

detectors or alarms shall be installed in the immediate vicinity of all potential source(s) of carbon monoxide.

i. Carbon monoxide detection equipment shall not be required:

(1) In locations, such as repair garages, where the presence of carbon monoxide may be expected as a function of the normal use of the space;

(2) In the immediate area of large-drop battery charging;

(3) In unconditioned spaces where detectors or alarms may be subject to ambient temperatures outside the device's listed operating range or spaces where exposure to potential contaminants which may adversely affect their operation. For unconditioned spaces that require such detection, detection equipment shall be installed in approved adjacent room(s) or space(s);

(4) In other occupiable space(s) not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage, provided that the building has a common area carbon monoxide detection system with all common area detectors connected to an approved supervisory station or other approved local visual and audible supervisory signal and individual carbon monoxide alarms are located:

(A) In every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s);

(B) In the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, or ventilation shafts on the story containing the fuel-burning appliance;

(C) In the first area served by each main duct leaving the area where the appliance is located; and

(D) Any story within two stories above or below a story containing a fuel-burning appliance.

4. For carbon monoxide detection systems in occupancies other than those listed in (d)2 above, audible and visual supervisory notification shall only be provided at the detector, control panel and remote annunciator. The balance of the system installation shall comply with NFPA 720 and with the Uniform Construction Code. Carbon monoxide and fire alarms may be incorporated into a common monitored system.

5. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed and maintained in accordance with the requirements of this section and the edition of NFPA 720 currently referenced in this chapter, as applicable. Carbon monoxide alarms may be battery operated, hard wired or of the plug-in type. Expired alarms shall be immediately replaced.

6. Carbon monoxide detection systems shall comply with the edition of NFPA 720 currently referenced in this chapter. Carbon monoxide detectors shall be listed in accordance with UL 2075.

5:70-4.19 Smoke detectors for one- and two-family dwellings; carbon monoxide detectors

(a)-(c) (No change.)

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups [I-1, R-1, R-2,] R-3 and R-4, except for [units in] buildings that do not contain a fuel-burning device or have an attached garage, as follows:

1.-2. (No change.)

[3. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Housing Inspection, carbon monoxide detectors may be installed in any building required to be registered as a hotel or multiple dwelling in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

4. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Rooming and Boarding House Standards, carbon monoxide alarms may be installed in any rooming or boarding house in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).]

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code Rehabilitation Subcode

Proposed Amendments: N.J.A.C. 5:23-6.1 through 6.9, 6.12, 6.13, 6.13A, 6.14, 6.15, 6.16, 6.17, 6.18, 6.18A, 6.19, 6.20, 6.20A, 6.21, 6.22, 6.22A, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.28A, 6.29 through 6.33, and 12.8

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

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

Proposal Number: PRN 2016-140.

Submit written comments by November 18, 2016, to:

Gabrielle N. Gallagher
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696
gabrielle.gallagher@dca.nj.gov

The agency proposal follows:

Summary

This notice includes a series of proposed amendments to the Rehabilitation Subcode of the Uniform Construction Code, N.J.A.C. 5:23-6. Most of the proposed amendments are being made to reflect section numbering or wording changes with the adoption of the 2015 editions of the International Codes, and of the 2014 edition of the National Electrical Code, and the associated referenced standards. There are also amendments to reflect the fact that accessibility requirements formerly contained in the Barrier Free Subcode, N.J.A.C. 5:23-7, have been replaced by reference to the requirements found in Chapter 11 of the International Building Code (IBC). Also, in accordance with N.J.A.C. 5:23-6.2(e), enforcement responsibility has been assigned, as part of these proposed amendments, for sections that do not have a reference to a model code with a corresponding assignment of enforcement responsibility in N.J.A.C. 5:23-3.4. Specific changes which do not fall under one of these broad categories are listed below together with the rationale for each.

N.J.A.C. 5:23-6.1 Introduction; using this subcode

1. N.J.A.C. 5:23-6.1(b)2, (c)2, and (d)2 – These paragraphs of the introduction are amended to clarify the technical requirements for smoke alarms that appear later in the Repair, Renovation, and Alteration sections of the subcode (N.J.A.C. 5:23-6.4, 6.5, and 6.6, respectively).

2. N.J.A.C. 5:23-6.1(b)3, (c)3, and (d)3 – These paragraphs are added to the introduction to clarify the technical requirements for carbon monoxide alarms that appear later in the Repair, Renovation, and Alteration sections of the subcode (N.J.A.C. 5:23-6.4, 6.5, and 6.6, respectively).

N.J.A.C. 5:23-6.2 Applicability and compliance

3. N.J.A.C. 5:23-6.2(c)4 – The reference to the International Existing Building Code is updated for use of the hazard indices, as a compliance alternative for evaluation of existing buildings.

4. N.J.A.C. 5:23-6.2(c)5 – The new paragraph is added to make code users aware that the current group designation that most closely resembles the approved use should be used as the basis for applying the requirements of this subchapter.

5. N.J.A.C. 5:23-6.2(e)3 – The reference to the Barrier Free Subcode enforcement responsibilities is proposed for deletion as these responsibilities are now covered at N.J.A.C. 5:23-3.4.

N.J.A.C. 5:23-6.3 Definitions

6. The definition of “residential energy code” has been modified to alert the code user that code sections in parentheses after a residential energy code reference are the same as those listed in the one- and two-family dwelling subcode. And throughout this subcode, section numbers in parentheses are proposed to be added to all residential energy code references.

N.J.A.C. 5:23-6.4 Repair, 6.5 Renovation, 6.6 Alteration, 6.7 Reconstruction

7. N.J.A.C. 5:23-6.4(e)1, 6.5(e)4, 6.6(e)7, and 6.7(e)7 – These subparagraphs are proposed to be amended to add the companion section citations for a hazardous location, Section 2406.5 of the International Building Code; this section is related to a section already listed, Section 2406.4.

8. N.J.A.C. 5:23-6.4(e)2i and iii, 6.5(e)6i and iii, 6.6(e)9i and iii, and 6.7(e)9i and iii – These subparagraphs are amended to delete the specific receptacle requirements as they are already covered in the electrical materials and methods at N.J.A.C. 5:23-6.8(d).

9. N.J.A.C. 5:23-6.4(e)2v, 6.5(e)6v, 6.6(e)9v, and 6.7(e)9v – These subparagraphs are amended to delete the specific grounding of appliances exception as this is covered in the electrical materials and methods at N.J.A.C. 5:23-6.8(d).

10. N.J.A.C. 5:23-6.4(f), 6.5(f), and 6.6(f) – It has come to the attention of the Department that some code officials are being challenged when making sure that required smoke alarms are not being removed. In some cases, smoke alarms are being replaced with battery-operated units when rehabilitation work is being performed. Therefore, modifications are proposed to the listed subsections to make it clear that the smoke alarms installed prior to the new rehab project must remain. This does not require a code official to perform an inspection to verify compliance; but it is a requirement of which permit applicants should be made aware.

11. N.J.A.C. 5:23-6.4(g), 6.5(g), 6.6(g), and 6.7(f) – The proposed amendments update the referenced sections to reflect the fact that the carbon monoxide alarm requirements are no longer found in the mechanical subcode and are now located at Section 915 of the International Building Code, the building subcode.

12. N.J.A.C. 5:23-6.5(e)10i, 6.6(e)17i, and 6.7(e)14i – The proposed amendments to these subparagraphs add references to the insulation reduction exceptions of the model code.

13. N.J.A.C. 5:23-6.5(e)11i, 6.6(e)18i, and 6.7(e)15i – The proposed amendments to these subparagraphs add references to the fenestration exceptions of the model code.

14. N.J.A.C. 5:23-6.5(e)13, 6.6(e)20, and 6.7(e)17 – The proposed amendments add a reference to the corresponding residential requirement to the commercial requirements for a newly installed or a total replacement lighting system. Also, with the reformatting of Chapter 9 of the commercial energy code, the references to this model code have now been simplified for newly installed and total replacement lighting.

15. N.J.A.C. 5:23-6.7(e)3 – The term “altered” is proposed to be changed to “reconstructed” as this is part of the Reconstruction section.

16. N.J.A.C. 5:23-6.7(e)13 – The proposed amendment moves the fireblocking requirements to the charging section, Reconstruction, as these requirements apply to all buildings in the same way throughout the basic requirements, N.J.A.C. 5:23-6.12 through 6.28. The fire-blocking and draft-stopping requirements in each section of the basic requirements are proposed to be deleted as part of this relocation of the requirement.

17. N.J.A.C. 5:23-6.6(e)24 and 6.7(e)21 – These paragraphs are amended to add the emergency illumination and exit sign requirements when an additional exit or exit access is installed in that portion of the building only.

18. N.J.A.C. 5:23-6.6(l) and 6.7(l) – These subsections are amended to update the building classification type references, from Roman numerals to Arabic numerals, as used at N.J.A.C. 5:23-4.3A.

N.J.A.C. 5:23-6.8 Materials and Methods

The materials and methods section of the Rehabilitation Subcode is intended supply the technical criteria that projects must meet without extending the owner’s planned scope of work. In the proposed amendments, section numbers are being updated to reflect the most recent

editions of the national model codes. Additionally, identified sections are included or excluded as requirements for materials or methods based on the underlying goal of isolating technical requirements and separating those technical requirements from scoping language, which might have the undesired effect of extending the owner’s scope of work.

19. N.J.A.C. 5:23-6.8(b)2 – The cross-references to Chapter 7 of the International Building Code, Fire and Smoke Protection Features, are being updated. Chapter 7 was reformatted from the 2009 edition of the model code to the 2012 edition and again to the 2015 edition. For this reason, the proposed changes appear to be extensive, but the result is to maintain the status quo and to delete cross-references already contained elsewhere within this section.

20. N.J.A.C. 5:23-6.8(b)4 – The proposed changes to references to Chapter 9, Fire Protection Systems, would include Section 901 (General) by the deletion of its reference as an excepted section. The proposed amendments combine Sections 908.1 and 908.2 by reference to Section 908 (emergency alarm systems). Sections 906.1 (portable fire extinguishers, where required), 915.1 (carbon monoxide detectors, general), and 916.1 (emergency responder radio coverage, general) are proposed to be added to the list of sections excepted because they include scoping language.

21. N.J.A.C. 5:23-6.8(b)5 – Chapter 10 of the building subcode, Means of Egress, also was reformatted from the 2009 edition to the 2015 edition. The proposed amendments add requirements applicable to window opening control devices (Section 1015) and to luminous egress path markings (Section 1025) and otherwise maintain the status quo.

22. N.J.A.C. 5:23-6.8(b)7 – The proposed amendments except additional requirements for window sill height, matching the existing exempted sections of the one- and two-family dwelling subcode at N.J.A.C. 5:23-6.8(h).

23. N.J.A.C. 5:23-6.8(b)8 – The proposed amendment excepts additional requirements for structural fire resistance when solar photovoltaic panels/modules are installed. In addition, “.1” is deleted because it is the only subsection in Section 1501.

24. N.J.A.C. 5:23-6.8(b)9 – The proposed amendment excepts additional requirements for structural integrity.

25. N.J.A.C. 5:23-6.8(b)10 – As is the case with all other sections of the model codes, the proposed amendment would except the definitions section.

26. N.J.A.C. 5:23-6.8(b)13 through 18 – Again, as is the case with all other sections of the model codes, the proposed amendments except the general and definitions sections.

27. N.J.A.C. 5:23-6.8(b)20 – The proposed amendments would add the technical requirements applicable to awnings and canopies, marquees, signs, and automatic vehicular gates. In addition, for installation or complete replacement of a pool structure, the proposed amendments would include technical standards for the installation of the pool structure and associated equipment and barriers.

28. N.J.A.C. 5:23-6.8(c)1 – The proposed amendment deletes the reference to a section of the plumbing subcode, which is deleted at N.J.A.C. 5:23-3.15.

29. N.J.A.C. 5:23-6.8(c)1i – The proposed amendment would except the requirement addressing burial depth for the replacement of a water service or a building sewer in the same location.

30. N.J.A.C. 5:23-6.8(c)9ii – The proposed amendment would except replacement water supply piping using plastic pipe from the required minimum of five feet for the wall sleeve.

31. N.J.A.C. 5:23-6.8(e)1 and (h)10 – The proposed amendments would impose a requirement for heating and cooling load calculations for replacement equipment only in cases where there is an increase or decrease in input ratings (Section 312 of the International Mechanical Code and Section M1401.3 of the International Residential Code).

32. N.J.A.C. 5:23-6.8(e)4 – The proposed amendment would except Section 407 of the mechanical subcode (Ambulatory care facilities and Group I-2 occupancies), since this was previously part of Table 403.3 for ventilation, which was already excluded.

33. N.J.A.C. 5:23-6.8(e)5, (f)1, (h)13, and (h)20 – The proposed amendment would except the requirement for combustion air, if the work being performed does not increase the input rating of the equipment.

34. N.J.A.C. 5:23-6.8(g)2 – The proposed amendment would identify the requirements as the “barrier free materials and methods,” rather than using the word “accessible.” The exception that follows is proposed for deletion because the barrier free materials and methods contain the non-public bathroom exception within Chapter 6, the referenced standard, the ICC/ANSI A117.1-2009.

35. N.J.A.C. 5:23-6.8(h)1 – Chapter 3 of the International Residential Code was reformatted from the 2009 edition to the 2012 edition and again to the 2015 edition. The proposed amendments would maintain the status quo, except for proposed inclusion of requirements applicable to newly-installed and completely replaced solar energy systems (R324) and swimming pool structures and associated equipment and barriers (R326).

36. N.J.A.C. 5:23-6.8(h)3iii – The proposed amendments would further divide the reference to Section 504.1, to exclude the scoping language at R504.1.1 and now includes just R504.1.2 and R504.1.3.

37. N.J.A.C. 5:23-6.8(h)3iv, 4ii, and 6iii – The proposed amendments would include in materials and methods a new section, Dimension, thickness and material grade, which has been added to the model codes for cold-formed steel used in floors, walls, and roof-ceiling construction.

38. N.J.A.C. 5:23-6.8(h)3v – The proposed amendment would add technical requirements applicable to newly installed or completely replaced decks.

39. N.J.A.C. 5:23-6.8(h)4vii through xii – The proposed amendments would retain the status quo.

40. N.J.A.C. 5:23-6.8(h)7 – Chapter 9, roof assemblies, has been further revised for the 2015 edition, so that the entire chapter may properly be included by reference, as is proposed.

