

Construction Code Communicator



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20 Years of the Rehabilitation Subcode

The adoption of the Rehabilitation Subcode (N.J.A.C. 5:23-6) was published in the New Jersey Register on January 5, 1998. It was the first comprehensive set of code requirements for existing buildings. It remains a stand-alone subchapter, and it contains all of the technical requirements that apply to a rehabilitation project.

Prior to the adoption of the Rehabilitation Subcode, the process in the Uniform Construction Code for dealing with rehabilitation in New Jersey was the 25/50% rule. The 25 and 50 percentages referred to the cost of the alterations in relation to the value of the building. There were three relevant ratios or thresholds in the 25/50 percent rule: (1) under 25% of the building's value, (2) 25–50% of the building's value, and (3) over 50% of the building's value.

The Rehabilitation Subcode, <https://www.nj.gov/dca/divisions/codes/codreg/ucc.html>, is a technical part of the Uniform Construction Code and therefore has no provisions governing permits. This does not mean that permits are not required. In fact, the provisions for permits and other administrative procedures are where they have always been: in subchapter 2 of the Uniform Construction Code. Work that required a permit before the adoption of the Rehab Subcode may still require a permit.

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(20 Years of the Rehabilitation Subcode)

This subcode is divided into parts that are quite different from the new construction subcodes. These parts must be understood if the Rehabilitation Subcode is to be applied correctly.

- There are three types of projects: Rehabilitation; Change of Use; and Additions.
- There are four Categories of Rehabilitation: repair; renovation; alteration; and reconstruction. They relate to the extent of the work undertaken.
- There are five Sets of Requirements: products and practices; materials and methods; new building elements; basic requirements; and supplemental requirements that apply to the categories of work.

The best way to see how the categories and sets of requirements work together is to review the matrix within UCC Bulletin 98-1, <https://www.nj.gov/dca/divisions/codes/resources/bulletins.html>.

Along with parts described above, it is important to recognize certain terms and concepts used in the Rehabilitation Subcode which are central to understanding the Rehab Subcode as a whole: Work Area; De minimis; Tenancy; Primary Function Space; Path of Travel; Technically Infeasible; and Hazard Index. The definition of the terms listed can be found at N.J.A.C. 5:23-6.3. Further explanation of the concepts listed can be found at <https://www.nj.gov/dca/divisions/codes/offices/rehabbackground.html>.

There is plenty more to know about the Rehabilitation Subcode (and I know some people have tried to avoid it, even after 20 years). Please visit <https://www.nj.gov/dca/divisions/codes/offices/rehab.html> to refresh yourself on why we have this subcode and to best understand its project-based application.

Source: Rob Austin
Code Assistance Unit
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Prototype Amendments vs. Prototype Deviations

I recently took a call from a developer who wanted to amend the plans for a prototype such that all of the units being constructed based on this prototype would be based on this revised plan. At first glance at the regulation, my instinct was to say "NO WAY," because deviations from prototypes are prohibited. Had I responded this way, I would have been wrong. There is a difference between an *amendment* or *revision* to a prototype application and a *deviation* from the prototype.

Let's look at *deviations* from the prototype first. A deviation from a prototype is typically a developer proposing to change a prototype design for one particular lot, or for all of the remaining units left to be constructed. For example, if the developer wanted to add a sunroom and fireplace to an existing approved prototype for a particular lot, it would be considered a deviation from the prototype. As per N.J.A.C. 5:23-2.15(f)2iii, plans that contain deviations that were not released as part of the prototype shall not be considered a prototype and shall require the submission of new permit applications and application fees for that project to the appropriate plan review agency. In this case, the proposed deviation from the prototype would cause this application to no longer be a prototype, and a plan review and appropriate fee would be required.

Amendments to the application are different. For example, a developer has an approved prototype, and during the construction process, they have identified a flaw in the design. As a result, the design professional submits a revised set of documents to the prototype application. ALL prospective and existing units to be constructed as part of this prototype will be built using this revised design. In this case, it would be appropriate to consider this an amendment to the prototype. If permits had been issued based on this prototype that would be affected by this amendment, then a permit update should be filed.

If you have any questions regarding this, please feel free to contact the Code Assistance Unit at (609) 984-7609.

Source: John N. Terry, Assistant Director
Division of Codes and Standards

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Copies may be read or downloaded from the division's website at: www.nj.gov/dca/divisions/codes.

Please direct any comments or suggestions to the NJDCA, Division of Codes and Standards, Attention: Code Development Unit, PO Box 802, Trenton, NJ 08625-0802 or codeassist@dca.nj.gov.

New Home Warranty Program: Online Certificate of Participation Application Now Available

Pursuant to N.J.A.C. 5:25, Regulations Governing New Home Warranties and Builders' Registration, newly constructed homes must possess a limited/new home warranty to cover construction defects over a 10 year period.

The Bureau of Homeowner Protection has established an online fillable PDF form for enrollment in the State administered New Home Warranty Security Fund. The new Certificate of Participation form is available on the Bureau's website at https://www.nj.gov/dca/divisions/codes/offices/nhw_for_builders.html and shall be an acceptable document for a warranty enrollment validation under the State administered New Home Warranty Program.

