

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
	306.5.2	Electrical	Electrical
	306.6	Building	Building
...			
Ch. 5	Chimneys and Vents	Building/Fire	Fire (except 501.3, [501.7,] 501.11, 501.15.3, 503.5.3, 503.5.8-503.5.10, 503.5.11)
...			
	[501.7	Building/Fire	Building]
...			
	503.5.8-503.5.10	Building	Building
	503.5.11	Building/Fire	Fire
...			
	602-[604] 603	Plumbing/Fire	Plumbing
	604	Building/Fire	Building
	605	[Plumbing/Fire] Fire/Plumbing	Fire
...			
	608-[614] 615	Building/Fire	Building
	[615.1-615.3	Building/Fire	Building
	615.4-615.5	Building/Fire	Fire
	615.6-615.7	Building/Fire	Building]
	616	[Building/Fire] Fire	Fire
	617	[Plumbing] Electrical/Plumbing	Electrical if electric/Plumbing if oil fired
...			
	[620.1-620.4] 620-622	Building/Fire	Building
	[620.5	Fire	Fire
	621-622	Building/Fire	Building]
...			
	628.4[-632]	Plumbing	Plumbing
	629-630	Building/Fire	Building
	631-632	Plumbing	Plumbing
	633	[Electrical] Fire	[Electrical] Fire
...			

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

(a)

**DIVISION OF CODES AND STANDARDS
 Uniform Construction Code
 Proposed Amendments: N.J.A.C. 5:23-3.14, 3.16,
 3.21, and 3.22**

Authorized By: Lieutenant Governor Sheila Y. Oliver,
 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 2020-021.

Submit written comments by May 1, 2020, to:
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The agency proposal follows:

Summary

The Department of Community Affairs (Department) seeks to amend Subchapter 3, Subcodes, of the Uniform Construction Code, N.J.A.C.

5:23, to correct publication errors when adopting the New Jersey 2018 editions of the International Building Code (NJ IBC), N.J.A.C. 5:23-3.14, and the International Residential Code (NJ IRC), N.J.A.C. 5:23-3.21. Two corrections are also made to N.J.A.C. 5:23-3.16, for the National Electrical Code. The rehabilitation subcode is also proposed for amendment to align with the State requirements. The proposed amendments were approved by the Uniform Construction Code Advisory Board; a section-by-section summary of the proposed amendments follows:

1. At N.J.A.C. 5:23-3.14(b)2xii, an erroneous comma would be deleted from the definition of “slow evacuation.”
2. At N.J.A.C. 5:23-3.14(b)3xi and xiv, an amendment would correct a cross-reference as a result of renumbering in the 2018 IBC.
3. At N.J.A.C. 5:23-3.14(b)4ix, the words “I-2 Assisted Living” would be added to the title of Section 420. This corresponds to the existing amendments to this Section in the NJ IBC.
4. At N.J.A.C. 5:23-3.14(b)5i, an amendment would correct the section number for address identification.
5. At N.J.A.C. 5:23-3.14(b)5v(3), amendments would replace “S-1” with “S1” in reference to sprinkler protection per Table 506.2.
6. Proposed new N.J.A.C. 5:23-3.14(b)7x would correct a reference to Chapter 1 of the IBC to reflect its deletion in the New Jersey edition.
7. At N.J.A.C. 5:23-3.14(b)8v, the word “Section” would be added before the Section number for consistency throughout the subchapter.
8. At N.J.A.C. 5:23-3.14(b)8vii, the term “according to” would be replaced with “in accordance with” for consistency with the NJ IBC.

9. At N.J.A.C. 5:23-3.14(b)8xxx, the word “inch” would be added to specify the dimension for hose connections. In addition, N.J.A.C. 5:23-3.14(b)8xxxvii through xlv would be recodified to correct chronology between the model codes and the building subcode.

10. At recodified N.J.A.C. 5:23-3.14(b)8xxxviii, the word “Section” would be added before the Section number for consistency throughout the subchapter.

11. At N.J.A.C. 5:23-3.14(b)8lxvii and lxviii, amendments would replace the term “fire chief” with “fire code official.”

12. At N.J.A.C. 5:23-3.14(b)8lxx, a period would be added at the end of the section title for accuracy with the format of the title in the IBC.

13. At N.J.A.C. 5:23-3.14(b)lxxxiii, amendments would add language to clarify the carbon monoxide modifications to Section 915.1.2 through 915.1.5 to match the text of the NJ IBC at those sections.