41. N.J.A.C. 5:23-6.8(h)10 – The proposed amendment would impose a requirement for heating and cooling load calculations for replacement equipment only in cases where there is an increase or decrease in input ratings (see paragraph 31 above). In addition, the proposed amendments would except Section M1401.5, as it references Section R322.1.6, which is already deleted at N.J.A.C. 5:23-6.8(h)1. Requirements for flood-resistant construction are tied to substantial improvements. (see N.J.A.C. 5:23-6.3A) This is also consistent with the deletion of Section G2404.7 at N.J.A.C. 5:23-6.8(h)20.

41A. N.J.A.C. 5:23-6.8(i) and (j) – The proposed amendments add references to ASME A17.1 and to Appendix P and Table N1 for elevators and to ANSI MH 29.1 for installation methods for conveying devices, as applicable based on the scope of work.

42. N.J.A.C. 5:23-6.8(l)1 – The proposed amendments would retain the status quo with regard to residential energy code requirements and would add companion references to the one- and two-family dwelling subcode.

43. N.J.A.C. 5:23-6.8(l)2 – The proposed amendments would retain the status quo with regard to commercial energy code requirements.

N.J.A.C. 5:23-6.9 New Building Elements

44. N.J.A.C. 5:23-6.9(a)6 – The proposed amendments to this paragraph would incorporate all sections related to newly-created openings in a rated assembly, such as penetrations, fire-resistant joint systems, opening protectives, and duct and air transfer openings.

45. N.J.A.C. 5:23-6.9(a)7 – The proposed amendments to this paragraph would include Section 1028 with Section 1024 of the building subcode as “exit discharge passageway” is a term no longer used in the same way as in previous editions of the code. This amendment would include the exit discharge requirements, along with the requirements for exit passageways.

46. N.J.A.C. 5:23-6.9(a)8 – The proposed amendments combine the requirements for egress and non-egress stairways, so that requirements for any newly-installed stair can be found in one location; N.J.A.C. 5:23-6.9(a)22 is proposed to be deleted as a result.

47. N.J.A.C. 5:23-6.9(a)10 – The proposed amendments add clarifying language on the applicability of the requirements of Chapter 30 of the building subcode and, in subparagraph (a)10i, delete redundant language as the scoping of these requirements is already contained elsewhere.

48. N.J.A.C. 5:23-6.9(a)15 – The proposed amendment updates the name of the referenced section.

49. N.J.A.C. 5:23-6.9(a)18ii – The proposed amendment would add the special occupancy requirements of Section 424 of the building

subcode, when children’s play structures are newly installed/constructed within any occupancy.

50. N.J.A.C. 5:23-6.9(a)19 – The proposed amendment would add the sound transmission criteria, when newly-created separations are made between dwelling units.

51. N.J.A.C. 5:23-6.9(a)20 and 23 – These paragraphs have been combined as they contain the same requirements for aisles and aisle accessways. With the proposed amendments, the requirements for aisles or aisle accessways for all building types will be found at paragraph (a)22.

52. N.J.A.C. 5:23-6.9(a)20 – A new paragraph is proposed to be added to address newly-created roof decks.

53. N.J.A.C. 5:23-6.9(a)23 – A new subsection is proposed to be added to address new awnings and canopies, marquees and signs.

54. N.J.A.C. 5:23-6.9(a)24 – The proposed amendment would add a subparagraph to exclude Section 110.26(A)(3) (Height of Working Space) due to the height constraints in existing buildings.

55. N.J.A.C. 5:23-6.9(a)28 – The proposed amendment would add a reference to the corresponding one- and two-family dwelling subcode section to the existing building subcode reference for fireplace combustion air.

56. N.J.A.C. 5:23-6.9(a)30 and 33 – The proposed amendments would delete these existing paragraphs and consolidate them, with updated references, in a recodified paragraph (a)29, for an all-inclusive list of requirements applicable to newly-installed controls for a heating/cooling system regulated by the energy subcode. The reference to Section 7.4.1 of the commercial energy code is deleted, as it is already referenced in the appropriate spot at paragraph (a)31.

57. N.J.A.C. 5:23-6.9(a)37 – This existing paragraph is proposed for deletion as Section 5.8.1 is referenced in the materials and methods section, N.J.A.C. 5:23-6.8, which includes a reference to Section 5.8.1.6 of the commercial energy code.

58. N.J.A.C. 5:23-6.9(a)34 – A new paragraph is proposed to be added to address newly-installed sensible heating systems and radiant floor heating systems for insulation.

N.J.A.C. 5:23-6.10 through 6.30, Basic and Supplemental Requirements

59. The “exit” section in all Basic Requirements, except Group H and Groups R-3/R-5 is proposed to be corrected by deleting “and” and replace it with “or” in order to match the existing requirements of the Uniform Fire Code, N.J.A.C. 5:70-4. In addition, the fire-stopping and draft-stopping references are deleted as this is now included in Reconstruction, N.J.A.C. 5:23-6.7 (see paragraph 16 above).

60. N.J.A.C. 5:23-6.18A(a) – The proposed amendment changes the sprinkler threshold to 12,000 square feet (from 20,000) per floor, to match the threshold contained in Section 903.2.3 of the building subcode.

61. N.J.A.C. 5:23-6.22(a)1 – The proposed amendment corrects the construction type references, changing from Roman to Arabic numerals (see paragraph 18 above).

62. N.J.A.C. 5:23-6.22(a)2 and 6.22A(a)1 – The proposed amendments to the sprinkler exception reflect the requirements contained in Section 903 of the building subcode for sprinklers for day care facilities in buildings other than those of Type IIIB or VB construction.

63. N.J.A.C. 5:23-6.25(b)1iii and iv – These subparagraphs are added to match the amended provisions of N.J.A.C. 5:70-4.11(a)3i(1) and (2), regarding access to fire escapes in a bed and breakfast occupancy.

64. N.J.A.C. 5:23-6.25(b)3 – The proposed amendment corrects the construction type references, changing from Roman to Arabic numerals (see paragraph 18 above).

65. N.J.A.C. 5:23-6.26(o)8 and 6.27(f)8 – The electrical requirements for dwelling units are amended to add that all 125 volt, single phase, 15 and 20 ampere receptacles in locations specified in Section 210.52 of the electrical subcode are to be tamper resistant as specified in Section 406.12 of the electrical subcode.

66. N.J.A.C. 5:23-6.27(d) – A reference to the one- and two-family dwelling subcode is proposed to be added, as this structural elements section currently refers only to the building subcode, which would cover buildings of Group R-3, but not those of Group R-5.

67. N.J.A.C. 5:23-6.28A(f) – The proposed amendments provide more precise cross-references to the applicable sections of the building subcode for the reconstruction of a public parking garage.

68. N.J.A.C. 5:23-6.29(b) and (c) – The proposed amendments add “or attached to” after “below.” This modification is proposed to provide a warning to occupants of the presence of a fire condition when a nonresidential use is added on the same level as a dwelling unit. The existing rules require protection of the residential spaces, only when they are located above nonresidential spaces. This change would provide protection to the residential space when a nonresidential use is added on the same level as the existing dwelling unit(s).

N.J.A.C. 5:23-6.31 Change of Use

69. N.J.A.C. 5:23-6.31(a)4 – The proposed amendments match the existing language of N.J.A.C. 5:23-6.6(c) and 6.7(c), regarding the removal of fire protection equipment that is no longer required.

70. N.J.A.C. 5:23-6.31(a)5 – The proposed amendments update the list of special occupancies to match those found in the 2015 edition of the International Building Code.

71. N.J.A.C. 5:23-6.31(a)8i – The proposed amendment corrects the reference to one from the one- and two-family dwelling subcode, which applies to Group R-5. Also, the more general term “smoke alarms” is being used to encompass the various systems that may be installed.

72. N.J.A.C. 5:23-6.31(b)2 – The proposed amendment adds a requirement that the proposed use be brought into compliance with the basic requirements where the existing building is subject to, and not in compliance with, the applicable requirements of N.J.A.C. 5:70-4.

73. N.J.A.C. 5:23-6.31(c)2 – The proposed amendments update the references to Chapter 10, Means of Egress, of the building subcode. This chapter has been reformatted and sections have been consolidated. The proposed amendments maintain the status quo. In addition, this paragraph is amended to incorporate a reference to the single exit conditions found in the basic requirements applicable to Groups R-2/R-4. The same change is proposed at N.J.A.C. 5:23-6.31(c)5.

74. N.J.A.C. 5:23-6.31(c)8 – Consistent with the basic requirement at N.J.A.C. 5:23-6.18(a)1i, the proposed amendment includes the requirement for buildings to be used as child care centers to have more than one exit.

75. N.J.A.C. 5:23-6.31(h)6 and 8 – The proposed amendments use terms for smoke alarms consistent with those found in the building subcode.

76. N.J.A.C. 5:23-6.31(h)10 – The proposed amendment adds the manual fire alarm and automatic smoke detection requirements when a building is converted to a Group R-4 use.

77. N.J.A.C. 5:23-6.31(i)2 – The proposed amendment adds the corresponding reference to the one- and two-family dwelling subcode for smoke alarms. Also, the more general term is being used to encompass the various systems installed (see paragraph 69 above).

78. N.J.A.C. 5:23-6.31(j) – The proposed amendments add a reference to the carbon monoxide alarm requirements from the one- and two-family dwelling subcode and replace the old mechanical subcode reference with a reference to Section 915 of the building subcode. In addition, paragraph (j)2 is proposed to be deleted as the cross-references to the building and one- and two-family subcodes include these referenced standards (UL 2034 and NFPA 720).

79. N.J.A.C. 5:23-6.31(o) – The proposed amendments clarify the applicability of the requirements for accessibility to nonresidential and to residential buildings, respectively.

80. N.J.A.C. 5:23-6.31(p)1i(3) and (4) – The proposed amendments addressing bed and breakfast facilities bring the rehabilitation subcode into conformance with the Uniform Fire Code, N.J.A.C. 5:70-1.5.

81. N.J.A.C. 5:23-6.31(p)2ii(1)(A) and (B) – These subparagraphs are amended to match the amended provisions of N.J.A.C. 5:70-4.11(a)3i(1) and (2), regarding access to fire escapes in a bed and breakfast occupancy (see paragraph 63 above).

82. N.J.A.C. 5:23-6.31(p)2vi – The language is proposed to be amended, so that the requirement for bed and breakfast facilities matches that found in the Uniform Fire Code at N.J.A.C. 5:70-4.11(k)1ii.

83. N.J.A.C. 5:23-6.31(p)2xi(1)(B) – The language is proposed to be amended, so that the requirements match those found in the Uniform Fire

Code at N.J.A.C. 5:70-4.13(c)10, applicable to bed and breakfast occupancies.

N.J.A.C. 5:23-6.32 Additions

84. N.J.A.C. 5:23-6.32(f) – The proposed amendment deletes the reference to “single-family” and replaces it with a reference to any Group R-3 or R-5 dwelling unit being extended to trigger the alarm requirements within the dwelling unit based on the percentage of the addition to the dwelling unit.

85. N.J.A.C. 5:23-6.32(i) – The proposed amendment corrects the classification of a building from Roman numerals to Arabic numerals (see paragraph 18 above).

N.J.A.C. 5:23-6.33 Historic buildings

86. N.J.A.C. 5:23-6.33(b)10ii – This subparagraph is amended to update the reference to the guard requirements, as the current referenced section has been expanded in the 2015 edition of the model code.

N.J.A.C. 5:23-12.8 Alterations, minor work, ordinary elevator maintenance

87. N.J.A.C. 5:23-12.8(a) – A new paragraph (a)1 is proposed to be added to distinguish “alteration,” as that term is used in the elevator subcode (N.J.A.C. 5:23-12), from “alteration,” as that term is used in the rehabilitation subcode (N.J.A.C. 5:23-6).

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

The Department anticipates that the proposed amendments would have a positive social impact. As described above, the vast majority of the proposed amendments are made to update references to the latest adopted editions of the national model codes. The proposed amendments also include corrections and clarifications. In some instances, the proposed amendments revise the requirements for rehabilitation projects, including newly-installed building elements and changes of use of existing buildings, to reflect the requirements of the latest editions of the national model codes. The proposed amendments promote the stated purposes and intent of the Uniform Construction Code Act by providing for the use of the latest construction methods, techniques, and materials through adoption of a single, clear, and up-to-date set of technical standards. And the proposed amendments are consistent with the underlying philosophy and purposes of the Rehabilitation Subcode in keeping the applicable code requirements proportional to the planned project and promoting the rehabilitation of existing buildings.

Economic Impact

The Department anticipates that the proposed amendments would continue the positive economic impact of the Rehabilitation Subcode by maintaining clear and current technical standards to promote the cost effective rehabilitation of existing buildings. The majority of the proposed amendments have no economic impact in that they update references to the national model codes while maintaining the status quo. For the changes identified in the Summary above that impose requirements applicable to a planned rehabilitation project, it is not anticipated that the incremental cost of compliance associated with any of these proposed changes would be significant.

Federal Standards Statement

No Federal standards analysis is required for the proposed amendments because the amendments are not proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The proposed amendments are not expected to have an impact on the creation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments will impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments impose technical compliance requirements on those undertaking rehabilitation projects in existing buildings, some of which are “small businesses” as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments establish code requirements that provide technical standards applicable to the planned scope of work. Because the proposed amendments establish health and safety requirements, there is no basis for differential treatment of small businesses. The compliance requirements are as discussed in the Summary above. The proposed amendments are not expected to introduce any new recordkeeping or reporting requirements on small businesses nor are they expected to cause small businesses to need to employ professional services not already required in order to comply with the Uniform Construction Code.

Housing Affordability Impact Analysis

The proposed amendments are intended to conform to the State Uniform Construction Code rules to the most recent editions of the adopted model codes that are the rules’ subcodes and make other changes of a technical or corrective nature. The proposed amendments are not expected to have an impact on housing affordability.

Smart Growth Development Impact Analysis

The proposed amendments update the Rehabilitation Subcode of the State’s Uniform Construction Code. Because the proposed amendments do not impact zoning, it is not anticipated that the proposed amendments will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

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

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.1 Introduction; using this subcode

(a) (No change.)

(b) Repair Work: The requirements that apply to repair work are in N.J.A.C. 5:23-6.4. The requirements for repairs are brief due to the limited nature of the work. There is a short list of materials that may not be used for repair work due to their inherently hazardous nature and another list of materials [which] **that** must be used in connection with repair work where applicable. These lists should be used when planning the repair components of any project.

1. (No change.)

2. The installation of smoke alarms is required in any building of Groups R-3, R-4, R-5, and in dwelling units of Group R-2 that undergo a repair.

3. The installation of carbon monoxide alarms is required in buildings of Groups I-1, R-1, R-2, R-3, R-4, or R-5 containing a fuel burning appliance or having an attached garage.

(c) Renovation Work: The requirements that apply to renovation work are in N.J.A.C. 5:23-6.5. Renovation is defined in N.J.A.C. 5:23-6.3.

1. (No change.)