The new form is not meant to be a replacement for the current carbonless copy paper Certificate of Participation form; it is an alternative for builders. For the foreseeable future, the current carbonless copy paper Certificate of Participation form will continue to be a viable option for warranty enrollment. Either the validated online form or the validated carbonless copy form is acceptable in order to issue the Certificate of Occupancy to the builder.

Source: Keith Jones, Acting Chief
Bureau of Homeowner Protection
(609) 984-7908

New Home Warranty Program: Submission Date Guidelines for Enrollment in the New Home Warranty Security Fund

Pursuant to N.J.A.C. 5:25, Regulations Governing New Home Warranties and Builders' Registration, newly constructed homes must possess a limited/new home warranty to cover construction defects over a 10 year period.

Processing Time Requirement:

Under the State administered New Home Warranty Program, applications for Certificate of Participation (COP) for new homes must allow **20 business days** prior to the commencement date listed on the COP for processing time. The commencement date should be either the settlement date or the first occupancy date, whichever occurs first. Keep in mind that business days do not include weekends or holidays.

Maximum Filing Time For COP:

The COP application should be submitted **no earlier than 10 weeks** prior to commencement date shown on the COP application. The 10 week advance filing date encompasses the 20 business days processing time requirement as referenced above. This 10 week advance submission of the commencement date requirement is necessary and intended to insure the Program's ability to equitably and fairly service all builders enrolled in the state warranty plan with timely processing of COP applications and issuance of final COPs.

Applications that are received more than 10 weeks prior to the commencement date listed on the COP will be returned to the builder unprocessed.

Example: September 28th commencement date listed on COP:

- The COP application should be submitted **no later than August 30th** to allow for the 20 business day processing time requirement. **Note:** If the COP application is received after this date, the commencement date will be changed, if needed, to the date of validation in the event the date of validation is later than the original commencement date listed on the COP application.
- The COP application should be submitted **no earlier than July 20th**. **Note:** if the COP application is received prior to this date, it will be returned to the builder unprocessed.

Returned Unprocessed COP Applications:

COP Applications which are returned to the applicant for deficiency corrections do not retain the original date of receipt by the DCA for calculating the 20 business day processing time period. The date of receipt by the New Home Warranty Program of the corrected COP Application will be the start date for a new 20 business day processing period.

Source: Keith Jones, Acting Chief
Bureau of Homeowner Protection
(609) 984-7908

Balconies, Decks, Porches, and Exterior Stairways Fire Resistance Rating?

Recently, the Code Assistance Unit has been receiving inquiries about the construction of balconies and similar projections, specifically regarding the fire resistance rating requirements. When buildings are subject to the building subcode (International Building Code/2015), Section 1406.3, Balconies and Similar Projections, should be reviewed. This section states: *“Balconies and similar projections of combustible construction other than fire-retardant-treated wood shall be fire-resistance rated where required by Table 601 for floor construction or shall be of Type IV construction in accordance with Section 602.4. The aggregate length of the projections shall not exceed 50 percent of the building’s perimeter on each floor.”*

For starters, when the building is of Type VB construction, there is no issue of fire resistance rating, because referenced Table 601, Fire Resistance Requirements for Building Elements (Hours), states “0-hour” rating. Moving on to Type VA buildings, if the balcony or similar projection is constructed of fire-retardant-treated wood or heavy timber (Type IV), no other protection is necessary; if it is constructed of “regular” wood, Table 601 is to be consulted for “floors,” and a one hour fire resistance rating is required. When constructing a dwelling per Section R300.4, Buildings of Other Types of Construction, of the one- and two-family dwellings subcode (International Residential Code/2015) of Type VA construction, balconies, decks, or porches that constructed need to have a fire resistance rating of at least one hour based on Table 601 of the IBC/2015. This table requires a one hour fire resistance rating on **all** structural members except nonbearing interior walls and partitions.

For buildings subject to the IBC, designers must document that they are meeting the requirements of Section 1406.3, Balconies and Similar Projections, when combustible balconies or similar projections are being installed on buildings. Along with the exceptions for fire-retardant-treated wood and heavy timber construction built into the text of this section, four others exceptions follow.

The first exception applies to balconies, porches, decks and exterior stairways not being used as part of a required exit installed on Type I or II buildings of three or fewer stories.

The second exception allows untreated wood guards with a height limitation of 42 inches.

The third exception allows Type V material on Type III, IV and V construction when fire sprinkler protection is extended to these projections.

The fourth exception, which is truly from the charging text, allows for an unlimited aggregate length balcony on each floor when fire sprinklers are installed. In all others cases, the aggregate length of the projections shall not exceed 50 percent of the building’s perimeter on each floor.

There may be other treatments or materials that may be used, however, these would require additional documentation. For buildings of Type VA construction which are subject to the IRC, the designer may apply for a variation to apply Section 1406.3, Balconies and Similar Protections, of the IBC/2015.

