

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Adopted Amendments: N.J.A.C. 5:23-2.15, 2.15A, 4.5, 4.12, and 4.14**

**Adopted New Rules: N.J.A.C. 5:23-2.15B and 4.22**

Proposed: November 6, 2023, at 55 N.J.R. 2235(a).

Adopted: October 22, 2024, by Jacquelyn A. Suárez, Commissioner, Department of Community Affairs.

Filed: October 22, 2024, as R.2024 d.113, **without change**.

Authority: N.J.S.A. 52:27D-124 and 52:27D-124.4.

Effective Date: November 18, 2024.

Expiration Date: February 9, 2029.

**Summary of Public Comments and Agency Responses:**

Comments were received from Raymond Hodnett, Managing Member, Jungle Lasers, LLC; Dozie Ibeh, Associate Vice President, Princeton University Office of Capital Projects; Dan Kennedy, CEO, Commercial Real Estate Development Association - New Jersey Chapter (NAIOP); Mitchell Malec; and Dan O’Gorman, New Jersey Licensed Master Plumber.

**Comments received from Raymond Hodnett, Jungle Lasers, LLC**

1. COMMENT: The commenter requests specifications for third-party application developers in order to make their applications equivalent to the New Jersey Electronic Permit Processing

Review System (NJEPPRS). Additionally, they ask if there is a review or approval process for third-party applications.

RESPONSE: NJEPPRS is a service licensed to the Department of Community Affairs (Department) for use, and, as such, specifications for the system cannot be given without express approval by the license holder. Third-party application developers with the intention of creating a system for the acceptance and processing of electronic permit and plan submissions shall design their system in accordance with the requirements at N.J.A.C. 5:23-2.15B(a). Additionally, there is not a review or approval process for third-party applications; third-party applications are permitted, as long as they comply with the requirements at N.J.A.C. 5:23-2.15B(a).

2. COMMENT: The commenter asks if there are specifications on the electronic signature and electronic seal.

RESPONSE: The specifications regarding electronic signature and seal are under the purview of the Division of Consumer Affairs professional licensing boards that govern the issuance of rules concerning contractor licenses. Therefore, the Department does not provide specifications for a contractor's electronic signature and seal.

3. COMMENT: The commenter questions when this rule becomes effective and if the Department has performed an analysis of the financial impact on the State competing with private software providers in creating applications for municipal governments.

RESPONSE: This rule becomes effective immediately following publication of notice of adoption of this rulemaking in the New Jersey Register. Additionally, the Department has not

performed a financial impact analysis of the State competing with commercial entities for municipal government contracts.

4. COMMENT: The commenter questions if the fees cover the cost of State reviewers to access third-party software.

RESPONSE: The fees established by the State are required in order to cover the cost of maintenance and software licensing for NJEPPRS. Therefore, the fees established do not cover the cost of access to third-party electronic permitting software.

5. COMMENT: The commenter asks if the State software has application programming interfaces that allow for integration with third-party developers. Additionally, they question if the State will provide technical resource personnel to facilitate integration of third-party software.

RESPONSE: NJEPPRS is licensed to the Department and designed for use in accordance with the requirements at N.J.A.C. 5:23-2.15B(a). These requirements do not mandate application programming interfaces with third-party developers. Additionally, the Department does not anticipate providing technical resource personnel to facilitate integration of third-party software.

**Comments received from Dozie Ibeh, Associate Vice President, Princeton University Office of Capital Projects**

6. COMMENT: The commenter states that Princeton University supports the proposed changes and welcomes the increase in usability, accessibility, and streamlining that these amendments and new rules are expected to provide to the construction permit application and electronic plan review process.

RESPONSE: The Department notes the commenter's support and thanks the commenter for their input.

7. COMMENT: The commenter seeks clarification at N.J.A.C. 5:23-2.15(b)2ii, which concerns the drawings and documents required to be signed and sealed in accordance with the applicable professional licensing laws. The commenter notes that it is not clear whether the appropriate New Jersey Division of Consumer Affairs-licensed trade contractors, including electricians and master plumbers, will be required to electronically certify their documents in a manner consistent with the Board of Architects and the Board of Professional Engineers and Land Surveyors for digital sealing. The commenter states that New Jersey Division of Consumer Affairs-licensed trade contractors should be required to electronically certify their documents.

