

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Amendments: N.J.A.C. 5:23-2.18, 2.34, 2.35, 3.4, 3.8, 5.3, 6.2, 6.3A, 6.4 through 6.9, 6.12A through 6.26A, 6.28A, 6.31, and 6.32

Proposed: October 20, 2025, at 57 N.J.R. 2333(a).

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

Filed: July 15, 2026, as R.2026 d.087, **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 Mitchell Malec, former employee of the Department of Community Affairs (Department); and Jennifer Sennick, Rutgers, The State University, Center for Urban Policy Research.

1. COMMENT: The commenter questions why the proposed exception at N.J.A.C. 5:23-2.34(b)1 is only for the construction of a single one- and two-family dwelling, and if there are concerns about the construction of multiple detached one- and two-family dwellings in a development on individual lots. Additionally, the commenter questions whether a single one- and two-family

dwelling that undergoes alteration or addition will be subject to Section 3302. Ultimately, the commenter recommends that the Department revise the proposed language and the existing regulations impacted by the adoption of the model codes.

RESPONSE: The Department respectfully disagrees that revision of the proposed language concerning N.J.A.C. 5:23-2.34(b)1, as well as the regulations impacted by the adoption of the model codes, is necessary. The proposed exception applies only to the construction of a single one- and two-family dwelling, given the scale and scope of the work. As the scale of construction between a single one- and two-family dwelling and the construction of multiple structures as part of development is large, the Department maintains that providing an exception for Section 3302 for a single one- and two-family dwelling ensures efficient practices and decreases the time of construction for those structures while still maintaining protection for the construction of developments.

2. COMMENT: The commenter questions whether, by including Section 3301 in the notice of proposal, the Department is requiring fire safety during construction to comply with the applicable provisions of Chapter 33 of the International Fire Code.

RESPONSE: As stated at proposed Section 3301, “Fire safety shall also comply with the applicable provisions of Chapter 33 of the International Fire Code.” Further, the applicable sections of Chapter 33 are those set forth at N.J.A.C. 5:70, the New Jersey Uniform Fire Code.

3. COMMENT: The commenter notes that the inclusion of “If necessary, the Division may issue a bulletin for further clarification” at N.J.A.C. 5:23-3.4(a) is unnecessary because it is covered by N.J.A.C. 5:23-3.9(c). The commenter recommends that when a bulletin is issued for further

clarification, it should be included in the regulations as “See Bulletin # for further clarification.”

In addition, the commenter states that all currently issued Bulletins and Formal Technical Opinions that provide further clarification should be added to the regulations in the same manner.

RESPONSE: The Department thanks the commenter for their recommendation; however, the inclusion of the referenced language at N.J.A.C. 5:23-3.4(a) is intended solely as a reminder of N.J.A.C. 5:23-3.9(c). Additionally, the Department disagrees with the recommendation to include specific references, given the language at N.J.A.C. 5:23-3.9(c), which explains that the Department may issue bulletins or provide advice when an issue in need of clarification is adequately addressed by existing rules and that rulemaking is, therefore, neither appropriate nor necessary. As such, the rulemaking that references bulletins and formal technical opinions is deemed unnecessary, as these publications are not intended to result in rulemaking actions. Further, because the publications are not rulemaking items, they can be withdrawn or published as the Department determines, following required consultations or approvals, which could potentially cause reference issues within the Uniform Construction Code.

4. COMMENT: The commenter states that N.J.A.C. 5:23-3.9(b), (c), and (d) refer to the “Construction Code Element” and require revision.

RESPONSE: The Department thanks the commenter for their recommendation; however, as N.J.A.C. 5:23-3.9 is not being amended, this recommendation is outside the scope of this rulemaking.

5. COMMENT: The commenter recommends that the Department review and correct the text at N.J.A.C. 5:23-3.4 and provides various examples, such as N.J.A.C. 5:23-3.4(a)1, Section 3001.2

needing revision for review responsibility to state “Building/Elevator/Fire” and N.J.A.C. 5:23-3.4(a)5, Section 512.12.2 needing revision to “Electrical/Fire.” In addition, the commenter recommends the Department use the same responsibility at Sections R306.1.6, R1002, and R306 as those listed for Sections M1401.5, M1415, and G2404.7.

