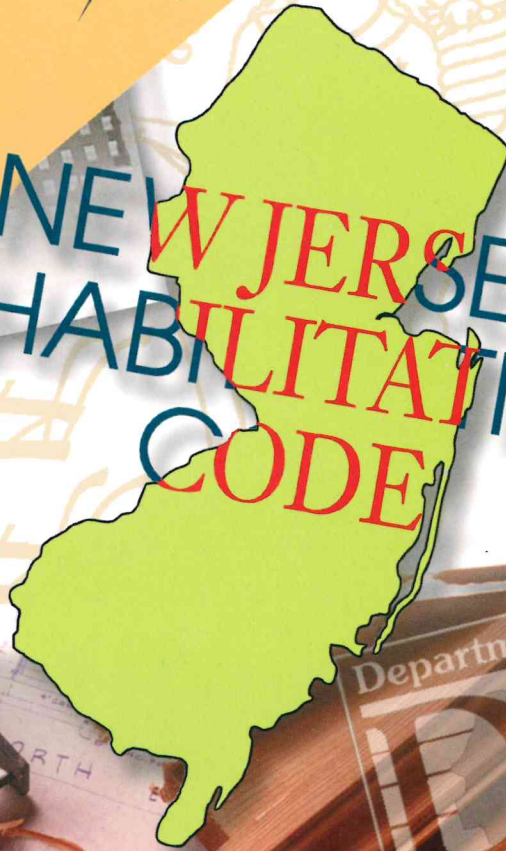
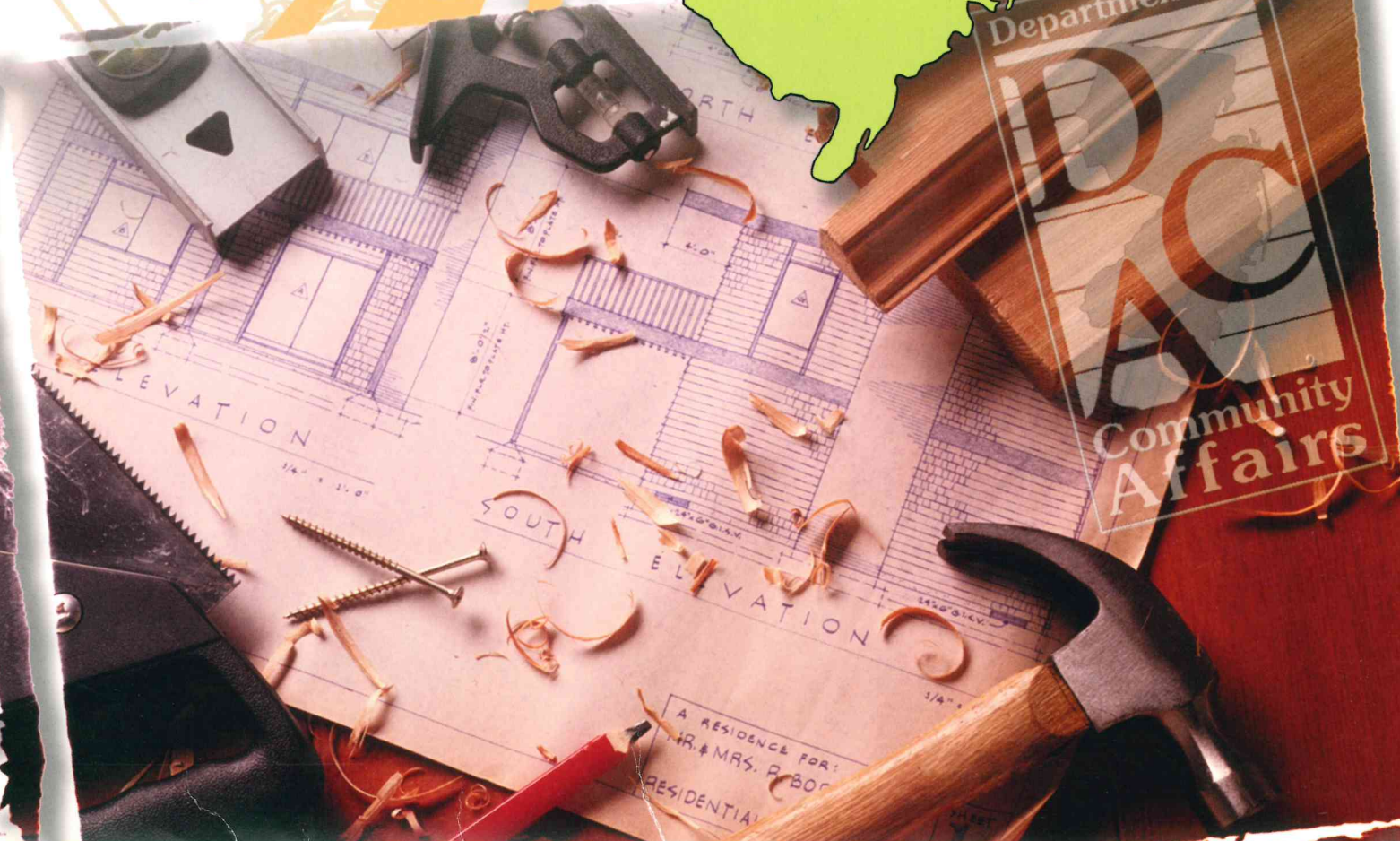