RESPONSE: The specifications regarding electronic signature and seal are under the purview of the Division of Consumer Affairs professional licensing boards that govern the issuance of rules concerning contractor licenses. At this time, some Division of Consumer Affairs-licensed trade contractors, such as electricians, master plumbers, and others, do not have rules covering electronic signature and sealing of documents, and the Department will accept, for review purposes, the electronic signature and seal of contractors authorized by the Division of Consumer Affairs to provide such electronic elements and as long as physical copies of plans at the worksite have a physical seal and wet signature affixed pursuant to the licensing law applicable to the relevant discipline.

**Comments received from Dan Kennedy, CEO, NAIOP NJ**

8. COMMENT: The commenter states that NAIOP NJ fully endorses the Department's perspective, and notes that this system facilitates the submission of construction permit applications electronically, thereby enhancing the speed, convenience, and flexibility of the application process. Additionally, the commenter explains that the system streamlines inspections by enabling electronic scheduling and tracking. Finally, the commenter states that NAIOP NJ supports the proposed amendments and new rules and commends the Department for its forward-thinking approach and dedicated efforts.

RESPONSE: The Department thanks the commenter for their endorsement and commendation.

#### **Comments received from Mitchell Malec**

9. COMMENT: The commenter notes that N.J.A.C. 5:23-2.15(a) references N.J.A.C. 5:23-4.5(b)2 and questions that if in cases where submittals are done electronically, will the optional forms named at N.J.A.C. 5:23-4.5(b)3 be mandated. Additionally, the commenter questions how N.J.A.C. 5:23-4.5(c) and other regulations will be impacted by the amendments and new rules.

RESPONSE: The forms named at N.J.A.C. 5:23-4.5(b)3 are optional for use by the municipal enforcing agency; provided, however, that where they are not used, equivalent forms or mechanisms are used by the enforcing agency to accomplish the same purpose. The proposed amendment at N.J.A.C. 5:23-2.15(a) does not affect this provision. Additionally, N.J.A.C. 5:23-4.5(c) will not be impacted by the proposed amendments and new rules because N.J.A.C. 5:23-4.5(c)2 states that the municipal enforcing agency shall maintain the required logs on log sheets and ledger books of their choice or design, provided that all required entries are maintained.

10. COMMENT: The commenter, referencing N.J.A.C. 5:23-2.15(f)2i, questions if the section requires two complete paper sets or one electronic submission for prototype release.

Additionally, they ask if this is only applicable to plans and specifications that have been reviewed, approved, and submitted in accordance with N.J.A.C. 5:23-2.15(f)1 and (b) and then submitted for prototype release.

RESPONSE: The proposed amendment at N.J.A.C. 5:23-2.15(f)2i requires the submission of two complete paper sets of plans and specifications for each prototype. In the case of an electronic submission, one paper set of plans and specifications is acceptable. Additionally, this section is applicable to any plans and specifications submitted for prototype release in accordance with the rules at N.J.A.C. 5:23-2.15(f)2.

11. COMMENT: The commenter notes that several sections at N.J.A.C. 5:23-2, such as N.J.A.C. 5:23-2.15(f)1xi and 2i(1), require a signed and sealed letter, and asks if those can be accomplished electronically.

RESPONSE: The Department disagrees that N.J.A.C. 5:23-2.15(f)1xi requires a signed and sealed letter from the design professional. Further, in accordance with the amendments at N.J.A.C. 5:23-2.15(f)1 and 2i, which specifically references plans for a mirror image design addressed pursuant to N.J.A.C. 5:23-2.15(f)2i(1), electronic submissions of signed and sealed letters is permitted in these sections, as long as they are signed and sealed by a licensed or registered design professional pursuant to the Division of Consumer Affairs' rules that govern the licensing or registration for the design professional.

12. COMMENT: The commenter, referencing N.J.A.C. 5:23-2.15B(b)3, requests the Department elaborate and provide examples on the submission requirement concerning providing multiple electronic copies equivalent to the number of disciplines requiring review. Additionally, the commenter questions if an electronically submitted set could be electronically shared when multiple discipline review is needed.

