

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendments: N.J.A.C. 5:23-2.35, 3.2, 3.8, 5.3, 5.19G, 5.23B, 6.2, 6.3A, 6.6, 6.7, 6.8, 6.9, 6.31, and 6.32

Authorized By: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-119.

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

Proposal Number: PRN 2022-113.

Submit written comments by November 5, 2022, to:

Geraldine Callahan

Department of Community Affairs

PO Box 800

Trenton, New Jersey 08625

Fax No. (609) 984-6696

geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

This rulemaking includes a series of proposed amendments to the Uniform Construction Code, N.J.A.C. 5:23 (UCC), and the Rehabilitation Subcode, N.J.A.C. 5:23-6. Most of the amendments are proposed to reflect section numbering or wording changes with the adoption of the 2021 editions of the International Codes, including the International Building Code (IBC),

International Energy Conservation Code (IECC), International Mechanical Code (IMC), International Residential Code (IRC), and the National Standard Plumbing Code (NSPC), as well as the 2020 edition of the National Electrical Code, and the associated referenced standards. Revisions within the licensing requirements incorporate new special inspection areas, and the Rehabilitation Subcode incorporates relevant new sections into the requirements for work undertaken in existing buildings. The following summarizes the proposed amendments:

1. At N.J.A.C. 5:23-2.35(a)1ii(1), (4), and (5), changes reflect deletions, new titles, and renumbering that occurred within the 2021 edition of the IBC.
2. At N.J.A.C. 5:23-2.35(a)1iii, the proposed amendment deletes an erroneous hyphen in the applicable section number.
3. At N.J.A.C. 5:23-2.35(a)1v, the proposed amendment replaces the subparagraph to correct a cross reference to the Chapter 11, Accessibility, requirements of the UCC.
4. At N.J.A.C. 5:23-3.2(d)8i, the proposed amendment reflects renumbering in the 2021 edition of the IBC.
5. At N.J.A.C. 5:23-3.2(d)11, the proposed amendment would include a reference to the height and area limitation requirements within Table 504.4 for commercial farm buildings.
6. At N.J.A.C. 5:23-3.8(d), which contains materials and supplies that are not in conformance with the UCC, proposed amendments recognize that there are now multiple standards referenced in the IBC for requirements related to wood paneling and carpeting materials.
7. Proposed amendments throughout Subchapter 5, Licensing of Code Enforcement Officials, incorporate the requirements for special inspector certification for mass timber construction special inspectors and soils special inspectors. The requirements include the

candidacy, examination, and certification for these two special inspectors. They are proposed for inclusion because, like the currently recognized special inspector categories, they are certifications offered by the International Codes Council (<https://www.iccsafe.org/professional-development/certifications-and-testing/special-inspector-exams/>). Further proposed amendments revise the special inspections sections to account for renumbering within the 2021 edition of the IBC.

8. At N.J.A.C. 5:23-6.2(c), the proposed amendment would address a common concern that when the subcodes are revised within Subchapter 3, there should be a correlation within Subchapter 6, to alert readers to which edition of the code is applicable.

9. At N.J.A.C. 5:23-6.3A, proposed amendments incorporate all applicable floodplain sections when there is a substantial damage/improvement project.

10. At N.J.A.C. 5:23-6.6(e)4 and 5, the proposed amendments align with the percentages provided at Section 1105.1, Public entrances, of the building subcode for replacement doors and steps in alteration projects. This proposed amendment is also made at N.J.A.C. 5:23-6.7(e)4 and 5, for replacement doors and steps in reconstruction projects.

11. Proposed amendments at N.J.A.C. 5:23-6.8(b)2i reflect renumbering within the 2021 edition of the IBC.

12. Although there is no change in the text at N.J.A.C. 5:23-6.8(b)2vii, code users should note that the existing reference to Section 710.5 now includes new Section 710.5.2, Pass through openings, in Group I-2, Condition 2, is now included as a material and method in accordance with the rehabilitation subcode.

13. At N.J.A.C. 5:23-6.8(b)2xi, the reference to the rating requirements in Section 7.14.4.1.2 is proposed for deletion. The rating no longer exists within this section and has not existed since the 2009 edition of the IBC.

14. At N.J.A.C. 5:23-6.8(b)4, new Section 908.3, Fire alarm system interface, is now included as a material and method since it is incorporated in the applicability of “all of chapter 9.” The exceptions are amended to account for renumbering within the 2021 edition of the IBC with no change in applicability.