Information Kit

NEW JERSEY REHABILITATION CODE



Department Of
HOAC
Community
Affairs



THE GREAT

STATE OF NEW JERSEY

Department of
HOAC
Community
Affairs

What the Rehab Code Is

The Rehabilitation Code is the first building code written expressly for existing buildings. It moves away from the historic and nearly universal reliance on new building codes as the appropriate measuring stick for safety in existing buildings. The arbitrary dimensional and construction material requirements of the building codes for new construction are seldom practical or cost effective in an existing building. Dimensional requirements make sense in new construction because the building has not yet been built. There is no already established height or area; there is no construction type or fire resistance.

An existing building, however, already has a height and an area; it has a construction type, fire resistance ratings, use group(s), and fixed dimensions. Therefore, problems are bound to erupt when applying new construction standards to an already standing building. The Rehab Code is a comprehensive set of health and safety requirements designed to ensure the safety of work in existing buildings.



What the Rehab Code Does

- **Increases the adaptive reuse of urban buildings:** Since its adoption in New Jersey in 1998, rehabilitation work throughout the State has increased noticeably and rehabilitation work in 16 of New Jersey's largest cities has increased dramatically. In 1998, the first year of the rehab code, the dollar value of rehabilitation work in the 16 cities increased by 42%. In 1999, the dollar value of rehabilitation work increased by 62%. While many variables influenced these increases, the Rehab Code is the critical factor.
- **Controls suburban sprawl:** By removing impediments to redevelopment, the Rehab Code supports the reduction of suburban sprawl. In the same way, by making it possible to use existing structures, the Rehab Code results in the preservation of open space.
- **Encourages urban reinvestment:** The direct effect of the



Rehab Code is to make rehabilitation projects more affordable and predictable while ensuring safe buildings. The application of the Rehab Code has trimmed more than 25% off the construction budget of some urban projects. This cost savings has made some projects feasible that, before the Rehab Code, were thought to be impossible.

- **Stretches funding:** By reducing construction costs, the Rehab Code stretches the limited funding available to revitalize our cities. Government affordable housing programs and nonprofit housing programs are able to generate more dwelling units for the same amount of money. One project, for example, in Trenton estimated a cost savings of nearly \$4,000 per unit. Savings like this can be redirected to rehabilitate more affordable housing units.

How the Rehab Code Works

The Rehab Code enables the building owner to determine what the code requirements are for a particular project in an existing building. Written in a cookbook format, the Rehab Code is based on four fundamental principles:

1. **“Now is not the perfect time.”** Contrary to traditional code enforcement in existing buildings, the Rehab Code works on the general premise that the point at which a building owner undertakes a project to improve a building is not the perfect time to require additional work.
2. **“Leave it no less safe.”** No building should be less safe after a project is undertaken than it was before the project began.
3. **Predictability.** A building owner should be able to predict the scope and cost of a project before the project begins. Requirements should be clear and should be known.
4. **Proportionality.** The code requirements for a building project should be in proportion to the planned work. A Rehab Code should not be so stringent as to discourage the incremental improvement of buildings.

Categories of Work

The Rehabilitation Code establishes code requirements through its Categories of Work—Repair, Renovation, Alteration, Reconstruction, Change of Use, and Additions. When applying the Rehab Code, the first step is to identify the Category of Work for a particular project.



