

**ADOPTIONS SECTION**

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Notice of Administrative Correction**

**Uniform Construction Code**

**Rehabilitation Subcode**

**New Building Elements and Vertical Shaft Openings**

**N.J.A.C. 5:23-6.9**

Effective Date: September 10, 2021.

**Take notice** that the Department of Community Affairs (Department) discovered an error in the text at N.J.A.C. 5:23-6.9(a)3. When the Department adopted the 2015 International Building Code (IBC), the section formerly numbered as Section 708, Shaft Enclosures, in the 2009 edition of the IBC was relocated to Sections 712, Vertical Openings, and 713, Shaft Enclosures. In amending the rehabilitation subcode (N.J.A.C. 5:23-6), adopted at 49 N.J.R. 1020(a), to include relevant sections of the updated IBC, Section 712 was overlooked; this is due to the fact that the title of Section 713 matches the old Section 708; however, that section used to contain the contents of what became Section 712 (old Section 708.2). In leaving it out, the Department inadvertently lost the reference to the vertical openings requirements, which have always been a necessary part of the rehabilitation subcode. This notice of administrative correction revises the section for the appropriate reference.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

**Full text** of the corrected rule follows (additions indicated in boldface **thus**):

### SUBCHAPTER 3. REHABILITATION SUBCODE

#### 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 Sections **712 and 713** of the building subcode.

4. – 34. (No change.)

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**Change of Use, Single Exits, and Group R-4 Smoke Detection**

**N.J.A.C. 5:23-6.31**

Effective Date: September 10, 2021.

**Take notice** that the Department of Community Affairs (Department) discovered two errors in the text at N.J.A.C. 5:23-6. Within the change of use provisions at N.J.A.C. 5:23-6.31 of the rehabilitation subcode, subsection (c) addresses requirements where any change of use occurs to a story with one exit, which is called a single exit in the Uniform Construction Code (UCC). The rehabilitation subcode currently references Section 1006.3, entitled Egress from Stories or Occupied Roofs, of the 2018 International Building Code (IBC). This is a typo within the subcode; instead, the reference should be to Section 1006.3.3, entitled Single Exits. In addition, subsection (h) addresses requirements for a change of use within Residential Group R-4 regarding automatic smoke detection systems. The rehabilitation subcode currently references Section 907.2.10A, and pursuant to N.J.A.C. 5:23-3.14(b)8xliv, this section should be Section 907.2.9A.

This notice of administrative correction revises these sections for the appropriate references.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

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

## SUBCHAPTER 6. REHABILITATION SUBCODE

### 5:23-6.31 Change of use

(a) – (b) (No change.)

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

1. – 4. (No change.)

5. Notwithstanding the relative hazard as determined by Table C above, where any change of use occurs to a story with one exit, the story shall meet the requirements of Section [1006.3] **1006.3.3** (single exits) of the building subcode for the proposed use.

i. (No change.)

6. – 8. (No change.)

(d) – (g) (No change.)

(h) Fire Alarm and Detection Systems: When a change of use is made to any of the following 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 707.3.10 of the building subcode in which case only the portion changed shall comply; mixed occupancies shall use the highest applicable rating from Table 707.3.10. (For purposes of applying this section, horizontal separation shall not be considered.)

1. – 9. (No change.)

10. Group R-4: An automatic smoke detection system shall be installed and maintained as required by Section [907.2.10A] **907.2.9A** of the building subcode. (Fire)

(i) – (q) (No change.)