2. The installation of smoke alarms is required in any building of Groups R-3, [and] **R-4, R-5, and in dwelling units of Group R-2**, which undergoes a renovation.

3. The installation of carbon monoxide alarms is required in buildings of Groups I-1, R-1, R-2, R-3, R-4, or R-5 containing a fuel burning appliance or having an attached garage.

Recodify existing 3.-4. as 4.-5. (No change in text.)

(d) Alteration Work: The requirements that apply to alteration work are in N.J.A.C. 5:23-6.6. Alteration is defined in N.J.A.C. 5:23-6.3.

1. (No change.)

2. The installation of smoke alarms is required in any building of Groups R-3, [and] **R-4, R-5, and in dwelling units of Group R-2**, which undergoes an alteration.

3. The installation of carbon monoxide alarms is required in buildings of Groups I-1, R-1, R-2, R-3, R-4, or R-5 containing a fuel burning appliance or having an attached garage.

Recodify existing 3.-7. as 4.-8. (No change in text.)

(e)-(i) (No change.)

5:23-6.2 Applicability and compliance

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

(c) Compliance: The only requirements of the other subcodes of the UCC [which] **that** apply are specifically set forth in this subchapter. Compliance with the requirements of the other subcodes of the Uniform Construction Code is not required for work in existing buildings. However, building components already in compliance with the requirements of the other subcodes of the Uniform Construction Code 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.

1.-3. (No change.)

4. As an alternative to compliance with the building and fire protection requirements of this subchapter, a permit applicant shall be allowed to evaluate the building in accordance with Sections [3412.5] **1401.5** through [3412.9] **1401.9** of the **International Existing Building Code, as referenced by the building subcode**, incorporated herein by reference, and to bring the building into compliance with the standards contained therein.

5. When a project is undertaken in an existing building having a group designation that no longer represents the use due to subsequent adoptions of each subcode, the current group designation that most closely resembles the approved use shall be used as the basis for applying the requirements of this subchapter.

(d) (No change.)

(e) Enforcement Responsibilities: Responsibility for the enforcement of the provisions of this subchapter shall be as indicated in parentheses at the end of each section, subsection, paragraph or subparagraph, as appropriate (for example, in a subsection of several paragraphs, the enforcement responsibility shall be in parentheses after the subsection’s last paragraph). For provisions of other subcodes of the Uniform Construction Code referenced herein, enforcement responsibility shall be as indicated in N.J.A.C. 5:23-3.4.

1.-2. (No change.)

[3. Enforcement of the provisions of the barrier free subcode shall be as provided in N.J.A.C. 5:23-7 of the Uniform Construction Code.]

(f)-(j) (No change.)

5:23-6.3 Definitions

The words and terms used in this subcode shall have the following meanings unless the context clearly indicates otherwise. Any term not defined herein which is defined in any of the other subcodes of the Uniform Construction Code shall have the meaning as defined in that subcode. Where a term is defined in this subcode and is also defined in another subcode, then the term shall have the meaning as defined herein wherever it is used in this subcode.

...
 “Residential energy code” means the International Energy Conservation Code adopted at N.J.A.C. 5:23-3.18 and applicable to residential buildings as defined as **Group R-3** and **R-5** buildings, as well as **Group R-2** and **Group R-4** buildings three stories or less in height above grade. **Group R-5 buildings requirements are denoted in parentheses for the equivalent requirement in the one- and two-family dwelling subcode.**
 ...

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. Group R-5 buildings: Sections R301.2.4, R322, R406.1.2.1, R408.7, M1301.1.1, M1401.5, [M1601.4.9] **M1601.4.10**, M1701.2, M2001.4, M2201.6, and G2404.7 of the one- and two-family dwelling subcode.

2. All other buildings:

i. Building subcode: Sections 801.5, [1203.3.2] **1203.4.2**, Exception 5, [1403.5.] 1403.6, **1403.7**, 1603.1.7, 1605.2.[2]1, 1605.3.1.2, 1612, 1804.[4]5, and 1805.1.2.1.

ii. Mechanical subcode: Sections 301.[13]16, 401.4, 501.[2]3.1, 602.4, 603.13, 1206.9.1, and 1305.2.1.

iii. (No change.)

5:23-6.4 Repairs

(a)–(b) (No change.)

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower.

1.–2. (No change.)

3. No work shall be undertaken that diminishes accessibility below that which is required by [the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode**. (Building)

(d) The following products and practices shall not be used:

1. Wood paneling being used as an interior finish not in conformance with Table 2 of N.J.A.C. 5:23-6.11 of this subcode; (Building)

2. Carpet used for floor covering that fails to meet the DOC FF-1 “Pill Test” (Consumer Product Safety Commission 16 [C.F.R.] **CFR 1630**); (**Plan review – Building/Fire. Inspection – Building**)

3.–4. (No change.)

5. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i.–iii. (No change.)

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). (**Building**)

6. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit.

i. Exception: Within dwelling units of Groups R-2, R-3, R-4, and R-5. (**Plan review – Building/Fire. Inspection – Building**)

(e) The following products and practices shall be required, when applicable:

1. Replacement glass shall comply with the “Safety Glazing” requirements of the building subcode and shall be installed in the “[Specific] Hazardous Locations” as specified by Sections 2406.4 and **2406.5** of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. (Building)

[2. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(D) of the electrical subcode;]

[ii.] **2.** Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode[.]; (**Electrical**)

[iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;]

[iv.] **3.** Non-“hospital grade” receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with “hospital grade” receptacles[; and]. (**Electrical**)

[v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes

and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.]

[3.] **4.** When door hardware is replaced in buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, replacement hardware shall comply with ICC/ANSI A117.1[-2003], Section 404.2.6. (Building)

[4.] **5.** Newly installed and replacement handrails and guardrails shall comply with Sections [1009.12, 1010.8, 1012 and 1013] **1011.1, 1012.8, 1014, and 1015** of the building subcode, respectively, or Sections R311.7.[7]8, R311.8.3 and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

[5.] **6.** (No change in text.)

[6.] **7.** Existing roof covering shall be removed before installing new roof covering when any of the following conditions occur:

i.–ii. (No change.)

iii. The existing roof has two or more applications of any type of roof covering. (**Building**)

[7.] **8.** When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section [717.2] **718.2** of the building subcode or section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with section [717.2.1] **718.2.1** of the building subcode or section R302.11.1 of the one- and two-family dwelling subcode, as applicable.

(f) In buildings of Groups R-3, R-4, and R-5 and in dwelling units of Group R-2, smoke alarms shall be installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted, **but shall not replace any A/C-powered smoke alarms or a household fire alarm system**. (Fire)

(g) In buildings of Groups I-1, R-1, R-2, R-3, R-4, or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with [N.J.A.C. 5:23-3.20(c) of the mechanical subcode] **Section 915 of the building subcode** or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

5:23-6.5 Renovations

(a)–(b) (No change.)

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1.–2. (No change.)

3. No work shall be undertaken that diminishes accessibility below that which is required by [the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode**. (Building)

(d) The following products and practices shall not be used:

1. (No change.)

2. Carpet used for floor covering that fails to meet the DOC FF-1 “Pill Test” (Consumer Product Safety Commission 16 [C.F.R.] **CFR 1630**); (**Building**)

3.–5. (No change.)

6. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i.–iii. (No change.)

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). (**Building**)

7. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway exit, or passageway. Draperies or similar hangings shall not obscure an exit.

i. Exception: Within dwelling units of Groups R-2, R-3, R-4, and R-5. **(Plan review – Building, Fire, Inspection – Building)**

(e) The following products and practices shall be required, when applicable:

1. (No change.)

2. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when bathrooms or toilet rooms are renovated, the following requirements for providing accessibility shall apply unless the requirements of [the barrier free] **Chapter 11 of the building** subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1[-2003], Section 604.[8]9 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1[-2003], Sections 603 through 608, as applicable, for nonresidential buildings or ICC/ANSI A117.1[-2003], Chapter 10 for residential buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible. (Plumbing)

iii. (No change.)

3. Replacement doors shall comply with the following: (Building)

i. When replacement doors are installed in buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, replacement hardware shall comply with ICC/ANSI A117.1[-2003], Section 404.2.6.

ii. (No change.)

4. Replacement glass shall comply with the “Safety Glazing” requirements of the building subcode and shall be installed in the “[Specific Hazardous Locations]” as specified by Sections 2406.4 and **2406.5** of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. (Building)

5. (No change.)

[6. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(D) of the electrical subcode;]

[ii.] **6.** Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode[;]. **(Electrical)**

[iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;]

[iv.] **7.** Non-“hospital grade” receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with “hospital grade” receptacles[; and]. **(Electrical)**

[v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.]

[7.] **8.** (No change in text.)

[8.] **9.** When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section [717.2] **718.2** of the building subcode or section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with section [717.2.1] **718.2.1** of the building subcode or section R302.11.1 of the one- and two-family dwelling subcode, as applicable.

[9.] **10.** When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using

insulation meeting the R-values of Table [402.1.1] **R402.1.2 (N1102.1.2)** of the residential energy code for wood framing and of Table [402.2.5] **R402.2.6 (N1102.2.6)** of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. In the event that insulation meeting the R-values above cannot be installed due to space constraints, **and the equivalency exceptions of Sections R402.2.1 and R402.2.2 (N1102.2.1 and N1102.2.2) cannot be applied for residential buildings**, insulation that fills the cavities of the framed assembly shall be installed.

[10.] **11.** When fenestration (windows, skylights or doors) is newly installed or replaced, the U-factor (thermal transmittance) shall not exceed the U-factor of Table [402.1.1] **R402.1.2 (N1102.1.2)** of the residential energy code or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. Exception: In residential buildings, fenestration that meets Sections R402.3.3 (N1102.3.3) and R402.3.4 (N1102.3.4), as applicable.

[11.] **12.** Ducts that are newly installed or replaced shall be installed with insulation meeting the R-values of Section [403.2.1] **R403.3.1 (N1103.3.1)** of the residential energy code or of Section 6.4.4.1.2 of the commercial energy code, as applicable.

[12.] **13.** [Unless exempted by Section 9.2.2.3 of the commercial energy code, the] **The total replacement of a building lighting system or a newly installed building lighting system shall meet [the following sections] Section 404 (N1104) of the residential energy code or Section 9.1.2 of the commercial energy code, as applicable:** Section 9.4.1 for controls and Sections 9.5 and 9.6 for lighting power densities]. (A “lighting system” is defined by the commercial energy code as “a group of luminaires circuited or controlled to perform a specific function.”)

i. Exception: The **total** replacement of a lighting system within a room, space or tenancy shall be required to meet **Section 9.1.2 for the room, space, or tenancy only** [Sections 9.4.1.2 and 9.4.1.4a, b, e, and f for controls and Section 9.6 for lighting power densities].

[13.] **14.** Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key. **(Fire)**

(f) In buildings of Groups R-3, R-4, and R-5 and in dwelling units of Group R-2, smoke alarms shall be installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted, **but shall not replace any A/C-powered smoke alarms or a household fire alarm system. (Fire)**

(g) In buildings of Groups I-1, R-1, R-2, R-3, R-4, or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with [N.J.A.C. 5:23-3.20(c) of the mechanical subcode] **Section 915 of the building subcode** or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

(h) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. (No change.)

ii. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit. **(Plan review – Building, Fire, Inspection – Building)**

2. Newly installed and replacement handrails and guardrails shall comply with Sections [1009.12, 1010.8, 1012, and 1013] **1010.1, 1012.8, 1014, and 1015** of the building subcode, respectively, or Sections R311.7.[7]8, R311.8.3 and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

5:23-6.6 Alterations

(a)–(b) (No change.)

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1.-2. (No change.)

3. No work shall be undertaken that diminishes accessibility below that which is required by [the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode.** (Building)

4. Construction materials used as part of an alteration project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive. **(Plan review – Building, Fire. Inspection – Building)**

(d) The following products and practices shall not be used:

1. (No change.)

2. Carpet used for floor covering that fails to meet the DOC FF-1 “Pill Test” (Consumer Product Safety Commission 16 [C.F.R.] CFR 1630); **(Plan review – Building, Fire. Inspection – Building)**

3.-5. (No change.)

6. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i.-iii. (No change.)

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). **(Building)**

7. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit. **(Plan review – Building, Fire. Inspection – Building)**

i. (No change.)

(e) The following products and practices shall be required, when applicable:

1. (No change.)

2. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of [the barrier free] **Chapter 11 of the building** subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1[-2003], Section 604.[8] **9** shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1[-2003], Sections 603 through 608, as applicable, for nonresidential buildings or ICC/ANSI A117.1[-2003], Chapter 10 for residential buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible. (Plumbing)

iii.-iv. (No change.)

3. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when space is reconfigured, the altered space shall comply with [the barrier free subcode, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode.** Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible. (Building)

4. Replacement doors shall comply with the following: (Building)

i. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC/ANSI A117.1[-2003], Section 404.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to comply with ICC/ANSI A117.1[-2003], Section 404.

ii. (No change.)

5. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when entrance steps are being replaced, an accessible entrance shall be provided if this does not add more than 20 percent to the cost of replacing the steps. (Building)

i. (No change.)

6. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by [N.J.A.C. 5:23-7.1] **Chapter 11 of the building subcode.** (Building)

7. Replacement glass shall comply with the “Safety Glazing” requirements of the building subcode and shall be installed in the “[Specific] Hazardous Locations” as specified by Sections 2406.4 and **2406.5** of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. (Building)

8. (No change.)

[9. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(d) of the electrical subcode;]

[ii.] **9.** Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode;]. **(Electrical)**

[iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;]

[iv.] **10.** Non-“hospital grade” receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with “hospital grade” receptacles; and]. **(Electrical)**

[v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.]

[10.] **11.** (No change in text.)

[11.] **12.** In buildings of Use Groups R-3, R-4, and R-5:

i. When the work being performed creates living space over a private garage, the private garage shall comply with Section 406.[1.4] **3.4** of the building subcode or R302.6 of the one- and two-family dwelling subcode, as applicable, for fire resistance rating.

ii. When the work being performed creates an additional dwelling unit within the building, the new dwelling unit shall be separated from the existing dwelling unit(s) with fire partitions or horizontal assemblies having a fire resistance rating of not less than one hour constructed in accordance with Sections [709] **708** and [712] **711** of the building subcode or R302 of the one- and two-family dwelling subcode, as applicable.

iii. (No change.)

[12.] **13.** In buildings of Group R-1, in at least one sleeping room or suite of every 25 or fewer that are part of the scope of work, the work being performed shall comply with the applicable provisions of ICC/ANSI A117.1[-2003] unless the facility already provides the number of accessible sleeping rooms required by [the barrier free] **Chapter 11 of the building** subcode. In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by [the barrier free] **Chapter 11 of the building** subcode. (Building)

[13.] **14.** In buildings of Groups R-1 and R-2:

i. When habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area. **(Plan review – Building, Fire. Inspection – Building)**

ii. (No change.)

