

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Amendments: N.J.A.C. 5:23-2.7, 2.14, 2.15, 2.17A, 2.18, 3.4, 3.14, 3.15, 3.16, 3.20, 3.21, 3.22, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, and 6.32

Proposed: September 16, 2024, at 56 N.J.R. 1837(a).

Adopted: July 21, 2025, by Jacquelyn A. Suárez, Commissioner, Department of Community Affairs.

Filed: July 21, 2025, as R.2025 d.093, **with a non-substantial change** 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 18, 2025.

Expiration Date: February 9, 2029.

Summary of Public Comments and Agency Responses:

Comments were received from Mitch Malec and Richard Soltis, Jr.

Comments Received from Mitch Malec

1. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-2.7(c)3i and 2.17A(c)5vi, the commenter questions the Department of Community Affairs (Department's) justification for the changes. The commenter notes that, for over 30 years, the Department has allowed the replacement of certain items in hazardous locations as ordinary maintenance. The commenter further questions if the Department wants permits required for maintenance work that is most

likely performed by qualified personnel and, therefore, the potential threat to public health and safety is minimal. The commenter recommends that the proposed amendments not be adopted, but suggests that the Department consider making the replacement of any sprinkler, smoke alarm, heat detector, or any like device, in other than a single-family dwelling, “minor work,” due to potential life safety issues.

Additionally, the commenter recommends the Department review Section 406.4(D) of the national electrical subcode (NEC) to see if any changes to the rules are needed. The commenter explains that, as currently proposed, only receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant materials are required, need to comply with Section 406.4(D) of the electrical subcode. The commenter questions the other areas included at Section 406.4(D) and asks if he can assume “damp/wet” means “weather-resistant” receptacles.

RESPONSE: The Department respectfully disagrees that the proposed changes should not be adopted. The justification for the changes is that “hazardous location” is a defined term that largely entails work in industrial settings; as such, the proposed changes provide for increased regulatory oversight of work in locations that have an increased potential risk to health and life safety. The Department has consistently maintained the position that the nature or location of specific work makes regulatory oversight necessary, regardless of the qualification of the personnel performing the work.

Additionally, the Department thanks the commenter for his recommendations regarding NEC Section 406.4(D) and the minor work provisions concerning the replacement of sprinklers, smoke alarms, heat detectors, or any like devices, in other than single-family dwellings, and will review the recommendations to determine if additional changes to the rules are necessary. Further, the definition of “damp/wet” refers to locations other than those subject to weather.

2. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-2.15(b)3, the commenter notes that the Department has drafted the proposed amendment as if the individual performing the liquefied petroleum gas service work is licensed. The commenter recommends that the proposed amendment be rewritten as a certification similar to N.J.A.C. 5:23-2.15(b)4, 5, or 6, and further review N.J.A.C. 5:18-1.3(e) and 10.3, P.L. 2011, c. 43, and N.J.S.A. 52:27D-511c to obtain the correct wording. The commenter further notes that the proposed amendment should not be adopted as proposed due to the Department's proposed N.J.A.C. 5:23-2.15(b)3 being redundant because it is covered at N.J.A.C. 5:23-2.15(b)1.

The commenter notes that there are two types of Department propane service certification, container service and installation, and appliance installation and service. The commenter questions how the local code official would know that the Department certification is acceptable for the specific work being done, if both certifications are needed to perform the specific work, and if the individuals performing the work have the appropriate training.

RESPONSE: The Department respectfully disagrees that the proposed amendments should be changed or not adopted. The Department's reasoning behind the proposed changes is to ensure the rules are in line with N.J.S.A. 45:16A-27 of the State Board of Heating, Ventilating, Air Conditioning and Refrigeration Contracting License law. This law enables specified licensed contractors to perform liquefied petroleum gas service work. As such, the proposed amendments were written in accordance with the language of the law. Further, the proposed amendments refer to the licensed individuals who may perform work on liquefied petroleum gas systems, in addition to the certified liquefied petroleum gas contractors.

