

## **COMMUNITY AFFAIRS**

### **DIVISION OF CODES AND STANDARDS**

#### **Uniform Construction Code**

##### **Adopted Amendments: N.J.A.C. 5:23-2.15, 2.15A, 2.16, and 4.4**

Proposed: September 2, 2025, at 57 N.J.R. 1911(a).

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

Filed: July 15, 2026, as R.2026 d.088, **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-110 et seq.

Effective Date: August 17, 2026.

Expiration Date: February 9, 2029.

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

Comments were received from Daniel O’Gorman and Mitchell Malec, a retired former employee of the Department of Community Affairs (Department).

1. COMMENT: The commenter commends the Department for the proposed changes at N.J.A.C. 5:23-2.15A as they relate to permit applications for single-family dwellings.

RESPONSE: The Department thanks the commenter for their support.

2. COMMENT: The commenter asks whether an original, ink signature is required or if stamp signatures are acceptable on physical submissions of Forms F 130 (Plumbing Technical Section) and F 145 (Mechanical Technical Section).

RESPONSE: N.J.A.C. 5:23-2.15 and 2.15A reference signatures throughout the permit application requirements; the proposed amendment at N.J.A.C. 5:23-2.15(b)2iii reflects the need for a physical (wet) signature on physical plans; this simply means that it must be an ink signature, and the requirement would apply to both F 130 and F 145.

3. COMMENT: The commenter recommended that the phrase “or hearth professional” be included in the language at N.J.A.C. 5:23-2.15(b)2, and that similarly, the phrase “and hearth professional” be included in the language at N.J.A.C. 5:23-2.15(b)2i pursuant to the definitions utilized at N.J.A.C. 13:32A-7.

RESPONSE: The Department utilized the phrase “master hearth specialist,” because that is the term defined and utilized pursuant to N.J.A.C. 13:32A-7.2, definitions. The term “hearth professional work” is also defined, but the phrase “master hearth specialist” refers to the individual license holder. As such, the Department respectfully disagrees that further revision is needed to these sections.

4. COMMENT: The commenter recollected that subcode application, also known as subcode technical section forms, must be signed and sealed by the licensed contractor and noted that master hearth specialists are not required to have a seal. The commenter then asked whether the forms will be modified to reflect that only a signature is needed for these applications. The commenter further asked how a mechanical technical section is to be treated, since that is an inspection form and not a subcode form.

RESPONSE: As noted at proposed N.J.A.C. 5:23-2.15(b)iii, only the signature of the master hearth specialist is required on the corresponding subcode application form. The form does not

need to be revised for this purpose, as local enforcing agencies are aware that for these contractors, there is no seal, and only a signature is required on the subcode application form.

The same is true for the mechanical form; only a signature is required.

5. COMMENT: The commenter recommends that the Department consider further modification at N.J.A.C. 5:23-2.15(d) to reflect other disciplines that may submit applications rather than just adding a reference to master hearth specialists.

RESPONSE: The Department thanks the commenter for their recommendation; however, the purpose of including a reference to master hearth specialists, but not to all other disciplines, is to recognize and clarify unique circumstances resulting from changes to statutory provisions.

Additionally, N.J.A.C. 5:23-2.15(d) states that an application for a permit may be made by contractors employed in connection with the proposed work; therefore, other disciplines not specifically referenced may also submit applications.

6. COMMENT: The commenter noted that the Department revised N.J.A.C. 5:23-2.15A(a) to include a hyphen when using the term single-family, but noted that N.J.A.C. 5:23-2.15(b)5ii and 2.15(f)1ix, 2.15A(b)4i, and 3.16(b)6v(2) utilize the term “single family” and recommended that the Department make similar revisions throughout.

RESPONSE: The Department thanks the commenter for the recommendation. Accordingly, the Department will include changes upon adoption to correct these terms, where deemed appropriate.

7. COMMENT: The commenter states that he does not totally agree with the Department's expansion of requirements when applying for a permit for a single-family residence. He recommended that the Department review the proposed revisions for overlap in requirements as they pertain to "plans and specifications" versus "details." By way of example, the commenter asks that if plumbing specifications are required to address fixtures and pipe sizes, why would details be needed to specifically indicate the locations of fixtures? He recommended the Department review its proposed changes and revise, as needed. He then noted: "Note - Electrical, floor and ceiling plans; Plumbing, floor plans; Mechanical, floor or ceiling plans. Symbol legend only for electrical. Revisions appear needed."

RESPONSE: The Department respectfully disagrees with the commenter's recommendations for revisions. The Department maintains that including plan and specification details, such as location and sizing, will provide an additional check to help reduce failures upon inspection. These failures, and the reinspections that follow, take resources from both permit applicants and construction offices. Additionally, the Department states that any overlap in the details of plans and specifications is intended solely to clarify required items.

