3. No inspection requiring disassembly, damage to, or destruction of certified premanufactured construction shall be conducted.

(b) The appropriate subcode officials shall inspect the installation of any premanufactured unit or assembly and all work installed or completed on site to determine compliance with the regulations and the approved plans.

* § 5:23-2.23 Certificate requirements (See p)

(a) New buildings: A building or structure hereafter erected shall not be used or occupied in whole or part until a form of certificate of occupancy shall have been issued by the construction official.

1. The enforcing agency shall upon application by the owner issue a certificate of occupancy when all requirements of the regulations have been met.

(b) Buildings hereafter renovated or altered: A building or structure hereafter renovated or altered shall not be occupied or used until the certificate of approval shall have been issued by the construction official, certifying that the work has been completed in accordance with the provisions of the code, except as is otherwise provided in the regulations. Any use or occupancy which was not discontinued during the work of renovation or alteration shall be discontinued within 30 calendar days after the completion of the alteration, unless the certificate of approval is secured from the enforcing agency.

(c) Building hereafter reconstructed: A building or structure, or portion thereof, hereafter reconstructed shall not be used until a certificate of occupancy shall have been issued for the entire building or structure or the portion being reconstructed, as the case may be, by the construction official, certifying that the work has been completed in accordance with the provisions of the code, except as otherwise provided in these rules.

(d) Building hereafter extended: No addition which increases the height or area of an existing building or structure shall be used until a certificate of occupancy shall have been issued by the construction official certifying that the work has been completed in accordance with the provisions of the code, except as otherwise provided in these rules.

(e) Existing buildings: Upon request of the owner of an existing building or structure, the construction official, with the approval of the subcode officials, shall issue a certificate of continued occupancy provided that there are not violations of law or orders of the construction official pending and it is established after inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate of continued occupancy shall evidence only that a general inspection of the visible parts of the building has been made, and that no violations of *N.J.A.C. 5:23-2.14* have been determined to have occurred and no unsafe conditions violative of *N.J.A.C. 5:23-2.32(a)* have been found. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing building or structure.

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(f) Change of use: After a change of use has been made in a building or structure, the reestablishment of a prior use is prohibited unless the building complies with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode, for the prior use.

(g) Temporary certificate of occupancy: Upon the written request for a temporary certificate of occupancy by the holder of a permit, the construction official shall issue, and may renew, a temporary certificate of occupancy for a building or structure or part thereof when the work covered by the permit shall have been substantially completed, provided that such portion or portions may be occupied safely prior to full completion of the building or structure without endangering health or safety.

1. The temporary certificate of occupancy and each subsequent renewal shall list the work to be completed and shall be valid for a reasonable period of time to complete the specified work. The municipal tax assessor shall be notified when the temporary certificate of occupancy is issued.

2. The request for a temporary certificate of occupancy may be denied when there are outstanding fees or penalties, when the required warranties, licenses or registrations are not in place, or the conditions of prior approvals affecting health and safety of the building occupants have not been met.

i. In the case of soil conservation, a temporary certificate of occupancy shall be denied if a Report of Compliance or Report of Compliance with Conditions is not issued by the soil conservation district pursuant to *N.J.A.C. 2:90.*

(h) Certificates for individual tenant spaces in multi-tenant buildings shall be issued pursuant to *N.J.A.C. 5:23-2.23A.*

(i) Application: A written application for a certificate of occupancy shall be filed with the enforcing agency by the owner or his agent. The application shall include the following:

1. The name and address of the owner or his agent;

2. The location of the building or structure;

3. If a change of use is contemplated, the current and proposed use groups;

4. The statement by the responsible person in charge of work, that to the best of his or her knowledge all work has been completed in accordance with the permit and the regulations;

5. A statement of the final cost of construction work, including the basic structure, all on-site improvements, built-in furnishings and fixtures and all integral equipment exclusive of process or manufacturing equipment;

6. A set of amended drawings, if required by the construction official and the appropriate subcode official(s), when the dimensions, lay out or appearance of the building or structure deviates substantially from the released plans and specifications filed with the construction permit application; and

7. A test and balance report for mechanically ventilated Class I and II buildings of Use Groups B and E submitted by a licensed professional engineer or by a test and balance professional

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certified by the Associated Air Balance Council or the National Environmental Balancing Bureau. The signed report shall include:

i. Minimum quantity of outdoor air required by code;

ii. Minimum quantity of outdoor air specified in the design;

iii. Actual measured outdoor cubic feet/minute (CFM) or a derived quantity, if actual measurement is not possible; and

iv. Actual measured total CFM.