RESPONSE: The Department thanks the commenter for their recommendations; however, the alphabetical ordering of responsibilities does not affect the intent of the code and is not deemed necessary for correction, as it is solely a matter of formatting. Additionally, the Department respectfully disagrees with using the same responsibility in the referenced sections rather than including cross-references because the Department is merely replicating the language of the International Residential Code.

6. COMMENT: The commenter questions why N.J.A.C. 5:23-3.4(a)6, Section N1103.5.1, states “See N1103.5.1.1” and if it is needed. In addition, the commenter notes that the text at N.J.A.C. 5:23-3.4(a)6, Section N1108, will be published incorrectly due to a separation in text.

RESPONSE: The amendment at N.J.A.C. 5:23-3.4(a)6, concerning Section N1103.5.1, is deemed necessary as it provides a cross-reference to the appropriate responsibilities, as listed at Section N1103.5.1.1. Additionally, regarding the note on Section N1108, this item is not an error and is due to the presentation of the proposed amendments in the New Jersey Register.

7. COMMENT: The commenter states that the Department is creating problems at N.J.A.C. 5:23-3.8(d)3v with the inclusion of “as required pursuant to N.J.S.A. 52:27D-141.21, whichever is more restrictive.” The commenter states that the language at N.J.A.C. 5:23-3.8(d)3vi needs revision because, pursuant to the law, water closets and other plumbing fixtures must meet the

plumbing subcode standards or N.J.S.A. 52:27D-141.21, whichever is more restrictive. The commenter recommends that the Department review N.J.S.A. 52:27D-141.21 and clearly state in the Uniform Construction Code regulations the plumbing fixtures that are prohibited.

Furthermore, the commenters note that their comments are also applicable to the proposed amendments at N.J.A.C. 5:23-6. As a suggestion, the commenter states that the Department could issue a bulletin identifying the plumbing fixtures affected and when the plumbing subcode standards or N.J.S.A. 52:27D-141.21 are more restrictive.

RESPONSE: The Department respectfully disagrees with the commenter's recommendations. As the New Jersey Department of Environmental Protection maintains the statutory requirements, the Department refrains from providing language identifying specific plumbing fixtures and instead directs code users to the most up-to-date requirements issued by the Department of Environmental Protection. This ensures that if requirements are changed, the Uniform Construction Code remains in compliance. Additionally, the Department has published Bulletin 24-1, which clarifies the statutory requirements of the law and their relationship with the Uniform Construction Code.

8. COMMENT: The commenter questions when the public hearing relating to the amendment to N.J.A.C. 5:23-3.8(d)3v and required pursuant to N.J.A.C. 5:23-3.8(a) was held.

RESPONSE: Due to the requirements at P.L. 2021, c. 464, being within the purview of the New Jersey Department of Environmental Protection, the Department did not hold a public hearing on the appliance and equipment efficiency requirements of the law. Notwithstanding, the New Jersey Department of Environmental Protection held a stakeholder meeting on January 10, 2023, regarding the provisions of the law and appliance and equipment efficiency standards.

9. COMMENT: The commenter questions if the alteration of an existing high-rise building's non-occupiable roof into an occupiable roof is done in accordance with the proposed language of the code, and which code requirements then become applicable. In addition, the commenter questions whether, in such a scenario, the Department would require elevator accessibility if the occupiable roof were over 3,000 square feet.

RESPONSE: Pursuant to the alteration requirements at N.J.A.C. 5:23-6.6, the roof would be analyzed for the change in loading, and pursuant to the new building elements at N.J.A.C. 5:23-6.9, the occupiable roof would be required to meet the appropriate egress elements. In addition, regarding accessibility, the project would follow the large building/small building criteria of Section 1104, as referenced in the alteration requirements at N.J.A.C. 5:23-6.6. However, please note that, as a result, the project would be subject to the 10,000-square-foot requirement for elevator access.

10. COMMENT: The commenter questions how an occupiable penthouse is impacted by the proposed changes to the code. Additionally, the commenter asks why the Department is including "other than occupiable roofs," if the current text is only applicable to floors.

RESPONSE: Pursuant to the building subcode, the definition of "penthouse" is "an enclosed, unoccupied rooftop structure used for sheltering mechanical and electrical equipment, tanks, elevators and related machinery, stairways, and vertical shaft openings." As such, a penthouse is defined as an unoccupied space. Further, regarding the language stating "other than occupiable roofs" in the supplemental requirements, this is due to the change in the definition of high-rise buildings in the building subcode that applies to new construction. To prevent buildings with an

existing occupiable roof from being penalized during a reconstruction project, this language is being added to ensure they do not incur additional costs with no change in use of the space.