Source: Michael Whalen
Code Assistance Unit
(609) 984-7609

Roofing and Tiling: Ordinary Maintenance Items

The spirit of the ordinary maintenance rule is that smaller projects that are performed to maintain the building and which do not have substantial life safety impacts can be done without permits.

While in the March 5, 2018 adoption, the replacement of roof covering in other than detached one- and two-family dwellings is unaddressed, replacement of a limited portion of a roof in any use is within the spirit of ordinary maintenance. People can use the previous allowance of up to 25% of roof covering on any use within a 12-month time period as a guideline for the upper limit of a “limited portion.”

Currently, N.J.A.C. 5:23-2.7(c)1ii allows for the replacement of interior finishes up to 25% of the entire wall and ceiling area within a one- or two-family dwelling without filing for a permit with the local enforcing agency. When it comes to tiling, this is more like a trim and the “first” finish is behind the tile. This becomes important, not so much for one- and two-family dwellings, but for other dwelling units such as a condominium or apartment. Since there is no ordinary maintenance exception for finishes in these type of dwelling units, it is important to distinguish between the two so unnecessary inspections are not performed. If someone is redoing the tiling in a condo or apartment and manages to maintain the backerboard finish or applying tile over existing drywall, there would be no permit or inspection necessary

Source: Code Assistance Unit
(609) 984-7609

Walk Through Ride or Building?

In May of 1984, New Jersey learned valuable but costly lessons about the special challenges associated with fire safety in “dark rides.” Eight teenagers died in a haunted house at Six Flags Great Adventure in Jackson, New Jersey. One of the major findings of the investigation was a “complete failure of the regulatory system.”

The regulatory system failure occurred because of questions about jurisdiction. A building permit was not issued because the haunted house was assembled from trailers, and the local building Department regarded it as temporary. A ride permit was not issued because the Department of Labor (which had jurisdiction over amusement rides at the time) did not consider it an amusement ride.

In order to ensure that such a jurisdictional gap would never occur again, walk through attractions such as mirror mazes and haunted houses have been considered “gravity or passenger propelled” amusement rides since that time. Because of a quirk in the definition of an amusement ride, this means that sometimes these structures are regulated as amusement rides, and sometimes they are not.

Under the statutory definition of an amusement ride, passenger or gravity propelled rides are only regulated when they are located with traditional (mechanical) amusement rides or when they include mechanical features. Any haunted house located within an amusement park or that is set up as part of a carnival is regulated as an amusement ride. Additionally, any haunted house that has mechanical features, such as moving floors or revolving drums, etc. is regulated as an amusement ride. A haunted house that has no mechanical features and is not located within an amusement park is not regulated as an amusement ride.

In either case, amusement rides, which are defined as structures under the Uniform Construction Code, require building permits irrespective of whether they are regulated as amusement rides. While we generally strive to avoid that type of duplication of effort, in this case, the duplication was intentional. Because there were questions about who was responsible back in 1984, in the time since then, the regulations have been crafted to make everyone responsible within the limits of their enabling legislation.

If you have questions regarding this, please contact John Terry at (609) 984-7850

Source: Michael Baier
Code Assistance Unit

Smoke Alarm Locations

Where are smoke alarms required to be installed? Section R314.1, General, of the International Residential Code/2015 (IRC/2015) and Section 907.2.11, Single- and Multiple-Station Smoke Alarms, of the International Building Code/2015 (IBC), copied below, along with the specific smoke alarm location regulations seem to be causing some confusion among officials. Because the New Jersey editions of the IRC/2015 and the IBC/2015 have specific requirements for the location of smoke alarms, these locations are what need to be complied with, as opposed to the extra locations in the 2013 edition of NFPA 72 at Section 29.5.1, Required Detection. Some officials are seeing the reference to NFPA 72 in the general code sections as a pointer to go directly to NFPA 72 for the additional smoke alarm locations. Some of the extra alarms being required include divided basements, on ceilings spaced not more than 30 feet apart or, coverage areas greater than 1000 ft². If the IRC/2015 and IBC/2015 were silent on the required locations, this section would apply. However, because the locations are specifically mentioned in the codes, the reference standard locations do not apply.

NFPA 72 Sections 29.8, Installation, and 29.8.3.4, Specific Location Requirements, must be used for smoke alarm installation criteria so that alarms operate correctly and don't cause nuisance alarms. Some examples of specific location requirements in these sections include, but are not limited to: within 12 inches of the ceiling, on the wall, different ceiling locations, or within 21 feet of the sleeping areas due to the smoke alarms being interconnected (not within 10 feet), as well as items not covered by the code, such as: within 36 inches of ceiling fan blades or HVAC supply registers.

In the past code cycle, the members of the International Codes Council (ICC) actually added to the locations in both codes to help clear up some confusion code officials were having. These new sections are R314.3 item 4 and R314.3.1, Installation Near Cooking Appliances, from the IRC/2015 and 907.2.11.3, Installation Near Cooking Appliances, and 907.2.11.4, Installation Near Bathrooms, of the IBC/2015, which are provided and underlined below.