Additionally, an applicant can decide if he or she would like to receive either a type of propane service certification, or both, depending on the work being done. It is not necessary to receive both to engage in parts of the certification; an individual can be certified in each part exclusively, or both. As the Department issues the certification, individuals are deemed qualified and certified to engage in that work following the issuance of the certificate. The certificate, which can be wallet-sized, identifies the type of installation the individual can engage in and whether it is a container, appliance, or both.

3. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-3.4(a)1, the commenter notes that the proposed amendment appears reasonable and recommends revising Sections 402.7.3, 402.7.4, 404.7, 421.7, and 2702.1.1 to Electrical/Fire, and revising 909.11.1 and 3005.5 to a different designation.

RESPONSE: The Department thanks the commenter for his comment and recommendation; however, the listed sections are outside the scope of this rulemaking.

4. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-3.4(a)3, the commenter notes that the proposed amendments are reasonable and recommends revising Sections 250.52(A)3 and 728 to a different designation.

RESPONSE: The Department thanks the commenter for his comment and recommendation; however, the listed sections are outside the scope of this rulemaking.

5. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-3.4(a)6, the commenter recommends including “Building” in the plan review responsibility for Section R324.6. In

addition, the commenter recommends revising Sections G2411, G2432, G2433, G2434, G2435, and P2904.1.

RESPONSE: The Department thanks the commenter for his recommendation concerning plan review responsibility for Section R324.6 and will review accordingly to determine if additional subcode disciplines should be included. However, it should be noted that the electrical subcode was specifically proposed for Section R324.6 plan review and inspection responsibilities to enhance efficient practices of the Uniform Construction Code by permitting the electrical subcode officials who are already performing necessary inspections in difficult to reach areas, the ability to plan, review, and inspect solar panel pathways. Additionally, the other listed sections within the comment are outside the scope of this rulemaking

6. COMMENT: Regarding the proposed amendment at N.J.A.C. 5:23-3.14(b)3xvi, the commenter does not understand the Department's justification for retaining the 2018 International Building Code (IBC) provisions for fences more than six feet in height for Group U, instead of retaining the adopted 2021 IBC provisions regarding fences more than seven feet in height for Group U. The commenter states that the requirement to obtain a permit does not need to be triggered by a subcode provision. The commenter requests the Department explain the justification for the change in the rulemaking. The commenter notes that it would be more appropriate to change the permit requirement from "six feet or less" to "seven feet or less."

RESPONSE: The Department's justification for the proposed amendment is to ensure that the provisions of the Uniform Construction Code do not include contradictions that may cause confusion. As such, the proposed amendment reverts a change caused by the adoption of the

2021 International Building Code to the previously adopted 2018 International Building Code, so that it is in line with the permitting requirements at N.J.A.C. 5:23-2.14(b)9. The Department is authorized to retain a preceding standard from a prior version of the Model Code when the preceding standard better carries out the purpose of the State Uniform Construction Code, N.J.S.A. 52:27D-123. It is the Department's position that maintaining current permitting requirements ensures less confusion for permit applicants.

7. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-3.14(b)5ii, iii, and iv, the commenter recommends the Department review how occupancy designations and construction types are presented for consistency.

RESPONSE: The Department thanks the commenter for his recommendation and will review these sections for consistency, accordingly. However, the Department has, in the course of drafting these proposed changes to the Uniform Construction Code, reviewed and considered the occupancy designations and construction types. This rulemaking, which amends N.J.A.C. 5:23-3.14(b), is the result of that consideration.

8. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-3.16(a)1, the commenter requests clarification on why the Department has decided to adopt only (NEC) Tentative Interim Amendment (TIA) 20-19 and not the other 2020 NEC TIAs. The commenter recommends the Department reevaluate its approach to the adoption of the NEC's TIAs.

