

New Jersey State League of Municipalities Conference Resolution No. 2024-15

RESOLUTION URGING UNIFORMITY IN ELECTRONIC PERMITTING PROCESS

WHEREAS, the process to obtain various municipal construction permits is a vital municipal function that is necessary for safety, health, and compliance with the construction code; and

WHEREAS, the licensing or certification of the various contractors vary between the Division of Consumer Affairs and the Division of Fire Safety, whose authority varies as to whether a specific contractor needs to register, obtain a license, obtain a certificate, or obtain a certification; and

WHEREAS, some contractors, by virtue of their licensing and or certification board have the ability to transmit construction code permit applications electronically and some are required to submit hardcopy paper permits with a raised seal noting the specific trade; and

WHEREAS, these inconsistencies can create unnecessary permitting delays, cost time, money, and unnecessarily harm the municipal reputation due to varying types of permitting transmission; and

WHEREAS, the Department of Community Affairs, Division of Codes and Standards, Codes Assistance Unit, authored a construction code communicator article in the Spring of 2020 (V32 N1) advising that electronic permit submittals being limited due to the Department of Consumer Affairs requirement for raised pressure seals of certain licensed contractors; and

WHEREAS, Governor Murphy signed into law P.L. 2021, c.70, requiring the Department of Community Affairs (DCA) to establish and implement the “Electronic Permit Processing Review System,” which will serve as a web-based system for the electronic submission of applications for construction permits, plans, and specifications pursuant to the State Uniform Construction Code Act.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, urge the various state permitting construction authorities to create uniformity and permit the use of electronic construction permits; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, the Attorney General of the State of New Jersey, the Commissioner of the New Jersey Department of Community Affairs, the New Jersey Division of Consumer Affairs, the New Jersey Division of Fire Safety, and all members of the New Jersey State Legislature.

Sponsor:

Hon. Vito Perillo

Mayor, Borough of Tinton Falls

Construction Code Communicator



State of New Jersey
Philip D. Murphy, Governor

Department of Community Affairs
Lt. Governor Sheila Y. Oliver, Commissioner

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Ongoing Construction Projects and COVID-19

The Department of Community Affairs is aware of the construction industry's concerns about the interruption of plan review and inspection responsibilities, State or local, due to the Coronavirus (COVID-19).

Pursuant to Executive Orders 107 and 108, at this time, local enforcing agencies (LEAs) cannot restrict code officials from performing their obligations under the Uniform Construction Code (UCC), N.J.A.C. 5:23. In response to this, the Department of Community Affairs has temporarily relaxed and modified certain provisions concerning Minor work (N.J.A.C. 5:23-2.17A), Inspections (N.J.A.C. 5:23-2.18), and Certificate requirements (N.J.A.C. 5:23-2.23) in order to ensure the continuity of construction without a detriment to the public welfare during the COVID-19 pandemic. The below guidance explains these rule modifications.

Guidance for construction offices:

The Department does understand that LEAs should be flexible in order to preserve the health of inspectors, contractors, and the general public. LEAs should consider work from home options whenever possible, e.g., plan review and administrative actions, and use electronic communication to the greatest extent possible. Construction offices should prioritize inspections necessary for the health and welfare of the public. Should in-person inspections not be possible, LEAs are encouraged to employ creative solutions, such as video conferencing via platforms like FaceTime or Skype, whenever feasible, to conduct inspections. In addition, the Department advises the following:

1. All required inspections for new construction and any work on the exterior or outside of any occupied building should be performed as usual.
2. Rough inspections for new additions should be performed, provided no entry to the occupied home or building is required or that appropriate social distancing is in effect.
3. Contractors may report construction activity, such as rough inspections, in existing occupied buildings with photos or other documentation for the time being.
4. Items listed as Minor Work at N.J.A.C. 5:23-2.17A require only a final inspection. This includes inspections of replacement items such as a residential heater, air conditioner and/or water heaters. These inspections may be deferred to a later date. The contractor should report construction activity as indicated in item 3 above.

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Electronic Permit Submittals

In 2014, a “Dear Construction Official (DCO) letter” was issued on November 21 and a Communicator article was published in the Winter edition regarding whether electronic permit applications could be accepted by construction officials. The answer remains the same today as it was back then: Yes, but...

Since that time, not much has changed. However, there has been some movement for engineers and architects. Keep in mind the licensure of design professional and trades is housed under the “other DCA,” the Division of Consumer Affairs within the Department of Law and Public Safety. On February 24, 2016, a DCO was sent advising that professional engineers now have digital signatures and seals; another DCO followed May 22, 2017 referencing the same for architects. The “other DCA” is on their way, but not there yet. As stated in the first DCO referenced:

*A number of local code officials have asked whether electronic permit applications may be accepted. **This memo is to advise that electronic permit applications may be accepted provided that no plans or seal, either from a licensed design professional or licensed contractor, is required. This limits the ability to submit an electronic permit application for the time being. It is our hope that the licensing boards will work to make it possible to seal applications electronically at some point in the not-too-distant future. Until then, only applications that do not require any seal may be accepted electronically.***

For electronic applications, please use the following language, together with a check box, above what would be the signature on the application: I hereby certify by checking this box that the foregoing statements made by me on this application are true. I understand that if any of the above statements is willfully false, I am subject to punishment.

For context, N.J.A.C. 5:23-2.15(b)2ii states that the seal and signature of the licensed plumbing and electrical contractor shall be affixed to the corresponding subcode application form. This implies that the rules and regulations of the licensing laws apply, in this case, for plumbing and electrical contractors. Both boards have yet to implement a digital seal/signature. So if a single-family homeowner of a detached dwelling chose NOT to do his/her own work and the contractor for a project requiring a permit would like to do an electronic submittal for the permit application, he/she could not – not because of the regulations of the UCC, but because of the licensing rules and regulations.

