

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

COMMUNITY AFFAIRS

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Ordinary Maintenance

Proposed Amendment: N.J.A.C. 5:23-2.7

Authorized By: Richard E. Constable, III, 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 2013-003.

Submit written comments by March 8, 2013 to:

Gabrielle N. Gallagher
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800
Fax Number: (609) 984-6696
Email: gabrielle.gallagher@dca.state.nj.us

The agency proposal follows:

Summary

The Department is proposing to redefine "ordinary maintenance" to include installation of communications wiring within a one-unit dwelling, or within an individual dwelling unit in a multi-unit building, provided that the rearrangement does not involve the penetration of a fire-rated assembly and is not located in a hazardous location as defined in Chapter 5 of the electrical subcode. Communications wiring means any wiring covered by Chapter 8 of the electrical subcode, such as telephone, radio antenna, or coaxial cable TV wiring, as well as data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode. As ordinary maintenance, the installation of communications wiring wholly within a dwelling unit would require neither a permit nor inspection. The installation of communications wiring in common areas or in a hazardous location, or which involves penetration of a fire-rated assembly, however, would continue to be classified as "minor work" and both a permit and an inspection within 30 days of completion of the work would continue to be required.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment would have the beneficial effect of ensuring that permits and inspections of installations of communications wiring

would continue to be required where necessary to protect the safety of building occupants without imposing unnecessary regulatory burdens for installations that do not present a hazard.

Economic Impact

The proposed amendment would allow for more expeditious installation of communications wiring in those cases where such installation without permit or inspection would not present any hazard to safety.

Federal Standards Statement

No Federal standards analysis is required because this proposed amendment is not being made in compliance with any Federal law or regulation or any State law implementing any such law or regulation.

Jobs Impact

By facilitating installation of communications wiring within dwelling units, this proposed amendment may have a positive impact upon employment opportunities for installers.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed amendment would reduce regulatory requirements for businesses engaged in the installation of communications wiring within dwelling units, regardless of size or form of organization, and would not impose any new compliance, reporting, or recordkeeping requirements or require any business to obtain any professional services.

Housing Affordability Impact

This proposed amendment concerns permit and inspection requirements for communications wiring installation. It would not be likely to have an impact on the production of affordable housing.

Smart Growth Development Impact

This proposed amendment concerns permit and inspection requirements for communications wiring installation. It would not be likely to 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 (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

5:23-2.7 Ordinary maintenance

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

(c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1.-2. (No change.)

3. Ordinary electrical maintenance shall include:

i.-ii. (No change.)

iii. Installation of communications wiring [for communications wiring] **within a dwelling unit or** in a Class 3 structure, provided that the rearrangement does not involve penetration of a fire-rated assembly and is not in a hazardous location as defined in Chapter 5 of the electrical subcode;

(1) For the purposes of applying these provisions, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode, such as telephone, radio antenna, or coaxial cable TV wiring. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode; and

iv.-v. (No change.)

4.-6. (No change.)

(a)

DIVISION OF CODES AND STANDARDS

**Uniform Construction Code
Industrialized/Modular Buildings and Building
Components**

**Proposed Amendments: N.J.A.C. 5:23-4A.1 through
4A.6**

**Proposed Repeals: N.J.A.C. 5:23-4A.7, 4A.8, and
4A.9**

**Proposed Recodifications with Amendments:
N.J.A.C. 5:23-4A.10, 4A.11, and 4A.12 as 4A.7,
4A.8, and 4A.9**

Authorized By: Richard E. Constable, III, Commissioner,
Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124, 135, and 136 and 32:33-1 et seq.

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

Proposal Number: PRN 2013-008.

Submit written comments by March 8, 2013 to:

Gabrielle Gallagher
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696
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The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 5:23-4A, Industrialized/Modular Buildings and Building Components, would update the subchapter to agree with the current rules and regulations of the Interstate Industrialized Building Commission (IBC). The IBC is the organization responsible for carrying out the activities of the Interstate Compact on Industrialized/Modular Buildings (the Compact). The IBC's rules and regulations, called the Model Rules and Regulations (Model Rules), are written so that each member state of the Compact can adopt them and thereby make the rules consistent across the membership. Consequently, the Model Rules assure compliance with each member state's construction codes while concurrently retaining the cost-savings of factory construction/manufacture. The legislation that made New Jersey a party to the Compact (N.J.S.A. 32:33-1 et seq.) affirms the need for consistency between participating states. The proposed amendments and repeals update the subchapter to agree with the current Model Rules and fulfill the intent of New Jersey's legislation making the State part of the Compact.

As stated above, the proposed amendments and repeals make the Uniform Construction Code (UCC) consistent with the current edition of the IBC's Model Rules. The update to the Model Rules in 2007 resulted in the transfer of a large and detailed technical section on compliance

assurance to the IBC's Uniform Administrative Procedures (the Procedures). The Procedures are referenced in the UCC and contain the procedures that manufacturers, third parties, and local officials use to construct and approve code-compliant, industrialized modular buildings. N.J.A.C. 5:23-4A.6(b) is proposed for deletion because New Jersey makes amendments to the adopted codes without the use of the state-sponsored code change process due to changes to the New Jersey Uniform Construction Code Act. N.J.A.C. 5:23-4A.7 is proposed for repeal as the text is proposed to be moved to N.J.A.C. 5:23-4A.5(a). The changes in text at N.J.A.C. 5:23-4A.5(a) are proposed to match the language used in the Model Rules and Regulations of the Industrialized Building Commission. Because the compliance assurance section was removed from the Model Rules, the same section in the UCC (N.J.A.C. 5:23-4A.9) is proposed for repeal. Also, N.J.A.C. 5:23-4A.8 on product control and identification is proposed for repeal. This section was deleted from the Model Rules because it too was moved to the IBC's Procedures.

No other significant changes were made to the Model Rules and consequently the subchapter. Numerous small additions and changes to the earlier version were made for full understanding and clarity of meaning. For example, the Internet web pages for the IBC and the Procedures were added, a few typographical errors were corrected, and some language was clarified.

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 proposed amendments and repeals are being made for consistency in modular regulations between New Jersey and the other states that participate in the Compact. While the amendments only address the location of rule sections and the Model Rules' style rather than substantive content, it remains a benefit to have the rules read in a consistent manner with those of other participating states. Without such amendments, manufacturers could be confused and think that New Jersey's rules are different than those of the other states in the Compact.

Economic Impact

The amendments and repeals being proposed would not change the impact of the original subchapter and would not result in any additional costs, or any savings, to manufacturers, consumers, or government.

Federal Standards Statement

No Federal standards analysis is required because these amendments and repeals are not being 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. It should be noted that one of the original purposes of the Industrialized Buildings Commission was to "provide to Congress assurances that would preclude the need for a voluntary preemptive Federal regulatory system for industrialized/modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987."

Jobs Impact

The Department does not anticipate that the proposed amendments and repeals would result in the creation or loss of any jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments and repeals would impact the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments and repeals would neither impose any new compliance, reporting, or recordkeeping requirements upon manufacturers of modular buildings qualifying as "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., nor require them to hire any additional professional services. The proposed amendments relocate existing requirements but do not impose any new requirements on any of the regulated businesses.

Housing Affordability Impact

Inasmuch as the proposed amendments and repeals only concern non-substantive changes to rules concerning implementation of an interstate