

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Amendments: N.J.A.C. 5:23-3.14, 3.15, 3.16, 3.17, 3.18, 3.20, 3.21, and 3.22

Proposed: October 20, 2025, at 57 N.J.R. 2354(a).

Adopted: July 15, 2026, by Jacquelyn A. Suárez, Commissioner, Department of Community Affairs.

Filed: July 15, 2026, as R.2026 d.086, **with non-substantial changes**, not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-119 et seq.

Effective Date: August 17, 2026.

Expiration Date: February 9, 2029.

Summary of Public Comments and Agency Responses:

Comments were received from Dana Adams, US Green Building Council; Anonymous; David Bruce, Local Union 322; Paul Buccellato, member of the International Institute of Building Enclosure Consultants (IIBEC); Cody Case, Associate Vice-President of the Fire Equipment Manufacturers Association; Greg Chontow; Elena DeGeorge, administrator for the New Jersey Association of Fire Equipment Distributors; Chris DeMarco, International Association of Plumbing and Mechanical Officials; Chris DeMarco, NJ Plumbing Coalition; Marur Dev, member of the IIBEC; John Drucker, Licensed New Jersey Code Official; Daniel Falasca, President of Falasca Mechanical and member of the South Jersey Mechanical Contractors Association; Bob Fritz, member of the IIBEC; Kelly Greenfield, member of the

IIBEC; Raymond Keeley, Former President of the New Jersey Plumbing Inspection Association; Jeff Kolakowski, CEO of the New Jersey Builders Association; Justin Koscher, President of the Polyisocyanurate Insulation Manufacturers Association; Andrew Kriegman, Executive Vice-President Leviton Manufacturing Company; Eric Lacey, Chairman of the Responsible Energy Codes Alliance; Steven Lee, Tesla, Inc; Mitchell Malec, former employee of the Department; Spiro Markatos, member of the IIBEC; John McGinniss, JJM Plumbing Company; Cathy Murphy, South Jersey Mechanical Contractors Association; Dan O’Gorman; Brian Pallasch, Executive Vice President and CEO of the IIBEC; Andre Parnter, member of the IIBEC; David Phelan; Hugo Ramirez, President of the IIBEC – Metro; Darren Reaman, Director of Government Affair, CEDIA; Jerry Ryan, New Jersey Resources Corporation; Jennifer Senick, The Rutgers Center for Urban Policy Research; Richard Soltis Jr., former President of the Central New Jersey Code Officials Association; Jeff Spies; Shaun Sullivan, President of the New Jersey State Association of Pipe Trades; Gerard Naylis; and Michael Whalen, former employee of the Department of Community Affairs (Department).

General

1. COMMENT: The commenter recommends that the opening text to the adoption of the subcodes be presented in as consistent a manner as possible. In addition, the commenter provides several examples of how consistency for each subcode can be presented.

RESPONSE: The Department of Community Affairs thanks the commenter for their recommendation; however, as currently proposed in the rulemaking, the proposed opening texts of the subcodes follow a consistent format with only minor differences. These minor differences are deemed necessary to clarify the unique aspects of each adopted model code.

2. COMMENT: The commenter, in reference to the high-rise building definition, recommends coordinating appropriate amendments to the rehabilitation subcode. The commenter notes that their comments to a separate rulemaking include additional clarification.

RESPONSE: The Department thanks the commenter for their recommendation; however, please note that this rulemaking was drafted in coordination with the proposed changes to the rehabilitation subcode published in the New Jersey Register at 57 N.J.R. 2333(a). As such, coordination of the appropriate amendments to the rehabilitation subcode at N.J.A.C. 5:23-6 is unnecessary, as all sections of the Supplemental Requirements of the rehabilitation subcode include the aforementioned recommendation.

3. COMMENT: The commenter notes that Summary paragraph 100 explains that the proposed amendments clarify the applicability of a Uniform Construction Code (UCC) Formal Technical Opinion. The commenter then states, in reference to the proposed amendment at N.J.A.C. 5:23-3.21(c)3ix, that they recommend an update to delete the last sentence of the Formal Technical Opinion and include new text that accurately reflects code requirements. In addition, the commenter states that other provisions in the Formal Technical Opinion appear to need updating and that a general review of the Formal Technical Opinion is recommended.

RESPONSE: The Department thanks the commenter for their recommendation; however, due to the nature of the model code adoption timeline, the Department will review and update the referenced Formal Technical Opinion during the six-month grace period following adoption of the model codes. This ensures the timely and accurate reflection of the updated provisions of the Uniform Construction Code in the Formal Technical Opinion.

4. COMMENT: The commenter notes that there is an error concerning the location of the plumbing subcode requirements in the notice of proposal Summary.

RESPONSE: The Department thanks the commenter for their notification regarding the error; however, corrections to the notice of proposal Summary are unnecessary as the statement is final upon publication.

5. COMMENT: The commenter commends the code development staff for their preparation of the rulemaking; however, the commenter states that Summary paragraph 15 is incorrect. The commenter notes that if the International Building Code sections referenced at Summary paragraph 15 are adopted unamended, the proposed construction cost will increase, and, in some cases, the protection level of buildings will decrease.