14. At N.J.A.C. 5:23-3.14(b)9vii, an amendment would delete a reference to footnote g in Table 1006.2.1; that footnote references Group R-3, which is deleted from that table in the NJ Edition.

15. At N.J.A.C. 5:23-3.14(b)9x, an amendment would fix an incorrect citation.

16. At N.J.A.C. 5:23-3.14(b)9xvii, an amendment would fix an incorrect citation.

17. At N.J.A.C. 5:23-3.14(b)9xxi, an amendment would add the phrase “and in” for consistency with the use of terms throughout Section 1010.1.9.4 of the NJ IBC. N.J.A.C. 5:23-3.14(b)9xxii would be amended to cite Exception 1; previously, Section 1010.1.10 only had one exception. As of 2018, there are two exceptions, but this section of the rehab subcode applies only to Exception 1.

18. At N.J.A.C. 5:23-3.14(b)10, amendments are made throughout to delete the remaining references to “Type B” for accessibility, as they are not permitted to be designed in the NJ IBC. Other amendments throughout this section revise language for consistency with no change in technical application and revise incorrect citations.

19. Proposed new N.J.A.C. 5:23-3.14(b)15iii and viii and the amendment to N.J.A.C. 5:23-3.14(B)16x, would correct a reference to Chapter 1 of the IBC to reflect its deletion in the New Jersey edition.

20. At N.J.A.C. 5:23-3.14(b)16xxi, an amendment would delete Exception 1 because the exception is related to a Section that is deleted from the NJ IBC.

21. At N.J.A.C. 5:23-3.14(b)16xxv, an amendment would delete item 6 to reflect the deletion of the C seismic location consistent with the NJ IBC.

22. Proposed new N.J.A.C. 5:23-3.14(b)17x, 18iii, and 19i would correct a reference to Chapter 1 of the IBC to reflect its deletion in the New Jersey edition.

23. At recodified N.J.A.C. 5:23-3.14(b)22xvi, an amendment would add the word “System” to the title of Section 3008.6.6 for consistency with the Section title in the NJ IBC.

24. At recodified N.J.A.C. 5:23-3.14(b)23iv, the amendment at item 3.9 within the modification to Section 3109.2 of the NJ IBC, itself a modification to a portion of the referenced standard, the International Swimming Pool and Spa Code, is not necessary as the deleted sentence in “accessibility” Section 307.9, now Section 307.1.4, no longer exists.

25. At N.J.A.C. 5:23-3.16(a)2i, an amendment would update the Bulletin number to reflect the Information Notes applicable within the National Electrical Code.

26. N.J.A.C. 5:23-3.16(b)7vii would be deleted to remove a modification to a section of the National Electrical Code because that section no longer exists; former Section 690.47(D) was recodified as Section 609.47(B), and the modification to the Section made its contents optional. This change means this section is now the same as the amendment; thus, the amendment can be deleted.

27. At N.J.A.C. 5:23-3.21(c)3ii, an amendment would update the Bulletin number to reflect the Ground Snow and Wind Speed design loads. In addition, the frost depth is corrected from 2’8” to 2’6”, which aligns with previously adopted codes.

29. At N.J.A.C. 5:23-3.21(c)3xliv, the amendment at item 3.9 within the modification to Section 3109.2 of the NJ IBC, itself a modification to a portion of the referenced standard, the International Swimming Pool and Spa Code, is not necessary as the deleted sentence in “accessibility” Section 307.9, now Section 307.1.4, no longer exists.

30. At N.J.A.C. 5:23-3.21(c)12iv, an amendment would revise an incorrect section number.

31. At N.J.A.C. 5:23-3.22(b)4iii, amendments would update the Section title to reflect the 2018 International Fuel Gas Code.

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 amendments ensure that the Uniform Construction Code is consistent with the adopted national model codes and are expected to have a positive social impact.

Economic Impact

These proposed amendments are not expected to have any economic impact. As discussed in the Summary above, these amendments make non-technical revisions to the Uniform Construction Code to align with the national model codes.

Federal Standards Statement

No Federal standards analysis is required because these 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 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 are not expected to impose any reporting, recordkeeping, or compliance requirements on small businesses or to require them to engage any professional services they would not otherwise need to engage. The proposed amendments ensure the Uniform Construction Code is consistent with the adopted national model codes.