15. At N.J.A.C. 5:23-6.8(b)5i, proposed amendments reflect reorganization throughout Chapter 10 of the 2021 edition of the IBC. In addition, at N.J.A.C. 5:23-6.8(b)5ii, two sections are proposed for inclusion in materials and methods because they inform the code user how to install exit signs.

16. At N.J.A.C. 5:23-6.8(b)8, new Section 1509, Roof coatings, is incorporated into the materials and methods through the reference to “all of chapter 15.” This section is a material standards section within the building subcode. Further proposed amendments reflect renumbering within the 2021 edition of the IBC.

17. At N.J.A.C. 5:23-6.8(b)9, the proposed amendment reflects renumbering within the 2021 edition of the IBC.

18. At N.J.A.C. 5:23-6.8(b)20, proposed amendments incorporate a reference to Section 3111 for newly installed and completely replaced solar energy systems for consistency with the residential materials and methods at subsection (h). New Section 3115, Intermodal shipping containers, is also added as a material and method.

19. All proposed amendments throughout N.J.A.C. 5:23-6.8(c), Plumbing materials and methods, reflect updated section titles and applicability within the 2021 edition of the NSPC.

20. All proposed amendments throughout N.J.A.C. 5:23-6.8(d), Electrical materials and method, revise section titles in accordance with the 2020 edition of the NEC.

21. At N.J.A.C. 5:23-6.8(e), new Section 608, Balancing, of the IMC, is proposed for inclusion as a mechanical material and method for newly installed air distribution, ventilation, and exhaust systems. In addition, Section 1105.9, Means of egress, is proposed to be excepted from materials and maintenance, since egress is addressed at N.J.A.C. 5:23-6.11.

22. At N.J.A.C. 5:23-6.8(h)1, proposed amendments reflect renumbering within the 2021 edition of the IRC and include two new Sections, R329 and R330, relevant to stationary engine generators and stationary fuel cell power systems, in the residential materials and methods.

23. At N.J.A.C. 5:23-6.8(h)3, the proposed amendment reflects changing in the IRC that simplified the requirements for web hole patching. Companion proposed amendments are also made at N.J.A.C. 5:23-6.8(h)4ii and 6iii.

24. At N.J.A.C. 5:23-6.8(h)7, the proposed amendment notes that Section R907 applies to newly installed and completely replaced panel systems. This is consistent with the requirements for Section R324.

25. At N.J.A.C. 5:23-6.8(h)15, the proposed amendment updates the title of Chapter 19, consistent with the 2021 edition of the IRC.

26. At N.J.A.C. 5:23-6.8(l)1, sections of the energy subcode related to the air sealing of electrical/communication boxes are added to the energy conservation materials and methods for residential structures.

27. At N.J.A.C. 5:23-6.8(l)2, proposed amendments account for renumbering and revisions within the energy portion of the energy subcode. In addition, sections that address air

curtains and pumps are proposed for inclusion as energy conservation materials and methods for commercial structures.

28. At N.J.A.C. 5:23-6.9(a)2i, the proposed amendment incorporates the relevant section number within the cross-reference to the one- and two-family dwelling subcode.

29. At N.J.A.C. 5:23-6.9(a)3, the proposed amendment includes a reference to Section 712, which was renumbered from previous Section 708.2 in 2009 and should have been included in the rehabilitation subcode since that time.

30. At N.J.A.C. 5:23-6.9(a)11, the proposed amendments reflect renumbering within the 2021 edition of the IBC. A new section was added that shifted the requirements contained throughout the rest of the section with no change in text or requirement.

31. At N.J.A.C. 5:23-6.9(a)12, the proposed amendment adds language to reflect the full title and applicability of Section 505 of the building subcode, which addresses newly constructed mezzanines and equipment platforms.

32. At N.J.A.C. 5:23-6.9(a)14, the proposed amendment deletes language to appropriately reflect the applicability of Section 409 of the building subcode, which addresses motion picture projection rooms.

33. At N.J.A.C. 5:23-6.9(a)16, the proposed amendment adds language to reflect the applicability of Section 416 of the building subcode, which addresses spray application of flammable finishes.

34. At N.J.A.C. 5:23-6.9(a)18, the proposed amendment revises the section to align with the name and application of Section 424 of the building subcode, which addresses newly installed play structures.

35. At N.J.A.C. 5:23-6.9(a)22, the proposed deletion clarifies that passageways are not part of Section 1018 of the building subcode, which deals with aisles and aisle accessways.

Passageways are covered within exit passageways at N.J.A.C. 5:23-6.9(a)7.

36. At N.J.A.C. 5:23-6.9(a)24, a proposed amendment revises the heading of Section 110.33 to include “Entrance to Enclosures.”