RESPONSE: The Department thanks the commenter for their commendation regarding the preparation of the rulemaking. However, the Department respectfully disagrees that Summary paragraph 15 is incorrect, as references to building protection are not included in its language. Additionally, the Economic Impact states that the adoption of the proposed amendments would have a largely positive economic impact because clear and current technical standards promote cost-effective construction, and the incremental cost of compliance is not significant relative to the overall construction cost. Furthermore, the Social Impact states that the proposed adoption of the latest editions of the national model codes enhances the protection of the health and safety of building occupants by incorporating the most recent advances in building methods and technologies into new construction in the State.

6. COMMENT: The commenter recommends that the Department not adopt the proposed 2024 model code editions. The commenter notes that if adopted, the six-month grace period will likely be completed towards the end of 2026, when the International Code Council (ICC) will publish new editions for 2027. The commenter notes that this will put New Jersey three years behind the latest model code requirements. The commenter explains that not adopting the 2024 model codes would better serve the public, as new technology has prompted many amendments to the 2027 editions, thus providing a greater benefit to code users and code officials.

RESPONSE: The Department thanks the commenter for their recommendation; however, the Department respectfully disagrees with not adopting the 2024 model code editions in lieu of waiting for 2027 editions. Many amendments have been made to the 2024 model codes since the adoption of the 2021 editions, reflecting new technologies and improvements in materials and methods; as such, adopting the 2024 model codes provides significant benefits to code users and officials. Additionally, because the International Code Council is still in the process of determining the provisions of the 2027 model codes, as of the time of the submission of this notice of adoption to the Office of Administrative Law for publication, they are not yet available for review, and the Department cannot provide an opinion or make any determinations regarding the potential benefits of those codes.

7. COMMENT: The commenter thanks the Department for its diligent, thorough, and responsible review of the model codes and for advancing a rulemaking that ensures buildings and dwelling units constructed in New Jersey remain safe, efficient, and affordable. However, the commenter notes that adopting new code editions adds thousands of dollars to the cost of housing through increased costs stemming from more restrictive and expensive requirements, the need for

training among inspectors, design professionals, and builders; revisions and resubmission of prototype plans; the purchase of updated code materials; and the renegotiation of contractual obligations. Despite these impacts, the commenter recognizes and appreciates the Department's efforts to craft a balanced proposal that advances health, safety, and environmental objectives while remaining mindful of housing affordability.

RESPONSE: The Department thanks the commenter for their input and appreciation. However, while there may be modest increases in construction costs resulting from additional requirements pursuant to the proposed amendments, the Department maintains that these amendments would have a positive impact overall because clear, current technical standards promote cost-effective construction and increased safety through adoption of the latest technologies and methods. Furthermore, increases in energy efficiency resulting from these proposed amendments represent a significant step toward meeting the Energy Master Plan's greenhouse gas reduction goals.

8. COMMENT: The commenter requests that the Uniform Construction Code and the Uniform Fire Code come into edition alignment. Noting that the Uniform Construction Code is in the process of adopting the 2024 model code editions, the commenter states that the Uniform Fire Code still remains aligned with the 2018 International Fire Code. The commenter states that this two-cycle backlog between the two codes is wholly inconsistent with how the International Code Council develops their codes to work together, thus leaving significant gaps between new building construction pursuant to the 2024 codes and how fire code officials are limited to applying their outdated codes to ensure buildings, and their integrated systems, are inspected, tested, and maintained to ensure ongoing occupant fire and life safety.

RESPONSE: As this rulemaking updates N.J.A.C. 5:23, the Uniform Construction Code with the latest model code editions, updates to the Uniform Fire Code are outside the scope of this rulemaking. The Division of Fire Safety in the Department of Community Affairs maintains N.J.A.C. 5:70, the Uniform Fire Code, and, as such, is responsible for updating its edition.

9. COMMENT: Multiple commenters stated their support for the proposed amendments to the Uniform Construction Code to adopt the latest editions of the model codes.

RESPONSE: The Department thanks the commenters for their support.

N.J.A.C. 5:23-3.14 Building Subcode

10. COMMENT: The commenter, in reference to the proposed amendments at N.J.A.C. 5:23-3.14(b)5iii(6), requests correction of the format for construction types.

RESPONSE: The Department thanks the commenter for their input. As such, the Department will correct the format of the construction type upon adoption.

11. COMMENT: The commenter states that the proposed exception at Section 915.1 for Group S, F, and U occupancies should be deleted. The commenter notes that the proposed rule change will lower current protection levels and explains that carbon monoxide hazards can still exist in spaces that are not continually occupied. In addition, the commenter requests that the existing amendments at Section 915.2.4 be maintained. The commenter explains that when spaces are adjacent to building use groups for any occupancy, carbon monoxide may be present, or a false-positive source alarm condition may occur in those areas. As such, carbon monoxide detection would need to be installed to protect the occupants in those adjacent work areas.

RESPONSE: Upon further review of Section 915.1, the Department agrees with the commenter that the exception should be deleted in order to comply with P.L. 2015, c. 146 (Korman and Park's Law). As such, the Department will initiate a change upon adoption to incorporate this deletion. However, the Department respectfully disagrees that the amendments to Section 915.2.4 should be maintained. In accordance with proposed Section 915.3.3, Item 4, in new buildings where fire alarm systems are not required, the fire code official can approve carbon monoxide alarms maintained in accordance with the manufacturer's instructions.