11. COMMENT: The commenter, in reference to N.J.A.C. 5:23-6.8(b)7, questions if the language concerning Section 1402.3.1 is intended. In addition, the commenter questions whether Sections 1402.5, 1402.6, 1402.7, 1402.8, and others are applicable.

RESPONSE: As stated in the proposed amendment at N.J.A.C. 5:23-6.8(b)7, Section 1402.3.1 shall be included as part of N.J.A.C. 5:23-6.8, Materials and Methods. Additionally, Sections 1402.5, 1402.6, 1402.7, 1402.8, and other sections not listed in the exception are applicable.

12. COMMENT: The commenter noted confusion with the added exception of Section M1602.2 #4 at N.J.A.C. 5:23-6.8(h)12. The commenter questions whether the Department's intent is to delete Section M1602.2 #4 and, if so, whether the Department's position is that it's permissible to obtain return air for a naturally vented appliance from a mechanical room, boiler room, or furnace room that contains unsealed combustion appliances. In addition, the commenter asks whether the Department will add reasoning or an explanation to "except" provisions, such as those at N.J.A.C. 5:23-6.8(e)3. The comment requests further explanation of this item and recommends that the Department reconsider this proposed exception as presented. The commenter also notes that other provisions concerning the modification of Section M1602 appear to require changes to appropriately address this proposed amendment if the Department moves forward with it.

RESPONSE: The Department respectfully disagrees that further changes are needed due to the modification of Section M1602. In accordance with N.J.A.C. 5:23-6.8(h) and (h)12, the intent is

that International Residential Section M1602.2, Item #4, shall not constitute a residential material and method requirement for the subchapter. Furthermore, the Department's position is that adopting Section M1602.2, Item #4, would require those with existing naturally drafted appliances to replace them with sealed-combustion units, thereby imposing undue costs or hardships where the existing appliance has been operating properly and safely since the original installation. In addition, the Department agrees with the commenter regarding the inclusion of an explanation of the exceptions; as such, the Department will include a change upon adoption to remove the proposed amendment at N.J.A.C. 5:23-6.8(h)12i, as it is deemed unnecessary.

13. COMMENT: The commenter recommends various changes and corrections to the grammar and wording of several summary statements in the notice of proposal.

RESPONSE: The Department thanks the commenter for their recommendation; however, amendments and corrections regarding the wording of the notice of proposal statements are outside the scope of this rulemaking.

14. COMMENT: The commenter, on behalf of Rutgers, The State University, Center for Urban Policy Research, commends the Department for initiating this rulemaking process to modernize and strengthen the State's building codes, and notes that updating the rehabilitation subcode provides an opportunity to ensure that New Jersey's building stock remains efficient, affordable, and resilient. In addition, the commenter states that the 2024 International Energy Conservation Code, Chapter 5, Existing Buildings, includes a new set of requirements for change of use or occupancy and that the new change of occupancy requirements are triggered by changes in energy intensity in three separate categories: HVAC, water heating, and lighting. The commenter

further explains that for each category, the code occupancy classifications are placed in a table of levels of energy intensity; for HVAC and lighting, there are three levels, and for water heating there are two, meanwhile a change of occupancy to a higher or equal category triggers requirements for new construction in the respective category, while a change to a lower intensity triggers no action. The commenter explains that, based on analysis, the inclusion of the change of use provision in the rehabilitation subcode is consistent with most of the existing change of occupancy requirements in the subcode, and enforceable, given the structure of the provision, as there is no detailed analysis required, and is expected to result in energy savings in existing buildings.

RESPONSE: The Department thanks the commenter for their commendation. In addition, the Department thanks the commenter for their recommendation; however, because the Department does not adopt Chapter 5 provisions of the International Energy Conservation Code, the recommended amendments to the rulemaking would require significant changes upon adoption. As such, the Department respectfully disagrees with adopting Chapter 5 provisions of the International Energy Conservation Code at this time. However, the Department may undertake a review of these provisions at a later date to determine if their inclusion in the Uniform Construction Code would benefit New Jersey residents and the State's climate goals.

Summary of Agency-Initiated Changes:

1. At N.J.A.C. 5:23-3.4(a)1, erroneous references to A117.1 are removed, as the applicable responsibilities are International Building Code sections and not A117.1 standard sections.