37. At N.J.A.C. 5:23-6.9(a)27, the proposed amendments update section numbers and titles within the one- and two-family dwelling subcode.

38. At N.J.A.C. 5:23-6.9(a)32, 33, and 34, unnecessary hyphens are deleted.

39. Proposed amendments throughout N.J.A.C. 5:23-6.31(a)5 update section titles and numbers in accordance with the 2021 edition of the IBC and incorporate Section 421, Hydrogen fuel gas rooms, which were new in the 2018 IBC and are now proposed for inclusion in the rehabilitation subcode for changes of use. In addition, the phrase “as defined in the building subcode” is deleted at N.J.A.C. 5:23-6.31(a)5, because the relevant sections referenced by each subsection provide the definitions. Finally, Section 424, Children’s play structures, is proposed for deletion from these requirements because these structures are not rooms or buildings and are more appropriately addressed at N.J.A.C. 5:23-6.9, New building elements.

40. At N.J.A.C. 5:23-6.31(c)2iv, proposed amendments update a section title to reflect the 2021 IBC.

41. At N.J.A.C. 5:23-6.31(c)2x, proposed amendments reflect renumbering throughout Section 1020.

42. At N.J.A.C. 5:23-6.31(c)2xiii, a reference to Section 1029, Egress courts, is proposed for inclusion for the change of use provisions. This reflects renumbering within the 2021 edition

of the IBC. Egress courts used to be a subsection of Section 1028, so this subject has always been included in the rehabilitation subcode.

43. At N.J.A.C. 5:23-6.31(c)5, proposed amendments revise section numbering in accordance with the 2021 edition of the IBC.

44. At N.J.A.C. 5:23-6.31(c)7, proposed amendments update section numbers to align with the 2021 edition of the IBC. In addition, the occupant load has been “50 or more” since 2009. This is a longstanding error that this proposed amendment corrects.

45. At N.J.A.C. 5:23-6.31(f), in the table for exterior wall openings, proposed amendments would clarify the intent of the chart. Many individuals have tried to apply this chart to openings not within its applicability.

46. At N.J.A.C. 5:23-6.31(h)11, proposed amendments incorporate new requirements from the 2021 IBC for manual fire alarms in public storage and self-storage occupancies of three stories or more.

47. At N.J.A.C. 5:23-6.31(i), proposed amendments update section numbers in accordance with the 2021 edition of the IBC.

48. At N.J.A.C. 5:23-6.31(m), proposed amendments update section titles, pursuant to the latest edition of the NEC.

49. At N.J.A.C. 5:23-6.32(g), the proposed amendment reflects the percentage used at Section 1105.1, Public Entrances, of the building subcode.

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

Social Impact

The Department of Community Affairs (Department) anticipates that this rulemaking would have a positive social impact. The proposed amendments update the UCC to reflect section numbering and wording changes in the adoption of the latest editions of the national model codes and incorporate new sections within the building and one- and two-family dwelling subcodes, N.J.A.C. 5:23-3.14 and 3.21, into the rehabilitation subcode. This rulemaking ensures that the Uniform Construction Code aligns with the adopted subcodes and ensures clarity among code users. Including the latest editions of the codes into the administrative provisions of the Uniform Construction Code ensures that modern techniques and technologies, which promote safety and establish uniformity, are in place throughout the State.

Economic Impact

The majority of the proposed amendments have no economic impact because they update the references to the national model codes while maintaining the status quo. For the proposed amendments identified in the Summary that clarify current code requirements or incorporate new requirements into the rehabilitation subcode, any impact on the cost of compliance with the regulations would be minimal because they are largely clarifying technical changes. Though changes to the rehabilitation subcode may entail costs to the person undertaking rehabilitation work, this work is voluntary, and any cost incurred in undertaking rehabilitation is necessary to ensure safety in the scope of the project.

Federal Standards Statement

No Federal standards analysis is required because these proposed amendments are not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirement.

Jobs Impact

The proposed amendments are not expected to have any impact on the creation or loss of jobs; however, the inclusion of new special inspection certifications is likely to lead to an increase of individuals qualified to perform this work.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

The proposed amendments update section numbers throughout the UCC to align with the most recent editions of the national model codes. The proposed amendments also clarify current code requirements and incorporate new requirements into the rehabilitation subcode. This rulemaking imposes technical requirements on those undertaking rehabilitation projects, some of which are small businesses, as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. As the proposed amendments clarify health and safety requirements, there is no basis for differential treatment of small businesses. The proposed amendments are not expected to introduce any new recordkeeping or reporting requirements on small businesses, nor are they expected to require small businesses to employ professional services not already required, in order to comply with the UCC.