12. COMMENT: The commenter notes that proposed Section 915.2.4 has an incorrect reference to Item 2 of Section 915.1.1. The commenter explains that carbon monoxide detection must comply with 915.1.1, Item 2, noting that this is a requirement and does not include compliance criteria. In addition, the commenter states that proposed Section 915.2.5 has the same issue as Item 3 of Section 915.1.1; accordingly, the commenter recommends that these references be deleted. In addition, the commenter explains that proposed Section 915.2 has an incorrect reference to Section 915.2.3. The commenter states that the correct reference for all locations where carbon monoxide detection is required is Section 915.2.6.

RESPONSE: The Department cannot make a change to the language to the International Code Council; however, should they release any errata for the Sections, the Department may share the errata through guidance. Furthermore, the referenced sections do not impact intent or compliance requirements and can be addressed through the Construction Code Communicator or other Department publications for proper clarification.

13. COMMENT: The commenter notes that the proposed text at Section 915.2.3 would require detectors, not alarms, to be installed, thereby requiring a detection system and an alarm transmitted to a staffed on-site location. Further, the commenter notes that proposed Section 915.3 includes an erroneous reference to this section. The commenter states that proposed Section 915.3 should be amended to include all the Section 915 sections and to add an exception for Group E occupancies, as alarms are not allowed.

RESPONSE: The Department respectfully disagrees that Section 915.2.3 requires a detection system and an alarm transmitted to a staffed onsite location and that Section 915.3 requires amendment. Section 915.2 provides the type of system required for each location, while Section 915.3 indicates that the carbon monoxide detection required by Section 915.2 should be installed in accordance with Section 915.4, Carbon monoxide alarms, or Section 915.5, Carbon monoxide detection. Furthermore, educational uses at Section 915.2.3 require a carbon monoxide system with carbon monoxide detectors; therefore, a system in accordance with Section 915.5 can be installed.

14. COMMENT: The commenter notes that proposed Sections 915.2.4, 915.2.5, and 915.2.6 have installation requirements. The commenter states that the proposed Section 915.2.3 allows carbon monoxide alarms or detection systems to be installed for Group E uses; however, they note that this is improper and that detectors must be installed. The commenter states that the first line of Section 915.2.3 should be changed to reference Section 915.2.6 to capture all required installation criteria.

RESPONSE: The Department respectfully disagrees with changing Section 915.2.3; however, the Department may undertake additional review of Section 915 to determine if further amendment is deemed necessary to ensure all applicable requirements are included.

15. COMMENT: The commenter states that proposed Section 915.3.1 will require amendment to delete the first sentence. The commenter notes that this requirement conflicts with current Section 915.2.4, which allows either carbon monoxide alarms or detectors to be installed. In addition, the commenter provides explanations of the conflict between the sections and suggestions for how the Department can amend them, and justifications for the current language of the code.

RESPONSE: The Department thanks the commenter for their recommendations; however, regarding the conflict between current Section 915.2.4 and proposed Section 915.3.1, please see the Response to Comment 12, regarding Section 915.2.4.

16. COMMENT: The commenter notes that existing Section 915.2.4 allows carbon monoxide alarms to be installed outside of dwelling and sleeping units and that proposed Section 915.3.1 should be deleted because it conflicts with existing Section 915.2.4.

RESPONSE: The Department respectfully disagrees that there is a conflict between the current and proposed sections. Carbon monoxide alarms may be installed in these locations in accordance with proposed Section 915.3.3, Item 4, in new buildings where fire alarm systems are not required; the fire code official can approve carbon monoxide alarms maintained in accordance with the manufacturer's instructions.

17. COMMENT: The commenter states that the Economic Impact did not include data on the cost increase for installing carbon monoxide detection systems outside of residential occupancies. The commenter notes that these systems will require carbon monoxide detectors, notification appliances, and carbon monoxide detection system control panels. In addition, the commenter notes that the Economic Impact did not include data on the cost increase for new Section 915.4.4.

RESPONSE: As the Department anticipates that the proposed sections would have a largely positive economic impact due to clear and current technical standards that promote cost-effective construction and also due to the absence of dramatic changes to the requirements for carbon monoxide detection, the cost of compliance with the proposed sections is not significant as compared to the overall cost of the construction project.

18. COMMENT: The commenter states the proposed Section 915.1 includes existing building requirements that are directed to Chapter 11 of the International Fire Code. The commenter states that this sentence should be deleted or include the correct reference to N.J.A.C. 5:70-4 or N.J.A.C. 5:23-6.

RESPONSE: Current N.J.A.C. 5:23-3.14(b)8lxxxii deletes the sentence referencing Chapter 11 of the International Fire Code from Section 915.1; the proposal to adopt the 2024 model codes maintains this language. As such, the amendment to remove this deletion will continue to be reflected in the Uniform Construction Code.

19. COMMENT: The commenter notes that proposed Section 915.6 refers to the International Fire Code. The commenter states that the correct citation would be N.J.A.C. 5:70-3.

RESPONSE: Current N.J.A.C. 5:23-3.14(b)8xc deletes the entirety of Section 915.6, and the proposal to adopt the 2024 model code maintaining this provision; as such, correction to the citation is unnecessary due to the deletion of Section 915.6.

