

COMMUNITY AFFAIRS

Division Of Codes And Standards

Uniform Construction Code

Certificate Requirements—Temporary Certificate of Occupancy

Adopted Amendment: N.J.A.C. 5:23-2.23(g)1

Proposed: December 1, 2008 at 40 N.J.R. 6683(a)

Adopted: March 20, 2009 by Joseph V. Doria, Jr., Commissioner,

Department of Community Affairs

File: April 22, 2009 as R. 2009 d. 164, **without change, but with no action being taken on the remainder of the proposal.**

Authority: N.J.S.A. 52:27D-124

Effective Date: May 18, 2009.

Expiration Date: June 13, 2013.

JOSEPH V. DORIA, JR.
COMMISSIONER

Summary of Public Comment and Agency Response: Comments concerning the proposed amendment to N.J.A.C. 5:23-2.23(g)1 were received from Douglas M. Tomson, Director of Legislative Affairs, New Jersey Association of Realtors (NJAR); and Bill Farragher, Broker/Owner, Exit First Choice Realty.

COMMENT: NJAR believes that the current requirement that TCOs be valid for at least 60 days should remain in place so that buildings can be occupied while any necessary work, much of which may take more than 60 days, is completed. Under this proposal, TCOs would have to be reissued on numerous occasions by officials who already have trouble keeping up with the current demand for TCOs. By removing the 60-day requirement, DCA would be increasing the workload of these officials, thus delaying real estate transactions. If DCA believes its own statement that having TCOs be valid for at least 60 days allows enough time to complete needed work and avoid unnecessary paperwork, then the 60-day TCO requirement should remain in place.

COMMENT: The Department should not mess with the current 60-day policy. It is already hard enough to get local people involved in the inspections and issuance of TCOs. We are in a housing crisis and do not need anything else to keep the recovery off the track. (Farragher)

RESPONSE: The proposed amendment is permissive. If a construction official found it necessary to issue a TCO for 60 days or longer, he or she would remain fully authorized to do so.

Federal Standards Statement

No Federal standards analysis is required because this amendment is not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under, Federal law or State statute that incorporates or refers to a Federal law, standards, or requirements.