Housing Affordability Impact Analysis

The proposed amendments are intended to conform the UCC rules to the most recent editions of the adopted model codes and make changes of a technical or corrective nature. The proposed amendments are not expected to have an impact on the affordability of housing, or the average costs associated with housing.

Smart Growth Development Impact Analysis

The proposed amendments update section numbers throughout the UCC to align with the most recent editions of the national model codes, clarify current code requirements, and incorporate new requirements into the rehabilitation subcode. As the proposed amendments do not impact zoning or what may be built in a given location, it is not anticipated that the proposed amendments will have any impact on housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.35 Enforcement actions after issuance of certificate(s) of occupancy

(a) Subsequent to the issuance of a certificate of occupancy, the construction official shall issue a notice of violation for any violation of the provisions of the Code in effect at the time of permit application that comes to his or her attention. Pursuant to N.J.S.A. 2A:14-1.1, no notice of violation may be issued to the developer or to any contractor more than 10 years after issuance of the certificate of occupancy.

1. If violations of any of the following provisions of the Code in effect at the time of permit application are found in a residential structure in a development, other than Group

R-1, subsequent to the issuance of a certificate of occupancy, the construction official shall issue such notices and orders as may be necessary to ensure that all units within the development that might have similar violations are inspected for such violations and that any such violations found are cited and abated:

i. (No change.)

ii. The following provisions of the building subcode:

(1) Chapter 4, Special Detailed Requirements Based on Use and Occupancy, except for [sections] **Sections** 401, 402.3, [403.2.2,] 409, **and** 412;

(2)–(3) (No change.)

(4) Chapter 9, Fire Protection **and Life Safety** Systems; and

(5) Chapter 10, Means of Egress, except for [sections] **Sections** 011.5.4, 1011.5.5, 1011.11, 1011.12, [1029.14, 1029.16, and 1029.17] **1030.14, 1030.16, and 1030.17;**

iii. The following provisions of the one- and two-family dwelling subcode:

(1)–(2) (No change.)

(3) Section [R-302.3] **R302.3**, Two-family dwellings (Fire-Resistant Construction); and

(4) (No change.)

iv. (No change.)

[v. Subchapter 7, the barrier free subcode; and]

v. Chapter 11, Accessibility, of the building subcode; and

vi. (No change.)

2. (No change.)

SUBCHAPTER 3. SUBCODES.

5:23-3.2 Matters covered; exceptions

(a)–(c) (No change.)

(d) Rules concerning commercial farm buildings are as follows:

1.–7. (No change.)

8. A commercial farm building may be used as a place of public assembly for not more than 15 days in a calendar year. For the purposes of enforcing this requirement, a public assembly shall be a gathering of 50 or more people. A permit shall be obtained from the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., and the fee for issuing the permit shall not exceed \$75.00 per event.

i. A commercial farm building that is used as a place of public assembly for not more than 15 days in a calendar year and that is provided with electricity shall comply with [section 1006] **Section 1008** of the building subcode.

ii. (No change.)

9.–10. (No change.)

11. Construction type, height, and allowable area requirements for commercial farm buildings and structures shall be as specified in the building subcode and shall not exceed the area or height limitations of Tables 504.3, **504.4**, and 506.2 for the type of construction used, except as follows:

i.–iii. (No change.)

12.–14. (No change.)

5:23-3.8 Products violating the Code

(a)–(c) (No change.)

(d) The Commissioner has determined that the following materials and supplies are not in conformance with the State Uniform Construction Code:

1. Building materials and supplies:

i. Wood paneling being used as an interior finish not in conformance with section 803.1 of the building subcode. This section specifies that finish shall be classified in accordance with ASTM E84 **or other equivalent standards**;

ii. Carpeting used as an interior floor finish material not in conformance with section 804 of the building subcode. This section specifies that interior floor finish shall be classified in accordance with ASTM E648, **or other equivalent standards**; and

2.–4. (No change.)

SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS

5:23-5.3 Types of licenses and certifications

(a) Rules concerning code enforcement licensure and certification categories are:

1.–3. (No change.)

4. Special inspector certifications: Subject to the requirements of this subchapter, persons may apply for and may be certified in the following specialties:

i.–ii. (No change.)

iii. Concrete placement special inspector: Concrete placement special inspectors are authorized to carry out field inspections pursuant to [section] **Section 1705.3**

(excluding [section] **Section 1705.3.1**) and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 (excluding shotcrete inspections), 8, 10, [11, and 12] **13, and 14** of the building subcode.

iv. Reinforced concrete special inspector: Reinforced concrete special inspectors are authorized to carry out field inspections pursuant to section 1705.3 (excluding [section] **Section 1705.3.1**), [section] **Section 1705.8** and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 (excluding shotcrete inspections), 8, 10, [11, and 12] **13, and 14** of the building subcode.