20. COMMENT: Comments in support of the Department's adoption of the reroofing drainage provisions at Section 1512.1 of the International Building Code were submitted by Paul Buccellato, member of the IIBEC; Marur Dev, member of the IIBEC; Bob Fritz, member of the IIBEC; Kelly Greenfield, member of the IIBEC; Spiro Markatos, member of the IIBEC; Brian Pallasch, Executive Vice President and CEO of the IIBEC; Andre Parnter, member of the IIBEC; Hugo Ramirez, President of the IIBEC — Metro. The commenters noted that proper roof drainage is essential for preserving building assets, ensuring structural stability, and preventing moisture intrusion. Furthermore, the commenters explain that as design, enclosure, and roofing professionals, IIBEC members routinely see the consequences of inadequate drainage assessments during reroofing, and that improper roof drainage is one of the most frequent and costly sources of building failures. The commenters state that they appreciate New Jersey's commitment to modernizing its building regulations to improve public safety, enhance building performance, and strengthen long-term resilience, and that the proposed transition to the 2024 International Building Code is an important step toward aligning State standards with current industry best practices. Additionally, the commenters explain that should the Department require additional technical information or industry expertise, the IIBEC and its members are ready and willing to serve as a resource throughout the rulemaking and implementation process.

RESPONSE: The Department thanks the commenters for their support.

21. COMMENT: The commenter states that the Department should not re-adopt the existing language concerning Section 906.1 at N.J.A.C. 5:23-3.14, the building subcode. The commenter notes that the decision to add the exception in Line 1 of Section 906.1 markedly reduces fire safety standards in the specified occupancies. Further, the commenter explains that by adopting this amendment, New Jersey will remain an outlier nationally in having reduced fire safety standards. In addition, the commenter states that their comments align with those of the Fire Equipment Manufacturers Association and that portable fire extinguishers are an important component of a layered fire safety approach. The commenter strongly encourages the Department to remove the exception to Line 1 of Section 906.1 and adopt this section as it appears in the International Fire Code.

RESPONSE: The Department respectfully disagrees with the commenter's recommendation to readopt the existing language at Section 906.1. The Department has retained this item due to buildings of Group A, B, and E occupancies that are equipped with quick-response sprinklers, providing a level of protection that far exceeds that of portable fire extinguishers. Furthermore, because New Jersey is a leading state in adopting the latest model codes, which include updates to life-safety, it remains an outlier in terms of increased safety benefits resulting from this adoption.

22. COMMENT: The commenter disagrees with the adoption of language reverting the code to the language of the 1996 BOCA National Building Code for standpipe system design and performance. The commenter states they previously filed negative comments opposing the continuation of this practice and renews that opposition after the subject BOCA language was found ineffective and detrimental to firefighter safety and fireground operations. The commenter

explains that they take exception to the Department’s claim that this overall proposal represents “positive social impact” through “up-to-date set of technical standards” to “enhance the protection of the health and safety of building occupants by providing for the most recent advances in building methods and technologies ...” The commenter explains that reverting to 29-year-old, outdated, and technically disproven fire protection system design standards under the guise of this proposal continuing a legacy of “up-to-date set of technical standards” is an affront to the firefighters lost and injured at the hands of BOCA level standpipe designs.

In addition, the commenter provides citations and data comparing the differences in code requirements and states that the need to bring the Uniform Construction Code’s standpipe provisions up to the model edition provisions is long past due and poses no financial detriment to the range of buildings that are regularly constructed around the State that exceed three stories in height. The commenter further notes that other modern post-tragedy code changes to high-rise construction over the last 20 years were adopted into the UCC without regard to cost; however, the standpipe performance requirements to support and ultimately protect firefighters have been intentionally stagnated at BOCA 1996 levels, demonstrating how misinformation and ignorance are negatively impacting the code revision process. Furthermore, the commenter explains that they understand it is too late to make such a substantive change to the pending proposal, but that the Department has enough time to revisit the issue as part of the 2027 code review and revision.

RESPONSE: The Department thanks the commenter for recommendations and for providing detailed information on the topic. The Department may take this comment and the information presented for consideration for the following code cycle review and revision.

23. COMMENT: The commenter, on behalf of the Fire Equipment Manufacturers Association, urges the Department not to deviate from the national model codes, particularly as it pertains to Fire Protection and Life Safety Systems pursuant to Chapter 9, and specifically highlights the amendment regarding the addition of language to Line 1 in the exception to Section 906.1 of the International Fire Code that limits the requirements for portable fire extinguishers. To further explain their position, the commenter provided data and citations concerning the safety aspects of the International Fire Code that are lost as a result of the amendment.

RESPONSE: Please see the Response to Comment 21.

N.J.A.C. 5:23-3.15 Plumbing Subcode

24. COMMENT: The commenter questions why the Department cannot state the more restrictive requirements in lieu of the Department's reference to P.L. 2021, c. 464. Additionally, the commenter notes that N.J.A.C. 5:23-3.15(b)7iv and vii refer to the International Building Code and not the building subcode, and requests correction.

RESPONSE: As P.L. 2021, c. 464 is overseen by the Department of Environmental Protection, the authority to adopt rules and regulations, as well as perform studies determining the need for more stringent energy or water conservation standards, is a function of the Department of Environmental Protection. As such, by including only references to the law, the Uniform Construction Code can accurately reflect changes to the requirements without requiring changes to the UCC. Further, the Department's UCC Bulletin 24-01 explains the Department's role and the Department of Environmental Protection's current requirements pursuant to P.L. 2021, c. 464. Additionally, the Department thanks the commenter for their note regarding a correction at N.J.A.C. 5:23-3.15(b)7iv and vii; however, the reference to the International Building Code

sections are the appropriate code citations in these instances. As such, the Department respectfully disagrees in correcting these items.