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

REScheck, Web Only for 2018

This article serves as a notice to those that use REScheck to demonstrate compliance with the residential portions of the energy subcode, N.J.A.C. 5:23-3.18 or N.J.A.C. 5:23-3.21, for dwellings units three (3) or fewer stories in height. As per N.J.A.C. 5:23-2.15(f)1vi(1), REScheck remains a means to demonstrate compliance with the residential code portions of the energy subcode (this is reiterated within Bulletin 19-2). However, the US Department of Energy’s (USDOE) Building Energy Codes Program (BCEP) only supports the 2018 edition of the codes within their “web” version of the program. This means that when you select “REScheck” from <https://www.energycodes.gov/>, you must navigate to the “REScheck web” link. This will require you to set up a free account, along with a username and password. If you have further questions, the previous link also provides access to a “Help Desk” where you can contact the BCEP.

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

Rehabilitation Subcode Update – Incorporating 2017/2018 Model Codes

The proposal for the Rehabilitation Subcode update incorporating the 2017 National Electrical Code, 2018 I-Codes, and 2018 National Standard Plumbing Code was published in the *New Jersey Register* on April 6, 2020. The proposal is available on the Division’s Rule Proposals and Notices of Adoption webpage, http://www.nj.gov/dca/divisions/codes/codereg/rule_proposals_adoptions.html. The 60-day comment period will end June 5, 2020, and the Division staff will work diligently on responses to comments we have received. Until then, please use the link above to keep track of this adoption. If a design professional would like to take advantage of using the proposed changes, code officials should be accepting of this so Rehabilitation Subcode projects can align themselves with the newest model codes adopted (see “Subcode References in the Rehabilitation Subcode, 2020 Version” on page 7).

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

Statutes, codes, and regulations / New Jersey Administr... / 
/ Subchapter 2 - ADMI... / Section 5:23-2.15 - ...

N.J. Admin. Code § 5:23-2.15

Current through Register Vol. 57, No. 1, January 6, 2025

Section 5:23-2.15 - Construction permits-application

(a) The application for a permit shall be submitted on the standard Construction Permit Application form, or its electronic equivalent, prescribed by the Commissioner at N.J.A.C. 5:23-4.5(b)2 and shall be accompanied by the required fee, as provided for in this subchapter and N.J.A.C. 5:23-4. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure, and all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the construction official, which shall include, but not be limited to, the following:

1. The name and address of the owner: Where the owner is not a resident of the State, he shall designate a resident as agent for the purpose of service of any

Previous Section

Section 5:23-2.14 -

Construction permits - when required

Next Section

Section 5:23-2.15A -

Construction permit for a single-family residence

application, in which case the work area shall be delineated on the plans.

(b) In addition to the requirements at (a) above, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. The names and addresses of all contractors engaged or planned for engagement by the owner in the execution of the work.

i. A current validated State builder registration card shall be shown by the contractor and the registration number of the contractor shall be recorded on the permit, pursuant to the New Home Warranty and Builder's Registration Act (N.J.S.A. 46:3B-1 et seq.), if the project is a one or two family dwelling, condominium or cooperative, unless it is to be built in whole or in part by an owner, in which case an affidavit shall be filed by the owner on a form prescribed by the Department of Community Affairs, in which he acknowledges that work done by him, or by a subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act and states that he will disclose this information to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy.

2. The name and license number of the contractor(s) or subcontractor(s) for plumbing; electrical; or heating, ventilating, air conditioning, and refrigeration work, where such work is proposed.

i. Plumbing, electrical, heating, ventilating, air conditioning, and refrigeration work shall not be undertaken except by persons licensed to perform

ii. The seal and signature of the licensed plumbing; electrical; or heating, ventilating, air conditioning, and refrigeration contractor(s) shall be affixed to the corresponding subcode application form. An electronic signature and seal are acceptable for electronic submissions for review purposes provided that physical copies of plans at the worksite shall have a physical seal and wet signature affixed pursuant to the licensing law applicable to the relevant discipline.

← SEAL REFERENCE
THERE IS ONLY ONE SEAL ISSUED BY THESE BOARDS AND IT IS A PRESSURE SEAL.

← PAPER FORM

← LIMITED TO "REVIEW" BUT NOT PERMITTING PURPOSES.

3. The name and address of the responsible person who will be in charge of the work and who is responsible to the owner for ensuring that all work is installed and completed in conformity with the regulations. The person may be the design architect or engineer, the contractor or a third party acceptable to the construction official.

4. If the work involves lead abatement, one of the following shall be supplied:

i. The name and Department certification number issued pursuant to N.J.A.C. 5:17 of any business firm undertaking the lead abatement; or

ii. If the work is to be done by employees of the owner of the property, the name and New Jersey Department of Health certification number issued pursuant to N.J.A.C. 8:62 of each such employee; or

iii. If the work is to be done on an owner-occupied single family dwelling, a certification by the owner stating that he or she owns and occupies the property as a principal place of residence, will be performing the abatement work, and has received the written information for homeowners prepared by the

NOTES:

FIRE ALARM CONTRACTORS ARE ALSO LICENSED BY THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS YET AS "LIFE SAFETY" CONTRACTORS HAVE NO SEAL REQUIREMENT NOR ARE THEY ISSUED A SEAL UPON LICENSURE.