V. Prestressed concrete special inspector: Prestressed concrete special inspectors are authorized to carry out field inspections pursuant to [section] **Section 1705.3** (excluding [section] **Section 1705.3.1**) and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 (excluding shotcrete inspections, 8, 9, 10, 11, [and] 12, **13, and 14** of the building subcode.

vi. (No change.)

vii. Mass timber construction special inspector: Mass timber construction special inspectors are authorized to carry out field inspections pursuant to Section 1705.5.3 of the building subcode.

viii. Soils special inspector: Soils special inspectors are authorized to carry out field inspections pursuant to Section 1705.6 of the building subcode.

Recodify existing vii. And viii. As **ix. and x.** (No change in text.)

5:23-5.19G Special inspector requirements

(a) A candidate for a structural welding special inspector certification, structural steel and bolting certification, concrete placement special inspector certification, reinforced concrete special

inspector certification, prestressed concrete special inspector certification, [or] structural masonry, **or soils** special inspector certification shall meet one of the following educational or experience requirements:

1.-3. (No change.)

(b) (No change.)

(c) A candidate for an exterior insulation finish system (EIFS) or **mass timber construction** special inspector certification shall meet one of the following educational or experience requirements:

1.-4. (No change.)

(d) (No change.)

5:23-5.23B Examination requirements for special inspectors

(a) Applicants for certification as special inspectors shall demonstrate competence by successful completion of the relevant examinations. Requirements for specific certifications are as follows:

1.-6. (No change.)

7. Examination requirements for mass timber construction special inspector:

Successful completion of tall mass timber buildings special inspector examination of the International Code Council, or equivalent, as determined by the Department of Community Affairs.

8. Examination requirements for soils special inspector: Successful completion of soils special inspector examination of the International Code Council, or equivalent, as determined by the Department of Community Affairs.

Recodify existing 7.-8. as **9.-10.** (No change in text.)

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.2 Applicability and compliance

(a)–(b) (No change.)

(c) Compliance: The only requirements of the other subcodes of the UCC that apply are specifically set forth in this subchapter. Compliance with the requirements of the other subcodes of the [Uniform Construction Code] UCC 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] UCC 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 **as of (insert adoption date of the national model codes update)**.

1.–5. (No change.)

(d)–(j) (No change.)

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, **R309.3**, R322, **R401.1**, **R404.1.9.5**, R406.1.2.1, R408.7, M1301.1.1, M1401.5, M1601.4.10, M1701.2, M2001.4, **M2101.29.1**, **M2105.22.1**, M2201.6, and G2404.7 of the one- and two-family dwelling subcode.

2. All other buildings:

i. Building subcode: Sections 802.4, **913.2**, **1108.7.5**, 1202.4.4, **1402.6**, **1402.7**, 1403.6, 1403.7, [1603.1.7, 1605.2.1,] 1605.3.1.2, 1612, 1804.5, [and] 1805.1.2.1, **2702.1.8**, **3001.3**, and **3102.7**.

ii. Mechanical subcode: Sections 301.16, 401.4, 501.3.1, 602.4, 603.13, 1206.9.1, **1210.8.6**, and 1305.2.1.

iii. (No change.)

5:23-6.6 Alterations

(a)–(d) (No change.)

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

1.–3. (No change.)

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

i. In buildings required by 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, Section 404.

(1) If the door being added, enlarged, or replaced is a building entrance and at least [50] **60** 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, Section 404.

ii. (No change.)

5. In buildings required by 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. If at least [50] **60** percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

6.–25. (No change.)

(f)–(l) (No change.)

5:23-6.7 Reconstruction

(a)–(d) (No change.)

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

1.–3. (No change.)

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

i. In buildings required by 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, Section 404.

(1) If the door being added, enlarged, or replaced is a building entrance and at least [50] **60** 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, Section 404.

ii. (No change.)

5. In buildings required by 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. If at least [50] **60** percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

6.–22. (No change.)

(f)–(l) (No change.)

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 and Smoke Protection Features”:

i. Sections 703.2, 703.3, 703.4, [703.5,] 703.6, **703.7**;

ii.–x. (No change.)

