



**State of New Jersey**  
DEPARTMENT OF COMMUNITY AFFAIRS  
101 SOUTH BROAD STREET  
PO Box 802  
TRENTON, NJ 08625-0802

**PHILIP D. MURPHY**  
*Governor*

**LT. GOVERNOR SHEILA Y. OLIVER**  
*Commissioner*

March 7, 2019

Dear Construction Official:

On May 11, 2018, the Department sent the attached letter regarding farm storage buildings that had been converted to temporary living quarters for farm workers. The Division of Fire Safety has conducted inspections of numerous farms, and where a change of use group occurred to a building, a referral has been made to the Construction Official for action.

The May 11 letter provided guidance on how to proceed once the referral was received; the first action that should have been taken was to issue a notice of violation. The Department is aware that in some cases, the notice has not been issued. Aside from the staged compliance mentioned in the letter, these referrals should be treated the same as any other illegal change of use, thus, Notices of Violation must be issued. Failure to issue notices is a failure to properly enforce the Uniform Construction Code. For farmers who were not made aware that the conversion of storage buildings to farm labor housing is illegal, the staged compliance outlined in last year's letter is acceptable; however, a Notice of Violation must be issued.

Farmers who were notified of the illegal change of use last season must now meet the requirements of the Uniform Construction Code, including prior approvals, regardless of whether a Notice of Violation was issued. This means that suppression systems must be installed in any storage buildings that are used even temporarily as housing; all other applicable Change of Use requirements as set forth in N.J.A.C. 5:23-6.31 must be followed. In extreme circumstances where compliance with the Uniform Construction Code is not possible, the municipality may grant a variation. The application for the variation must include an alternative solution that would substantially comply with the Uniform Construction Code and protect the health, safety, and welfare of the intended occupants.

Finally, according to the Division of Fire Safety, there are also buildings that have been converted to shower buildings or kitchen buildings. These buildings may also represent a possible change of use group. The Division of Fire Safety has been advised to refer those buildings to the Construction Official as appropriate.

The Department is working with the Departments of Agriculture and Labor on this issue. In order to provide them with the scope of the problem and the impact on the agricultural industry, we are asking you to notify us of any changes of use related to buildings used for farm labor housing – including structures used for cooking and bathing – of which you become aware.



If you have questions about what considerations should be made when granting a variation or whether a variation substantially complies with the Uniform Construction Code, or if you have any information regarding a possible change of use related to farm labor, please contact the Office of Regulatory Affairs at (609) 984-7672.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward M. Smith', written in a cursive style.

Edward M. Smith  
Director  
Division of Codes and Standards

Attachment



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**PHILIP D. MURPHY**  
*Governor*

**LT. GOVERNOR SHEILA Y. OLIVER**  
*Commissioner*

May 11, 2018

Dear Construction Official:

The Division of Fire Safety will be contacting local fire officials and advising them of the need to inspect farms for compliance with the Uniform Fire Code. The Division is taking this action because they are concerned that in many cases farm buildings that were intended for other purposes, usually storage, are being used to house farm labor. If the building was built after 1977 and has a certificate of occupancy as an "S" use group, this constitutes a change in use group under the Uniform Construction Code. In cases where there is a change in use group under the Uniform Construction Code, the Fire Official will refer the case in writing to the Construction Official for appropriate follow up.

A notice of violation must be issued where there has been an illegal change of use group. Because this action will likely be occurring during the growing season, the Department is recommending that Construction Officials obtain compliance in stages. The first stage would be to require essential safeguards and limits on occupancy that would allow the buildings to continue to be occupied until after the growing season. The second stage would be compliance with the change of use provisions of the rehabilitation subcode, which would have to be completed before the beginning of the next growing season, or for farms where the labor resides year-round, such reasonable period of time that will allow them to comply. As an alternative, the farmer can elect to discontinue the residential use of the structure.

For first stage compliance, the Department recommends the following features and limitations be required:

- Housing must only occupy the ground level
- Occupant load limit of 50 people. The occupant load can be increased to not more than 100 people where egress doors are spaced not more than 75 feet around the perimeter of the building.
- Maximum travel distance of 75 feet
- Hard wired smoke alarms (installed in accordance with the manufacturer installation instructions)
- No cooking operations within the housing building unless they are protected with an approved type 1 hood.
- Not less than two means of egress (remote from each other)
- A fire extinguisher (2-A:20-B:C) located within 50 feet of any point within the building.
- Bathroom facilities (temporary or permanent) within 200 feet
- Hard wired CO alarm installed when a fuel burning appliance is within the building or there are garage facilities attached to the building

It should be understood that the above conditions are general guidance and do not preclude the local enforcing agency having jurisdiction from making other determinations based on specific conditions. In order for the building to continue to be occupied as housing, a certificate of occupancy will have to be issued for the residential use group (R-2). The Department recommends that the CO be issued for temporary construction with an expiration of 180 days from the date of issuance. At the conclusion of the 180 days the farmer will have to remove the building or make the building compliant with the intended use group. Any alterations to meet first stage compliance, requires the issuance of Uniform Construction Code permits.

For second stage compliance, assuming the farmer will not elect to remove the building, the requirements of N.J.A.C. 5:23 – 6.31 should be applied, if the intended use is to continue as R-2. It may be necessary to issue variations for some requirements, where hardships exist such as pinelands restrictions, etc.

If you have questions, please contact the Code Assistance Unit at (609) 292-7898.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward M. Smith", written over a light gray rectangular background.

Edward M. Smith  
Director  
Division of Codes and Standards