(j) Contents of certificate: When a building or structure is entitled thereto, the construction official shall issue a certificate of occupancy within 10 business days after written application therefor.

1. The certificate shall certify the purpose for which the building or structure may be used in its several parts.

2. The certificate of occupancy shall specify: the use group(s), in accordance with the provisions of the building subcode; the maximum live load on all floors as prescribed in the building subcode; the occupancy load in the building and all parts thereof as defined in the building subcode; and any special stipulations and conditions of the construction permit.

3. The construction official shall affix his signature to the certificate and, by so doing, shall certify that the building or structure has been approved for occupancy by all applicable subcode officials in accordance with the provisions of N.J.A.C. 5:23-3.

(k) No temporary or final certificate of occupancy shall be granted until all required utilities, including but not limited to water, sewer, electric and gas are installed and in service.

(*l*) Equipment listed below, which has been determined by the Department to create a significant potential hazard to public health and safety, shall be granted a certificate of compliance by the construction official based upon the findings of the appropriate subcode official or approved agency for the time period specified. Such equipment shall periodically be reinspected or tested in accordance with the provisions of the regulations prior to the expiration of a certificate of compliance and any violation shall be corrected before a new certificate may be issued. No device shall continue in operation unless a valid certificate of compliance has been reissued.

1. High pressure boilers: 12 months;

2. Refrigeration systems: 12 months;

3. Pressure vessels: 12 months;

4. Backflow preventers that are designed to be tested and used to isolate sources of contamination as defined in the plumbing subcode: 12 months.

i. Exception: Testable backflow preventers not used to isolate a high hazard source of contamination that are installed on water supplies in one- and two-family dwellings.

5. Swimming pools, spas and hot tubs: 12 months.

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(m) Certificate of Approval: A certificate of approval shall be issued for all work that requires a construction permit but does not require a certificate of occupancy. No application shall be required for a certificate of approval.

(n) Revocation: The enforcing agency may revoke a certificate of occupancy whenever a condition of a certificate has been violated.

(*o*) Time limit: The provisions of the regulations do not preclude periodic certification pursuant to other applicable laws and ordinances.

(p) Lead Abatement Clearance Certificate: Following a lead hazard abatement job performed by a business firm or by an employee or employees of the owner of a property, a written application for a lead abatement clearance certificate shall be filed with the enforcing agency by the owner or the owner's agent. The application shall include a certification by the firm or person performing the work that all applicable provisions of *N.J.A.C. 5:17* have been met, including the clearance requirements, and that the components or areas in the scope of work submitted in the permit application are lead safe.

1. When the lead hazard abatement work includes encapsulation or enclosure, the certification by the firm or person performing the work shall include any recommendations for on-going maintenance or precautions to be taken to maintain the integrity of the encapsulation or enclosure.

2. When all lead hazards identified in an evaluation report prepared by a firm licensed by the Department pursuant to *N.J.A.C. 5:17* have been totally and permanently abated, the certification shall so state.

3. When an owner-occupant of a single-family house is performing the work, a lead abatement clearance certificate may be requested by the owner. The application for a lead abatement clearance certificate shall include a statement signed by a lead evaluation contractor certified by the Department pursuant to *N.J.A.C. 5:17*, or signed by an individual inspector/risk assessor certified by the New Jersey Department of Health pursuant to *N.J.A.C. 8:62* indicating that the clearance standards contained in *N.J.A.C. 5:17* have been met and that all components or areas in the scope of work submitted in the permit application have been rendered lead-safe.

i. When lead abatement work has been performed by an owner-occupant pursuant to an order issued by a local health department, a lead abatement clearance certificate shall be required.

4. When lead abatement work has been performed pursuant to an order issued by a local health department, no lead abatement clearance certificate shall be issued without the approval of the local health department.

5. When lead abatement work has been performed on a steel structure or other superstructure or in a commercial building, no lead abatement clearance certificate shall be required.