- xi. Section 714[, except that the rating requirement of Section 714.4.1.2 shall not apply];
 - xii.–xix. (No change.)
3. (No change.)
4. All of Chapter 9 entitled “Fire Protection Systems” except Sections 902, 903.2, 904.2, 905.3, 906.1, 907.2, **908.1, 908.2**, 910.2, 911, 917, **and** 918;
5. The following sections of Chapter 10 entitled "Means of Egress":
- [i. Sections 1010.1.4.1, 1010.1.4.2, 1010.1.4.3, 1010.1.4.4, 1010.1.4.5, 1010.1.9, 1010.1.10.1, 1010.1.10.2;]
 - i. Sections 1010.2 and 1010.3;**
 - (1) Sections 1010.2.9.3 and 1010.2.9.4 shall be the only sections that apply within Section 1010.2.9.**
 - ii. Sections 1013.3, **1013.4**, 1013.5, [1013.6.1, 1013.6.3] **and 1013.6;**
 - iii.–iv. (No change.)
- 6.–7. (No change.)
8. All of Chapter 15 entitled “Roof Assemblies and Rooftop Structures” except Sections 1501, 1502, 1503.4, [1510.9] **and 1511.8;**
9. All of Chapter 16 entitled “Structural Design,” except Sections 1601, 1604, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, **and 1616** 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.–19. (No change.)
20. The following sections of Chapter 31 entitled “Special Construction”:

i.–iii. (No change.)

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[.];

vi. Section 3111 shall apply to newly installed and completely replaced solar energy systems; and

vii. Section 3115 shall apply to newly repurposed intermodal shipping containers.

(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 **Section 2.19**:

i. (No change.)

ii. Section 2.19 for [mandatory connections to the] **availability of** public water supply and sewer shall apply when existing septic or water supply facilities are no longer suitable for use as determined by the local health inspector, and public facilities are available within the meaning of **Section 2.19**.

2.–4. (No change.)

5. Chapter 6, entitled [“Interceptors”] **“Liquid Waste Treatment Equipment”** except [sections] **Sections 6.1.1, 6.3.1, and 6.4.1**:

i. (No change.)

6.–11. (No change.)

12. All of Chapter 13 entitled “Storm Water Drainage” except **Section** 13.1.1, 13.1.2, 13.1.6, 13.1.7, 13.1.10.1, 13.4.3, 13.6.1, **and** 13.6.2:

i.–v. (No change.)

vi. Section 13.4.3 “Combining Storm **Water** with Sanitary Drainage” shall not be applied to existing connections to the sewer. This section shall only require that newly installed sanitary and storm sewers be separate.

vii. Section 13.6.1 [for sizing of “Vertical] “**Size of Vertical** Conductors and Leaders” shall only apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

viii. (No change.)

13.–15. (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.–2. (No change.)

3. All of Chapter 2 entitled “Wiring and Protection” except Sections 210.11 Branch Circuits Required, 210.12 Arc-Fault Circuit-Interrupter Protection, 210.52 Dwelling Unit Receptacle Outlets, 210.60 Guest Rooms or Guest Suites Dormitories and Similar Occupancies, 210.62 Show Windows, 210.63 [Heating, Air Conditioning, and Refrigeration Equipment Outlet] **Equipment Requiring Servicing**, and 210.70 Lighting Outlets Required;

4. (No change.)

5. All of Chapter 4, entitled “Equipment for General Use” except Section 404.8 Accessibility and Grouping (switches) and Section 408.18 Clearances (switchboards and [panelboards] **switchgear**);

6.–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.–3. (No change.)

4. All of Chapter 6, entitled “Duct Systems” except Sections 602, [and] 604.1, **and 608**;

i. Section 602 shall apply to [newly-constructed] **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] **newly installed** materials within the plenum shall be consistent with material requirements of Section 602; **and**

ii. Section 608 shall apply to newly installed systems.

5.–8. (No change.)

9. All of Chapter 11, entitled “Refrigeration,” **except Section 1105.9**;

10.–12. (No change.)

(f)–(g) (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.–xii. (No change.)

xiii. Section [R326] **R327** 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]

xiv. Section [R327] **R328** shall apply to newly installed and completely replaced stationary storage battery systems;

xv. Section R329 shall apply to newly installed and completely replaced stationary engine generators; and

xvi. Section R330 shall apply to newly installed and completely replaced stationary fuel cell power systems;

2. (No change.)

3. The following sections of Chapter 5 entitled “Floors”:

i.–iii. (No change.)

iv. Sections R505.2.1, R505.2.2, R505.2.3, R505.2.4, R505.2.5, R505.2.6.3 **for web hole patching only, and** R505.3.5; and

v. (No change.)