(continued on next page)

(Smoke Alarm Locations)

One- and Two-Family Dwelling Subcode (NJ IRC/2015)

R314.1 General. Smoke alarms shall comply with NFPA 72 and Section R314.

R314.3 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional *story* of the *dwelling*, including *basements* and *habitable attics* and not including crawl spaces and uninhabitable *attics*. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.
4. Smoke alarms shall be installed not less than 3 feet horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.

R314.3.1 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section R314.3.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking *appliance*.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking *appliance*.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1828 mm) horizontally from a permanently installed cooking *appliance*.

Building Subcode (NJ IBC/2015)

907.2.11 Single- and multiple-station smoke alarms.

Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.6 and NFPA 72.

907.2.11.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.
3. In each *story* within the *sleeping unit*, including basements. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.

907.2.11.2 Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of *occupant load* at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each *story* within a *dwelling unit*, including basements but not including crawl spaces and uninhabitable *attics*. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full *story* below the upper level.

907.2.11.3 Installation near cooking appliances.

Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 907.2.11.1 or 907.2.11.2:

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking *appliance*.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking *appliance*.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking *appliance*.

907.2.11.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 907.2.11.1 or 907.2.11.2.

Push Button Flush Controls

The question has arisen as to whether push button flush controls, especially when located on top of the tank, meet the requirements of the ICC/ANSI A117.1-2009 for a Type A dwelling unit. The answer is: "Yes but..."

The Commentary for this code addresses the issue very well. Section 1003.11.2.4.6, Flush Controls, requires the control to be hand-operated or automatic, comply with Section 309, Operable Parts, and if hand-operated, to be located on the open side of the water closet. This is where the commentary helps:

"The requirements for the control to be located on the open side is not intended to prohibit a top-of-tank flush control as long as the control is within reach ranges. In theory, any control located from the centerline of the water closet towards the open side can meet the open side requirement."

So yes, top-of-tank flush controls are permitted as long as they are within reach ranges (found at Section 308, Reach Ranges, as referenced by Section 309); placing the controls at the centerline towards the open side should meet this requirement.

Source: Rob Austin
Code Assistance Unit
(609) 984-7609

When is Monitoring of Fire Service Water Supply Underground Gate Valves Required?

When is a curb box underground valve exempt from monitoring? See subsection 903.4.1, Monitoring, exception #1, of the International Building Code/2015 (IBC/2015), to find this answer. Section 903.4, Sprinkler System Supervision and Alarms, requires that all valves that control water to automatic sprinkler systems, pumps, and tanks be electrically supervised by a listed fire alarm control unit. Subsection 903.4.1, Monitoring, requires that alarm, supervisory, and trouble signals be automatically transmitted to an approved supervising station or a constantly attended location when approved by the fire protection subcode official.

Per Section 903.4.1, Monitoring, exception #1, the only control valves that are exempt from monitoring are the underground key or hub valves in roadway boxes that are provided by the municipality or public utility. When an additional underground valve is required on the property owners side of the municipal or public utility underground valve, that valve must be monitored and a curb box can't be used. Any additional control valves would need to be of the post indicating valve (PIV) type per NFPA 13.

Some designers and code officials looked at NFPA 13 Section 8.16.1.1.2.3 which seems to give a blanket exception for all underground valves. Because there is a specific rule in the New Jersey IBC/2015 that exempts only the municipal or public utility underground valve from being monitored, this provision of NFPA 13 is irrelevant. NFPA does allow for exceptions to the onsite PIV when certain conditions exist. The Annex, below, has some examples.

Provided below copies of the applicable New Jersey IBC/2015 and NFPA code sections dealing with this issue.

NJ IBC/2015

"903.4 Sprinkler system supervision and alarms. Valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and waterflow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit."

There are 7 exceptions which do not pertain to underground valves.

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, where approved by the fire protection subcode official, shall sound an audible signal at a constantly attended location.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.

(continued on next page)

(When is Monitoring of Fire Service Water Supply Underground Gate Valves Required?)

NFPA 13/2013

3.3.7* Control Valve. A valve controlling flow to water-based fire protection systems.

6.7.1.3 Listed Indicating Valves. Unless the requirements of 6.7.1.3.1, 6.7.1.3.2, or 6.7.1.3.3 are met, all valves controlling connections to water supplies and to supply pipes to sprinklers shall be listed indicating valves.

6.7.1.3.1 A listed underground gate valve equipped with a listed indicator post shall be permitted.

6.7.1.3.2 A listed water control valve assembly with a reliable position indication connected to a remote supervisory station shall be permitted.

6.7.1.3.3 A non-indicating valve, such as an underground gate valve with approved roadway box, complete with T-wrench, and where accepted by the authority having jurisdiction, shall be permitted. **(Note: This provision can't be used due to IBC 903.4.1 Exception 1)**

8.16.1.1* Control Valves.

8.16.1.1.1* General.

8.16.1.1.1.1 Each sprinkler system shall be provided with a listed indicating valve in an accessible location, so located as to control all automatic sources of water supply.