[14.] **15.** (No change in text.)

[15.] **16.** When the work being performed creates or exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section [717.2] **718.2** of the building subcode or section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with section [717.2.1] **718.2.1** of the building subcode or section R302.11.1 of the one- and two-family dwelling subcode, as applicable.

[16.] **17.** When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table [402.1.1] **R402.1.2 (N1102.1.2)** of the residential energy code for wood framing and of Table [402.2.5] **R402.2.6 (N1102.2.6)** of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. In the event that insulation meeting the R-values above cannot be installed due to space constraints, **and the equivalency exceptions of Sections R402.2.1 and R402.2.2 (N1102.2.1 and N1102.2.2) cannot be applied for residential buildings**, insulation that fills the cavities of the framed assembly shall be installed.

[17.] **18.** When fenestration (windows, skylights, or doors) is newly installed or replaced, the U-factor (thermal transmittance) shall not exceed the U-factor of Table [402.1.1] **R402.1.2 (N1102.1.2)** of the residential energy code or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. **Exception: In residential buildings, fenestration that meets Sections R402.3.3 (N1102.3.3) and R402.3.4 (N1102.3.4), as applicable.**

[18.] **19.** Ducts that are newly installed or replaced shall be installed with insulation meeting the R-values of Section [403.2.1] **R403.3.1 (N1103.3.1)** of the residential energy code or of Section 6.4.4.1.2 of the commercial energy code, as applicable.

[19.] **20.** [Unless exempted by Section 9.2.2.3 of the commercial energy code, the] **The** total replacement of a building lighting system or a newly installed building lighting system shall meet [the following sections] **Section 404 (N1104) of the residential energy code or Section 9.1.2** of the commercial energy code, as applicable: [Section 9.4.1 for controls and Sections 9.5 and 9.6 for lighting power densities]. (A "lighting system" is defined by the commercial energy code as "a group of luminaires circuited or controlled to perform a specific function.")

i. **Exception: The total replacement of a lighting system within a room, space or tenancy shall be required to meet Section 9.1.2 for the room, space, or tenancy only** [Sections 9.4.1.2 and 9.4.1.4a, b, e, and f for controls and Section 9.6 for lighting power densities].

[20.] **21.** When the work being performed results in an indoor or outdoor gas meter, related regulator or piping becoming subject to vehicle impact, which work includes, but is not limited to, new installation, relocation or other construction, the gas meter, related regulator or piping shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated. **(Plumbing)**

i. (No change.)

[21.] **22.** Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key. **(Fire)**

[22.] **23.** The work shall not cause an exit enclosure to be used for any purpose other than means of egress, except those penetrations permitted by Section [1022.4] **1023.5** of the building subcode.

24. Existing openings that become part of an exit or exit access and newly created openings to be used as an exit or exit access shall meet Section 1008.3 and Section 1013 of the building subcode when more than one exit or exit access is required. This shall apply only to the portion of the building served by the new exit or exit access.

(f) In buildings of Groups R-3, R-4, and R-5 and in dwelling units of Group R-2, smoke alarms shall be installed and maintained on each level

of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted, **but shall not replace any A/C-powered smoke alarms or a household fire alarm system.** (Fire)

(g) In buildings of Groups I-1, R-1, R-2, R-3, R-4, or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with [N.J.A.C. 5:23-3.20(c) of the mechanical] **Section 915 of the building** subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

(h) (No change.)

(i) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. (No change.)

ii. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit **(Plan review – Building, Fire. Inspection – Building).**

2. Newly installed and replacement handrails and guardrails shall comply with Sections [1009.12, 1010.8, 1012, and 1013] **1010.1, 1012.8, 1014, and 1015** of the building subcode, respectively, or Sections R311.7.[7]8, R311.8.3 and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(j) (No change.)

(k) In a building required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, where the space altered is a primary function space, an accessible path of travel to the altered space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall alteration project; a cost is disproportionate if it exceeds 20 percent of the cost of the alteration work. (Building)

1.–4. (No change.)

5. Where it is technically infeasible to comply with the technical standards in [the barrier free] **Chapter 11 of the building** subcode, the work must comply to the maximum extent feasible.

(l) When work is performed in a Class [I] 1 structure or when work is performed on a smoke control system, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode shall be submitted as part of the permit application. **(Building, except smoke control systems – Fire)**

5:23-6.7 Reconstruction

(a)–(b) (No change.)

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1.–2. (No change.)

3. No work shall be undertaken that diminishes accessibility below that which is required by [the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode.** (Building)

4. Construction materials used as part of a reconstruction project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive. **(Plan review – Building, Fire. Inspection – Building)**

(d) The following products and practices shall not be used:

1. Carpet used for floor covering that fails to meet the DOC FF-1 “Pill Test” (Consumer Product Safety Commission 16 [C.F.R.] CFR 1630); **(Plan review – Building, Fire, Inspection – Building)**

2.–4. (No change.)

5. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i.–iii. (No change.)

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). **(Building)**

6. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit. **(Plan review – Building, Fire, Inspection – Building)**

i. (No change.)

(e) The following products and practices shall be required, when applicable:

1. (No change.)

2. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of [the barrier free] **Chapter 11 of the building** subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1[-2003], Section 604.[8]9 shall be created provided that this can be accomplished without moving fixtures. **(Building)**

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1[-2003], Sections 603 through 608, as applicable, for nonresidential buildings or ICC/ANSI A117.1[-2003], Chapter 10 for residential buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible. **(Plumbing)**

iii.–iv. (No change.)

3. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when space is reconfigured, the [altered] **reconstructed** space shall comply with [the barrier free subcode, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode**.

i. Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible. **(Building)**

4. Replacement or new doors shall comply with the following: **(Building)**

i. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC/ANSI A117.1[-2003], Section 404.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to comply with ICC/ANSI A117.1[-2003], Section 404.

ii. (No change.)

5. In buildings required by [the barrier free] **Chapter 11 of the building** subcode to be accessible, when entrance steps are being replaced, a ramp shall be installed provided that the installation of a ramp does not add more than 20 percent to the cost of replacing the steps. **(Building)**

i. (No change.)

6. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted [by N.J.A.C. 5:23-7] **Chapter 11 of the building subcode**. **(Building)**

7. Replacement glass shall comply with the “Safety Glazing” requirements of the building subcode and shall be installed in the “[Specific] Hazardous Locations” as specified by Sections 2406.4 and **2406.5** of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. **(Building)**

8. (No change.)

[9. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: **(Electrical)**

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(D) of the electrical subcode;]

[ii.] **9.** Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode[.]; **(Electrical)**

[iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding-type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;]

[iv.] **10.** Non-“hospital grade” receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with “hospital grade” receptacles[; and]. **(Electrical)**

[v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.]

Recodify existing 10.–11. as **11.–12.** (No change in text.)

13. When the work being performed creates or exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by Section 718.2 of the building subcode or Section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with Section 718.2.1 of the building subcode or Section R302.11.1 of the one- and two-family dwelling subcode, as applicable.

[12.] **14.** When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table [402.1.1] **R402.1.2 (N1102.1.2)** of the residential energy code for wood framing and of Table [402.2.5] **R402.2.6 (N1102.2.6)** of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. In the event that insulation meeting the R-values above cannot be installed due to space constraints, **and the equivalency exceptions of Sections R402.2.1 and R402.2.2 (N1102.2.1 and N1102.2.2) cannot be applied for residential buildings**, insulation that fills the cavities of the framed assembly shall be installed.

[13.] **15.** When fenestration (windows, skylights, or doors) is newly installed or replaced, the U-factor (thermal transmittance) shall not exceed the U-factor of Table [402.1.1] **R402.1.2 (N1102.1.2)** of the residential energy code or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. **Exception: In residential buildings, fenestration that meets Sections R402.3.3 (N1102.3.3) and R402.3.4 (N1102.3.4), as applicable.**

[14.] **16.** Ducts that are newly installed or replaced shall be installed with insulation meeting the R-values of Section [403.2.1] **R403.3.1 (N1103.3.1)** of the residential energy code or of Section 6.4.4.1.2 of the commercial energy code, as applicable.

[15.] **17.** [Unless exempted by Section 9.2.2.3 of the commercial energy code, the] **The** total replacement of a building lighting system or a newly installed building lighting system shall meet [the following sections] **Section 404 (N1104) of the residential energy code or Section 9.1.2 of the commercial energy code**, as applicable[; Section 9.4.1 for controls and Sections 9.5 and 9.6 for lighting power densities]. (A “lighting system” is defined by the commercial energy code as “a group of luminaires circuited or controlled to perform a specific function.”)

i. **Exception: The total** replacement of a lighting system within a room, space or tenancy shall be required to meet **Section 9.1.2 for the room, space or tenancy** only [Sections 9.4.1.2 and 9.4.1.4a, b, e, and f for controls and Section 9.6 for lighting power densities].

[16.] **18.** When the work being performed results in an indoor or outdoor gas meter, related regulator or piping becoming subject to vehicle impact, which work includes, but is not limited to, new installation,

relocation or other construction, the gas meter, related regulator or piping shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated. **(Plumbing)**

i. (No change.)

[17.] **19.** Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key. **(Fire)**

[18.] **20.** The work shall not cause an exit enclosure to be used for any purpose other than means of egress, except those penetrations permitted by Section [1022.4] **1023.5** of the building subcode.

21. Existing openings that become part of an exit or exit access and newly created openings to be used as an exit or exit access shall meet Section 1008.3 and Section 1013 of the building subcode when more than one exit or exit access is required. This shall apply only to the portion of the building served by the new exit or exit access.

(f) In buildings of Groups I-1, R-1, R-2, R-3, R-4, or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with [N.J.A.C. 5:23-3.20(c) of the mechanical subcode] **Section 915 of the building subcode** or Section R315 of the one- and two-family dwelling subcode, as applicable. **(Fire)**

(g) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. (No change.)

2. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. (No change.)

ii. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit. **(Plan review – Building, Fire. Inspection – Building)**

3. Newly installed and replacement handrails and guardrails shall comply with Sections [1009.12, 1010.8, 1012, and 1013] **1010.1, 1012.8, 1014, and 1015** of the building subcode, respectively, or Sections R311.7.[7]8, R311.8.3, and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. **(Building)**

(h)–(j) (No change.)

(k) In a building required by [the barrier free] **Chapter 11 of the building subcode** to be accessible, where the space reconstructed is a primary function space, an accessible path of travel to the space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall project; a cost is disproportionate if it exceeds 20 percent of the cost of the work. **(Building)**

1.–4. (No change.)

5. Where it is technically infeasible to comply with the technical standards of ICC/ANSI A117.1[-2003], the work must comply to the maximum extent feasible.

(l) When work is performed in a Class [I] **1** structure or when work is performed on a smoke control system, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode shall be submitted as part of the permit application. **(Building, except smoke control systems – Fire)**

5:23-6.8 Materials and methods

(a) (No change.)

(b) Building and Fire Protection Materials and Methods: The following sections of the building subcode (N.J.A.C. 5:23-3.14) shall constitute the building and fire protection materials and methods requirements for this subchapter:

1. (No change.)

2. The following sections of Chapter 7 entitled "[Fire-Resistance-Rated Construction] **Fire and Smoke Protection Features**":

i. [Subsections] **Sections 703.2, 703.3, 703.4, 703.5, 703.6;**

ii. [Subsections] **Sections 705.2.1, 705.2.2, 705.2.3, 705.4[, 705.9, 705.10];**

iii. [Subsections] **Sections 706.2, 706.3[, 706.8, 706.9, 706.10, 706.11];**

iv. Sections 707.2, [707.6, 707.7, 707.8,] 707.9;

v. [Sections] **Section 708.2** [708.7, 708.8, 708.9, 708.10, 708.13.2];

vi. [Subsections] **Section 709.2**[, 709.6, 709.7, 709.8, 709.9];

vii. [Subsections] **Sections 710.2, 710.5, 710.6, 710.7, 710.8;**

[viii. Subsections 712.2, 712.5, 712.6, 712.7];

viii. Sections 711.2.1, 711.3.1;

ix. Section 712.1.13;

[ix.] **x. Section 713.3**[, except that the rating requirement of 713.4.1.1.2 shall not apply];

[x.] **xi. Section 714, except that the rating requirement of Section 714.4.1.2 shall not apply;**

[xi. Subsections 715.2, 715.4.6, 715.4.7, 715.4.8, 715.4.9, 715.4.10, 715.5.1, 715.5.4, 715.5.5, 715.5.6, 715.5.7, 715.5.8, 715.5.9;

xii. Subsections 716.2, 716.3, 716.4, 716.7;

xiii. Subsections 717.2.1, 717.3.1;

xiv. Subsections 718.2, 718.4, 718.5;]

xii. Section 715;

xiii. Section 716;

xiv. Section 717;

xv. Sections 718.2.1, 718.3.1;

[xv.] **xvi. Section 719;**

[xvi.] **xvii. Section 720;** [and]

[xvii.] **xviii. Section 721; and**

xix. Section 722;

3. All of Chapter 8 entitled "Interior Finishes" except **Section 802;**

4. All of Chapter 9 entitled "Fire Protection Systems" except **Sections [901,] 902, 903.2, 904.2, 905.3, 906.1, 907.2, [908.1, 908.2] 908, 910.2, 911, 916.1;**

5. The following sections of Chapter 10 entitled "Means of Egress":

[i. Subsections 1008.1.4.1, 1008.1.4.2, 1008.1.4.3, 1008.1.4.4, 1008.1.4.5, 1008.1.9; and

ii. Subsections 1011.2, 1011.4, 1011.5, 1011.5.1, 1011.5.3;]

i. Sections 1010.1.4.1, 1010.1.4.2, 1010.1.4.3, 1010.1.4.4, 1010.1.9, 1010.1.10.1, 1010.1.10.2;

ii. Sections 1013.3, 1013.5, 1013.6.1, 1013.6.3;

iii. Section 1015.8.1; and

iv. Sections 1025.4, 1025.5;

6. The following sections of Chapter 12 entitled "Interior Environment":

i. Section [1203.4.2] **1203.5.2** shall apply to new sources of contaminants; and

ii. (No change.)