25. COMMENT: Comments in support of the adoption of the 2024 edition of the National Standard Plumbing Code were submitted to the Department by David Bruce, on behalf of Local Union 322; Chris DeMarco, on behalf of the International Association of Plumbing and Mechanical Officials; Daniel Falasca, president of Falasca Mechanical and member of the South Jersey Mechanical Contractors Association; Raymond Keeley, former president of the New Jersey Plumbing Inspector Association; John J. McGinniss, JJM Plumbing Company; and Cathy Murphy on behalf of the South Jersey Mechanical Contractors Association. Their letters to the Department detailed the history of the National Standard Plumbing Code (NSPC) and the new provisions of the 2024 NSPC, noting that the NSPC has ensured safe, efficient, and reliable plumbing across the state for decades.

RESPONSE: The Department thanks the commenters for their support.

26. COMMENT: The commenter, on behalf of the New Jersey State Association of Pipe Trades, strongly supports the Department's adoption of the proposed amendments to the Uniform Construction Code, specifically, noting the proposed adoption of the 2024 edition of the National Standard Plumbing Code. The commenter states that the NSPC has been serving as New Jersey's plumbing code since the 1970s and has provided a proven, reliable, and safety-driven framework for protecting residents across the State. The commenter further explains that the New Jersey State Pipe Trades have worked alongside the NSPC for generations, ensuring the evolution of the

code with emerging technologies, new materials, and modern safety practices, and fully supports the latest update to the NSPC.

RESPONSE: The Department thanks the commenter for their support.

N.J.A.C. 5:23-3.16 Electrical Subcode

27. COMMENT: The commenter questions whether the Department is adopting the second printing of the 2023 National Electrical Code (NEC). In addition, the commenter asks when the Department will be adopting Tentative Interim Amendments (TIAs) 70-23-14 through 70-23-20, and whether the unadopted TIAs can be utilized without the granting of a variation.

RESPONSE: At the time the model codes were reviewed, the TIAs noted in the comment were not available. However, the allowance of unadopted TIAs is permitted only pursuant to variation, as provided at N.J.A.C. 5:23-2.9 through 2.12. Additionally, the Department does not currently have a timeline for adoption of the TIAs noted in the comment.

28. COMMENT: The commenter, in reference to the proposed amendments at N.J.A.C. 5:23-3.16(b)2iv, notes that they strongly recommend this item not be adopted. The commenter states that the National Electrical Code does not determine qualified individuals, nor does it indicate who performs the work, and that this change is beyond the scope of the National Electrical Code. The commenter asks several questions in relation to this proposed amendment; questioning whether the Department will respond to electrical licensure questions that are outside of the Department's jurisdiction; an explanation of how this proposed amendment was approved by the Code Advisory Board and its subcommittees, and who initiated the proposed amendment; and if the Department will issue a bulletin or an Formal Technical Opinion on this item.

RESPONSE: The Department respectfully disagrees with the proposed amendment at N.J.A.C. 5:23-3.16(b)2iv not being adopted. The proposed amendment is only a reminder of the statutory and regulatory provisions governing those who may install or perform work in accordance with N.J.S.A. 45:5A-1 et seq., and N.J.A.C. 13:31, and is not a determination of qualified individuals. This proposed amendment was determined by the Code Advisory Board and the Electrical Subcode Committee to be appropriate for inclusion in the Uniform Construction Code. The Code Advisory Board and its subcode committees approved this amendment in accordance with the Board's bylaws and did not provide further comment on the reasoning for approval. At this time, the Department does not anticipate issuing a bulletin or Formal Technical Opinion; however, if deemed necessary, the Department will issue one after following the appropriate issuance process. Further, because questions regarding electrical licensure are outside the Department's scope, they will be directed to the Department of Law and Public Safety for an appropriate response.

29. COMMENT: The commenter expressed opposition to Article 210.52(C)(2) of the 2023 NEC and recommended the Department retain the language from the 2017 edition, as it relates to the requirement for outlets on kitchen islands.

RESPONSE: The Department respectfully disagrees with the commenter. The language in the 2023 edition ensures that, if provided, receptacle outlets on island and peninsular countertops are properly installed, but no longer requires outlets on such surfaces. This provides for greater flexibility in design.

30. COMMENT: The commenter disagreed with the amendments at N.J.A.C. 5:23-3.16(b)2vi to delete Section 110.29 “In Sight From (Within Sight From, Within Sight),” stating the opinion that the new article is a helpful addition to the provided definition. The commenter noted that the Section also reflects language in the NEC Style Manual.

RESPONSE: The Department determined that Section 110.29 was duplicative of the definition section and not necessary to incorporate in the electrical subcode of the UCC. Further, the Department has not adopted the NEC Style Manual.

31. COMMENT: The commenter was opposed to the amendments at N.J.A.C. 5:23-3.16(b)3ii to delete Section 225.41, Emergency Disconnects. The commenter stated that the section addresses emergency disconnects related to feeders and branch circuits and should be retained.

RESPONSE: The Department respectfully disagrees. Section 255.41 is a duplication of the emergency disconnect requirements for one- and two-family dwellings already included within Section 230.85. As such, the Department determined that maintaining only the existing language is clearer and more user-friendly for code officials.