8.16.1.1.1.2 At least one listed indicating valve shall be installed in each source of water supply.

8.16.1.1.1.3 The requirements of 8.16.1.1.1.2 shall not apply to the fire department connection, and there shall be no shutoff valve in the fire department connection.

8.16.1.1.2* Supervision.

8.16.1.1.2.1 Valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be supervised by one of the following methods:

(1) Central station, proprietary, or remote station signaling service

(2) Local signaling service that will cause the sounding of an audible signal at a constantly attended point

~~(3) Valves locked in the correct position~~

~~(4) Valves located within fenced enclosures under the control of the owner, sealed in the open position, and inspected weekly as part of an approved procedure~~

8.16.1.1.2.3 The requirements of 8.16.1.1.2.1 shall not apply to underground gate valves with roadway boxes.

(Note: because electronic monitoring is required by NJ IBC Section 903.4.1, only methods 1 and 2 can be used)

The following is the explanatory Annex material for control valves (*Annex A is not a part of the requirements of this NFPA document but is included for informational purposes only.*)

A.8.16.1.1.1 A water supply connection should not extend into a building or through a building wall unless such connection is under the control of an outside listed indicating valve or an inside listed indicating valve located near the outside wall of the building.

All valves controlling water supplies for sprinkler systems or portions thereof, including floor control valves, should be accessible to authorized persons during emergencies.

Permanent ladders, clamped treads on risers, chain-operated hand wheels, or other accepted means should be provided where necessary.

Outside control valves are suggested in the following order of preference:

(1) Listed indicating valves at each connection into the building at least 40 ft (12.2 m) from buildings if space permits

(2) Control valves installed in a cutoff stair tower or valve room accessible from outside

(3) Valves located in risers with indicating posts arranged for outside operation

(4) Key-operated valves in each connection into the building

Source: Michael Whalen
Code Assistance Unit
(609) 984-7609

UL Warns of Counterfeit UL Marks on Ground Fault Circuit Interrupters (GFCI)



PUBLIC NOTICE

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Release No. 18PN-14

UL Warns of Counterfeit UL Marks on Ground Fault Circuit Interrupters (GFCI) (Release 18PN-14)

NORTHBROOK, Ill., May 31, 2018 — The following is a notification from UL that the ground fault circuit interrupter, identified below, bears a counterfeit UL Mark for the United States and Canada. These GFCIs have not been evaluated by UL to the appropriate Standards for Safety and it is unknown if they comply with any safety requirements.

Although these counterfeit GFCIs are marked with model designation TGMT20 and have the UL label, the GFCIs were not manufactured by Zhejiang Trimone Co. Ltd.

Name of Product:
Ground Fault Circuit Interrupter (GFCI) Model TGMT20

Identification on the Product:
The product is marked with a counterfeit UL Listing Mark and the following:

E229322



LISTED
GROUND FAULT CIRCUIT
INTERRUPTER
ISSUE NO. XX-YYYYYY (where the X's may be one or two letters and the Y's are numbers)

Packaging:

(continued on next page)

(UL Warns of Counterfeit UL Marks on Ground Fault Circuit Interrupters (GFCI))



Product:



(continued on next page)

(UL Warns of Counterfeit UL Marks on Ground Fault Circuit Interrupters (GFCI))

Label on product:

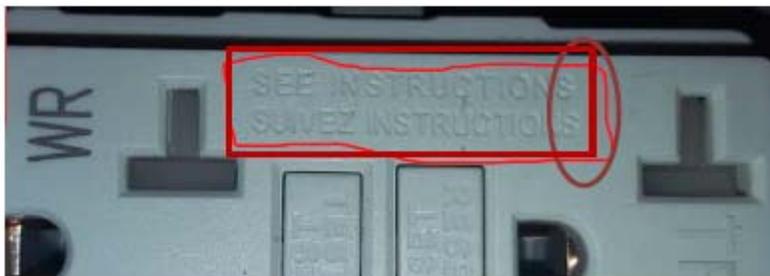


Difference between the GFCI authorized to bear the UL Mark and the counterfeit GFCI:

Authorized GFCI – the words “INSTRUCTIONS” appear twice on the front of the GFCI. The last “S” in both words line up.



Counterfeit GFCI – the last “S” in the words, “INSTRUCTIONS”, do not line up.



Known to be distributed by: Multiple ecommerce sites.

About UL

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Applying the Habitable Attic Provision in the IRC

The habitable attic provisions of the 2015 International Residential Code (IRC), as adopted at N.J.A.C. 5:23-3.21, can be found at Section R300, Height and Area Limitations. The term habitable attic is defined at Section R202, Definitions. These provisions date back to the adoption of the 2000 I-Codes, in which the IRC was scoped without New Jersey amendments to allow for a three-story home. Back then, no sprinkler was required. In the interim, sprinkler systems have been added. Being as it may, our provisions, a mish-mash of 1995 CABO One- and Two-Family Dwelling Code and 1996 BOCA National Building Code, are still a quality compromise. Section R300, Height and Area Limitations, of the IRC, any NJ edition, states that: Without the addition of sprinkler protection or modification to the construction type, the home is limited to two stories, 4,800 s/f per story and 35 feet in height; a habitable attic is permitted to be included within a two-story home if it meets the definition in Section 202 or the IRC.