7. All of Chapter 14 entitled "Exterior Walls" except **Sections 1401, 1402, 1403.2, 1403.3, 1403.4;**

8. All of Chapter 15 entitled "Roof Assemblies and Rooftop Structures" except **Sections 1501[.1], 1502, 1503.4, 1503.5, 1510.9;**

9. All of Chapter 16 entitled "Structural Design," except **Sections 1601, 1604, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615,** shall apply to new or replaced structural members. The referenced sections of Chapter 16 shall not be used to analyze any existing structural members, except as otherwise provided by this subcode;

10. All of Chapter 18 entitled "Soil and Foundations" except [sections] **Sections 1801, 1802, 1803, 1804, 1805, 1806;**

i. Additionally, the following [sections] **requirements of Section 1805** shall be included as part of Materials and Methods: 1805.2.1, 1805.2.2, 1805.3.1, 1805.3.2, 1805.3.3, 1805.4.1, 1805.4.2, 1805.4.3;

11. All of Chapter 19 entitled "Concrete" except **Sections 1901, 1902;**

12. (No change.)

13. All of Chapter 21 entitled "Masonry" **except Sections 2101, 2102;**

14. All of Chapter 22 entitled "Steel" **except Sections 2201, 2202;**

15. All of Chapter 23 entitled "Wood" **except Sections 2301.1, 2302;**

16. All of Chapter 24 entitled "Glass and Glazing" **except Sections 2401, 2402;**

17. All of Chapter 25 entitled "Gypsum Board and Plaster" **except Sections 2501.1, 2501.2, 2502;**

18. All of Chapter 26 entitled "Plastic" **except Sections 2601, 2602;** [and]

19. For the applicability of Chapter 30 entitled "Elevators and Conveying Systems," refer to (i) and (j) below[.]; **and**

20. The following sections of Chapter 31 entitled "Special Construction":

i. Section 3105;

ii. Sections 3106.3;

iii. Section 3107;

iv. Section 3109 shall apply to newly installed and completely replaced enclosures for swimming pools, spas, and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter of the enclosure; and

v. Section 3110.

(c) Plumbing Materials and Methods: The following sections of the plumbing subcode (N.J.A.C. 5:23-3.15) shall constitute the plumbing materials and methods requirements for this subchapter:

1. All of Chapter 2 entitled "General Regulations" **except 2.19 [and 2.24];**

i. Sections 2.16a.1 and 2 shall not apply to the replacement of water service or building sewers in the same location.

[i.] **ii. (No change in text.)**

2.-8. (No change.)

9. Chapter 10 entitled "Water Supply and Distribution" **except for sections 10.3, 10.6.5, 10.8.1, 10.14 and 10.15.9:**

i. (No change.)

ii. In Section 10.6.4, the minimum of five feet for the wall sleeve shall not be required for "trenchless pipe replacement systems" for water service replacement using plastic pipe.

Recodify existing ii.-iv. as **iii.-v.** (No change in text.)

10.-16. (No change.)

(d) Electrical Materials and Methods. The following sections of the electrical subcode (N.J.A.C. 5:23-3.16) shall constitute the electrical materials and methods requirements for this subchapter:

1.-6. (No change.)

7. All of Chapter 6, entitled "Special Equipment;"

[i. Section 680.26(B)(2) shall not apply to existing paved surfaces or decks when installing a spa or hot tub.]

8.-10. (No change.)

(e) Mechanical Materials and Methods: The following sections of the mechanical subcode (N.J.A.C. 5:23-3.20) shall constitute the mechanical materials and methods requirements for this subchapter:

1. All of Chapter 3, entitled "General Regulations" **except Sections 301.2, [301.7, 301.8, 301.13, 301.15.] 301.10, 301.11, 301.16, 301.18, 303.5, 303.6, 303.7, 306, 307.2.3, [and] 309, and 312;**

i. Section 312 shall apply when appliance/equipment input ratings are increased/decreased.

2. All of Chapter 4, entitled "Ventilation" **except Sections 402, [and] 403, and 407;**

3. All of Chapter 5, entitled "Exhaust Systems" **except Sections 502, 509, 510, and 513;**

i.-ii. (No change.)

4. All of Chapter 6, entitled "Duct Systems" **except Sections 602 and 604.1;**

i. Section 602 shall apply to newly-constructed plenums. Modifications to existing plenums, such as installation of new building, electrical or plumbing materials inside the plenum, increasing air flow rate within the plenum, etc. shall not require the plenum to comply with the construction requirements for new plenums. However, newly-installed materials within the plenum shall be consistent with material requirements of Section 602;

5. All of Chapter 7, entitled "Combustion Air";

i. Chapter 7 shall not apply if the work being performed does not increase the input rating of the equipment.

6.-9. (No change.)

10. All of Chapter 12, entitled "Hydronic Piping" **except Section 1204;**

11. All of Chapter 13, entitled "Fuel Oil Piping and Storage" **except Section 1305.1;**

i. (No change.)

12. (No change.)

(f) Fuel Gas Materials and Methods: The following sections of the fuel gas subcode (N.J.A.C. 5:23-3.22) shall constitute the fuel gas materials and methods requirements of this subchapter:

1. All of Chapter 3, entitled "General Regulations" **except Sections 301.2, 301.6, 301.11, 301.12, 303.7, and 306;**

i. Section 304 shall not apply if the work being performed does not increase the input rating of the equipment.

2. All of Chapter 4, entitled "Gas Piping Installations" **except Sections 401.8 and 402.3;**

i. (No change.)

3.-5. (No change.)

(g) Barrier Free Materials and Methods: The requirements of ICC/ANSI A117.1[-2003] shall constitute the barrier free materials and methods requirements for this subchapter and shall apply to work projects in all buildings other than buildings of Group R-2, R-3, R-4, or R-5 containing fewer than four dwelling units or buildings of Use Group U.

1. (No change.)

2. For toilet or bathing facilities, at least one of each type of fixture shall [be accessible] **comply with the barrier free materials and methods.** Where six or more toilet stalls are provided, in addition to a wheelchair accessible stall, at least one ambulatory accessible stall shall be provided.

[i. Exception: Nonpublic toilet rooms for individual use may be adaptable.]

3.-5. (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. The following sections of Chapter 3, entitled "Building Planning":

i. Section R301.8;

[i.] **ii. Sections R302.10, R302.14;**

Recodify existing ii.-iii. as **iii.-iv.** (No change in text.)

v. Section R309.4;

vi. Sections R313.1.1, R313.2.1;

vii. Sections R314.1.1, R314.5, R314.7.1, R314.7.4;

viii. Sections R315.1.1, R315.4, R315.6.1, R315.6.4;

Recodify existing iv.-vi. as **ix.-xi.** (No change in text.)

xii. Section R324 shall apply to newly installed and completely replaced solar energy systems; and

xiii. Section R326 shall apply to newly installed and completely replaced enclosures for swimming pools, spas, and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter of the enclosure;

2. (No change.)

3. The following sections of Chapter 5 entitled "Floors":

i.-ii. (No change.)

iii. Sections R504.1.2, R504.1.3, R504.3; [and]

iv. Sections R505.2.1, R505.2.2, R505.2.3, R505.2.4, R505.2.5[.3], R505.2.6.3, R505.3.5; and

v. Section R507 shall apply to newly installed and completely replaced decks;

4. The following sections of Chapter 6 entitled "Wall Construction":

i. (No change.)

ii. Sections R603.2.1, R603.2.2, R603.2.3, R603.2.4, R603.2.5[.3],

R603.2.6.3, R603.3.4;

iii.-iv. (No change.)

v. Sections R606.1, R606.[15]2;

vi. Section R607.[1]2;

vii. Sections [R608.1] R608.5.1.1, R608.5.1.2, R608.5.2, R608.5.3;

viii. Sections R609.[1]3, R609.4, R609.5; and

ix. Sections [R610.1, R610.2,] R610.3, R610.7;

[x. Section R611.1;

xi. Section R612.1; and

xii. Sections R613.1, R613.3, R613.4.1, R613.7;]
 5. (No change.)
 6. The following sections of Chapter 8, entitled "Roof-Ceiling Construction":
 i. Sections R802.1, R802.7, R802.10.4;
 ii. Section R803.2.1; **and**
 iii. Sections R804.2.1, R804.2.2, R804.2.3, R804.2.4, R804.2.5[.3], [R804.3.4] **R804.2.6.3, R804.3.3**; [and]
 [iv. Section R805.1;]
 7. [The following sections] All of Chapter 9 entitled "Roof Assemblies"[.];
 [i. Section R902.1;
 ii. Section R903.1;
 iii. Section R904;
 iv. Section R905;
 v. Section R906; and
 vi. Section R907;]
 8. (No change.)
 9. All of Chapter 13, entitled "General Mechanical System Requirements", except **Section M1301.1.1 and M1305**;
 10. All of Chapter 14, entitled "Heating and Cooling Equipment", except **Sections M1401.2, M1401.3, and M1401.5**;
i. Section M1401.3 shall apply when appliance/equipment input ratings are increased/decreased.
 11.–12. (No change.)
 13. All of Chapter 17, entitled "Combustion Air";
i. Chapter 17 shall not apply if the work being performed does not increase the input rating of the equipment.
 14.–18. (No change.)
 19. All of Chapter 23, entitled "Solar Thermal Energy Systems"; and
 20. All of Chapter 24, entitled "Fuel Gas," except **Sections G2404.7, G2404.8, G2412.8, and G2413.3**.
i. Section G2407 shall not apply if the work being performed does not increase the input rating of the equipment.
 [i.] ii. (No change in text.)
 (i) Elevator Devices Materials and Methods: The following sections of the elevator subcode (N.J.A.C.5:23-12) shall constitute the elevator device materials and methods requirements for this subchapter:
 1. The following sections of ASME A17.1 referenced by the adopted building subcode: Section 8.6.1, General Requirements; 8.6.2. Repairs; 8.6.3, Replacements; 8.7, Alterations including Appendix L; **Appendix P, Table N1**; 8.8, Welding; and 8.9, Code Data Plate.
 2.–5. (No change.)
 (j) Conveying Devices Materials and Methods: The following sections of Chapter 30 of the building subcode (N.J.A.C. 5:23-3.14) shall constitute the conveying device materials and methods requirements for this subchapter:
 1. Section [3005.3] **3004.3** - "Conveyors"; Section [3005.4] **3004.4** - "Personnel and material hoists" except for the seismic design provisions; and the following referenced standards from Section 3001.2 - "ALI ALCTV," "ANSI MH 29.1," "ASME B20.1."
 (k) (No change.)
 (l) Energy Conservation Materials and Methods: The following sections of the energy subcode (N.J.A.C. 5:23-3.18) shall constitute the energy conservation materials and methods requirements for this subchapter:
1. Residential energy code provisions:
 [1.] i. The following sections of Chapter 3 entitled "Climate Zones":
 [i.] **(1) Section R303 (N1101.10)**.
 [2.] ii. The following sections of Chapter 4 of the residential energy code entitled "Residential Energy Efficiency":
 [i.] **(1) Sections [402.2.1, 402.2.2,] R402.2.3, R402.2.4, R402.2.8, R402.2.12, [402.3.3, 402.3.4,] R402.4.1.1, [402.4.4] R402.4.3 and 402.4.5 (N1102.2.3, N1102.2.4, N1102.2.8, N1102.2.12, N1102.4.1.1, N1102.4.3, and N1102.4.5)**.
 [3.] **2. Commercial energy code provisions:**
 i. The following sections of Chapter [5] **4** of the commercial energy code entitled "Commercial Energy Efficiency":
(1) Section 4.2.3;

[i.] **(2) Sections 5.4.3.1, 5.4.3.2, 5.4.3.3, [5.8.1.1, 5.8.1.2, 5.8.1.3, 5.8.1.4, 5.8.1.5, 5.8.1.7, 5.8.1.8] 5.5.4.1, 5.8.1, and 5.8.2;**
 [ii.] **(3) Sections 6.4.1, [6.4.2,] 6.4.4.1.1, and 6.4.4.2.1;**
 [iii.] **(4) Section 7.4.2; and**
 [iv. Section 9.4.3; and]
 [v.] **(5) Section 10.4.1.**

5:23-6.9 New building elements

(a) When the rehabilitation of an existing building creates or includes any building element of a type listed in this section, then the new element shall comply with the requirements for such an element established by this section.

1.–2. (No change.)

3. Newly created floor openings shall comply with the requirements of Section [708] **713** of the building subcode.

4. (No change.)

5. Newly created door openings shall comply with Section [1008.1.1] **1010.1.1** of the building subcode. Additionally, newly created door openings in walls which are fire-resistance rated shall comply with Section [715] **716** of the building subcode.

i. (No change.)

6. Newly created openings in fire resistance rated assemblies shall be protected in accordance with Sections [713] **714, 715, 716, and 717, as applicable**, of the building subcode, or with Sections R302.4 and R302.5 of the one- and two-family dwelling subcode, as applicable.

7. Newly created exit [discharge] passageways **and newly created exit discharge** used as exit elements shall [comply]:

i. Comply with the requirements of Section [1023] **1024** of the building subcode **for exit passageways**. However, the fire resistance rating of the [discharge] passageway shall not be required to exceed the fire resistance rating of the exit element that discharges into the passageway; **or**

ii. Comply with the requirements of Section 1028 of the building subcode for exit discharge.

8. Newly created [exit] stairways:

i. Stairways in buildings subject to the one- and two-family dwelling subcode shall comply with Sections [1009.12, 1013, 1020, 1022, 1023, 1026 and 1027 of the building subcode, or with Sections] R311.7.1, R311.7.2, [R311.7.3.] R311.7.4, [R311.7.7, R311.7.9] **R311.7.5, R311.7.8, R311.7.10, R311.7.11, R311.7.12, and R312.1** [of the one- and two-family dwelling subcode as applicable];

ii. Exit stairways subject to the building subcode shall comply with Sections 1022 and 1028;

iii. Non-exit stairways in buildings subject to the building subcode shall comply with Sections 1011.3, 1011.4, 1011.5, 1011.9, 1011.10, 1011.11, 1011.14, 1011.15, 1011.16, 1015.2, 1015.3, and 1015.4.

9. (No change.)

10. Newly installed elevator devices, including those newly installed in existing hoistways/machine rooms, **completely replaced elevator devices, and a change in use of an elevator device from freight to passenger, passenger to freight, or from one freight class to another freight class** and other equipment within the scope of Chapter 30 newly installed or installed in existing hoistways/machine rooms, shall conform to the requirements of Chapter 30 of the building subcode **and N.J.A.C. 5:23-12, as applicable**.

i. Exception: [Newly installed devices, including those newly installed in existing hoistways/machine rooms,] **Such devices** shall not be required to comply with Section 8.4 and Section 8.5 of ASME A17.1 adopted by reference in the building subcode **and Section 3002.4 of the building subcode**. [Newly installed devices in existing hoistways/machine rooms shall comply with IBC Section 3001.3 to the extent that is technically feasible. Compliance with Section 3002.4 is not required.]

11. Newly created corridors shall comply with Sections [1018.1, 1018.3, 1018.4, 1018.5 and 1018.6] **1020.1, 1020.3, 1020.4, 1020.5, and 1020.6** of the building subcode.