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, R603.2.6.3 **for web hole patching only, and R603.3.4;**

iii.–ix. (No change.)

5. (No change.)

6. The following sections of Chapter 8, entitled “Roof-Ceiling Construction”:

i.–ii. (No change.)

iii. Sections R804.2.1, R804.2.2, R804.2.3, R804.2.4, R804.2.5, R804.2.6.3 **for web hole patching only, and R804.3.3;**

7. All of Chapter 9 entitled “Roof Assemblies”[;], **except Section R907.**

i. Section R907 shall apply to newly installed and completely replaced panel systems;

8.–14. (No change.)

15. All of Chapter 19, entitled “Special [Fuel-Burning] **Appliances, Equipment and Systems**”;

16.–20 (No change.)

(i)–(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:

i. (No change.)

ii. The following sections of Chapter 4 of the residential energy code entitled “Residential Energy Efficiency”:

(1) Sections R402.2.3, R402.2.4, [R402.2.8, R402.2.12,] **R402.2.7**,
R402.2.11, R402.4.1.1, R402.4.3, [and] **R402.4.5**, **and R402.4.6** (N1102.2.3,
N1102.2.4, [N1102.2.8, N1102.2.12,] **N1102.2.7**, **N1102.2.11**, N1102.4.1.1,
N1102.4.3, [and] N1102.4.5, **and N1102.4.6**).

2. Commercial energy code provisions:

i. The following sections of Chapter 4 of the commercial energy code entitled
“Commercial Energy Efficiency”:

(1) (No change.)

(2) Sections [5.4.3.1 (excluding 5.4.3.1.3a),] **5.4.3.1.2**, 5.4.3.2, [5.4.3.3,]
5.5.4.1, 5.8.1, and 5.8.2;

(3)–(4) (No change.)

(5) Sections 10.4.1, **10.4.5**, **and 10.4.7**.

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. (No change.)

2. When the number of stories in a building is increased without increasing the height of the building, the building shall comply with the story requirements of Table 504.4 of the building subcode.

i. Stories or habitable attics within buildings of Group R-5 shall comply with N.J.A.C. 5:23-3.21(c)3i (**Section R300**) of the one- and two-family dwelling subcode.

3.–10. (No change.)

11. Newly created corridors shall comply with Sections [1020.1, 1020.3,] **1020.2**, 1020.4, 1020.5, [and] 1020.6, **and 1020.7** of the building subcode.

12. Newly constructed mezzanines **and equipment platforms** shall comply with Section 505 of the building subcode.

13. (No change.)

14. Newly created motion picture projection rooms[, screening rooms and sound stages] shall comply with Section 409 of the building subcode.

15. (No change.)

16. Newly created spaces which are utilized for the **spray** application of flammable finishes shall comply with Section 416 of the building subcode.

17. (No change.)

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.

iii.–iv. (No change.)

19.–21. (No change.)

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

23. (No change.)

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 at N.J.A.C. 5:23-6.8, Materials and methods, and, in addition, shall conform with Sections 110.26 (Space About Electrical Equipment—1,000 Volts, Nominal or Less), 110.32 (Work Space About Equipment—Over 1,000 Volts, Nominal), 110.33 (Entrance **to Enclosures** and Access to Work Space), 404.8 (Accessibility and Grouping), and 408.18 (Clearances), as applicable, of the electrical subcode. (Electrical)

i.-ii. (No change.)

25.–26. (No change.)

27. Newly created [thermally isolated] **conditioned** sunrooms **or garages** shall meet the R-value and U-factor requirements of Sections [R402.2.13] **R402.2.12** and R402.3.5 ([N1102.2.13] **N1102.2.12** and N1102.3.5) of the residential energy code.

28.–31. (No change.)

32. [Newly-installed] **Newly installed** snow and ice melting systems shall be installed in accordance with Section R403.9 (N1103.9) of the residential energy code or Section 6.4.3.7 of the commercial energy code, as applicable.

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

34. [Newly-installed] **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.

5:23-6.31 Change of use

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

1.–4. (No change.)

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.–vi. (No change.)

vii. Special Amusement [Buildings--Section] **Areas--Section 411:**

(1)–(2) (No change.)

viii.–ix. (No change.)

x. **Spray** Application of Flammable Finishes--Section 416;

xi.–xii. (No change.)

[xiii. Live/Work Units-Section 419;]

xiii. Hydrogen Fuel Gas Rooms – Section 421;

xiv. (No change.)

