut to cover the glazed opening with the attachment hardware provided. But, what triggers this requirement?

According to Section R202, "Definitions," a *wind-borne debris region* is an area within a *hurricane-prone region* that is within one mile of the coastal mean high water line where the basic wind speed is 110 miles per hour or greater. Contained in this definition is another defined term: *hurricane-prone region*. As per R202, a *hurricane-prone region* is an area vulnerable to hurricanes, defined as the U.S. Atlantic Ocean and the Gulf of Mexico coasts. But, what does all this mean?

Short version: Buildings constructed within one mile of the mean high water line of the Atlantic Ocean and having a wind speed of 110 miles per hour are required to have windows that are protected from wind-borne debris. This protection may be in the form of impact-resistant glazing or by means of 7/16-inch thick plywood to protect openings. This plywood does not need to be installed in order for the approval to be granted; it needs to be precut and provided with attachment hardware.

This should solve many of the problems associated with this new code section; however, should you need additional clarification, please call me at (609) 984-7609.

Source: John N. Terry  
Code Assistance Unit

## Stacked Washers and Dryers

Recently, the Code Assistance Unit has received a number of questions concerning whether stacked washers and dryers may be installed in accessible/adaptable dwelling units. Provided that the laundry equipment meets the reach-range requirements of International Codes Council/American National Standards Institute (ICC/ANSI) A117.1-1998, the answer is "Yes."

At *N.J.A.C. 5:23-7.5*, the Barrier Free Subcode references ICC/ANSI A117.1-1998, Section 1002.10, entitled "Laundry Equipment," which sets forth requirements for clear floor space and reach ranges of washers and dryers in a dwelling unit. The laundry units are to be centered on the clear floor space with a parallel approach and each must have its operable parts within the code-specified reach ranges in accordance with ICC/ANSI A117.1-1998, Section 309, entitled "Operable Parts."

Operable parts include all controls and any movable parts that a user would need to operate in the normal course of the equipment's use. Such parts include the doors on a front-loading machine or the lid of a top-loading machine; the lint screen; the various dispensers for detergent, bleach, fabric softeners, etc.; and the knobs, switches, and levers. Please note that Section 309 indicates the maximum reach ranges for both the forward and the parallel approaches. However, since Section 1002.10 requires only the parallel approach for washers and dryers, the forward approach may be disregarded.

In short, if all operating mechanisms on stacked laundry units are within the required reach ranges, then the stacked units are acceptable. However, if they are outside of the reach-range requirements, then they do not meet the Barrier Free Subcode and the units may not be installed.

If you have any questions, please contact the Code Assistance Unit at (609) 984-7609.

Source: Jeffrey Applegate  
Code Assistance Unit

### Residential Site Improvement Standards Now on the DCA Web Site

The Department of Community Affairs is announcing the most recent addition to its web site: the Residential Site Improvement Standards (RSIS). These rules, developed by the Site Improvement Advisory Board and codified at *N.J.A.C. 5:21*, establish technical standards for the infrastructure of residential development — streets, parking, water supply, sanitary sewers, and stormwater management.

This set of standards can be accessed at <http://www.nj.gov/dca/codes/nj-rsis/index.shtml>. If you have any questions regarding the RSIS, please feel free to contact Melinda Reisner or myself at (609) 292-7898.

Source: Mary Ellen Handelman  
Office of Planning and Program Development

### The Redevelopment Handbook

The Department of Community Affairs and the New Jersey Chapter of the American Planning Association have jointly published *The Redevelopment Handbook: A Guide to Rebuilding New Jersey's Communities*. Written by Stan Slachetka, AICP, P.P. and David G. Roberts, AICP, P.P., ASLA, CLA, the *Handbook* contains a summary and explanation of laws and regulations that impact redevelopment in New Jersey.