2. At N.J.A.C. 5:23-6.2(c), the date of model code adoption is added to the applicability and compliance requirements of the rehabilitation subcode. This change is necessary to provide clarification when a year or edition is not given for a standard referenced in the subchapter.

3. At N.J.A.C. 5:23-6.3A(a)2i, International Building Code, Section 1605.2 is added, as this item was erroneously not included as the new section reference title to Section 1605.3.1.2, which was proposed for deletion.

4. At N.J.A.C. 5:23-6.8(h)12i, the Department is electing not to adopt the proposed language explaining the exception to N.J.A.C. 5:23-6.8(h)12 because it is not typical practice and thus could cause unnecessary confusion.

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 pursuant to a State law 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 3. SUBCODES

5:23-3.4 Responsibilities

(a) The enforcement responsibilities of the adopted subcodes are below. If necessary, the Division may issue a bulletin for further clarification.

1. Building Subcode:

Chapter	Section/Title	Responsibility	Building
		Plan Review	Inspection
...			
	A117.1 1106	Building	Building
	[A117.1] 1110.2 – 1110.2.1.6	Building/Plumbing	Building
	[A117.1] 1110.2.2.1	Building/Plumbing	Plumbing
	[A117.1] 1110.2.2.2	Building/Plumbing	Building
	[A117.1] 1110.2.2.3	Building/Plumbing	Plumbing
	[A117.1] 1110.2.2.4	Building/Plumbing	Building
	[A117.1] 1110.2.2.5	Building/Plumbing	Plumbing
	[A117.1] 1110.2.2.6	Building/Plumbing	Building
	[A117.1] 1110.2.3.1	Building/Plumbing	Plumbing
	[A117.1] 1110.2.3.2-1110.2.3.4	Building/Plumbing	Building
	[A117.1] 1110.2.3.5-1110.2.3.6	Building/Plumbing	Plumbing
	[A117.1] 1110.2.3.7-1110.2.3.8	Building/Plumbing	Building
	[A117.1] 1110.2.3.9	Building/Plumbing	Plumbing
	[A117.1] 1110.2.4-1110.3	Building/Plumbing	Building
	[A117.1] 1110.18	Controls shall be the responsibility of the person responsible for the control in the general sections of the code	Controls shall be the responsibility of the person responsible for the control in the general sections of the code
...			

2.- 9. (No change.)

(b)-(d) (No change.)

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.2 Applicability and compliance

(a)-(b) (No change.)

(c) Compliance: The only requirements of the other subcodes of the UCC that apply are specifically set forth in this subchapter. Compliance with the requirements of the other subcodes of the UCC is not required for work in existing buildings. However, building components already in compliance with the requirements of the other subcodes of the UCC shall be replaced with components that comply. Where no year or edition is given for a standard referenced in this subchapter, the year or edition shall be the one referenced in the other subcode(s) of the UCC as of *[(effective date of companion notice of proposal)]* ***August 17, 2026***.

1.–5. (No change.)

(d)-(j) (No change.)

5:23-6.3A Flood-resistant construction

(a) For buildings in designated flood hazard areas, any work that constitutes a substantial improvement or repair of substantial damage of the existing building, as determined by the local floodplain administrator, shall comply with the applicable flood-resistant construction requirements below. As defined in the National Flood Insurance Program rules, 44 CFR 59.1, “‘substantial improvement’ means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value

of the structure before the ‘start of construction’ of the improvement. This term includes structures which have incurred ‘substantial damage,’ regardless of the actual repair work performed.” As defined in these Federal rules, “‘substantial damage’ means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”

1. (No change.)

2. All other buildings:

i. Building subcode: Sections 802.4, 913.2, 1108.7.5, 1202.4.4, 1402.9, 1402.10, 1403.6, 1403.7, ***1605.2**,* 1612, 1804.5, 1805.1.2.1, 2702.1.8, 3001.3, and 3102.7.

ii.-iii. (No change.)

5:23-6.8 Materials and methods

(a)-(g) (No change.)

(h) Residential Materials and Methods: The following sections of the one- and two-family dwelling subcode (N.J.A.C. 5:23-3.21) shall constitute the residential materials and methods requirements for this subchapter:

1.-11. (No change.)

12. All of Chapter 16, entitled “Duct Systems,” except Section M1602.2 #4.

[i. M1602.2 #4 shall not apply because a naturally drafted appliance would no longer be able to be replaced in kind;]

13.-20. (No change.)

(i)-(1) (No change.)