RESPONSE: Historically, the Department adopts only those TIAs that are included in the edition that is reviewed for implementation. However, there have been instances in the past where the Department has reviewed TIAs on a case-by-case basis to determine whether they are

appropriate for inclusion in the electrical subcode. In this instance, because TIA 20-19 was published after the Department reviewed the 2020 NEC, and the text of the TIA relates to industry availability and extends the applicability date of Section 210.8(F), the Department found it warranted to adopt this TIA individually.

9. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-6.8(b)20iv and (h)1xiii, the commenter states that newly installed and completely replaced swimming pools, spas, and hot tubs do not fit within the rehabilitation subcode, and that IBC Chapter 31, Section 3109.1, provides that the design and construction of swimming pools, spas, and hot tubs shall comply with the International Swimming Pool and Spa Code (ISPSC) and that Section 3109.2 includes the amendments to the ISPSC. The commenter also notes that Section 305 of the ISPSC includes the barrier requirements and with Section 305.4 of the ISPSC deleted, the current and proposed rules may lead to problems with compliance because of inconsistent terms. The commenter explains that the International Residential Code, Section R327.1, states that the design and construction of pools and spas and their enclosures shall comply with the ISPSC. However, Section R327.2 amends the ISPSC similarly to the IBC amendments. The commenter notes that in his opinion and understanding, the enclosure or barrier was the only issue being addressed. The commenter explains that the proposed amendments should not be adopted and that the only revisions needed are exchanging the terms, enclosure to barrier, and enclosure to barrier. The commenter notes that the Department should amend the rules to Section 305, Barrier Requirements, of the ISPSC.

RESPONSE: The Department respectfully disagrees that the proposed amendments at N.J.A.C. 5:23-6.8(b)20iv and (h)1xiii should be changed. Regarding the location within the rehabilitation

subcode, the only link to the International Swimming Pool and Spa Code (ISPSC) in the subcode is for enclosures related to swimming pools and spas. The Department determined that this location was the most logical connection for application to existing structures due to its standing with the barrier associated with swimming pools and spas. The scoping for “newly installed” and “completely replaced” is also applicable in relation to what typically happens at properties for swimming pools and spas. Furthermore, concerning the recommendation regarding inconsistency and exchange of terms, the Department will further review the Uniform Construction Code to ensure proper consistency of terms throughout, as it relates to swimming pool and spa barriers.

10. COMMENT: The commenter recommends the Department review N.J.A.C. 5:23-6.8 to determine if all the provisions are appropriate.

RESPONSE: The Department thanks the commenter for his recommendation and notes that the review of N.J.A.C. 5:23-6.8 was completed during the drafting of the proposed amendments. However, the Department will further review the provisions at N.J.A.C. 5:23-6.8, accordingly.

11. COMMENT: Regarding N.J.A.C. 5:23-6.8, the commenter states that it includes requirements for materials and installation methods and that a newly installed or completely replaced swimming pool does not appear to him to be a material or installation method. The commenter asks what category this work falls into.

RESPONSE: See the Response to Comment 9.

12. COMMENT: The commenter notes that at N.J.A.C. 5:23-6.8, there are various terminology used, such as: newly constructed, newly installed, newly installed and completely replaced,

newly repurposed, newly created, and newly installed or replaced. The commenter states that some of the proposed changes appear to be associated with materials or installation methods, but several of the items appear to go beyond. The commenter notes various sections —such as N.J.A.C. 5:23-6.8(b)20iv (newly installed and completely replaced swimming pools, spas, and hot tubs) and N.J.A.C. 5:23-6.8(b)20vi (newly installed and completely replaced solar energy systems); along with N.J.A.C. 5:23-6.8(h)1xii (newly installed and completely replaced solar energy systems) and N.J.A.C. 5:23-6.8(h)1xii (newly installed and completely replaced swimming pools, spas, and hot tubs) — do not appear to fit in materials and methods. The commenter contends they are already addressed at N.J.A.C. 5:23-6.2(b)2i and the general understanding is that new construction is subject to the new construction provisions of the Uniform Construction Code, instead of Subchapter 6 provisions.