Repair

“**Repair**” means to fix a building component or material that is worn or damaged with a component or material that is the same or nearly the same. Examples of repairs are patching drywall, fixing a stair tread or a handrail, and re-roofing. In most cases, the Rehab Code allows a repair to be made with the same material, fixing “like with like,” even if that material is no longer used in new construction. Exceptions to this are given in a list of work practices and materials that are either prohibited or required. For example, the Rehab Code requires the use of safety glazing in hazardous areas when the applicant proposes to replace glass in those areas. Similarly, if a toilet is being replaced, a 1.6-gallon per flush toilet must be installed.

Renovation



“**Renovation**” work includes the removal and replacement of interior or exterior finishes, doors, windows, trim or other materials with new materials that serve the same purpose. Renovations differ from repairs in that the replacement is not “like with like.” To ensure that the use of these new materials does not make the building less safe, the materials and the methods of installation must comply with the material standards listed and the installation criteria given in the construction code. The sections of the building, plumbing, mechanical and electrical codes that identify a standard that a material must meet or detail a specific way the material must be installed are listed in the Rehabilitation Code. The section that collects the standards from the technical codes, called “Materials and Methods,” does not change the scope of work planned by the building owner. One example of a renovation is replacing the plaster walls in a bathroom with gypsum board. In this case, the materials and methods section requires that the gypsum board meet the standard for installation in a bathroom (“greenboard” is required in a shower area). Materials and methods also require that the appropriate number of fasteners be used.

Alteration

An “**alteration**” involves reconfiguring interior space by adding or removing walls, doors, stairs or windows, or by changing the height of a ceiling. The primary concern with an alteration project is that it not adversely impact egress. Similarly, an alteration project cannot create unsuppressed spaces in a building that is suppressed. The Rehab Code establishes a set of minimum standards for egress and fire protection in its “basic” requirements, which are based on the use group of the



What Their Comments Have Been

“The Rehab Code adds practicality where there was none; and it allows some sanity for owners to go in and maintain their property at a reasonable cost. It will put buildings once considered too expensive to renovate back on the market.”

—Bill Asdal,
Asdal and Company Builders

“This program gives cities a road map for crafting clear and predictable renovation guidelines.”

—David Gergen,
Chairman,
National Selection Committee,
Innovations in American Government Award

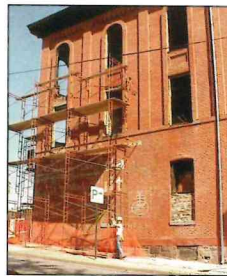
“The new code is a dramatic improvement. Reducing renovation costs allows public subsidies to be stretched farther and, in turn, more projects will be done.”

—Diane Sterner,
Affordable Housing Network

Reconstruction

building or space. An alteration project cannot make a building less compliant with the basic requirements. The expansion of a bathroom where walls are moved is one example of an alteration.

A “**reconstruction**” project is a combination of repair, renovation, and/or alteration work that is so extensive that the building—or a significant portion of the building such as an entire tenancy—cannot be occupied during the work project. Also, the project must be so significant that, upon completion, the building needs a new Certificate of Occupancy. The work area of the reconstruction project must meet the basic requirements, which establish minimum egress, fire safety, ventilation, plumbing, and accessibility requirements. The basic requirements do not extend the work beyond the original work area planned by the building owner. Supplemental requirements, which may apply to a reconstruction project, are an exception to the general rule that the Rehab Code does not extend the applicant’s scope of work. These requirements apply to building systems that are best installed on a floor-by-floor or building-wide basis. Fire suppression systems and fire alarms, which are covered in supplemental requirements, are required only when the area of the reconstruction work is sufficiently large to justify them. One example of a reconstruction project is the “gut rehab” of a row-house.



Change of Use

For example, changing a single-family residence into a professional office is a change of the use group of the building. The Rehab Code applies a measure of the relative hazard associated with the proposed use as compared to the existing use to determine whether the change in the use of a building means that the building must be upgraded. For example, if a building is to be changed from an office to a storage building, the loads associated with the storage may require the upgrading of the structural system. Similarly, if a building is changed from a warehouse (low occupancy) to a theater (higher occupancy), the exitways will need to be changed to accommodate the additional people in the building.

A “**change of use**” involves changing the purpose of—or primary activity in—a building. The Rehab Code measures the relative risk of means of egress, height and area limitations, exterior wall requirements, fire protection requirements, and structural loads for the existing and proposed use. It requires upgrades when the relative risk increases.



Additions

An “**addition**” is the extension of the area or height of a building. The addition itself must meet code requirements for new construction. The Rehabilitation Code minimizes the amount of work required in the existing portion of the building. The Rehab Code ensures that the addition does not adversely impact the existing portion of the building from a structural, exiting and fire protection standpoint.