The habitable attic provision may not be applied to a three-story home. This is because N.J.A.C. 5:23-3.21(b) scopes the IRC at three stories or less and does not provide for the inclusion of a habitable attic above. In other words, three stories is a HARD stop, and if a “habitable attic” is still desired, it must be treated as a fourth (4th) story, and the International Building Code applies.

To provide a little more background information, the response to a comment upon adoption on November 3, 2003 states, “a third level of living space will be allowed if it meets the habitable attic provisions of the existing one- and two-family dwelling subcode, if the construction is upgraded from VB, or if sprinklers are installed.”

Source: Rob Austin, Code Assistance Unit
(609) 984-7609

Relocation Assistance Program

Introduction

The Relocation Assistance Law of 1967 (N.J.S.A. 52:31B-1 et seq.) and the Relocation Assistance Act of 1971 (N.J.S.A. 20:3-1 et seq.) were enacted by the New Jersey State Legislature to ensure the equitable treatment of individuals, families, businesses (including non-profit organizations), and farm operations displaced by government action. Under the rules for relocation assistance, “government action” is defined as programs of building, housing, or health code enforcement, voluntary programs of rehabilitation, or the acquisition of land for a public use. The amended Eviction Law (N.J.S.A. 2A:18-61.1 et seq.) also requires relocation assistance pursuant to its “g” provisions.

The Relocation Assistance Program works as a partnership between the municipality and the State. There are times when a municipality causes a tenant, resident, business owner, or farm operation to leave their dwelling or place of business. This can be because the dwelling is unsafe or because the municipality is undertaking a development or redevelopment project.

When a municipality decides that a tenant, resident, business owner, or farm operation must leave their dwelling or place of business, the municipality must send a plan, called a Workable Relocation Assistance Plan (WRAP), to the Department of Community Affairs for review. The WRAP must show that the municipality knows the number of people, businesses, or farm operations impacted by the relocation plan and then must demonstrate that there are enough comparable replacement housing units or business sites in the area for the people to find new homes, apartments, or business locations. Each municipality should designate the individual who will carry out the obligation established by law. In the cases of displacement and relocation due to planned redevelopment, Departmental approval of WRAPs is required before relocation activities may commence.

In the event that displacement has not been planned and cannot be delayed, as may be the case with displacement due to an unsafe living condition, the municipality may undertake the displacement and then file an Expedited WRAP to inform the Department of the steps that have been taken to provide Relocation Assistance to the displaced tenants.

Once the WRAP has been approved, the municipality informs the tenants, residents, business owners, or farms that they are being moved; the municipality must also tell the tenants, residents, business owners, or farms that the municipality will help them find another place to live or conduct business and that they have the right to appeal the municipality's actions. The obligation to provide assistance belongs to the municipality; the State does not become involved in the identification of replacement housing or business sites. The program is not set up to help individuals who decide that they would like to move.

Eligibility and Assistance for Individuals, Families, and Businesses

Once the eligibility of displacees for relocation assistance has been established, the displacing agency must send written notices to the displacees explaining the eligibility requirements for services and payments. The notice must include the reason for displacement.

(continued on next page)

(Relocation Assistance Program)

The displacing agency is required to offer assistance to the displacees to expedite relocation and to ensure fulfillment of the requirements of the Relocation Assistance Program. The following are some examples of the types of assistance that should be made available to individuals and families who are being displaced:

1. Assistance with finding comparable replacement housing and with obtaining priority for subsidized housing units. Replacement housing must be decent, safe and sanitary, adequate in size, affordable, and convenient to work.
2. Assistance with negotiating with a landlord to expedite the move. The displacing agency is required to provide payments, including emergency payments, in a timely manner to avoid placing additional hardships on displacees.
3. Assistance for prospective homeowners, where applicable, with obtaining mortgage financing, such as help with the preparation and submission of purchase offers, obtaining credit reports, and making arrangements with lending institutions. The Relocation Officer, or a representative of the displacing agency, must be present at the closing with the displacing agency's payment to the claimant. Payment shall not be made unless the displacing agency has received assurances that the transaction has been completed.
4. Referrals to complementary social service agencies. Displacees may be eligible for counseling, financing, training, health, or employment services.
5. Inspection of a replacement housing unit to ensure that it meets the displacee's needs and complies with the applicable housing codes.
6. If a replacement unit is outside a displacing agency's jurisdiction and precludes inspection by local housing officers, the displacing agency should make every effort to have the dwelling inspected by an appropriate official in the municipality to which claimant is relocated.
7. In cases of acquisition or rehabilitation, advisory assistance and services should be offered to individuals occupying properties adjacent to the project area who will be affected by the acquisition or rehabilitation activities.