RESPONSE: The Department respectfully disagrees. N.J.A.C. 5:23-6.2(b), provides the scope of the rehabilitation subcode and states that “Except as otherwise specified, this subchapter shall control all matters concerning the repair, renovation, alteration, reconstruction, change of use, and addition to all buildings and structures and their service equipment as defined herein and shall apply to all existing buildings and structures in the State of New Jersey.” The Department determined that the placement of these provisions at N.J.A.C. 5:23-6.8(b)20iv and (h)1xii ensures conciseness and efficient practices in the Uniform Construction Code by eliminating the need for these provisions in multiple locations within the rehabilitation subcode. Further, a newly installed swimming pool is still considered rehabilitation work, because it is being constructed on an existing lot.

13. COMMENT: The commenter states that N.J.A.C. 5:23-6.9(e)7 needs modification. The commenter explains that N.J.A.C. 5:23-6.9 relates to an existing building where a new building element is created or included, and by definition, a new building element means one of the elements listed at N.J.A.C. 5:23-6.9 that did not exist previously. The commenter further explains that N.J.A.C. 5:23-6.9 includes various terminologies, such as newly created, newly installed, newly constructed, and newly installed and completely replaced. Most of the terms appear to be associated with new building elements, and the amended section also appears to be only applicable to newly installed pool heaters and pump motors. The commenter assumes that the Department intended to only include newly installed, but questions why it did not include these energy provisions at N.J.A.C. 5:23-6.8, when pool heaters and pump motors are replaced.

RESPONSE: The proposed amendment was made at N.J.A.C. 5:23-6.9(e)7 due to the existing language referencing pool heaters and was not included at N.J.A.C. 5:23-6.8 due to the need to eliminate provisions in multiple locations within the rehabilitation subcode. Additionally, the Department did not include these provisions at N.J.A.C. 5:23-6.8 because requiring the replacement of pool heaters and pump motors to meet higher energy provisions may cause undue hardship as these replacements may be part of a system not designed with the ability to be upgraded, thus requiring a complete retrofit of the pool heating or pump electrical system.

14. COMMENT: The commenter states that, to his understanding, there are applicable Federal requirements, U.S. Department of Energy, 10 CFR Parts 429 and 431, for new and replacement dedicated purpose pool pumps. The commenter recommends that the Department review these Federal requirements and confirm that the Uniform Construction Code energy subcode and UCC Subchapter 6 are in compliance, or will be, by the Federal compliance dates.

RESPONSE: The Department thanks the commenter for his recommendation, however, the Department continually reviews applicable regulations and requirements as they relate to the Uniform Construction Code, and as such, the Federal requirements are reviewed accordingly.

15. COMMENT: The commenter questions if the proposed amendment at N.J.A.C. 5:23-6.9(e)7 of “and pump motors” includes both the pump and motor.

RESPONSE: The proposed amendment applies to the motor that drives the pump.

16. COMMENT: The commenter states that, if the Department decides that the proposed amendments at N.J.A.C. 5:23-2.7(c)3i and 2.17A(c)5vi can be justified, that someone should review the 2020 NEC. The commenter explains that the NEC defines hazardous locations according to two different standards, NEC 500 (the Division System) and NEC 505/506 (the Zone System). The commenter further notes that the proposed amendment at N.J.A.C. 5:23-2.7(c)3i removes the listed items out of ordinary maintenance when in hazardous locations and N.J.A.C. 5:23-2.17A(c)5vi adds this limited list of items as minor work. The commenter questions if the Department intends to limit minor electrical work in hazardous locations to the replacement of any receptacle, switch, or lighting fixture, or part thereof, not containing emergency battery packs with a like or similar item.

