

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Proposed Amendment: N.J.A.C. 5:23-3.18**

Authorized By: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-119 and 52:27D-123.19.

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

Proposal Number: PRN 2022-055.

Submit written comments by July 1, 2022, to:

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The agency proposal follows:

**Summary**

The Department of Community Affairs (Department) seeks to amend Subchapter 3, Subcodes, of the Uniform Construction Code (UCC), specifically the Energy Subcode, N.J.A.C. 5:23-3.18, to incorporate the requirements at P.L. 2021, c. 290 (law). The law requires any newly constructed warehouses for which a construction permit has not been declared complete by the enforcing agency before July 1, 2022, to be a solar-ready building. Within the law,

“warehouse” is defined as any building, room, structure, or facility of at least 100,000 square feet used primarily for the storage of goods intended for sale.

The law directs the Department to incorporate the provisions of the 2018 International Energy Conservation Code (IECC), Appendix CA, or any successor model code, concerning solar-ready zones for warehouses. The 2018 IECC is the current and active version of the IECC, and it is, thus, what the Department currently adopts. As such, the Department is proposing to amend N.J.A.C. 5:23-3.18(b)7 accordingly; this proposed amendment adopts Appendix CA of the 2018/IECC for warehouses meeting the definition established pursuant to P.L. 2021, c. 290.

As the 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 rulemaking codifies the requirements established pursuant to P.L. 2021, c. 290, and delineates the requirements for constructing solar-ready warehouses throughout the State. Ensuring warehouses are solar-ready benefits the residents of New Jersey by facilitating solar development and promoting clean energy throughout the State.

### **Economic Impact**

The proposed amendment is not expected to have a direct economic impact. New warehouses will face an increased cost of construction to incorporate the solar-ready provisions, but it is anticipated that the energy savings will neutralize the initial increase in cost over time. In addition, this rulemaking will reduce costs for subsequent solar installations on solar-ready warehouses, and those installations will result in further energy savings.

### **Federal Standards Statement**

No Federal standards analysis is required because the proposed amendment is not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standards, or requirements.

### **Jobs Impact**

The proposed amendment is not expected to have an impact on the generation or loss of jobs.

### **Agriculture Industry Impact**

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

### **Regulatory Flexibility Analysis**

The proposed amendment, which incorporates the requirements at P.L. 2021, c. 290, requires newly constructed warehouses to be solar-ready. Some developers of these warehouses may be considered small businesses, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. However, because this is a Statewide requirement that provides for the use of solar energy, it is not anticipated to pose an undue burden on small businesses. In addition, it is not anticipated that small businesses would be required to undertake additional recordkeeping, reporting, or other services in compliance with this proposed amendment. As such, no regulatory flexibility analysis is required.

### **Housing Affordability Impact Analysis**

It is not expected that the proposed amendment will have any impact on the affordability of housing or on the average costs of housing in the State because the rulemaking concerns the construction of solar-ready warehouses.

## 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, under the State Development and Redevelopment Plan because the rulemaking concerns the construction of solar-ready warehouses.

### 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.

**Full text** of the proposal follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

#### SUBCHAPTER 3. SUBCODES

##### 5:23-3.18 Energy [Subcode] **subcode**

(a) (No change.)

(b) The following chapters and sections of the commercial provisions of the energy subcode are amended as follows:

1.–6. (No change.)

7. Appendix CA, Solar-Ready Zone—Commercial, is [deleted] **adopted for the construction of a warehouse for which a construction permit has not been declared complete by the enforcing agency before July 1, 2022, pursuant to P.L. 2021, c. 290. A warehouse means any building, room, structure, or facility of at least 100,000 square feet used primarily for the storage of goods intended for sale.**

(c) (No change.)