Housing Affordability Impact Analysis

It is not expected that the proposed amendments will have any impact on the affordability of housing or the average costs of housing, as the proposed amendments ensure the Uniform Construction Code is consistent with the adopted national model codes.

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, as the proposed amendments ensure the Uniform Construction Code is consistent with the adopted national model codes.

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

5:23-3.14 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.-xi. (No change.)

xii. The definition of “evacuation, slow” shall be inserted as follows:

“EVACUATION, SLOW. The movement of all occupants, residents and staff to an exit in more than 3 minutes, but not more than 13[,] minutes.”

xiii.-xxxv. (No change.)

3. Chapter 3, Use and Occupancy Classification, shall be amended as follows:

i.-x. (No change.)

xi. In Section 310.4, Residential Group R-3, in the second and third line "in nature" shall be deleted. Additionally, in the list of occupancies, Congregate living facilities (nontransient) with 16 or fewer occupants, shall be deleted and Boarding houses (non-transient) shall be amended by deleting "(non-transient)," and by inserting "with 5 or fewer occupants". The terms "Convents," "Dormitories," "Fraternities and Sororities," "Monasteries," "Congregate living facilities (transient) with 10 or fewer occupants," "Boarding Houses (transient)," and "Lodging houses with five or fewer guest rooms and 10 or fewer occupants" shall be deleted. The terms "Alcohol and drug treatment houses with 5 or fewer residents," "Detached one- and two-family dwellings greater than three stories in height, multiple single-family townhouses greater than three stories in height, attached two-family dwellings separated from adjacent units by firewalls, and other one- and two-family dwellings that are outside the scope of the one- and two-family dwelling subcode," "Group homes with five or fewer occupants in accordance with Section [308.3.4] **308.2.4**," "Rooming houses with five or fewer occupants," and "Single residential occupancies, accessory to a dwelling unit, having no more than five roomers or lodgers. (Single occupancies, accessory to a dwelling unit, having more than five roomers or lodgers shall be classified as Group R-2 or I-1, as appropriate.)" shall be inserted.

xii.-xiii. (No change.)

xiv. New Section 310.6, Residential Group R-5, shall be inserted as follows: "Residential Group R-5 occupancies shall include all detached one- and two-family dwellings not more than three stories in height with a separate means of egress and multiple single-family townhouses not more than three stories in height with a separate means of egress designed and constructed in accordance with the International Residential Code. This Group shall also include:

Care facilities that provide accommodations for five or fewer persons receiving care;

Single residential occupancies, accessory to a dwelling unit, having no more than five roomers or lodgers. (Single occupancies, accessory to a dwelling unit, having more than five roomers or lodgers shall be classified as Group R-2 or I-1, as appropriate.);

Group Homes with 5 or fewer occupants in accordance with Section [308.3.4] **308.2.4**;

Rooming houses with five or fewer residents;

Cooperative sober living residences with not more than 10 occupants, excluding staff; each occupant, including staff, shall be capable of prompt evacuation."

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

i.-viii. (No change.)

ix. In Section 420, "**I-2 Assisted Living**," shall be inserted in the title. Additionally, in Section 420.7, Group I-1 Assisted living housing units, in the title and in the first line, change "I-1" to "I-2"; delete Item #4; and in Item #5, change "Group I-1, Condition 2" to "Group I-2, Condition 1".

x.-xi. (No change.)

5. Chapter 5, General Building Heights and Areas, shall be amended as follows:

i. Section [501.2] **502.1**, Address identification, shall be deleted in its entirety.

ii.-iv. (No change.)

v. Table 506.2, ALLOWABLE AREA FACTOR IN SQUARE FEET, shall be amended as follows:

(1)-(2) (No change.)

(3) Under construction Type VB for Group H-2, [S-1] **S1**, and SM, "3,000" shall be deleted and "NP" shall be inserted.

(4)-(5) (No change.)

vi.-viii. (No change.)

6. (No change.)

7. Chapter 7, Fire and Smoke Protection Features, shall be amended as follows:

i.-ix. (No change.)

x. In Section 716.1.1, Alternative methods for determining fire protection ratings, exception 4, "Section 104.11" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.