12. (No change.)

13. Newly created covered mall **and open mall** buildings shall comply with Section 402 of the building subcode.

14. (No change.)

15. Newly created stages, [and] platforms, and technical production areas shall comply with Section 410 of the building subcode.

16. (No change.)

17. At least one newly created window opening in sleeping rooms below the fourth story in occupancies in Groups R or I-1 shall:

i.–iv. (No change.)

v. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit. **(Plan review – Building, Fire. Inspection – Building)**

18. Newly created specific occupancy areas shall comply with the following:

i. (No change.)

ii. Newly installed children’s play structures shall meet Section 424 of the building subcode.

Recodify existing ii.–iii. as **iii.–iv.** (No change in text.)

19. Newly created dwelling unit separation and guestroom separation assemblies shall comply with the requirements of Sections [709 and 712] **708, 711, and 1207** of the building subcode, as appropriate, based on the construction type of the existing building, or with Section R302 and **Appendix K** of the one- and two-family dwelling subcode, as applicable.

[20. In occupancies of Group A, newly created assembly aisles and aisle accessways shall comply with Section 1028 of the building subcode.]

20. Newly created roof decks shall comply with Section 1006.3 of the building subcode for egress from occupied roofs.

21. Newly created openings in exterior walls shall comply with the table in N.J.A.C. 5:23-6.31(f)2.

i. Exception: Newly created openings in buildings of Group R-2, R-3, R-4, or R-5 with a fire separation distance of three feet or less shall be provided with opening protectives. **(Plan review – Building, Fire. Inspection – Building)**

[22. Newly created stairs not required for purposes of egress shall comply with Sections 1009.2, 1009.3, 1009.4, 1009.12, 1012, and 1013 of the building subcode or with Sections R311.7.1, R311.7.2, R311.7.3, R311.7.4, R311.7.7, R311.7.9 and R312 of the one- and two-family dwelling subcode, as applicable.]

[23.] **22.** Newly created passageways, aisle accessways and aisles [in Group M] shall comply with the minimum width requirements of Section [1017.3] **1018** of the building subcode.

23. Newly installed special construction shall comply with Section 3105 of the building subcode for awnings and canopies, Section 3106 of the building subcode for marquees and Section 3107/Appendix H of the building subcode for signs.

24. Newly installed (not replacing an existing device) electrical service equipment, switchboards, panelboards, motor control centers and other electrical equipment containing overcurrent, switching or control devices likely to require examination, adjustment, servicing or maintenance while energized shall conform with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods, and, in addition, shall conform with Sections 110.26 (Space About Electrical Equipment--600 Volts, Nominal or Less), 110.32 (Work Space About Equipment--Over 600 Volts, Nominal), 110.33 (Entrance and Access to Work Space), 404.8 (Accessibility and Grouping) and 408.18 (Clearances), as applicable, of the electrical subcode. (Electrical)

i. Where the requirements of Section 110.26(A)(3) (Height of Working Space) cannot be met due to existing height constraints, this section shall not apply.

[i.] **ii.** (No change in text.)

25.–26. (No change.)

[27. Newly created access hatches and doors from conditioned spaces to unconditioned spaces (for example, attics and crawl spaces) shall be installed in accordance with Section 402.2.3 of the residential energy code. For commercial buildings, newly created access hatches and doors shall have a R-value at least equivalent to that of the assembly penetrated and shall meet Sections 5.4.3.1 and 5.8.1.7.1 of the commercial energy code.]

[28.] **27.** Newly created thermally isolated sunrooms shall meet the R-value and U-factor requirements of Sections [402.2.11 and 402.3.5]

R402.2.13 and R402.3.5 (N1102.2.13 and N1102.3.5) of the residential energy code.

[29.] **28.** Newly installed wood burning fire places shall meet Section [402.4.3] **R402.4.2 (N1102.4.2)** of the residential energy code and **Section R1006 of the one- and two-family dwelling subcode** or Section 5.4.3.1.2 of the commercial energy code and Section [2111.13] **2111.14** of the building subcode, as applicable.

[30. Newly installed forced-air furnace heating systems shall meet Section 403.1 of the residential energy code.]

[31.] **29.** Newly installed heating, cooling and ventilation systems shall have controls meeting **Sections R403.1 and R403.6 (N1103.1 and N1103.6) of the residential energy code** or Sections 6.4.3, 6.5, [7.4.1,] 7.4.4, and 7.4.6 of the commercial energy code, as applicable. Systems include, but are not limited to, the heating and cooling of air or liquids and the ventilation or exhausting of spaces.

[32.] **30.** Newly installed systems that include piping carrying fluids shall meet Sections [403.3 and 403.4] **R403.4 and R403.5 (N1103.4 and N1103.5)** of the residential energy code or Sections 6.4.4.1.3 or Section 7.4.3 of the commercial energy code and Section 1204 of the mechanical subcode, as applicable.

[33. Newly installed mechanical ventilation shall meet Section 403.5 of the residential energy code.]

[34.] **31.** Newly installed heating and cooling equipment shall be sized in accordance with Section [403.6] **R403.7 (N1103.7)** of the residential energy code or Section 6.4.2.1 and 7.4.1 of the commercial energy code, as applicable.

[35.] **32.** Newly-installed snow and ice melting systems shall be installed in accordance with Section [403.8] **R403.9 (N1103.9)** of the residential energy code or Section 6.4.3.[8]7 of the commercial energy code, as applicable.

[36.] **33.** Newly-installed pools heaters shall meet Section [403.9] **R403.10 (N1103.10)** of the residential energy code or Section 7.4.5 of the commercial energy code, as applicable.

[37. Newly-installed recessed equipment and lighting shall meet Section 5.8.1.6 of the commercial energy code.]

34. Newly-installed sensible heating systems and radiant floor heating systems shall meet the insulation requirements of Sections 6.4.4.1.4 and 6.4.4.1.5 of the commercial energy code, as applicable.

5:23-6.12 Basic requirements—Group A-1

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] or with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. [(Plan review—Building, Fire. Inspection—Building)]

2. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. (No change.)

ii. Ladders shall be prohibited on fire escapes used as a required means of egress. **(Plan review—Building, Fire. Inspection—Building)**

(b)-(n) (No change.)

[(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.13 Basic requirements—Group A-2 Nightclubs

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] or with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. [(Plan review—Building, Fire. Inspection—Building)]

2. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. (No change.)

ii. Ladders shall be prohibited on fire escapes used as a required means of egress. **(Plan review—Building, Fire. Inspection—Building)**

(b)-(n) (No change.)

[(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.13A Supplemental requirements—Group A-2 Nightclubs

(a) (No change.)

(b) Automatic Alarm System: When the occupant load of the work area exceeds 100, an automatic fire alarm system that complies with NFPA 72 shall be installed throughout.

1. (No change.)

2. The automatic fire alarm system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by Section [1006.2] **1008.2.1** of the building subcode. (Fire)

(c)-(f) (No change.)

5:23-6.14 Basic requirements—Groups A-2 other than Nightclubs, A-3 and A-4

(a) (No change.)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1.-2. (No change.)

(c)-(o) (No change.)

[(p) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.15 Basic requirements—Group A-3 Places of Worship

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1.-2. (No change.)

(b)-(n) (No change.)

[(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.16 Basic requirements—Group A-5

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1.-2. (No change.)

(b)-(n) (No change.)

[(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.17 Basic requirements—Group B

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1.-3. (No change.)

(b)-(n) (No change.)

[(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.18 Basic requirements—Group E

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

i. A single exit shall not be permitted when a building is used as a child care center. [(Plan review—Building, Fire. Inspection—Building)]

2. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. (No change.)

ii. Ladders shall be prohibited on fire escapes used as a required means of egress. **(Plan review—Building, Fire. Inspection—Building)**

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. (No change.)

2. A single means of egress shall be permitted in classrooms having a maximum occupant load of 75 in buildings equipped throughout with an automatic sprinkler system. [(Plan review—Building, Fire. Inspection—Building)]

3. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. **(Plan review—Building, Fire. Inspection—Building)**

(c)-(n) (No change.)

[(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.18A Supplemental requirements—Group E

(a) Automatic Sprinkler System: In buildings three stories or more in height, with greater than [20,000] **12,000** square feet per floor, when the work area exceeds 50 percent of the gross enclosed floor area of a floor, an automatic sprinkler system shall be installed throughout that floor. (Fire)

(b)-(f) (No change.)

5:23-6.19 Basic requirements—Group F

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1.-2. (No change.)

(b)-(n) (No change.)

[(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building sub-code.]

5:23-6.20 Basic requirements—Group H

(a) (No change.)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants.

1.-2. (No change.)

3. For buildings of Group H-1 or H-2, new slidescapes or safety chutes shall be permitted where constructed in accordance with the building subcode. [(Plan review—Building, Fire. Inspection—Building)]

4. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3. **(Plan review—Building, Fire. Inspection—Building)**

(c)-(o) (No change.)

[(p) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.20A Supplemental requirements—Group H

(a)-(e) (No change.)

(f) Use Group H-5: When the work area exceeds 50 percent of the gross enclosed floor area of a facility of Use Group H-5, the entire building is required to comply with the requirements of Section 415.[8]11 of the [Building] **building** subcode. (Building)

(g) (No change.)

5:23-6.21 Basic requirements—Group I-1

(a) (No change.)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1.-3. (No change.)

(c)-(q) (No change.)

[(r) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.22 Basic requirements—Groups I-2 and I-4

(a) Automatic Sprinkler System: An automatic sprinkler system shall be installed throughout the work area.

1. Exception: Automatic sprinklers shall not be required in buildings of Type [1] **I** or Type [2A] **IIA** construction of any height or of Type [2B] **IIB** construction not over one story in height. This exception shall not apply to nursing homes.

2. Exception: [Automatic sprinklers] **For other than buildings of construction Type IIB or VB, an automatic sprinkler system** shall not be required in day care centers with an occupant load of 100 or less where all the children under 2 1/2 years of age are cared for on the first floor and in which each child care room has an exit door directly to the exterior. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted. [(Plan review—Building, Fire. Inspection—Building)]

2. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. (No change.)

ii. Ladders shall be prohibited on fire escapes used as a required means of egress. **(Plan review—Building, Fire. Inspection—Building)**

(c)-(j) (No change.)

(k) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies for day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2 1/2 years.

1. (No change.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.[5.1.1]8 of the [Building] **building** subcode.

3. (No change.)

(l)-(q) (No change.)

[(r) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.22A Supplemental requirements—Groups I-2 and I-4

(a) Automatic Sprinkler System: When the work area is 50 percent or more of the occupied floor area of the building, an automatic sprinkler system shall be required throughout the floor. The sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building.

1. Exception: [No Automatic] **For other than buildings of construction Type IIB or VB, an automatic** sprinkler system shall **not** be required for day care centers with an occupant load of 100 or less where all children below 2 1/2 years of age are cared for on the first floor and in which each child care room has an exit door directly to the exterior. (Fire)

(b)-(g) (No change.)

5:23-6.23 Basic requirements—Group I-3

(a) (No change.)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] **or** with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted. [(Plan review—Building, Fire. Inspection—Building)]

2. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. (No change.)

ii. Ladders shall be prohibited on fire escapes used as a required means of egress. **(Plan review—Building, Fire. Inspection—Building)**

(c)-(p) (No change.)

[(q) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.24 Basic requirements—Group M

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines

with an occupant load greater than 50 [and] or with exit travel distance greater than 75 feet.

1.-2. (No change.)

(b)-(n) (No change.)

(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.25 Basic requirements—Group R-1

(a) (No change.)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] or with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i.-ii. (No change.)

iii. Window access shall be permitted to serve more than one guestroom for bed and breakfasts provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at least 5.7 square feet, a minimum net clear opening of 24 inches in height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.

iv. For bed and breakfasts, where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height and a minimum net clear opening of 24 inches in width.

2. (No change.)

3. Multilevel guest units do not require an exit from each level within the unit provided that these conditions are met: The building is Type [1] I or Type [2] II construction, with travel distance within the dwelling unit not exceeding 75 feet or the building is not more than three stories and all third floor space is part of a dwelling unit located in part on the second floor and no habitable room has a travel distance of greater than 50 feet from the door of the room to the entrance of the dwelling unit.

4.-5. (No change.)

(c)-(l) (No change.)

(m) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. (No change.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.[5.1.1]8 of the [Building] building subcode. (Plan review—Building, Fire. Inspection—Building)

(n)-(s) (No change.)

(t) Accessibility of Sleeping Rooms: At least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be made accessible unless the facility already provides the number of accessible sleeping rooms required by [the barrier free subcode. (N.J.A.C. 5:23-7.1(b)7)] Chapter 11 of the building subcode. In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by [the barrier free] Chapter 11 of the building subcode. (Building)

(u) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.26 Basic requirements—Groups R-2 and R-4

(a) (No change.)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000

occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 [and] or with exit travel distance greater than 75 feet.

1.-8. (No change.)

(c)-(l) (No change.)

(m) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. (No change.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.[5.1.1]8 of the [Building] building subcode.

3. (No change.)

(n) (No change.)

(o) Electrical Equipment and Wiring:

1.-6. (No change.)

7. All 125 volt, single-phase, 15 and 20 ampere receptacles in locations specified in Section 210.8(A) of the electrical subcode shall have ground-fault circuit protection for personnel. [(Electrical)]

8. All 125 volt, single phase, 15 and 20 ampere receptacles in locations specified in Section 210.52 of the electrical subcode shall be tamper resistant as specified in Section 406.12 of the electrical subcode.

[8.] 9. When finished space is created in previously unfinished space, receptacle and lighting outlets shall comply with Section 210.52 and 210.70, respectively, of the electrical subcode. (Electrical)

(p)-(s) (No change.)

(t) Accessibility: Accessible features shall be provided for all items that are part of the scope of work in those buildings with four or more dwelling units that are required by [the barrier free] Chapter 11 of the building subcode to be accessible.

(u) (No change.)

(v) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.27 Basic requirements—Groups R-3 and R-5

(a) (No change.)

(b) Egress Windows:

1. When the building is used as a bed and breakfast, every sleeping room below the fourth story shall be provided with an operable window having a sill height of not more than 44 inches.

i. Windows in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system. [(Plan review—Building, Fire. Inspection—Building)]

2. When the work being performed creates a bedroom below the fourth floor, at least one sleeping room window or exterior door shall:

i.-iii. (No change.)

iv. Windows are not required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system. (Plan review—Building, Fire. Inspection—Building)

(c) (No change.)