32. COMMENT: The commenter, in reference to the proposed amendment at N.J.A.C. 5:23-3.16(b)4ii and Article 334.12(A)(2) of the NEC, questions how the rehabilitation subcode will address existing situations where NM cable has been utilized. In addition, the commenter asks several questions in relation to this proposed amendment; the commenter requests justification on why NM cable is not permitted; the justification on why New Jersey deleted this section when it was first added to the code and if that reason still exists; if NM cable is allowed, could MC cable or conduit or other option be substituted; and if a more expensive material and labor is

provided than what the code requires, whether it is appropriate for the plan reviewer or inspector to inform the permit applicant.

RESPONSE: In accordance with the draft proposal, provided that the existing NM cabling, which was legal at the time of installation, and is not altered or modified in any manner, it is permitted to remain; however, any work involving NM cable that requires the use of the rehabilitation subcode, N.J.A.C. 5:23-6, would in turn require the provisions of the current code. In addition, the Department's justification for the proposed amendment is to align New Jersey with other states that adopt and use the NFPA 70 with this section unaltered. Due to New Jersey's locale, contractors often perform work in several states; therefore, having this section align with other locations ensures consistency. Furthermore, the proposed amendment aligns the uses not permitted section of NFPA 70, 334.12(A)(2), with the permitted uses section in NFPA 70, 334.10(3), for the installation of NM cable in concealed locations in certain construction types. Previously, the "dropped ceiling" portion of the uses not permitted section was deleted in the adoption of the 2002 NFPA 70; however, as other states have adopted this section unaltered since this time, consistency and safety considerations have outweighed the cost increases that would result from this proposed amendment. Finally, it is outside the scope of this rulemaking to determine whether it is appropriate for a plan reviewer or inspector to inform the permit applicant of construction costs.

33. COMMENT: The commenter recommends that the Department amend 2023 NEC Article 702.4 to include 2026 NEC Article 702.4(A)(3) with further amendments, noting that Article 130 Part II shall be deleted in its entirety and replaced with Article 750.30 to match the correct

section references in the 2023 NEC. The commenter notes that the 2023 NEC Article 702.4 does not account for multimode inverter-based systems evaluated for PCS overload control.

RESPONSE: The Department respectfully disagrees with the recommendation to amend the proposed adoption of the 2023 NEC to include articles from the 2026 NEC because the Department has not yet performed a review of the 2026 NEC. However, when the Department undertakes a review of the 2026 NEC during the next code adoption cycle, the Department may consider the commenter's argument for including the referenced article.

34. COMMENT: The commenter in reference to the intent to adopt the 2023 National Electrical Code, Article 210.12, and the requirements for Arc-Fault Circuit-Interrupter (AFCI), urges the Department to consider amendments to the requirements of Article 210.12(B) from the 2023 NEC to remove kitchens, laundry, and similar areas from those spaces required to have AFCI protection. The commenter notes an increase in reports of AFCI nuisance tripping in home appliances and the use of less-safe alternatives by homeowners to resolve the problem. The commenter believes this section should be amended to remove requirements for kitchens, laundry, and similar areas and outlines safety concerns, such as trips and falls related to correcting tripped circuit breakers, in requiring AFCI protection for these locations, including nuisance tripping and a lack of evidence supporting fire prevention. The commenter states that Ground-Fault Circuit Interruption (GFCI) protection with convenient point-of-use reset options should be maintained as defined in NEC Article 210.8, since GFCI nuisance tripping is infrequent compared to AFCI issues. In addition, the commenter provides data and figures supporting their position and explains that several other states have amended the NEC, accordingly.

RESPONSE: The Department respectfully disagrees with amending the proposed adoption of NEC Article 210.12. Due to the greater safety AFCI protection provides compared to GFCI protection, the Department maintains that adopting Article 210.12 increases the safety of building inhabitants by ensuring that electrical faults not protected by GFCI protection are covered. In addition, safety concerns due to possible increases in nuisance tripping are negligible compared to the increased protection AFCI protection provides. However, the Department will continue to review the NEC to ensure that the requirements align with the needs of New Jersey residents.

35. COMMENT: The commenter, on behalf of CEDIA, encourages the Department to reject the proposed amendment at N.J.A.C. 5:23-3.16(b)2iv, where the definition of “qualified person” is amended to incorporate a reference to the applicable licensing law for electrical work. The commenter notes that the Department should retain the definition of “qualified person” in the 2023 edition of the National Electrical Code, Article 100, without the proposed amendment. The commenter explains that this amendment would make the work of limited-energy systems the exclusive domain of electrical contractors in New Jersey, thereby excluding the critical workforce of smart home professionals and technology integrators with training and expertise in limited-energy systems. The commenter states that the proposed amendment does a disservice to homeowners in New Jersey by limiting their options for the qualified professionals they wish to use in their homes and raises costs for homeowners.

RESPONSE: Please see the Response to Comment 28.

N.J.A.C. 5:23-3.18 Energy Subcode

36. COMMENT: The Rutgers Center for Urban Policy Research commends the Department for initiating the rulemaking process to modernize and strengthen New Jersey's building code. The commenter notes their appreciation of the efforts to update the Uniform Construction Code to reflect current best practices and emerging technologies in building design and construction. They further state that the updates to the Energy Subcode provide an opportunity to ensure New Jersey's building stock remains efficient, affordable, and resilient.