(q) The continued validity of a certificate of occupancy shall be contingent upon maintenance of the level of code compliance existing at the time of issuance of the certificate of occupancy and upon compliance with any orders issued by the construction official pursuant to *N.J.A.C. 5:23-2.35*.

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§ 5:23-2.23A Permits and certificates for multi-tenant buildings

(a) Construction permits for multi-tenant buildings shall be issued as follows:

1. A single construction permit shall be issued for the entire structure including all tenant spaces if:

i. The permit applicant is undertaking all the work;

ii. All the work is, or will be shown as, a single set of plans;

iii. All work is intended to be undertaken by the same team of contractors; and

iv. The certificate of occupancy or certificate of approval, as applicable, for all tenant spaces will be sought before or at the same time as that for the entire building. Plans for individual tenant spaces may be submitted as permit updates if all of the above conditions are met.

2. A separate permit shall be required for any tenant space if any of the following conditions apply:

i. The tenant is undertaking the fit-up work within the tenant space;

ii. The plans for the tenant space work will be prepared by a design professional different from the one that prepared the plans for the base building;

iii. The work will be undertaken by one or more contractors who are different from the contractors for the base building; or

iv. The permit is being applied for after a temporary certificate of occupancy or certificate of occupancy has been issued for the base building.

3. Fees for construction permits for multi-tenant buildings shall be applied pursuant to *N.J.A.C. 5:23-4.18(c)*6.

(b) Temporary certificates of occupancy for individual tenant spaces in multi-tenant buildings shall be issued as follows:

1. A temporary certificate of occupancy shall be issued for each tenant space provided that portion of the building may be occupied safely prior to full completion of the building, the common area(s) serving that tenant space has a temporary certificate of occupancy or a certificate of occupancy, and the unfinished portions of the building for which temporary certificates of occupancy or certificates of occupancy are not being sought do not present life safety hazards.

i. Temporary certificates of occupancy may be issued floor by floor or tenant space by tenant space.

(c) Certificates of occupancy or certificates of approval, as applicable, shall be issued for individual tenant spaces in multi-tenant buildings as follows:

1. A certificate of occupancy or certificate of approval shall be issued provided the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met.

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2. The construction official may issue a certificate of occupancy or certificate of approval for a portion(s) of the building provided all of the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met and provided that the unfinished portions of the building do not present life safety hazards.

3. Certificates of occupancy or certificates of approval, as applicable, may be issued floor by floor or tenant space by tenant space.

(d) Construction permits, temporary certificates of occupancy, and certificates of occupancy shall be issued in accordance with the procedures set forth at *N.J.A.C. 5:23-2.15* and *2.23*, respectively.

§ 5:23-2.24 Conditions of certificate of occupancy

(a) Certificate of occupancy shall be conditioned upon the following:

1. That the completed project meets the conditions of the construction permit, and all prior approvals and has been done substantially in accordance with the code and with those portions of the plans and specifications controlled by the code;

2. That all required fees have been paid in full;

3. That all necessary inspections have been completed and that the completed project meets the requirements of the regulations;

4. That all violations have been corrected and that any assessed penalties have been paid;

5. That all protective devices and equipment required to be installed by the regulations will continue to be operational as required by the regulations.

(b) No certificate of occupancy shall be issued for any new home, built by a builder, as such terms are defined in *N.J.A.C. 5:25-1.3*, except after filing by the builder with the construction official of proof that the new home has been enrolled in either the State New Home Warranty Security Plan or a private plan approved by the Department of Community Affairs. If the new home is enrolled in the State New Home Warranty Security Plan, proof shall be in the form of a validated copy of the Certificate of Participation, required pursuant to *N.J.A.C. 5:25-5.5*, and proof of payment of the warranty premium.

(c) No certificate of occupancy shall be issued for any new home built by an owner or in which any design, construction, plumbing or electrical work has been done by the owner unless the owner shall file with the construction official an affidavit in which he certifies that all work has been done in conformity with applicable law, acknowledges that work done by him or by any subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act (*N.J.S.A. 46:3B-1* et seq.) and states that he will disclose this to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy. The affidavit shall be filed on a form prescribed by the Department of Community Affairs.

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