Part of Governor James E. McGreevey's Smart Growth initiative, this publication provides an overview of redevelopment issues in New Jersey. The *Handbook* emphasizes public/private partnerships and encourages municipalities to develop a practical, realistic redevelopment plan. By including an analytical framework for making redevelopment decisions and evaluating proposals, the *Handbook* provides the underpinnings for a thoughtful, comprehensive, and creative review of municipal assets.

The *Handbook* is divided into four distinct parts.

**PART 1**, entitled "An Introduction to Redevelopment," provides an overview of legal authority -- constitutional, statutory, and regulatory; it gives direction on framing and identifying the problems involved in redevelopment; and it

summarizes the redevelopment process in New Jersey by identifying the participants, providing information on the required public hearing, and including guidance on how to select a redeveloper.

**PART 2**, entitled "The Redevelopment Planning Process," is the heart of the book. It discusses all kinds of areas that are eligible for redevelopment, such as areas with deteriorated buildings, areas with abandoned commercial or industrial structures, areas where the layout and design need to be changed, and areas that are underutilized. Part 2 details how to designate a redevelopment or rehabilitation area; it emphasizes the pieces of a redevelopment plan.

**PART 3**, entitled "Implementation," discusses the power and authority that result from the adoption of a redevelopment plan, including tax abatements and tax exemptions. It also gives direction on how to select a redeveloper.

**PART 4**, entitled "Brownfields," addresses this very specific kind of redevelopment challenge.

Government officials may obtain this comprehensive, informative, and practical *Handbook* by contacting me at (609) 984-7609. Others may obtain the *Handbook* through the American Planning Association web site at [www.njapa.org](http://www.njapa.org) by downloading a form containing all pertinent information for ordering the *Handbook*.

Source: Emily W. Templeton  
Code Development Unit

### Solar Energy – Not Exempt from Fees

*N.J.S.A. 52:27D-130.2* (P.L. 1985, c. 85) of the Uniform Construction Code (UCC) Act exempts "solar energy heating and cooling systems" from construction permit fees and surcharges. This type of system is defined in the statute as "a system which is certified as eligible for an exemption from property taxation by the Department of Community Affairs, pursuant to P.L. 1977, c. 256 (C. 54:4-3.113 et seq.). This is an obsolete provision in the UCC Act. Since the expiration of P.L. 1977, c. 256 on December 31, 1987, no solar energy heating or cooling systems have been certified as eligible for a property tax exemption, thereby no longer exempting these systems from construction permit fees and surcharges.

If you have questions on this matter, feel free to contact the Code Assistance Unit at (609) 984-7609.

Source: Rob Austin  
Code Assistance Unit

## Not Using Green Is Not a Violation

There has been some confusion as to whether the wire connector used for equipment grounds has to be the color green.

The answer is “No.”

Wire connectors that are green in color should be listed and labeled by the manufacturer for use as “grounding and bonding wire connectors.” If green wire connectors are to be used, they shall be used only on equipment-grounding conductors.

The 2002 edition of the National Electrical Code (NEC/2002), Section 250.148, “Continuity and Attachment of Equipment Grounding Conductors to Boxes,” states that, where circuit conductors are spliced within a box or terminated on equipment within or supported by a box, any separate equipment-grounding conductors associated with those circuit conductors must be spliced or joined within the box, or to the box with devices suitable for the use. Splices must be made in accordance with Section 110.14(B), “Electrical Connections: Splices,” which provides that conductors must be spliced or joined with splicing devices identified for use, except that insulation shall not be required.

The fault on the equipment-grounding conductor will not be greater than that of the phase conductors. Therefore, wire connectors other than green can be used for equipment-grounding conductors, provided that the connector is listed and labeled for the number and size of the conductors being spliced.

If you have any questions on this matter, you may reach me at (609) 984-7609.

Source: Suzanne Borek  
Code Assistance Unit

## Rain-Tight or Not?

Underwriters Laboratories, Inc. (UL) has pulled the listing and labeling of electrical metallic tubing (EMT) compression connectors and couplings that characterize the fittings as “rain-tight.” This is because water penetrates the fittings and accumulates in the enclosures to which the conduit is connected.