With regard to businesses that are being relocated, the following types of assistance should be made available:

1. Provide information on assistance or services offered by the Small Business Administration.
2. Provide information to business owners regarding property values, local zoning ordinances and restrictions, growth potentials in various areas, and general economic data.
3. Advise business owners of benefits, which include payments for searching for replacement commercial sites, payment for professional fees, and payments in lieu of moving.
4. Maintain advisory assistance until business has relocated or liquidated its assets.
5. Expedite payments to ensure successful relocation without serious interruption of business activities.

Appeals

Any person, business, non-profit organization, or farm operation that disagrees with a displacing agency's decision as to their eligibility for relocation payments or assistance may appeal the decision to the Department of Community Affairs, which will refer the matter to the Office of Administrative Law (OAL). The OAL will then schedule a hearing. Attorneys are not required for these proceedings.

Appeals may be filed by sending a letter to:

Department of Community Affairs
Division of Codes and Standards
Relocation Assistance Program
Post Office Box 802
Trenton, New Jersey 08625

The displacing agency has fulfilled its obligation to displacees once they have been permanently relocated and all monetary claims have been satisfied. The Department requires that displacing agencies retain records on relocation activities for at least three years after final payment has been made.

If there are questions about Relocation Assistance, please feel free to contact Emily Templeton at (609) 984-7609 or at Emily.Templeton@dca.nj.gov.

Source: Emily Templeton
Code Development Unit
(609) 984-7609

Kitchen Sinks and the ICC/ANSI A117.1-2009 Update

The Fall 2016 edition of the Construction Code Communicator provided information regarding electrical outlets in a Type A kitchen, <https://www.nj.gov/dca/divisions/codes/publications/cc.html>. As of August 20, 2018, the old exception, which was codified at N.J.A.C. 5:23-7.2(b)21, is back.

Here, we provided an exception to kitchen/kitchenette requirements at Section 804.4 of the ICC/ANSI A117.1-2003 standard by stating that a conventional height of 36 inches is permitted when there is no cooktop, and that a parallel approach must be provided. This exception partially existed with the adoption of the ANSI/2009 at Section 804.4, and its reference to Section 606, Clear Floor Space, at [lavatories and sinks]. The exception provided in the cross reference allows for a parallel approach provided there is no conventional range, but a height of 34 inches was required.

With the August 20, 2018 adoption, N.J.A.C. 5:23-3.14(b)10ii was modified to include item 13:

In Section 1003.9, Operable parts (Type A dwelling units), Exception 2 shall be deleted and the following shall be inserted: "Receptacle outlets provided in a kitchen above a length of countertop shall not be required to comply with Section 309."

Many designers got creative by "packing out" the outlets within backsplashes, but with the Type A dwelling unit modification at Section 1003.9, Operable Parts, receptacle outlets above a kitchen countertop (which are required at a sink within a specified distance per the National Electrical Code) are exempt from Section 309, Operable Parts, which in turn references Section 308 for reach ranges.

For those of you who have a New Jersey edition of the International Building Code/2015, you can find updated pages reflecting this and other changes that fit neatly into your book at <https://www.nj.gov/dca/divisions/codes/codreg/> (see "Corrected pages" under the Building Subcode heading).

Source: Rob Austin, Code Assistance Unit
(609) 984-7609

Permits are Not Required for Basement Drains

There have been questions regarding whether a permit is required when work is being performed in existing basements to remedy moisture problems. A common technique is to remove the perimeter of the basement slab and install a perforated pipe embedded in crushed stone directed to a sump to facilitate the collection of groundwater. While this is often referred to as a "French Drain," it should be noted that a French Drain has a very specific definition in the Uniform Construction Code per the Radon Hazard Subcode (N.J.A.C. 5:23-10). The UCC defines a French Drain as:

A "French drain" or "channel drain" is a pathway used to assist with water drainage which is installed in basements. This pathway consists of a gap (typically, one-half to one and one-half inch in width) between the basement block wall and the concrete floor slab around the entire inside perimeter of the basement.

The work above might be better referred to as an "interior perimeter drain" rather than a "French" drain. Unlike exterior perimeter drains, there are no code requirements for the installation of a perimeter drain that is installed inside of the basement wall. This does not mean that it is prohibited as a construction technique in an existing building. However, because there are no code requirements for the installation of a perimeter drain on the inside of the foundation wall, there is no need to issue a building permit. Even if a set of plans could be required, this work does not require any inspections during the progress of work; there would not be much, if anything, to verify at the time of final inspection. Thus, there is no need to require a permit.

The only exception to the above would be for homes that contain an existing passive/active radon system (think: Tier One). A permit is required because the installation of a French/channel drain or any other work (i.e. interior perimeter drains) that disturbs the integrity of the slab could hinder the existing radon system. In these limited cases, permit would be required in accordance with N.J.A.C. 5:23-2.17A, Minor Work, to make sure the system was still sealed properly.

Lastly, the installation of a sump-pump and discharge piping where there previously was none will always require a permit and is required to be installed by either a master plumber or the home owner. Replacement pumps would not require a permit.