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

i.-iv. (No change.)

v. Section 903.2.1.2., Group A-2, shall be amended to add a new section 903.2.1.2.1 as follows: "903.2.1.2.1 In Group A-2 Nightclubs, the automatic sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by Section 1008.2."

vi.-vii. (No change.)

viii. New Section 903.2.13, Automatic sprinkler system thresholds, shall be inserted as follows: "An automatic sprinkler system shall be required in accordance with Section 903.3.1.1 when the maximum area is exceeded for the following construction types of Groups B, F-2, and S-2 [according to] **in accordance with** Table 903.2.13, Automatic Sprinkler System Thresholds. All others not listed shall follow the applicable requirements as set forth in the IBC/2018.

(No change in Table 903.2.13.)

ix.-xxix. (No change.)

xxx. Insert Section 905.4.3 from Section 915.7.1 of the 1996 BOCA National Building Code as follows "905.4.3 Location: At each floor level and not more than 5 feet (1,524 mm) above the floor, there shall be connected to each standpipe a 2 1/2-inch hose connection with valves and threads compatible with the connections used by the local fire department."

xxxi.-xxxvi. (No change.)

[xxxvii. A new Section 907.2.9A, Automatic smoke detection systems for Group R-4, shall be added to include Section 907.2.10.2, Automatic smoke detection system, of the IBC/2015:

907.2.9A, Automatic smoke detection systems for Group R-4. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in *corridors*, waiting areas open to *corridors* and *habitable spaces* other than *sleeping units* and kitchens.

Exceptions:

1. Smoke detection in *habitable spaces* is not required where the facility is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.

2. An automatic smoke detection system is not required in buildings that do not have interior *corridors* serving *sleeping units* and where each *sleeping unit* has a *means of egress* door opening directly to an exterior *exit access* that leads directly to an *exit*.]

[xxxviii.] **xxxvii.** (No change in text.)

[xxxix.] **xxxviii.** Add new section 907.2.1.2 as follows: "907.2.1.2 Group A-2 Nightclubs. An automatic fire detection system shall be installed throughout all Group A-2 nightclubs with an occupant load of 100 or more. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected. The automatic fire detection system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by [1006.2] **Section 1008.2**.

Exception: Automatic fire detection systems are not required in buildings provided with an automatic sprinkler system throughout."

Recodify existing xl.-xliv. as **xxxix.-xliii.** (No change in text.)

xliv. A new Section 907.2.9A, Automatic smoke detection systems for Group R-4, shall be added to include Section 907.2.10.2, Automatic smoke detection system, of the IBC/2015:

907.2.9A, Automatic smoke detection systems for Group R-4. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in *corridors*, waiting areas open to *corridors* and *habitable spaces* other than *sleeping units* and kitchens.

Exceptions:

1. Smoke detection in *habitable spaces* is not required where the facility is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.

2. An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.

xlvi.-lxvii. (No change.)

lxviii. Section 912.2, Location, shall be renumbered as 912.3 and “fire protection subcode official in coordination with the” shall be inserted before “fire [chief] code official” in the last sentence.

lxviii. Section 912.2.1, Visible location, shall be renumbered 912.3.1 and “or as otherwise approved by the fire [chief] code official” shall be deleted.

lxix. (No change.)

lxx. New Section 912.4, Height, shall be inserted as follows:

“912.4, Height. Fire department connections shall not be less than 18 inches (457 mm) and more than 42 inches (1,067 mm) in elevation, measured from the ground level to the centerline of the inlets.”

lxxi.-lxxxii. (No change.)

lxxxiii. In Subsections 915.1.2 through 915.1.5, including the exceptions, the word “and” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.” In addition, for subsection 915.1.4, exceptions 1 and 2.1, and subsection 915.1.5, exceptions 1 and 4, the word “or” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.”

lxxxiv.-lxxxvi. (No change.)

9. Chapter 10, Means of Egress, shall be amended as follows:

i.-vi. (No change.)

vii. In Table 1006.2.1, Spaces with one exit or exit access doorway, in the 5th column of the 10th row (R-3), the reference to footnote a and g shall be deleted; and in footnote g, “R-3 and” shall be deleted. Additionally, in the heading over the 3rd, 4th, and 5th row, “Common Path of Egress” shall be deleted and “Exit Access” shall be inserted.

viii.-ix. (No change.)

x. In Table [1006.3.2(2)] 1006.3.3(2), Stories with One Exit or Access to One Exit from Other Occupancies, under the heading “Occupancy,” “U” shall be deleted from the first row. Additionally, in the heading of the fourth column, “common path of travel” shall be deleted and “exit access” shall be inserted.