In addition to their commendations, the commenter states that they have completed technical cost analyses of the voluntary 2024 International Energy Conservation Code appendices and notes that the data they have collected could help inform the Department's evaluation of including specific appendices within the base code adoption. Specifically, the commenter focuses on Appendices RE and RK, which relate to EV-ready and electric-ready infrastructure, respectively. The commenter states that integrating electric readiness into new construction can yield substantial cost savings relative to retrofits. Finally, the commenter notes their appreciation of the Department's consideration of their comments and continued engagement throughout the rulemaking process.

RESPONSE: The Department thanks the commenter for their commendation regarding the Department's initiative on the rulemaking to modernize and strengthen New Jersey's building code. Additionally, the Department thanks the commenter for their research and analysis of the 2024 International Energy Conservation Code appendices and notes that this information may be useful if further review of the appendices is initiated. However, the Department does not anticipate adopting the 2024 International Energy Conservation Code RE and RK Appendices as base code.

37. COMMENT: The commenter disagrees with the adoption of the proposed International Energy Conservation Code RB, RE, and RK Appendices in the main body of the Uniform Construction Code, as they eliminate consumer choice and add significant unnecessary costs both to customers and to developers that are already burdened with higher electricity costs. Additionally, the commenter requests clarification on whether compliance with Appendix Section RB103.1 has been included in the modeling and cost analysis, and whether the significant additional costs related to land-use to position buildings were included in the analysis of Appendix RE. However, the commenter states that they support the proposed amendment to update attic insulation guidance to R-60, as it is compatible with New Jersey's climate. The commenter requests that the Department consider these comments regarding the proposed amendments to New Jersey's Uniform Construction Code and appreciates the Department's engagement throughout the rulemaking process.

RESPONSE: The Department thanks the commenter for their support regarding the proposed amendment to update attic insulation guidance. However, the Department respectfully disagrees that Appendices RB, RE, and RK in the main body of the Uniform Construction Code eliminate consumer cost and add significant unnecessary costs. In accordance with the current provisions and the proposed amendments at N.J.A.C. 5:23-3.18(c)7, Appendices RB, RE, and RK are optional at the discretion of the permit applicant. In addition, because these appendices are optional at the permit applicant's discretion, the Department did not perform any modeling or cost analysis.

38. COMMENT: The commenter, representing Polyisocyanurate Insulation Manufacturers Association, supports the Department's proposed adoption of the 2024 International Energy

Conservation Code for residential buildings and the ASHRAE Standard 90.1-2022 for commercial buildings. The commenter notes that polyisocyanurate is the most popular insulation product for commercial roofing projects as well as a versatile option for other building envelope applications on buildings of all types, and New Jersey represents an important market for insulation products, energy efficiency-related jobs, and is home to the headquarters for major building product manufacturers and raw material suppliers that serve the insulation industry. The commenter further states that adopting the most recent model energy codes returns savings to homeowners and building owners and helps spur significant economic activity within the State. In addition, the commenter notes that over the past four code development cycles, the R-value requirements for commercial building roofs with insulation installed entirely above deck have remained constant in stringency. However, the commenter states that significant improvements have been made to the language that directs how insulation is to be installed, including clarification on the installation of roof insulation in multiple layers, on calculating the R-value contributions of tapered roof insulation, and on the minimum thickness of insulation around roof drains. The commenter notes that adopting the 2024 IECC and ASHRAE 90.1-2022 will incorporate these improvements into the Energy Subcode and reduce any existing enforcement and compliance challenges. Furthermore, the commenter notes that adopting the 2024 IECC and ASHRAE 90.1-2022 helps ensure that the energy efficiency of existing commercial buildings can be increased over time through cost-effective measures, thereby reducing the strain on New Jersey's energy grid attributable to buildings and achieving the State's climate goals.

RESPONSE: The Department thanks the commenter for their support.

39. COMMENT: The commenter on behalf of the Responsible Energy Codes Alliance supports the proposed adoption of the 2024 International Energy Conservation Code (IECC) and ASHRAE Standard 90.1-2022 as the energy efficiency requirements of the New Jersey Uniform Construction Code, Energy Subcode. The commenter states that a clean adoption of the most recent editions of the model energy codes will provide a range of energy efficiency, resiliency, and environmental benefits for the owners and occupants of buildings in New Jersey, including making a significant step toward achieving the greenhouse gas reduction goals outlined in the Energy Master Plan and the Global Warming Response Act. In addition, the commenter urges the Department to adopt the 2024 IECC for residential construction and ASHRAE 90.1-2022 for commercial construction, with no substantive weakening amendments, in order to bring the full energy-saving and life-safety benefits of the latest published model energy codes to New Jerseyans. Furthermore, in addition to providing data on cost savings, the commenter explains that adopting the unamended 2024 IECC for residential construction and ASHRAE 90.1-2022 for commercial construction will deliver consistent energy and cost savings, help reduce greenhouse gas emissions, and provide health, safety, and welfare, resiliency, and equity benefits.

RESPONSE: The Department thanks the commenter for supporting the adoption of the 2024 International Energy Conservation Code and ASHRAE 90.1-2022. However, the Department disagrees with adopting the referenced codes unamended. Amendments to the 2024 Energy Conservation Code and ASHRAE 90.1-2022 better align the Uniform Construction Code requirements with the unique nature of construction in the State, while also helping ensure a range of energy efficiency, resiliency, and environmental benefits for building owners and occupants in New Jersey. This approach supports a significant step toward meeting the greenhouse gas reduction goals in the Energy Master Plan.