Source: Keith Makai
Code Assistance Unit
609-984-7609

Excerpt From Construction Reporter: August 2018 Highlights

The following information is from the August 2018 Highlights. The New Jersey Construction Reporter is published on a monthly basis and includes highlights and summary data on building permits from local construction offices throughout the state. To view full reports, please visit <https://www.nj.gov/dca/divisions/codes/reporter/>.

Source: John Lago
 Division of Codes and Standards
 (609) 984-7609

AUGUST 2018 HIGHLIGHTS

- \$1.367 billion of construction was authorized by building permits in August.
- Residential work amounted to \$771.1 million (52 percent). New houses accounted for 27.9 percent of all activity. 2,268 new houses were authorized in August.
- Office, retail, and other nonresidential work totaled \$656.4 million (48 percent).
- New buildings accounted for 43.5 percent of all authorized work.
- The top municipality was Jersey City. Lyndhurst and Little Egg Harbor also were among the top localities for the month. School construction accounted for most of the activity in both communities.

Estimated cost of construction authorized by building permits, August 2018					
top municipalities					
Source: New Jersey Department of Community Affairs, 10/9/18					
rank	municipality	county	Total	Residential	Nonesidential
1	Jersey City	Hudson	\$123,824,731	\$109,357,733	\$14,466,998
2	Lyndhurst Township	Bergen	58,215,067	615,832	57,599,235
3	Little Egg Harbor Township	Ocean	38,604,430	1,160,855	37,443,575
4	Hackensack City	Bergen	27,200,442	1,142,120	26,058,322
5	Newark City	Essex	26,415,229	14,484,383	11,930,846
6	Roxbury Township	Morris	26,374,939	25,412,504	962,435
7	Bayonne City	Hudson	24,040,109	22,711,180	1,328,929
8	West Orange Township	Essex	23,162,983	22,235,879	927,104
9	Toms River Township	Ocean	22,593,850	13,734,460	8,859,390
10	Washington Township	Morris	18,622,105	946,126	17,675,979
11	Montclair Township	Essex	17,222,302	6,123,306	11,098,996
12	Kearny Town	Hudson	17,100,000	0	17,100,000
13	North Brunswick Township	Middlesex	15,661,828	3,639,064	12,022,764
14	Paramus Borough	Bergen	15,074,571	3,607,911	11,466,660
15	Jackson Township	Ocean	14,171,599	2,844,703	11,326,896
16	Fort Lee Borough	Bergen	12,767,869	2,539,358	10,228,511
17	Piscataway Township	Middlesex	12,708,656	1,347,115	11,361,541
18	Wayne Township	Passaic	11,863,041	1,826,849	10,036,192
19	Rutherford Borough	Bergen	11,817,835	1,020,286	10,797,549
20	New Milford Borough	Bergen	11,102,324	900,829	10,201,495
	Top municipalities		517,441,586	235,650,493	292,893,417
	New Jersey		\$1,367,450,543	\$711,095,400	\$656,355,143
	Top as a % of New Jersey		37.8%	33.1%	44.6%

(continued on next page)

(Excerpt from Construction Reporter: August 2018 Highlights)

Dollar Amount of Construction Authorized by Building Permits by Use Group, August 2018						
Source: New Jersey Department of Community Affairs, 10/9/18						
Use Group	August			Year-to-Date		
	Permits	Estimated Construction Costs	Square Feet	Permits	Estimated Construction Costs	Square Feet
RESIDENTIAL	29,336	\$711,095,400	6,526,652	221,837	\$5,366,475,592	38,302,990
1 & 2 Family	27,442	463,215,135	2,920,785	207,128	3,546,484,574	22,925,451
Multifamily	1,894	247,880,265	3,605,867	14,709	1,819,991,018	15,377,539
NONRESIDENTIAL	6,368	656,355,143	3,159,077	46,846	4,981,521,080	20,979,205
Hotels, motels, guest houses	136	11,933,726	3,287	1,317	114,577,821	478,279
Assembly	435	56,243,950	219,883	3,696	482,872,112	1,479,834
Business / Office	2,337	195,452,838	572,758	17,315	1,765,770,855	3,016,429
Education	333	156,513,102	313,127	1,812	784,173,224	1,500,974
Hazardous uses	15	6,790,999	9,831	75	26,771,273	56,962
Industrial	62	40,597,258	52,382	472	142,763,745	803,635
Institutional	92	32,921,117	21,896	693	352,234,853	477,035
Retail	313	65,802,077	162,838	2,258	341,843,058	1,281,439
Storage	169	38,297,737	1,649,219	1,289	592,867,694	10,245,590
Signs, fences, miscellaneous	2,476	51,802,339	153,856	17,919	377,646,445	1,639,028
New Jersey	35,704	\$1,367,450,543	9,685,729	268,683	\$10,347,996,672	59,282,195
August 2017	43,134	1,682,853,404	11,252,067	304,828	11,023,515,466	63,092,570

New Jersey Department of Community Affairs
 Division of Codes and Standards
 101 South Broad Street
 P.O. Box 802
 Trenton, NJ 08625-0802

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