xi.-xvi. (No change.)

xvii. In Section [1010.1.4.4] 1010.1.4.5, Security grilles, “In Groups B, F, M, and S” shall be deleted and “horizontal” shall be capitalized.

xviii.-xx. (No change.)

xxi. Section 1010.1.9.4, Locks and latches, shall be amended as follows: In Item 2, following “Group A,” insert “other than nightclubs”. In the same item, “and in” shall be inserted before the word “Groups” and “and in places of religious worship” shall be deleted. In the same section, Item 7 shall be inserted as follows: “7. Key operation shall be permitted from a dwelling unit provided that the key cannot be removed from the lock when the door is locked from the side from which egress is made.”

xxii. In Section 1010.1.10, Panic and fire exit hardware, in [the] exception 1, “other than nightclubs” shall be inserted after “Group A occupancies.” Additionally, in the second paragraph, “1,200” shall be deleted and “800” shall be inserted.

xxiii.-xxxv. (No change.)

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

i.-v. (No change.)

vi. Section 1104.1, Site arrival points, in the exception, “Other than in buildings or facilities containing or serving Type B units,” shall be deleted and “an” shall be capitalized.

[vi.] vii. (No change in text.)

viii. In Section 1104.5, Location, exception 1 shall be deleted. In addition, in exception 2, “or Type B unit” shall be deleted and “or” shall be inserted between “Accessible unit” and “Type A unit.”

[vii.] ix. (No change in text.)

x. Section 1105.1.7, Dwelling units and sleeping units, in the exception, “or Type B unit” shall be deleted and “or” shall be inserted between “Accessible unit” and “Type A unit.”

[viii.] xi. In Section 1106.2, Groups I-1, R-1, R-2, R-3, and R-4, in item 1, “or Type B unit” shall be deleted and “or” shall be inserted between “Accessible unit” and “Type A unit.” Additionally, insert the following at the end of item number 1: “Where additional parking spaces or parking lots are provided for visitors, the number of required accessible parking spaces shall comply with the Table 1106.1.” [Additionally] Lastly, item number 3 shall be deleted.

Recodify existing ix.-xi. as xii.-xiv. (No change in text.)

[xii.] xv. In Section 1107.3, Accessible spaces, “or Type B units” shall be deleted from the first sentence and “or” shall be inserted between “Accessible units” and “Type A units.” After “dining areas,” the second sentence, “[“Laundry”] laundry areas, mailboxes and meeting rooms” shall be inserted. The text of Exception #1 shall be deleted and the following shall be inserted in its place: “Mailboxes shall be mounted at minimum height of 28 inches and a maximum of 54 inches where a parallel approach is provided.” Finally, Exception #3 shall be deleted in its entirety.

Recodify existing xiii.-xvii. xvi.-xx. (No change in text.)

[xviii.] xxi. Section 1107.5.2.2, Type B Units, shall be deleted and in its place insert the following:

“1107.5.2.2 Toilets [Used] used by [Residents] residents. Toilets used by residents shall be provided sufficient clearance on both sides of the toilet to enable the physical access and maneuvering by staff members to assist the resident in wheelchair-to-toilet transfers and returns. Alternative grab bar configurations shall be permitted.”

Recodify existing xix.-xx. as xxii.-xxiii. (No change in text.)

[xxi.] xxiv. Section 1107.5.5, Group I-3, shall be renumbered as Section 1107.5.6 and the following shall be [added as follows] inserted in its place:

[1107.5.2.3] 1107.5.5 Assisted living facilities. Assisted living facilities that are licensed by the Department of Health are Group I-2 for compliance with the building subcode, fire protection subcode, and the other subcodes of the Uniform Construction Code and shall be Group R-2 for the purposes of accessibility.

1107.5.5.1. Dwelling units that are available for occupancy only for 30 or more consecutive days shall be required to comply with Section 1003 of ICC/ANSI A117.1.

1107.5.5.2. Where an assisted living facility includes dwelling units or rooms that are available for occupancy for fewer than 30 consecutive days, 50 percent of those dwelling units or rooms shall be accessible in [conformance] compliance with Section 1002 of ICC/ANSI A117.1 and shall include one full bathroom that complies with Section 1002 of ICC/ANSI A117.1 and, where a kitchen is provided, it shall comply with Section 1002 of ICC/ANSI A117.1.

