

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Proposed Amendments: N.J.A.C. 5:23-3.4, 3.14, 3.21, 6.5, 6.6, and 6.7**

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 2021-060.

Submit written comments by September 4, 2021, to:

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The agency proposal follows:

**Summary**

The Department of Community Affairs (Department) seeks to amend Subchapter 3, Subcodes, and Subchapter 6, Rehabilitation Subcode, of the Uniform Construction Code, N.J.A.C. 5:23 (UCC). Proposed amendments to Subchapter 3 would correct oversights in the delineation of responsibilities, as well as make corrections throughout the building subcode.

Proposed amendments to Subchapter 6 would address grounding systems during rehabilitation projects.

1. At N.J.A.C. 5:23-3.4(a)5 and 6, proposed amendments would assign plan review and inspection duties for Sections 301.19 and M1307.7 of the International Mechanical Code (IMC) and the International Residential Code (IRC), respectively. Although Section 404 of the National Electrical Code (NEC) defines enforcement responsibilities for switches, and Section 307 of the IMC implicitly defines enforcement responsibilities for fuel oil valves, these inclusions at N.J.A.C. 5:23-3.4 are proposed for clarity and consistency. For both sections, proposed amendments would dictate that the electrical subcode official is responsible for plan review and inspection related to the switch, and the plumbing subcode official is responsible for plan review and inspection related to the valve.

Additionally, the IRC and the International Building Code currently contain references to an exception at Section 305.1 of the International Swimming Pool and Spa Code (ISPC) that has been incorporated into the main text of the ISPC in the 2018 edition. Thus, cross-references to the excepted section at N.J.A.C. 5:23-3.4(a)1 and 6 are obsolete and would be deleted.

2. At N.J.A.C. 5:23-3.14(b)2, 4, and 9, proposed amendments would revise the text to appropriately reflect the proper term for egress. By way of background, since the adoption of the 2000 IBC, the term “incapable of self preservation” has been deleted from the UCC, and the terms “slow evacuation” and “impractical evacuation” have been used in its place. This proposed amendment corrects sections for the applicable evacuation term for health care and institutional facilities where the deleted term was still referenced.

Additionally, at N.J.A.C. 5:23-3.14(b)10iii, the UCC currently deletes an exception for rear grab bars in Type B dwelling units. This deletion was included because Type B dwelling

units are not adopted as part of the accessibility requirements in the State of New Jersey. This exception was based on language in the 2003 edition of A117.1. In the 2009 edition of A117.1, which is currently in effect in the State, the exception for Type B dwelling units no longer exists. This proposed amendment would delete the exception since it is now obsolete.

3. At N.J.A.C. 5:23-6.5 and 6.6, proposed amendments would require that electrical grounding systems be updated when electrical service equipment is repaired. Similar language requiring updates to the electrical grounding system when the electrical service is repaired or replaced was incorporated at N.J.A.C. 5:23-6.7, Reconstruction. The proposed amendments would expand the requirement to renovation and alteration projects, as well as reconstruction. It is possible that older buildings are deficient in their grounding electrode system, which can result in fires and damage to equipment. The proposed amendments ensure that those systems be updated to prevent such damages. Upon further review, it was found that updating should not be required for repairs to existing systems that are not being altered in any way. Thus, a change would be made at N.J.A.C. 5:23-6.7, to delete the term “repair” from the requirements to update grounding, in addition to making the current language consistent with the format used within the rehabilitation subcode.

4. At N.J.A.C. 5:23-3.21, the Department is making a technical fix to correct an Administrative Code codification error at paragraph (c)3. Subparagraph (c)3xxxix, pertaining to Section R322.1.9, Manufactured homes, is incorrectly codified as “(c)3xix.”

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**

Because these proposed amendments clarify the Uniform Construction Code and ensure safety in rehabilitation projects, it is expected that this rulemaking will have a positive social impact. The proposed amendments ensure UCC users have access to the most accurate and up-to-date information. Additionally, the proposed amendments to the rehabilitation subcode to require that the grounding electrode system be updated would further ensure the health and safety of residents throughout the State.

### **Economic Impact**

The proposed amendments at N.J.A.C. 5:23-3.4 and 3.14 update the language of the UCC and are not expected to have an economic impact. The proposed amendments to the rehabilitation subcode to require that the grounding electrode system be updated could impose an additional cost to the average homeowner. This cost is expected to be approximately \$150.00; such cost is minimal compared to the benefits of having a safe and functional grounding system.

### **Federal Standards Statement**

No Federal standards analysis is required because the 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, standards, or requirements.

### **Jobs Impact**

The proposed amendments are not expected to have an impact on the generation or loss of jobs.

### **Agriculture Industry Impact**

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

### **Regulatory Flexibility Analysis**

The proposed amendments, which clarify the UCC and ensure safe and functional grounding electrode systems, are not expected to impose any new reporting or recordkeeping requirements on “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., nor do the proposed amendments create a need for other professional services. However, the proposed amendments do impose compliance requirements on any small business that own affected property, as set forth in the Summary and Economic Impact above.

### **Housing Affordability Impact Analysis**

It is not expected that the proposed amendments will have any impact on the affordability of housing, or on the average costs associated with housing, because the proposed amendments concern updating the Uniform Construction Code.

### **Smart Growth Development Impact Analysis**

It is not expected that the proposed amendments will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan because the proposed amendments concern updating the Uniform Construction Code.