8. COMMENT: The commenter noted that the proposed amendment at N.J.A.C. 5:23-2.16(j)4 appears to reflect "Law."

RESPONSE: The Department notes that the proposed amendments at N.J.A.C. 5:23-2.16(j)4 were included to accurately reflect the provisions at P.L. 2022, c. 139.

9. COMMENT: The commenter had a number of concerns regarding the proposed amendments at N.J.A.C. 5:23-4.4(d)1i. The commenter references the April 1, 2024, adoption of amendments

to the Uniform Construction Code (UCC) and asks “what happened” specifically in response to his comment No. 17 in that document. He asked why the previous “F XX” form is now designated with an “R” number as “R 900” and asks why the Department does not simply leave everything as it is. He asks if there will be future “form/log/report” adoptions in the same manner or if this is “lesson learned.” He then notes that, “at this point, the problem as to whether it is Form F XX or Report R 900 is moot.”

RESPONSE: The Department notes that the Office of Regulatory Affairs determined the form's new title for recordkeeping purposes within its office, and the proposed amendment is intended to reflect the change in title in the UCC. This coincides with the Response to Comment No. 17 in the April 1, 2024 notice of adoption, which states that, upon promulgation of the form, the title will be included in the UCC. Due to the title change, the UCC required an amendment to reflect this. Additionally, the Department’s rulemaking always follows the same procedures and processes outlined in the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Rules for Agency Rulemaking, N.J.A.C. 1:30.

10. COMMENT: In continuation of his comments regarding the revision of the form number, the commenter asked how “Report R 900” will reflect revision from “Form F XX,” and asked if, in the future, the form is revised, will it be renumbered again? He notes that in response to his comment No. 17 in the April 1, 2024 notice of adoption, the Department stated that upon promulgation of the form, the title will be included within the UCC and then notes that the Summary for this rulemaking says that the “name” of the staffing analysis form is R 900. This confused the commenter, and he recommended that the title perhaps be “Inspection Demand Analysis Report R 900.”

RESPONSE: The Department will reflect the title revision in the current Form F XX by removing any references to “Form F XX” and replacing them with “Form R 900.” Further, the Department does not anticipate additional revisions to the form at this time; however, if the Office of Regulatory Affairs proposes a title change, the Department will amend the Uniform Construction Code to reflect that change. Additionally, the Department respectfully disagrees with the commenter’s title recommendation because the new title would better suit the Office of Regulatory Affairs recordkeeping process.

11. COMMENT: In continuation of his comments regarding N.J.A.C. 5:23-4.4(d)1i, the commenter noted “issue[s] with the document itself.” The commenter asked for an explanation with detailed instructions as to how the document is to be completed by municipalities and requested that the Department provide two correct examples of completed documents to show what satisfactory submissions would look like in its response.

RESPONSE: Instructions for completing the form are located on the form, and additional information concerning the expected demand analysis is clarified at N.J.A.C. 5:23-4.4(d)1i. The directions on the form note that prior years’ inspection logs shall be used for analysis and explain that, if the municipality utilizes a private on-site inspection agency on a permanent or supplemental basis, the secondary table on the form must also be completed.

Additionally, the Department respectfully declines to provide two complete and correct examples of the form. This form is intended to be completed by municipal enforcing agencies and should include specific information relevant to the municipality; as such, each submitted form to the Department will differ. Including examples of “correct” forms may cause unnecessary confusion, as each submission is different. Further, since the adoption of these

requirements on April 1, 2024, the Department has not encountered any significant issues with the incorrect submission of this form.

12. COMMENT: The commenter asked if it makes sense if the inspector capacity is based on prior years' inspection logs and if current staff has increased or decreased. The commenter also asked how anticipated inspection capacity per week is determined. The commenter also asked whether the form is needed if the "plan" includes the needed information to determine expected demand for service needs.

RESPONSE: The Department agrees that basing inspector capacity solely on prior years' inspection logs and staffing levels does not provide a complete picture; however, these are only two sources of data among the many that are to be used by municipal enforcement agencies for this analysis. N.J.A.C. 5:23-4.4(d)1i states that an analysis of expected demand for all services includes, but is not limited to, review of open permits; development projects pending before the planning board; the historic demand for inspections for minor work, alterations, and additions; and the total number of staff hours necessary to perform the work. By using all available data, including prior years' inspection logs and staffing levels, the municipal enforcement agency can develop the most accurate plan for its office. Additionally, the form is required pursuant to N.J.A.C. 5:23-4.4(d)1i as a record of the municipal enforcing agency's analysis.

13. COMMENT: The commenter recommended that the Department revise its Municipal Procedures Manual to incorporate the document and include instructions for how municipalities are to complete it. He also asked what the Department's description of the document will be within the Municipal Procedures Manual.