(d) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode or one- and two-family dwelling subcode, as applicable. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(e) When the work being performed creates an additional dwelling unit within the building, the new dwelling unit shall be separated from the existing dwelling unit(s) with fire partitions or horizontal assemblies having a fire resistance rating of not less than one hour constructed in accordance with Sections [709] **708** and [712] **711** of the building subcode or R302 of the one- and two-family dwelling subcode, as applicable.

(f) Electrical Equipment and Wiring:

1.-6. (No change.)

7. All 125 volt, single-phase, 15 and 20 ampere receptacles in locations specified in Section 210.8(A) of the electrical subcode shall have ground-fault circuit protection for personnel. [(Electrical)]

8. All 125 volt, single phase, 15 and 20 ampere receptacles in locations specified in Section 210.52 of the electrical subcode shall be tamper resistant as specified in Section 406.12 of the electrical subcode.

[8.] **9.** When finished space is created in previously unfinished space, receptacle and lighting outlets shall comply with Section 210.52 and 210.70, respectively, of the electrical subcode. **(Electrical)**

(g)-(h) (No change.)

(i) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode for Group R-3 or Sections R302.11 and R302.12 of the one- and two-family dwelling subcode for Group R-5.]

5:23-6.28 Basic requirements—Group S

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 30 [and] **or** with an exit travel distance greater than 100 feet.

1.-4. (No change.)

(b)-(n) (No change.)

(o) Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building subcode.]

5:23-6.28A Supplemental requirements—Group S

(a)–(e) (No change.)

(f) Public Garages: When the work area exceeds 50 percent of the gross floor area of a public garage, the entire building is required to comply with Sections [406.2 and 406.3 of the Building] **406.4.2, 406.4.3, 406.4.6, 406.4.7, 406.4.8, 406.5.3, 406.5.7, 406.5.8, 406.5.9, 406.5.10, 406.5.11, 406.6.2, and 406.6.3 of the building subcode.**

5:23-6.29 Mixed use buildings

(a) (No change.)

(b) Separation: In any nonresidential use located below **or attached to** one or more dwelling units, when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, the nonresidential use shall be separated from the residential use by a one hour fire resistance-rated **wall or** ceiling assembly designed to protect the dwelling unit(s) **attached or** above. (Plan review—Building, Fire, Inspection—Building)

(c) Alarms: In any nonresidential use located below **or attached to** one or more dwelling units (including single room occupancies), when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, single or multiple station smoke alarms shall be installed in the nonresidential portion(s) of the building in accordance with NFPA 72 and provided with an audible alarm located within each dwelling unit of the residential portion of the building. The alarms shall be AC powered with battery back-up. Hard-wired, interconnected smoke alarms installed throughout the building shall be accepted as meeting this requirement. (Fire)

5:23-6.30 Special technical requirements—all groups

(a) (No change.)

(b) When an automatic sprinkler system is required or provided, the sprinkler riser shall be sized to serve the entire building even if the system currently being installed serves only a portion of the building.

1. Exception: This requirement shall not apply to limited area sprinkler systems installed in accordance with Section 903.3.[5.1.1]**8** of the building subcode. (Fire)

(c)–(h) (No change.)

5:23-6.31 Change of use

(a) General: The following are of general applicability to changes of use:

1.-3. (No change.)

[4. Existing fire alarm, automatic sprinkler, standpipe, smoke control and emergency power systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)]

4. Fire protection system removal: Any fire protection system providing partial or redundant protection originally installed to protect a special hazard that no longer exists and that is not required in accordance with the current Uniform Construction Code, is allowed to be removed with the written approval of the fire subcode official and fire official. All disconnected equipment and devices, such as pull stations, nozzles, detectors, sprinklers, sensors, panels, and hose connections, shall be removed so as not to give a false indication that the structure, area, or space is protected. (Fire)

5. Where the character of use of an existing building or portion thereof is changed to one of the following special use or occupancy categories as defined in the building subcode, the building or portion shall comply with the referenced section of the building subcode specific to the special use or occupancy regardless of whether a change of use group is involved.

i.-v. (No change.)

vi. Stages, [and] Platforms, **and Technical Production Areas** — Section 410;

vii.-xi. (No change.)

xii. Organic Coatings—Section 418[. (Plan review—Building, Fire, Inspection—Building.)];

xiii. (No change.)

xiv. Ambulatory Health Care Facilities-Section 422[.];

xv. Children’s Play Structures – Section 424;

xvi. Hyperbaric Facilities – Section 425; and

xvii. Combustible Dusts, Grain Processing and Storage – Section R426. (Plan review—Building, Fire, Inspection—Building)

6.-7. (No change.)

8. Where an existing single-family dwelling is converted into a two-family dwelling, the following shall apply:

i. [Single or multiple smoke] **Smoke** alarms shall be installed and maintained within each dwelling unit as required by Section 907.2.11.2 of the building subcode **or Section R314 of the one- and two-family dwelling subcode, as applicable.**

ii. Fire separation between dwelling units.

(1) (No change.)

(2) Two layers of 5/8-inch thick type X gypsum wallboard. The base layer shall be applied at right angles to the joists with 1 1/4-inch minimum drywall screws or nails at 24 inches on center. The face layer shall be applied at right angles to the joists with 1-7/8-inch minimum drywall screws or nails at 12 inches on center. The face layer joints shall be offset from the base layer joints by a minimum of one joist bay. The joints of the face layer shall be taped and provided with a minimum of one layer of spackle. **(Plan review—Building, Fire, Inspection—Building)**

(b) Compliance with Basic Requirements: Compliance with the basic requirements shall be required as follows:

TABLE B

Relative Group Hazard

(No change.)

1. When the use of a building is changed to a higher relative use group hazard as shown in Table B above, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 applied throughout the building for the new group unless otherwise provided. Where another lettered subsection of this section establishes a requirement that differs from the basic requirement, the requirement contained in that other lettered subsection shall govern.

i. Where a portion of a building is changed to a higher relative group hazard, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for an automatic sprinkler system and fire detection and/or alarms applied throughout the building for the new group unless the proposed use is separated from the existing use(s) by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table [706.3.9] **707.3.10** of the building subcode in which case only the portion changed shall comply; mixed occupancies shall use the highest applicable rating from Table 707.3.[9]**10**. The portion of the building changed shall comply with all the other basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for the new group.

2. When a change of use is made to an equal or lesser relative group hazard as shown in Table B above, the existing building is not required to comply with the basic requirements except [where]:

i. Where required in connection with alteration or reconstruction work by the sections of this subcode applicable to alteration or reconstruction work; or

ii. Where the proposed use is subject to and not in compliance with the applicable requirements of N.J.A.C. 5:70-4.

(c) Means of Egress: The following requirements apply to means of egress in a change of use:

TABLE C

Hazard Categories and Classifications
Means of Egress

(No change.)

1. For any change of use, except a change of use to [Use] Group A-2 Nightclubs, the occupant load of the space shall be calculated based on the capacity of the exits as per N.J.A.C. 5:23-6.11(b). The occupant load shall not exceed one occupant per five square feet floor area unless the building complies with chapter 10 of the building subcode in its entirety.

i. For Group A-2 Nightclubs, the occupant load shall be calculated using section [1028.2] **1029.2** of the building subcode, except the maximum occupant load shall not exceed one occupant per five square feet of occupiable floor space.

ii. (No change.)

2. When a change in use is made to a higher hazard category as shown in Table C above, the entire building or portion thereof shall comply with the following requirements of the building subcode or of this subcode as specified below.

i. Sections 1006 (Number of Exits and Exit Access Doorways) and 1007 (Exit and Exit Access Doorway Configuration).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;

(2) Exception: A single exit shall be permitted in a change of use to a Group R-2 or R-4 where the conditions of N.J.A.C. 5:23-6.26(b) for a single exit are met;

[i.] **ii. Section [1006] 1008 (Means of Egress Illumination);**

[ii.] **iii. Section [1008] 1010 (Doors, Gates and Turnstiles) except section [1008.1.1] 1010.1.1 (Size of doors). Apply the Basic Requirements (6.10 through 6.30) for door widths;**

[iii.] **iv. Sections [1009.6.2] 1011.7.2 (Outdoor conditions), [1009.6.3] 1011.7.3 (Enclosures under stairways), [1009.13] 1011.12 (Stairway to roof), [1009.14 (Stairway to elevator equipment)] and the Basic Requirements (6.10 through 6.30) for stair widths;**

[iv.] **v. Sections [1010.8] 1012.8 (Ramps - Handrails), [1010.9 (Edge protection) and 1010.10] 1012.9 (Guards), and 1012.10 (Edge protection), and the Basic Requirements (6.10 through 6.30) for ramp widths;**

[v.] **vi. Section [1011.1] 1013.1 (Exit signs - where required) and Section [1011.2] 1013.3 (Illumination);**

[vi.] **vii. Section[s] [1014.2] 1016.2 (Egress through intervening spaces) [and 1014.3 (Common path of egress travel)];**

[vii.] Section 1015 (Exits and Exit Access Doorways).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;]

viii. Section [1016] **1017 (Exit Access Travel Distance);**

ix. Section [1017] **1018 (Aisles);**

x. Sections [1018.1] **1020.1** (Corridor construction), [1018.3] **1020.3** (Corridor obstruction), [1018.5] **1020.5** (Air movement in corridors), [1018.6] **1020.6** (Corridor continuity), and the Basic Requirements (6.10 through 6.30) for corridor widths.

(1) Existing lath and plaster in good condition or existing 1/2-inch thick gypsum wallboard on both sides of the wall shall be accepted where a one-hour fire separation assembly is required by Table [1018.1] **1020.1** (Corridor Fire-Resistance Rating);

[xi. Section 1021 (Number of Exits and Continuity).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;]

xi. Section 1025 (Luminous Egress Path Markings);

xii. Section [1025] **1026 (Horizontal Exits);**

xiii. Section [1027] **1028 (Exit Discharge); and**

xiv. Section [1028] **1029 (Assembly).**

3.-4. (No change.)

5. Notwithstanding the relative hazard as determined by Table C above, where any change of use occurs to a [single exit building] **story with one exit**, the [building] **story** shall meet the requirements of Section [1021.2] **1006.3** (single exits) of the building subcode for the proposed use.

i. Exception: A single exit shall be permitted in a change of use to a Group R-2 or R-4 where the conditions of N.J.A.C. 5:23-6.26(b) for a single exit are met.

6. (No change.)

7. Notwithstanding the relative hazard as determined by Table B or C above, where any change in use occurs to a Group A or Group E with an occupant load greater than 100, approved panic hardware shall be installed in accordance with Section [1008.1.10] **1010.1.10** (panic and fire exit hardware) of the building subcode.

8. Notwithstanding the relative hazard as determined by Table B or C above, a single exit shall not be permitted when a building is to be used as a child care center. (Plan review—Building, Fire, Inspection—Building)

(d) (No change.)

(e) Height and Area Limitations: The following height and area limitations apply in a change of use.

TABLE E

Hazard Categories and Classifications
Height and Area

(No change.)

1.-2. (No change.)

3. Where a change of use is made in a mixed use building or a single use building is changed to a mixed use building, and any of the proposed uses is a higher category as per Table E, the building shall comply with one or any combination of the following:

i. (No change.)

ii. Separated groups: Each portion of the building containing a group shall be completely separated from adjacent groups by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 707.3.[9]**10** of the building subcode; mixed occupancies shall use the highest applicable rating from Table 707.3.[9]**10**. For buildings equipped throughout with an automatic sprinkler system, the required fire resistance rating for groups other than H is permitted to be reduced by one hour, but shall not be reduced to less than one hour. Each portion of the building shall comply with the height limitation of Table 503 of the building subcode for that group. In each story, the area shall be such that the sum of the ratios of the floor area of each group divided by the allowable area of Table 503 of the building subcode for each group shall not exceed 1.0.

(1) (No change.)

iii. (No change.)

4. (No change.)

(f) Exterior Wall Fire Resistance Ratings and Maximum Area of Exterior Wall Openings: The following exterior wall fire resistance ratings and maximum area of exterior wall openings apply in changes of use:

TABLE F

Hazard Categories and Classifications
Exposure of Exterior Walls

(No change.)

1. Exterior Wall Protection: If the group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall fire resistance rating in the table below shall be met.

Requirements for Exterior Wall Fire Resistance Rating Building Use Group

(No change.)

i. (No change.)

ii. Where a portion of a building is changed to a higher hazard classification, exterior walls and openings of the entire building shall comply with the provisions of this section. If the proposed use is separated from the rest of the building by a fire barrier having a fire resistance rating in accordance with Table 707.3.[9]10 of the building subcode, then only the portion changed must comply with the provisions of this section; mixed occupancies shall use the highest applicable rating from Table 707.3.[9]10.

iii.–iv. (No change.)

2. (No change.)

(g) Automatic Sprinkler Systems: The following automatic sprinkler system requirements apply in changes of use.

TABLE G

Hazard Categories and Classifications Automatic Sprinkler Systems

(No change.)

1. When a change of use is made to a higher hazard category as shown in Table G, the building shall be provided with an automatic sprinkler system as required by the following sections of the building subcode: 903.2.1 for Group A occupancies, 903.2.3 for Group E occupancies, 903.2.4 for Group F-1 occupancies, 903.2.5 for Group H occupancies, 903.2.6 for Group I occupancies, 903.2.7 for Group M occupancies, 903.2.8 for Group R occupancies, 903.2.9 for Group S-1, 903.2.10 for Group S-2, and 903.2.11.1 for windowless stories (**stories without openings**.) When this section requires an automatic sprinkler system, compliance with 903.3 of the building subcode is also required.

i. When a portion of a building is changed to a higher hazard category and the proposed use is separated from the existing use(s) by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 707.3.[9]10 of the building subcode, an automatic sprinkler system as required above shall be installed only in the portion changed; mixed occupancies shall use the highest applicable rating from Table 707.3.[9]10.

ii. (No change.)

2. (No change.)

3. Notwithstanding the relative hazard as determined by Table G, when a change in the character of the use is made to a higher degree of hazard as defined by NFPA 13 (Light Hazard, Ordinary Hazard Group 1, Ordinary Hazard Group 2, Extra Hazard Group 1, Extra Hazard Group 2 and Special Occupancy Hazards), the sprinkler system shall be evaluated and, where required by NFPA 13, altered to conform to the required density and maximum sprinkler protection area per head for the proposed occupancy. [(Fire)]

4. Notwithstanding the relative hazard as determined by Table G above, when a change in the group or a change in the character of the use is made to create a dormitory, the building or portion thereof is required to be provided with an automatic sprinkler system. **(Fire)**

(h) Fire Alarm and Detection Systems: When a change of use is made to any of the following [use] groups, a fire alarm system and/or an automatic fire detection system shall be installed in accordance with Section 907 of the building subcode. Where a portion of a building is changed to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed throughout the building in accordance with Section 907 of the building subcode unless the proposed use is separated from the other use(s) in the building by a fire

barrier having a fire resistance rating in accordance with Table 707.3.[9]10 of the building subcode in which case only the portion changed shall comply; mixed occupancies shall use the highest applicable rating from Table 707.3.[9]10. (For purposes of applying this section, horizontal separation shall not be considered.)