Additionally, the commenter requests clarification and examples on how, if adopted, these provisions are going to be enforced and who determines if the receptacle is in a hazardous area. The commenter recommends that these proposed amendments not be adopted.

RESPONSE: The Department respectfully disagrees that the proposed amendments should not be adopted. The purpose of requiring permits is to provide a means to inspect and ensure that

equipment is properly listed and installed in areas that may pose a life safety issue. In addition, the enforcement of Uniform Construction Code provisions is carried out by the local enforcing agency. Further, while the NEC provides two standards to use for hazardous locations, the Code Advisory Board has approved NEC Article 500, rather than the alternative, Articles 505 and 506, for these proposed amendments in order to provide clarity and uniformity in the Uniform Construction Code.

17. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-2.14(b)4iv; 2.18(d)5; 3.4(a)1 and 3 and (d); 3.14(b)9xxxiii, (b)10iv(1), and (b)16xviii; 3.15(b)11iii; 3.21(c)3xvi and (c)6xlv; 3.22(b)4iv; 6.4(d)4iv; 6.5(d)4iv; 6.6(d)4iv; 6.7(d)3iv; 6.9(e)7; and 6.32(h), the commenter notes that the amendments are “reasonable to include.”

RESPONSE: The Department thanks the commenter for his comment and agrees that the amendments are reasonable.

18. COMMENT: Regarding the proposed amendments at N.J.A.C. 5:23-3.4(d); 3.14(b)3xvi, (b)9xxxiii, (b)10iv(1), and (b)16xviii; and 3.15(b)11ii, the commenter notes that the added text did not appear in “boldface” when published in the New Jersey Register.

RESPONSE: The Department thanks the commenter for his comment and for identifying that the added text was not bolded. The Department has determined that the errors occurred on a third-party website contracted to publish the New Jersey Register. The Office of Administrative Law has been informed of the issue; however, no changes are required at this time due to the notice of proposal in the official New Jersey Register accurately reflecting the correct formatting.

Comments Received from Richard Soltis, Jr.

19. COMMENT: Regarding the proposed changes at N.J.A.C. 5:23-3.4(a)6, the commenter states that the removal of the fire subcode from the review and inspection of solar panel pathways and having electrical subcode officials perform this review and inspection does not make sense. The commenter questions the Department's concern with fire subcode officials performing residential solar array layouts and why these areas are considered difficult to reach. Additionally, the commenter states that the fire subcode should continue doing the review and inspection of residential layouts for solar panel pathways. The commenter questions the reasoning behind having electrical and fire plan review when fire would not have a plan review if there was not a fire permit submitted. The commenter also notes that it is a Public Employees Occupational Safety and Health Act (PEOSHA) safety violation if inspectors access a pitched roof without fall protection.

RESPONSE: The reasoning for the proposed amendment is to ensure efficient practices of the UCC by enabling electrical subcode officials the ability to inspect solar pathway requirements while performing other necessary inspection requirements in difficult-to-reach areas, such as roofs. This removes the requirement for two inspectors to visit the same difficult-to-reach location. The proposed amendments do not remove the fire subcode officials' requirement to plan review, as they will perform this jointly with the electrical subcode officials on the electrical permit, which includes a section for joint plan review. Further, the inspection of these requirements only necessitates measurement and review of pathway locations, as such, these inspections do not require specialized knowledge or skill to complete, thus making it unnecessary to need multiple code official to accomplish.

Additionally, fall protection requirements are outside the scope of this rulemaking. Municipalities are required to ensure employees have the proper personal protective equipment when performing their duties.

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 (deletion from proposal indicted in brackets with asterisks *[thus]*):

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.9 New building elements

(a)-(d) (No change.)

(e) Energy Subcode shall be as follows:

1.-6. (No change.)

7. Newly installed pool*[s]* heaters and pump motors shall meet Section R403.10 (N1103.10) of the residential energy code or Section 7.4.5 of the commercial energy code, as applicable.

8. (No change.)