40. COMMENT: The commenter, on behalf of the US Green Building Council (USGBC), appreciates the opportunity to provide its support for the proposed amendments to New Jersey's Uniform Construction Code, Energy Subcode. The commenter states that updating the Energy Subcode provides an opportunity to ensure that New Jersey's building stock remains efficient, affordable, and resilient, while remaining competitive with standards set by surrounding states. Furthermore, the commenter notes that they are heartened to see how this rulemaking aligns with the State's climate plan, with consideration of how the built environment can support residential health and broader decarbonization goals. The commenter states that the USGBC values New Jersey's leadership in advancing sustainable building practices, appreciates the Department's consideration, and looks forward to opportunities for future collaboration.

RESPONSE: The Department thanks the commenter for their support.

N.J.A.C. 5:23-3.21 One- And Two-Family Dwelling Subcode

41. COMMENT: The commenter notes that, currently, the New Jersey edition of the 2021 International Residential Code deletes language from Section R302.5.1, which states that doors shall be self-latching and equipped with a self-closing or automatic closing device. The commenter questions whether this language will now be included in the New Jersey edition of the 2024 International Residential Code.

RESPONSE: In accordance with the proposed rulemaking, the language of Section R302.5.1 of the 2024 International Residential Code will be included without change.

42. COMMENT: The commenter notes their support of New Jersey's adoption of the 2024 edition of the International Residential Code; however, the commenter states that they disagree with the proposed amendment to delete automatic sprinkler protection in one- and two-family residential structures. The commenter explains that the proposed amendment is short-sighted and contradicts the work of the International Code Council and the committees that helped develop the model code. In addition, the commenter provides data from the National Fire Protection Association showing that civilian and firefighter death and injury rates in home structure fires are lower when an automatic sprinkler system is present.

RESPONSE: The Department thanks the commenter for their support. However, regarding the proposed amendment to delete automatic sprinkler protection in one- and two-family dwellings, the Department respectfully disagrees with changing this item at this time. As the public debate over the well-documented benefits of installing sprinklers and the associated increased costs is ongoing, the Department is refraining from adopting the provisions for automatic sprinklers in one- and two-family dwellings at this time. As such, the Department may consider the commenter's arguments and all other information presented on this subject during consideration of a future rulemaking.

43. COMMENT: The commenter opposes the amendment to remove Section R302.5.1 from the 2024 edition of the International Residential Code. The commenter explains that the rulemaking's information regarding the proposed amendment is confusing and that the implementation costs are insignificant compared to the cost of saving a life.

RESPONSE: The proposed amendment to Section R302.5.1 removes the Department's deletion of the last sentence of the section; as such, Section R302.5.1 is proposed to be adopted in whole, without change.

44. COMMENT: The commenter supports the adoption of the 2024 International Residential Code.

RESPONSE: The Department thanks the commenter for their support.

45. COMMENT: The commenter notes that the pending adoption of the 2024 model codes marks 16 years since the Department Commissioner explained that the adoption of the 2009 one- and two-family dwelling subcode would not require sprinkler protection despite the 2009 International Residential Code including the requirement due to cost-saving measures and the economic climate of the era. The commenter notes that the Department's own key construction and economic data from 2009 through 2024 reveal that the Former Commissioner's economic recovery premise for deleting Group R-5 dwelling sprinkler systems is no longer valid. The data places 2024 New Jersey at new dwelling volume and median price levels well above the State's 2005 construction boom, and notes that as the adoption of the 2024 model codes approaches, the Department continues not to carry forward the one- and two-family dwelling sprinkler requirement from the IRC. The commenter states that no known reports or data from across the United States support the claim that mandating one- and two-family dwelling sprinkler systems is detrimental to home sales, home prices, or a state's overall economic health.

RESPONSE: Please see the Department's Response to Comment 39.

Federal Standards Statement

No Federal standards analysis is required for the adopted amendments because the amendments are not being adopted in order to implement, comply with, or participate in any program established pursuant to Federal law or a State law that incorporates or refers to Federal law, standards, or requirements. The sole exceptions are found in the proposed amendments to N.J.A.C. 5:23-3.18, which would bring New Jersey into compliance with the DOE requirements promulgated pursuant to Title III of the Federal Energy Conservation and Production Act of 1976, as amended, and in the proposed amendments to the accessibility requirements within Chapter 11 of the building subcode. These amendments align with design requirements set forth within the Americans with Disabilities Act.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 3. SUBCODES

5:23-3.14 Building Subcode

(a) (No change.)

(b) The following chapters of the building subcode are modified, as follows:

1.-4. (No change.)

5. Chapter 5, General Building Heights and Areas, shall be amended as follows:

i.-ii. (No change.)

iii. Table 504.4, ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE, shall be amended as follows:

(1)–(5) (No change in text.)

(6) The allowable number of stories for Group A5 NS and S, construction Types *[IIIB, IVA, IVB, IVC, HT, VA, and VB]* ***III-B, IV-A, IV-B, IV-C, HT, V-A, and V-B*** shall be deleted.

(7)–(25) (No change.)

iv.-viii. (No change.)

6.-7. (No change.)

8. Chapter 9, Fire Protection Systems, shall be amended as follows:

i.-lxxii. (No change from proposal.)

lxxiii. In Section 915.1, General, the last sentence ***and the exception*** shall be deleted.

lxxiv. (No change from proposal.)

9.-26. (No change.)