[xv. Children's Play Structures - Section 424;]

Recodify existing xvi.-xix. as **xv.-xxviii.** (No change in text.)

xix. Live/Work Units – Section 508.5.

6.–8. (No change.)

(b) (No change.)

(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

Relative Hazard	Use Classifications
1 (highest)	H-1, H-2, H-3, A-2 Nightclubs
2	I-2, I-3, I-4
3	A (other than A-2 nightclubs), E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, R-5, S-1, H-4, H-5
5 (lowest)	F-2, S-2, U

1. (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.–iii. (No change.)

iv. Sections 1011.7.2 (Outdoor conditions), 1011.7.3 (Enclosures under **interior** stairways), 1011.12 (Stairway to roof), and the Basic Requirements (6.10 through 6.30) for stair widths;

v.–ix. (No change.)

x. Sections [1020.1] **1020.2** (Corridor construction), [1020.3] **1020.4** (Corridor obstruction), [1020.5] **1020.6** (Air movement in corridors), [1020.6] **1020.7** (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 [1020.1] **1020.2** (Corridor Fire-Resistance Rating);

xi.–xii. (No change.)

xiii. Section 1028 (Exit Discharge) **and Section 1029 (Egress Courts)**; and

xiv. Section [1029] **1030** (Assembly).

3.–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] **at** Section [1006.3] **1006.3.4** (single exits) of the building subcode for the proposed use.

i. (No change.)

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] **of 50 or more**, approved panic hardware shall be installed in accordance with Section [1010.1.10] **1010.2.9** (panic and fire exit hardware) of the building subcode.

8. (No change.)

(d)–(e) (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

Relative Hazard	Use Classifications
1 (highest)	H
2	Buildings exceeding 12,000 sq ft of F-1, M, or S-1
3	A, B, E, F-2, S-2, Buildings 12,000 sq ft or less of F-1, M, or S-1
4 (lowest)	R-2, R-3, R-4, R-5, U

1. (No change.)
2. Exterior Wall Openings: If the group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall openings in the table below shall be met.

Group	Exterior Wall Requirements
H	No opening permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of 20 feet or less.

<p>A-1, A-2 Nightclubs, A-2 Other than Nightclubs, A-3, A-4, A-3 Churches, B. E. F-1. I-1, I-2, I-3, I-4, M, S-1, R-1</p>	<p>No openings permitted with a fire separation distance of three feet or less.</p> <p>Walls with a fire separation distance of 10 feet or less, but more than three feet, are permitted to have unprotected openings with an aggregate area not exceeding 10 percent of the area of the wall. Openings in excess of 10 percent of the aggregate wall area shall be protected.</p>
<p>F-2, S-2</p>	<p>No openings permitted with a fire separation distance of three feet or less.</p> <p>Protected openings required with a fire separation distance of five feet or less.</p>

i.-iii. (No change.)

(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)]

11. Group S: A manual fire alarm 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 907.2.10 of the building subcode.

1. Group R-1: Single or multiple station smoke alarms shall be installed and maintained as required by Section [907.2.10.1] **907.2.11.1** of the building subcode.

2. Groups R-2, R-3, R-4, R-5, and I-1: Smoke alarms shall be installed and maintained as required by Section [907.2.10.2] **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)–(l) (No change.)

(m) Electrical Requirements: The following electrical requirements shall apply in changes of use:

1. When the character of the use of a building or portion thereof is changed to one of the following special occupancies as described [in] **at** Chapter 5 of the electrical subcode, the electrical wiring and equipment of the building or portion thereof that contains the

proposed use shall comply with all applicable requirements of the electrical subcode regardless of whether a change of group is involved:

i.–iii. (No change.)

[iv. Gasoline Dispensing and Service Stations;]

iv. Motor Fuel Dispensing Facilities;

v. (No change.)

vi. Spray Application, Dipping, [and] Coating, **and Printing** Processes;

vii. (No change.)

viii. [Places of] Assembly **Occupancies;**

ix. Theaters, [Audience Areas of] Motion Picture and Television Studios, and Similar Locations;

x.–xi. (No change.)

2. (No change.)

(n)–(q) (No change.)

5:23-6.32 Additions

(a)–(f) (No change.)

(g) All additions shall comply with the requirements [of] **at** Chapter 11 of the building subcode for accessibility, where applicable.

1. The addition shall include accessible entrance(s) unless the requirement that [50] **60** percent of the building entrances be accessible has been met in the existing building. (For purposes of calculating the number of accessible entrances required, all entrances in the existing building and planned for the addition shall be included.)

i. (No change.)

2. (No change.)

(h)–(i) (No change.)