The 2002 edition of the National Electrical Code, Section 358.42, “Couplings and Connectors,” provides that, when installed in wet locations, couplings and connectors shall be of the rain-tight type.

UL has explained that, if the manufacturer’s installation instructions state that the fitting is rain-tight, then it can be used for such application. However, UL has recently provided information that Bridgeport EMT compression fittings in ½ inch, ¾ inch, and 1 inch only are listed and labeled as rain-tight for wet locations.

Therefore, if the compression fittings are not included in the list above, even if they are listed and labeled as rain-tight, then they shall not be approved for installation in a wet location.

If you have any questions on this matter, you may reach me at (609) 984-7609.

Source: Suzanne Borek  
Code Assistance Unit

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*The following article was printed in November 2003 by UL Regulatory Authorities for [www.ul.com](http://www.ul.com) and has been reprinted by permission here for readers of the Construction Code Communicator.*

## Does UL List Any “Raintight” Compression Type EMT Fittings for Use in Wet Locations?

(Updated November 13, 2003)

UL offers Listing service for “raintight” compression type EMT fittings under the product category Electrical Metallic Tubing (EMT) Fittings (FKAV) located on page 32 of the 2003 General Information Directory for Electrical Equipment (White Book).

However, UL recently conducted a study to determine the reliability of “raintight” compression fittings to consistently comply with the wet location test criteria. Based on the results of the study, UL initiated a more stringent follow up test program to assure these products consistently exclude water to maintain their “rain tight” marking.

Effective March 2002, manufacturers of UL Listed “raintight” (wet location) compression type EMT fittings were required to comply with the more stringent follow up test requirements. If the manufacturers of these fittings did not comply with the new requirements, they were no longer authorized to mark their UL Listed fittings with the “Raintight” marking.

As of November 2003, only one manufacturer is authorized to mark its Listed compression type EMT fittings with the “Raintight” marking. Bridgeport Fittings Inc. has its 250 and 260 Series with RT Suffix connectors and

couplings in the ½, ¾, and 1 inch trade size Listed for raintight applications.

These fittings are provided with additional sealing rings to exclude water. The instructions on the carton must be followed for proper installation. Look for the “Raintight” marking on the container and the UL Mark on the fitting.

The availability of “raintight” fittings may change as manufacturers redesign their fittings to comply with UL’s new follow-up “raintight” testing. It is imperative to always look for the proper marking on the product and container. If the product is not marked with the UL Listing Mark and the container is not marked “Raintight”, then the fittings have not been Listed for raintight applications. As new “Raintight” Listings are promulgated, [www.ul.com](http://www.ul.com) will be updated with that information.

Fittings manufactured prior to March 2002 may be used, provided that the manufacturer’s installation instructions state that they are suitable for use as “raintight.” The manufacturer’s instructions must be supplied.

For further information, please contact UL at (631) 271-6200 or go to [www.ul.com/regulators](http://www.ul.com/regulators).

Source: Suzanne Borek  
Code Assistance Unit

## Greetings from Governor James E. McGreevey and Commissioner Susan Bass Levin

One fundamental principle of the New Jersey State Uniform Construction Code (UCC) is that New Jersey citizens are provided with safe and affordable housing and buildings. This is achieved through local code enforcement agencies working in partnership with design professionals, builders and developers.

Three times per year, the Department of Community Affairs' (DCA) Division of Codes and Standards publishes the *Construction Code Communicator*. This newsletter provides subscribers - both public and private - with information on emerging construction issues. It also provides code officials with guidance on UCC administration and enforcement.

Through the *Construction Code Communicator* and all of our programs and services, we remain committed to providing safe and affordable housing and buildings to New Jersey citizens.

With all good wishes,



James E. McGreevey  
Governor



Susan Bass Levin  
Commissioner

Susan Bass Levin  
NJ Department  
of Community Affairs  
Commissioner



James E. McGreevey  
Governor  
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