1.–5. (No change.)

6. Group I: A manual fire alarm system and an automatic [fire] **smoke** detection system shall be installed and maintained as required by Section 907.2.6 of the building subcode.

7. (No change.)

8. Group R-1: A manual fire alarm system and an automatic [fire] **smoke** detection system shall be installed and maintained as required by Section 907.2.8 of the building subcode.

9. Group R-2: A fire alarm system shall be installed and maintained as required by Section 907.2.9 of the building subcode. [(Fire)]

10. Group R-4: A manual fire alarm system and an automatic smoke detection system shall be installed and maintained as required by Section 907.2.10 of the building subcode. (Fire)

(i) Single and Multiple Station Smoke Alarms: When a change of use is made to any of the following groups, single and multiple station smoke alarms shall be installed in accordance with Section 907.2.11 of the building subcode.

1. (No change.)

2. Groups R-2, R-3, R-4, R-5, and I-1: [Single or multiple station smoke] **Smoke** alarms shall be installed and maintained as required by Section 907.2.11.2 of the building subcode **or Section R314 of the one- and two-family dwelling subcode, as applicable.**

3. (No change.)

(j) Carbon monoxide alarms: When the use of a building is changed to Groups I-1, R-1, R-2, R-3, R-4, or R-5 and the building contains a fuel-burning appliance or has an attached garage, carbon monoxide alarms shall be installed in accordance with [the mechanical subcode.] **Section 915 of the building subcode or Section 315 of the one- and two-family dwelling subcode, as applicable. (Fire)**

1. (No change.)

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.]

(k)–(m) (No change.)

(n) Mechanical Requirements: When the character of the use of a building is changed, the following mechanical provisions shall apply:

1. All spaces intended for human occupancy shall be provided with natural or mechanical ventilation. A building intended to be used as a public school shall be mechanically ventilated.

i. (No change.)

ii. Spaces intended to be mechanically ventilated shall comply with the following:

(1) (No change.)

(2) If the occupancy of a building is changed and the new occupancy would require a greater amount of outdoor air based on the equations below, the HVAC system shall be upgraded to satisfy the requirements of Table 403.3.1.1 in the mechanical subcode for the new occupancy.

(3)–(5) (No change.)

2.–3. (No change.)

TABLE N

Outdoor Air Rates Based on Occupancy Type

(No change.)

(o) Accessibility requirements: The following accessibility requirements shall apply in changes of use:

1. Nonresidential buildings and buildings of Use Group R-1.

[1.] **i.** The change of use of a building of 10,000 square feet or more total gross enclosed floor area shall comply with all applicable provisions of [the barrier free subcode, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode.**

[2.] **ii.** The change of use of a building of less than 10,000 square feet total gross enclosed floor area shall be exempt from the provisions of [the barrier free] **Chapter 11 of the building subcode**, except as follows:

Recodify existing i.-ii. as **(1)-(2)** (No change in text.)

[3.] **iii.** In a building of any size, where there is a change of use of an area of 10,000 square feet or more, the proposed new use shall comply with the requirements of [the barrier free subcode, N.J.A.C. 5:23-7] **Chapter 11 of the building subcode.**

[4.] **iv.** In a building of any size, where there is a change of use of an area of less than 10,000 square feet, the proposed new use shall be exempt from the provisions of [the barrier free] **Chapter 11 of the building subcode**, except as follows:

Recodify existing i.-iii. as **(1)-(3)** (No change in text.)

[5.] **2.** When an assisted living facility that was constructed with [adaptable] dwelling units or rooms pursuant to [N.J.A.C. 5:23-7.5(f)] **Chapter 11 of the building subcode** because it provided accommodations for stays of 30 or more consecutive days makes any of those dwelling units or rooms available for less than 30 consecutive days, 50 percent of the accommodations or rooms made thus available shall be made fully accessible. The work needed to make those units accessible shall be completed and approved before any occupancy of less than 30 days.

3. Residential buildings, other than buildings of Group R-1, with four or more dwelling units.

i. A renovation project undertaken in connection with the change of use shall provide accessibility as required by N.J.A.C. 5:23-6.5.

ii. An alteration project undertaken in connection with the change of use shall provide accessibility as required by N.J.A.C. 5:23-6.6.

iii. A reconstruction project undertaken in connection with the change of use shall provide accessibility as required by N.J.A.C. 5:23-6.7. (Building)

(p) Change of use to a bed and breakfast shall be done in compliance with this subchapter except as modified below. (Plan review—Building, Fire, Inspection—Building)

1. Single-family dwellings of Group R-3, R-4, or R-5 that are being converted to bed and breakfast guest houses shall meet the requirements of this section.

i. “Bed and breakfast guest house” shall mean a facility providing sleeping or dwelling accommodations to transient guests which:

(1)–(2) (No change.)

(3) Has at least one dwelling unit occupied by the owner of the facility **or the owner’s agent** as his or her place of residence during any time this facility is being used for the lodging of guests **or has an owner or agent of the owner within 15 minutes travel distance of the facility while guests are lodging there;**

(A) If the owner or agent is not on site, there shall be a clearly legible sign, conspicuously displayed in the area where guests register, containing the owner’s or agent’s name, address (including unit number or apartment number), and a 24-hour emergency telephone number;

(4) Has not less than 300 square feet of common area for the exclusive use of the guests, including, but not limited to, parlors, dining rooms, libraries, **porches, verandas,** and solariums **for occupancies with more than 10 guests or not less than 150 square feet of common area for occupancies with 10 or fewer guests;**

(5)–(9) (No change.)

2. Single-family dwellings of Group R-3, R-4, or R-5 that have been converted to bed and breakfast guest houses shall be deemed to have met the intent of the rules, as provided in N.J.A.C. 5:23-2.6(b)], if the following requirements have been met:

i. (No change.)

ii. Except as otherwise provided in (p)2ii(1) and (2) below, every story utilized for human occupancy shall be provided with a minimum of two exits.

(1) An existing fire escape shall be accepted as providing one of the required means of egress if it can safely be used under emergency exiting conditions. All occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking. Access to a fire escape shall be through a door, except that window access shall be permitted from guest rooms[.];

(A) Window access shall be permitted to serve more than one guestroom provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at

least 5.7 square feet, a minimum net clear opening of 24 inches in height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.

(B) Where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height, and a minimum net clear opening of 24 inches in width.

(2) (No change.)

iii.–v. (No change.)

vi. In all buildings, rooms or spaces required to have more than one exit or exit access, all required means of egress shall be indicated with approved, internally illuminated or self-luminous exit signs that comply with the building subcode. Exit signs shall not be required if the second means of egress is a fire escape **that is accessed directly from an individual sleeping room(s)** or on main exterior doors that are clearly identified as exits. Exit signs shall be connected to an emergency electrical system to assure continued illumination for not less than one hour in case of primary power loss.

vii. (No change.)

viii. Existing handrails and guardrails provided for stairways and open sided floor areas shall be permitted to remain in place, provided they are structurally sound. When handrails or guardrails do not exist in locations where the building [code] **subcode** requires them, or where handrails or guardrails are in danger of collapse when used under emergency conditions, handrails and guardrails complying with the building subcode shall be provided.

ix.–x. (No change.)

xi. Interior stairways and other vertical openings connecting more than six floor levels shall be enclosed with approved assemblies having a two-hour fire-resistance rating. Those connecting four to six floor levels shall be enclosed with approved assemblies having a one-hour fire-resistance rating. Interior stairways connecting three or fewer levels shall be enclosed as follows:

(1) A minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted provided that:

(A) (No change.)

(B) All of the following conditions exist:

[(I)] **I.** (No change in text.)

II. The building is protected throughout by an automatic fire alarm system complying with the building subcode and is supervised in accordance with NFPA 72; and

[(II)] **III.** Every sleeping room above the second floor **or more than 16 feet above grade** is provided with direct access to a fire escape or other approved secondary exit[; [(III) Any] **or any** exit-access corridor exceeding [eight] **20** feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier[; and].

[(IV) The building is protected throughout by an automatic fire alarm system complying with the building subcode and is supervised by an approved central station system in accordance with NFPA 71, or an approved proprietary system in accordance with NFPA 72D, or an approved remote station system in accordance with NFPA 72C or an approved local alarm service which will cause sounding of an alarm in accordance with NFPA 72A.]

5:23-6.32 Additions

(a)–(d) (No change.)

(e) Where an addition increases or extends the size of a fire area beyond that which is allowed by Section 903 of the building subcode, an automatic sprinkler system shall be provided throughout the fire area unless the addition is separated from the existing building by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 707.3.[9]**10** of the building subcode; mixed occupancies shall use the highest applicable rating from Table 707.3.[9]**10**.

1. (No change.)

(f) Whenever an addition is made to a [detached, single-family] dwelling of Group R-3 or R-5, smoke alarms shall be installed in accordance with the following:

1. If the cumulative area of all floors of the addition(s) is 25 percent or more of the floor area of the largest floor of the existing [building] **dwelling**, smoke alarms complying with the building subcode or one- and two-family dwelling subcode, as applicable, shall be installed throughout the addition and the existing [building] **dwelling**.

2. If the cumulative area of all floors of the addition(s) is five percent or more, but less than 25 percent, of the floor area of the largest floor of the existing [building] **dwelling**, hardwired, interconnected smoke alarms with battery back-up meeting the requirements of NFPA 72, except as otherwise provided in the building or fire protection subcode or one- and two-family dwelling subcode, as applicable, shall be installed and maintained in each story in the dwelling unit, including basements. (Fire)

(g) All additions shall comply with the requirements of [the barrier free subcode (N.J.A.C. 5:23-7)] **Chapter 11 of the building subcode for accessibility**, where applicable.

1. (No change.)

2. If there are no toilet rooms in the addition, accessible toilet facilities that comply with [the barrier free] **Chapter 11 of the building** subcode shall be provided in the existing building. (Building)

(h) (No change.)

(i) When work is performed in a Class [I] 1 structure or when work is performed on a smoke control system, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode shall be submitted as part of the permit application.

5:23-6.33 Historic buildings

(a) (No change.)

(b) Special provisions: Historic buildings undergoing repair, renovation, alteration, restoration or reconstruction consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties may comply with the following in lieu of compliance with the corresponding requirements of this subcode.

1.-9. (No change.)

10. Railings: Railings shall comply with the following:

i. (No change.)

ii. Guardrails: For vertical drops of between 30 inches and 48 inches, a rail height of at least 30 inches shall be accepted and the existing or original baluster spacing shall be permitted to remain.

(1) Exception: Replacement guardrails in buildings of Group E or R-1 shall comply with Sections [1013.1] **1015.2 through 1015.7** of the building subcode. (Plan review—Building, Fire. Inspection—Building)

11.-12. (No change.)

(c)-(d) (No change.)

SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

5:23-12.8 Alterations, minor work, ordinary elevator maintenance

(a) For the purposes of this subchapter, alteration of an elevator device means any change to equipment other than minor work as provided in (b) below and ordinary maintenance, as defined in N.J.A.C. 5:23-2.7(b)6. Alteration of an elevator device shall comply with the applicable requirements of Section 8.7 and Appendix L of the most recent edition of ASME A17.1, referenced in the building subcode, or with the applicable requirements of the most recent edition of ASME A18.1, or ASME A90.1 referenced in the building subcode.

1. For purposes of the elevator subcode, "alteration" shall mean stand-alone projects undertaken on elevator devices and shall not be used to trigger any additional requirements of N.J.A.C. 5:23-6.6. If work on an elevator device or devices is part of a larger scope of work, then the appropriate category of work, as determined under the Rehabilitation Subcode, and the accompanying requirements shall apply.

(b) (No change.)

(a)

DIVISION OF CODES AND STANDARDS

Condominium, Fee Simple and Cooperative

Conversion and Mobile Home Park Retirement

New Home Warranties and Builders' Registration

Landlord-Tenant Relations

Proposed Amendments: N.J.A.C. 5:24-1.4, 2.2, and 2.9; 5:25-2.2, 2.5, and 2.8; and 5:29-1.2

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 2A:18-61.12, 2A:18-61.38, 2A:18-61.59, 46:3B-10, and 52:27D-3(e).

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

Proposal Number: PRN 2016-153.

Submit written comments by November 18, 2016, to:

Gabrielle N. Gallagher
 Department of Community Affairs
 PO Box 800
 Trenton, New Jersey 08625
 Fax (609) 984-6696
gabrielle.gallagher@dca.nj.gov

The agency proposal follows:

Summary

The proposed amendments delete references to the Office of Landlord-Tenant Information, as that office was eliminated in 2011. The proposed amendments also otherwise update the requirements contained in the rules, deleting references to obsolete, incorrect, or unused terms and practices.

The proposed amendments are as follows:

Condominium, Fee Simple and Cooperative Conversion and Mobile Home Park Retirement

1. N.J.A.C. 5:24-1.4 – The proposed amendment deletes a requirement to provide a copy of the subchapter or any statement of tenants' rights, which previously was available through the Office of Landlord-Tenant Information.

2. N.J.A.C. 5:24-2.2 – The proposed amendment revises the rule to indicate that the form will be prescribed by the appropriate administrative agency or office, not the Department.

3. N.J.A.C. 5:24-2.9 – The proposed amendments eliminate the obsolete references to forms provided by the Division of Codes and Standards. The requirement to send notice of the conversion recording to the Division also is proposed for deletion as this is a duplicative requirement. The Division receives notice as required by the Planned Real Estate Development (PRED) rules, N.J.A.C. 5:26.

Regulations Governing New Home Warranties and Builders' Registration

4. N.J.A.C. 5:25-2.2 – The proposed amendment eliminates a reference to the Division mailing renewal applications, as these forms now are available on the Division's webpage.

5. N.J.A.C. 5:25-2.5 – The proposed amendment adds suspension as an action that may be taken by the Department at subsection (a). N.J.A.C. 5:25-2.5(e) is proposed for deletion. In practice, the homeowner hires another builder to complete unfinished projects. Projects are not completed by a suspended or revoked builder under the Bureau's supervision.

6. N.J.A.C. 5:25-2.8 – Subsection (c) providing for payment with interest, is proposed for deletion as this is not done in practice.

Landlord-Tenant Relations

N.J.A.C. 5:29-1.2 – As stated above, the Office of Landlord-Tenant Information has been closed. Furthermore, the rules itemize what must be included in the Landlord Identity Statement. Accordingly, the reference to the availability of forms from the Office of Landlord-Tenant Information is proposed for deletion.