RESPONSE: The Department thanks the commenter for their recommendation concerning the Municipal Procedures Manual. The Department will review the manual to determine whether revision is necessary; however, because this review has not yet occurred, the Department is not able to describe the revised document.

14. COMMENT: The commenter asked what feedback or input was received from local enforcing agencies that were required to complete the form under its old title. He stated that in his opinion, it “appears the Department needs to further evaluate what’s needed to be submitted to document the means the enforcing agency will use to meet the expected demand for service. Revisions of regulations and inspection demand analysis document (and UCC Municipal Procedures Manual) appear needed. Enough said – figure it out.”

RESPONSE: The Department does not have a record of feedback or input from municipal enforcement agencies regarding the completion of the form. The Department respectfully disagrees that further evaluation or revision is needed at this time, as the municipal enforcing agency can presently use all data it deems relevant for the analysis of expected demand, as provided at N.J.A.C. 5:23-4.4(d)1i. The Department maintains documentation of this analysis; however, the municipality is not required to submit all factors used in making its plan, as this analysis is specific to each municipality. As such, the Department only requires information on municipal enforcing agency data that applies to all municipal enforcing agencies.

### **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 any State statute that incorporates or refers to Federal law, standards, or requirements.

**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 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

### 5:23-2.15 Construction permits--application

(a) (No change.)

(b) In addition to the requirements at (a) above, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1.-4. (No change from proposal.)

5. If the work involves lead abatement, one of the following shall be supplied:

i.-ii. (No change.)

iii. If the work is to be done on an owner-occupied \*[single family]\* **\*single-family\*** dwelling, a certification by the owner stating that he or she owns and occupies the property as a principal place of residence, will be performing the abatement work, and has received the written information for homeowners prepared by the Department explaining the danger of improper lead abatement, procedures for conducting safe lead abatement, and the availability of certified lead abatement contractors or of any available training for homeowners.

6.-12. (No change.)

(c)-(e) (No change from proposal.)

(f) Plans, plan review, plan release:

1. Plans and specifications: The application for the permit shall be submitted either electronically or physically. Electronic submissions shall comply with N.J.A.C. 5:23-2.15B. Physical submissions shall be accompanied by no fewer than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Plans submitted shall be required to show only such detail and include only such information as shall be necessary to demonstrate compliance with the requirements of the code and these regulations or to facilitate inspections for code conformity. When quality of materials is essential for conformity to the regulations, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

i.-viii. (No change.)

ix. Architect's or engineer's seal: The seal and signature of the registered architect or licensed engineer who prepared the plans shall be affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted. In the case of electronic submissions, such seal and signature may be electronic.

(1) Exception: The construction official shall waive the requirement for sealed plans in the case of a \*[single family]\* **\*single-family\*** home owner who had prepared his or her own plans for the construction, addition, reconstruction, alteration, renovation, or repair of a detached structure used or intended to be used exclusively as his or her private residence providing that the owner shall submit an affidavit attesting to the fact that he or she has personally prepared the plans and provided further that said plans are in the opinion of the

construction official, and appropriate subcode official, legible and complete for purposes of ensuring compliance with the regulations. This exception shall not apply to the structural design, specifications, and plans for new construction or substantial improvement of a home in a V zone in a flood hazard area, which must be developed or reviewed by a registered architect or licensed engineer pursuant to the National Flood Insurance Program rules, 44 CFR 60.3.

x.-xii. (No change.)

2.-4. (No change.)

#### 5:23-2.15A Construction permit for a single-family residence

(a) (No change from proposal.)

(b) Plans containing the following information shall be considered to meet the requirements at

(a) above:

1.-3. (No change from proposal.)

4. The drawings shall bear the seal and signature of the registered architect or licensed engineer who prepared the plans affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted.

In the case of an electronic plan submission made in accordance with N.J.A.C. 5:23-2.15B, such signature and seal may be electronic.

i. Exception: The construction official shall waive the requirement for sealed plans in the case of a \*[single family]\* **\*single-family\*** home owner who had prepared his or her own plans for the construction, addition, reconstruction, alteration, renovation or repair of a detached structure used or intended to be used exclusively as his or her private residence providing that the owner shall submit an affidavit attesting to the fact that he or she has

personally prepared the plans and provided further that said plans are in the opinion of the construction official, and appropriate subcode official, legible and complete for the purposes of ensuring compliance with the regulations. This exception shall not apply to the structural design, specifications, and plans for new construction or substantial improvement of a home in a V Zone in a flood hazard area, which must be developed or reviewed by a registered architect or licensed engineer pursuant to the National Flood Insurance Program rules, 44 CFR 60.3.

ii. (No change from proposal.)

5.-7. (No change from proposal.)