“It’s an awesome thing. Under the old code, most owners wouldn’t attempt to refurbish an old building—the cost was prohibitive and their budget went right out the window. The Rehab Code has opened the door for a lot of people to renovate.”

—Stephen Frame,
Building Subcode Official,
Atlantic City, New Jersey

“You purchase a building based on a certain set of economics. I can tell you the economics of this building would not have made sense without this code.”

—Arthur R. Stern,
Developer,
Cogswell Realty Group

“The new Rehab Code has been a great boon for restoration. First, owners are being saved money; next, none of the changes in the code compromises safety; and, finally, we are able to save much more historic material. It allows us to do a much better job.”

—Anne Weber,
Architect,
Ford, Farewell, Mills, and Gatsch

Frequently Asked Questions

Q. *How was the Rehab Code developed?*

A. The New Jersey Department of Community Affairs developed the Rehab Code with guidance from a 30-member committee composed of code and fire officials, architects, historic preservationists, advocates for people with disabilities, representatives of affordable housing, and government officials. The committee met over a period of two years. After a succession of drafts, changes, and public comments, the Rehab Code was adopted and published in the *New Jersey Register* on January 5, 1998.

Q. *How does the Rehab Code address historic buildings?*

A. The Rehab Code includes special requirements and provisions applicable to structures that meet the standards for historic buildings established by the U.S. Secretary of the Interior. It allows for the use of replica materials, establishes special provisions for historic buildings used as museums, and identifies building elements that may meet relaxed code requirements to preserve the integrity of a historic structure.

Q. *Who determines the category of work that a project falls under?*

A. It is up to the owner's discretion to decide the scope of the project. The local code official determines the category of work based upon the owner's scope of work.

Q. *Do I need a permit for rehabilitation projects?*

A. The Rehab Code is technical in nature and does not affect when or whether a permit is required. The administrative provisions of the adopting jurisdiction would govern whether a permit is required.

Q. *Do the requirements in the Rehab Code apply to both residential and nonresidential structures?*

A. Yes. The Rehab Code is applicable to ALL existing structures.

Q. *Can the Rehab Code be replicated in my jurisdiction?*

A. Yes. The Rehab Code can be replicated in any state or local jurisdiction that has the authority to adopt construction code requirements.

Q. *Does the Rehab Code compromise fire safety?*

A. Not at all. Rather, the Rehab Code contains a comprehensive set of requirements that ensure fire safety in existing buildings. Because they were designed for existing buildings, they provide much more fire safety for each dollar spent than do new building requirements applied to existing buildings.



REHABILITATION CODE

MATRIX

Summarizing Categories of Work and Applicable Requirements

	REPAIR	RENOVATION	ALTERATION	RECONSTRUCTION	CHANGE OF USE	ADDITION	NOTES:
	6.4	6.5	6.6	6.7	6.31	6.32	
Certain Materials Prohibited/Required <small>6.4-6.7</small>	✓	✓	✓	✓	✓ _d	✓ _e	<p>a Apply only to the work area of the project.</p> <p>b Apply to the work area of the project but may apply beyond.</p> <p>c Cannot reduce the level of compliance with the Basic Requirements.</p> <p>d Any other work voluntarily undertaken in connection with a change of use must comply with the requirements of the appropriate category.</p> <p>e Work in the existing building must comply with the requirements of the appropriate category. The addition itself must comply with the subcodes for new construction and cannot extend the size of the building beyond the limits allowed by this subcode.</p>
Not Diminish Structural Strength, System Capacity <small>6.4-6.7</small>	✓	✓	✓	✓	✓ _d	✓ _e	
Materials & Methods <small>6.8</small>		✓	✓	✓	✓ _d	✓ _e	
New Building Elements—Comply with UCC <small>6.9</small>			✓	✓	✓ _d	✓ _e	
Basic Requirements ^a <small>6.10-6.30</small>			c	✓	To be determined according to Hazard Index d	✓ _e	
Supplemental Requirements ^b				✓	✓ _d	✓ _e	
Special Change of Use Requirements					To be determined according to Hazard Index		

GLOSSARY

Repair means the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing.

Renovation means the removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation shall include the replacement of equipment or fixtures.

Alteration means the rearrangement of any space by the construction of walls or partitions or by a change in ceiling height, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional

equipment or fixtures and any work which reduces the load-bearing capacity of or which imposes additional loads on a primary structural component.

Reconstruction means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied. Reconstruction may include repair, renovation, alteration or any combination thereof. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.