RESPONSE: Due to the nature of the permit application process, cover pages and specific plans and specifications are made for each discipline. Therefore, the submission of copies equivalent to the number of disciplines is required. An electronic version of the permit application would look the same as a physical submission. For example, an electronic permit application for a given project may contain an electrical document for the electrical subcode official to access and a plumbing document for the plumbing subcode official to access. In this example, if electrical and plumbing are the only disciplines requiring review, two complete electronic copies would be required.

13. COMMENT: The commenter, further referencing the provisions at N.J.A.C. 5:23-2.15B(b)3, questions how the applicant is made aware of the need for multiple discipline review. The commenter notes that this task should be managed by the local enforcing agency or Department, instead of the applicant.

RESPONSE: Electronic and physical permit applications and plan submissions are made up of the same documents, but the amendments at N.J.A.C. 5:23-2.1B only propose different methods of submission to the enforcing agency. Accordingly, the Department does not anticipate a need to inform applicants of multiple discipline review in a manner different than what is available for

physical permit applications and plan submissions. Therefore, the Department respectfully disagrees that this task should be managed by the local enforcing agency or the Department.

14. COMMENT: The commenters notes that N.J.A.C. 5:23-4.5(e) requires a reporting of surcharge fees incurred when utilizing the NJEPPRS. The commenter recommends that all electronic permitting fees collected should be reported and broken down into NJEPPRS surcharge fees and other electronic surcharge fees as this information may be beneficial in the tracking of fees. Additionally, the commenter recommends that if it is decided to only require reporting of surcharge fees when NJEPPRS is utilized, then the name to report No. R841 should be changed to “NJEPPRS Surcharge Fees.”

RESPONSE: The Department respectfully disagrees. NJEPPRS surcharge fees are only applied when NJEPPRS is utilized for the submission of electronic permit applications and plans. If a municipality chooses to use an electronic permitting system other than NJEPPRS, they shall be eligible to collect fees not in excess of those listed in the proposed rules at N.J.A.C. 5:23-4.22. Additionally, the Department does not anticipate a need to change the name of report No. R841 because the proposed name, Electronic Permitting Surcharge Fees, appropriately covers all potential electronic permitting programs that may be utilized by municipalities.

15. COMMENT: The commenter questions whether N.J.A.C. 5:23-4.12(d)6 and 4.14(c) are applicable to private on-site inspection and plan review agencies. Additionally, the commenter asks if the proposed amendments and new rules take into account the requirements at P.L. 2022, c. 139, and the Department’s proposed rules concerning the law. The commenter notes that coordination between the supplemental private on-site inspection proposed rules and



amendments and these proposed rules and amendments is needed because imposing these requirements on supplemental private on-site inspection agencies may be detrimental to the intent at P.L. 2022, c. 139.

RESPONSE: N.J.A.C. 5:23-4.12(d)6 and 4.14(c) are applicable to private on-site and plan review agencies. Additionally, the proposed amendments and new rules were drafted in coordination with the requirements at P.L. 2022, c. 139 and, therefore, the Department respectfully disagrees that the proposed amendments and new rules may be detrimental to the intent at P.L. 2022, c. 139.

**Comments received from Dan O’Gorman, New Jersey Licensed Master Plumber**

16. COMMENT: The commenter states their commendation to the Department and staff for an excellent job and performing their due diligence on this challenging task.

RESPONSE: The Department thanks the commenter for their commendation.

17. COMMENT: The commenter recommends including language stating that enforcing agencies shall incorporate the posting of all permit fees and electronic permit submission surcharges into the system at N.J.A.C. 5:23-4.22 and/or 2.15B.

RESPONSE: See Department’s Response to Comment 14.

18. COMMENT: The commenter recommends mandatory training through the continuing education license renewal classes in order to accept construction permit applications electronically.

RESPONSE: The Department respectfully disagrees. The Department does not anticipate the

need for additional training for the acceptance of electronic permit applications, as the process of acceptance of electronic applications is not significantly different than the acceptance of physically submitted permit applications.

19. COMMENT: The commenter questions if the Division of Consumer Affairs professional licensing boards, such as those for plumbers, electricians, and heating, ventilation, air conditioning, and refrigeration have given approval for the use of electronic signature and seal for permit issuance.

RESPONSE: See Department's Responses to Comments 2 and 7.

### **Federal Standards Statement**

No Federal standards analysis is required for the adopted amendments and new rules because they are not being adopted in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State law that incorporates or refers to Federal law, standards, or requirements.

**Full text** of the adoption follows:

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