### **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.

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

SUBCHAPTER 3. SUBCODES

5:23-3.4 Responsibilities

(a) The enforcement responsibilities of the adopted subcodes are as follows:

1. Building Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
	3109		
	ISPSC, Section 305	Building	Building (Except safety covers pursuant to Section 305.1, [Exception 1] which shall be Electrical)
...			

2.-4. (No change.)

5. Mechanical Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
	<b>301.19</b>	<b>Electrical (switch)/Plumbing (valve)</b>	<b>Electrical (switch)/Plumbing (valve)</b>
...			

6. One- and Two-Family Dwelling Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
	ISPSC, Section 305	Building	Building (Except safety covers pursuant to Section 305.1, [Exception 1] which shall be Electrical)
...			
	<b>M1307.7</b>	<b>Electrical (switch)/Plumbing (valve)</b>	<b>Electrical (switch)/Plumbing (valve)</b>
...			

7.-9. (No change.)

(b)-(d) (No change.)

5:23-3.14 Building subcode

(a) (No change.)

(b) The following chapters of the building subcode are modified as follows:

1. (No change.)

2. Chapter 2, Definitions, shall be amended as follows:

i.-v. (No change.)

**vi. The definition of “ambulatory care facility” shall be amended as follows: the phrase, “who are rendered incapable of self-preservation by the services provided or staff has accepted the responsibility for care recipients already incapable” shall be deleted and “where evacuation is impractical” shall be inserted.**

Recodify existing vi.–viii. as **vii.–ix.** (No change in text.)

**x. The definition of “clinic, outpatient” shall be amended as follows: the phrase “who are not rendered incapable of self-preservation by the services provided” shall be deleted, and “where evacuation is slow” shall be inserted.**

[ix.] **xi.** (No change in text.)

**xii. The definition of “detoxification facilities” shall be amended as follows: the phrase “who are incapable of self-preservation or are harmful to themselves or others” shall be deleted, and “where evacuation is impractical” shall be inserted.**

Recodify existing x.–xvi. as **xiii.–xix.** (No change in text.)

**xx. The definition of “hospitals and psychiatric hospitals” shall be amended as follows: “who are incapable of self-preservation” shall be deleted, and “where evacuation is impractical” shall be inserted.**

[xvii.] **xxi.** The definition of “incapable of self-preservation” shall be deleted.

**This deletion shall include its cross-reference definition of the term “self-preservation, incapable of.”**

Recodify existing xviii.–xxi. as **xxii–xxv.** (No change in text.)



**xxvi. The definition of nursing home shall be amended as follows: the phrase “incapable of self-preservation” shall be deleted, and “of impractical evacuation” shall be inserted.**

Recodify existing xxii.–xxxv. as **xxvii.–xl.** (No change in text.)

3. (No change.)

4. Chapter 4, Special Detailed Requirements Based on Use and Occupancy, shall be amended as follows:

i.–ix. (No change.)

**x. In Section 422.2, Separation, the phrase “to be incapable of self-preservation at any time” shall be deleted, and “of impractical evacuation” shall be inserted.**

Recodify existing x.–xi. as **xi.–xii.** (No change in text.)

5.–7. (No change.)

8. Chapter 9, Fire Protection Systems, shall be amended as follows:

i.–v. (No change.)

**vi. Section 903.2.2, Ambulatory Care Facilities, “Evacuation is impractical for” shall be inserted at the beginning of the sentence in item 1, and “are incapable of self-preservation” shall be deleted. “Evacuation is impractical for” shall be inserted at the beginning of the sentence in item 2, and “that are incapable of self-preservation” shall be deleted.**

Recodify existing vi.–lxxxvi. as **vii.–lxxxvii.** (No change in text.)

9. (No change.)

10. Chapter 11, Accessibility, shall be amended as follows:

i.-ii. (No change.)

iii. In Section 1102.1, Design, "amended as follows:" shall be added to the end of the sentence and the following list shall be inserted:

1.-5. (No change.)

[6. In section 604.5.2, entitled "Rear Wall Grab Bars," delete Exception 2 in its entirety.]

Recodify existing 7.-22. as **6.-21.** (No change in text.)

iv.-lviii. (No change.)

11.-27. (No change.)

5:23-3.21 One- and two-family dwelling subcode

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

(c) The following chapters or sections of the IRC/2018 shall be modified as follows:

1.-2. (No change.)

3. Chapter 3, Building Planning, shall be amended as follows:

i.-xxxviii. (No change.)

[xix.] **xxxix.** (No change in text.)

xl.-xliv. (No change.)

4.-24. (No change.)

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.5 Renovations

(a)-(d) (No change.)

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

1.-6. (No change.)

**7. Any replacement to the electrical service equipment shall require that the grounding electrode system be updated to the requirements of Article 250 Part III of the electrical subcode. (Electrical)**

Recodify existing 7.-14. as **8.-15.** (No change in text.)

(f)–(h) (No change.)

5:23-6.6 Alterations

(a)–(d) (No change.)

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

1.-9. (No change.)

**10. Any replacement to the electrical service equipment shall require that the grounding electrode system be updated to the requirements of Article 250 Part III of the electrical subcode. (Electrical)**

Recodify existing 10.–24. as **11.–25.** (No change in text.)

(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.-9. (No change.)

10. Any [repair or] replacement to the electrical service equipment shall require that the grounding electrode system be updated to the requirements of [NEC] Article 250 Part III[, as referenced in] **of** the electrical subcode [(N.J.A.C. 5:23-3.16)]. (Electrical)

11.–22. (No change.)

(f)–(l) (No change.)