

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendment: N.J.A.C. 5:23-2.18

Authorized By: Jacquelyn A. Suárez, Commissioner, Department of Community Affairs.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-125.

Submit written comments by January 3, 2025, to:

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The agency's proposal follows:

Summary

This rulemaking is proposed in response to P.L. 2021, c. 464, which directs the Department of Environmental Protection (DEP) to prohibit the sale of certain products and appliances unless they meet the minimum efficiencies established within the law. P.L. 2021, c. 464, also states that these products are not permitted to be installed unless identified by a mark, label, or tag denoting the minimum efficiency has been met or exceeded. From a Uniform

Construction Code (UCC) perspective, many of these products exceed the Federally mandated efficiency standards and in order to comply with the installation portion of this law, the appropriate subcode official/inspector must verify upon final inspection that these products and appliances contain the applicable mark, label, or tag, established by DEP. Note, not all products and appliances are under the purview of the UCC.

In order to comply with P.L. 2021, c. 464, the UCC requires an amendment at N.J.A.C. 5:23-2.18, Inspections, to ensure that during the course of final inspections these standards for appliances and products are maintained in accordance with the law and guidance provided by the DEP.

As the Department of Community Affairs (Department) has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

It is expected that the proposed amendment will have a positive social impact. This would incorporate the provisions at P.L. 2021, c. 464, into the New Jersey Administrative Code and ensure that appliances and products meet or exceed efficiency standards. This has the potential to lower costs through lower energy usage and ensure the State is on track to achieve the New Jersey Energy Master Plan.

Economic Impact

The proposed amendment addresses an additional requirement during the course of final inspections. The Department anticipates that the proposed amendment will not have an adverse economic impact.

Federal Standards Statement

The proposed amendment is not being proposed pursuant to the authority of, or in order to implement, comply with, or participate in, any program established pursuant to Federal law; however, P.L. 2021, c. 464 refers to the Energy Star Program, which is a Federal program that certifies the energy efficiency of appliances. This rulemaking includes efficiency standards that in some cases exceed the Federal minimums for efficiency; however, as these changes are necessitated by the requirements at P.L. 2021, c. 464, the Department does not have the ability to deviate from those standards for the purposes of the Federal standards analysis required pursuant to N.J.S.A. 52:14B-1 et seq.

Jobs Impact

The Department does not anticipate that the proposed amendment concerning final inspections will have an impact on the creation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendment would impact the agriculture industry.

Regulatory Flexibility Statement

The proposed amendment, which incorporates the requirements at P.L. 2021, c. 464, imposes new requirements for final inspections. Final inspections are carried out by local enforcing agencies, which are not small businesses pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. As such, they are not expected to impose additional reporting, recordkeeping, or other compliance requirements on small businesses as it is merely an additional requirement listed in the process for completion of final inspections. Thus, no regulatory flexibility analysis is required.

Housing Affordability Impact Analysis

It is not expected that the proposed amendment will have an impact on the affordability of housing, or the average costs associated with housing because the proposed amendment seeks to ensure that appliances and products meet or exceed efficiency standards.

Smart Growth Development Impact Analysis

It is not expected that the proposed amendment will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, pursuant to the State Development and Redevelopment Plan because the proposed amendment seeks to ensure that appliances and products meet or exceed efficiency standards.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**):

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.18 Inspections

(a) – (c) (No change.)

(d) Final inspection: Upon completion of the building or structure, and before the issuance of a certificate of use and occupancy required herein, a final inspection shall be made, and any violations of the code shall be noted and the holder of the permit shall be notified of any discrepancies by the construction official. The final inspection shall include:

1. – 6. (No change.)

7. Verification of installed appliances or products for compliance with P.L. 2021, c. 464 (N.J.S.A. 52:27D-141.18 through 141.24), as identified in accordance with the Department of Environmental Protection.

(e) – (i) (No change.)