1107.5.5.3. In dwelling units in an assisted living facility that are designated Group R-2 for the purposes of accessibility, the following may be adaptable:

1107.5.5.3.1. The threshold for an accessible transfer shower may be adaptable as long as the shower threshold can be adapted with minimal expense and effort to be accessible; and

1107.5.5.3.2. A transfer-type shower of 36 inches by 48 inches that includes an accessible seat may be provided in individual dwelling units. The threshold of this shower shall not exceed four inches.

Recodify existing xxii.-xxiv. as xxv.-xxvii. (No change in text.)

[xxv.] xxviii. In Section 1107.6.2, Group R-2, “and Type B units” shall be deleted and “and” shall be inserted between “Accessible units” and “Type A units.” [Additionally, “and 1107.6.2.2” shall be deleted.]

Recodify existing xxvi.-xxxiv. as xxix.-xxxvii. (No change in text.)

[xxxv.] xxxviii. Insert new section 1107.6.5 as follows: “1107.6.5 COAH Units. The exemption for townhouses and multistory units notwithstanding, multistory or multifloor townhouses for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) shall have the following features, which shall comply with the standards for Type A dwelling units per ICC/ANSI A117.1:

[i.] (1) An adaptable entrance, with the plans for the adaptation to provide an accessible entrance[;].

[(1)] (A) (No change in text.)
 Recodify existing ii.-iii. as (2)-(3) (No change in text.)
 [iv.] (4) An accessible interior route of travel[;].
 [(1)] (A) (No change in text.)
 [v.] (5) (No change in text.)
 Recodify existing xxxvi.-xxxvii. as **xxxix.-xli.** (No change in text.)
 [xxxviii.] **xli.** Section 1107.7.2, Multistory units, shall be renumbered as Section [1107.1.1] **1107.7.1.** The first sentence of [Section 1107.7.1] **this section** shall be deleted and replaced with the following: A multistory dwelling unit or sleeping unit that is not provided with elevator service is required to be accessible as follows: The primary entrance to the unit shall comply with the requirements for a Type A unit and, where provided within the unit, a living area, kitchen, and toilet and bathing facility that comply with Type A dwelling unit shall be provided on that floor. In the seventh line, "Type B dwelling unit" shall be deleted and "Type A unit" inserted in its place. Additionally, in the seventh line, following the word "toilet," "and bathing" shall be inserted.
 Recodify existing xxxix.-xli. as **xlii.-xliv.** (No change in text.)
xlv. Section 1109.1, General, in the exception, "and Type B unit" shall be deleted and "and" shall be inserted between "Accessible unit" and "Type A unit."
 Recodify existing xlii.-l. as **xlvi.-liv.** (No change in text.)
 [li.] **lv.** In Section [1110.4.13] **1110.4.14,** Swimming pools, wading pools, hot tubs, and spas, Exception 3 shall be deleted in its entirety.
 Recodify existing lii.-liv. as **lvi.-lviii.** (No change in text.)
 11.-14. (No change.)
 15. Chapter 16, Structural Design, shall be amended as follows:
 i.-ii. (No change.)
iii. In Section 1607.7.5, Posting, "Section 106.1" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.
 Recodify existing iii.-vi. as **iv.-vii.** (No change in text.)
viii. In Section 1612.4, Flood hazard documentation, items 1.1 and 2.1, "Section 110.3.3" and "Section 110.3.11.1" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted in all instances.
 16. Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:
 i.-ix. (No change.)
 x. In Section 1704.2, Special inspections and tests, in the first sentence, "of Class 1 buildings only or any building containing a smoke control system" shall be inserted after "construction." Additionally, in exceptions #1 and #2, "building official" shall be deleted and "construction official" shall be inserted. **Lastly, "Section 105" and "Section 110" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted in both locations.**
 xi.-xx. (No change.)
 xxi. In Section 1705.12.1.2, Structural steel elements, "B and C," shall be deleted in reference to seismic design categories. **In addition, exception 1 shall be deleted.**
 xxii.-xxiv. (No change.)
 xxv. In Section 1705.12.6, Plumbing, Mechanical and Electrical Components, in items 1, 3, 4, [and] 5, **and 6,** "C," shall be deleted in reference to seismic design categories.
 xxvi.-xxx. (No change.)
 17. Chapter 18, Soils and Foundations, shall be amended as follows:
 i.-ix. (No change.)
x. In Section 1810.3.10.4, Seismic reinforcement, "Section 104.11" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.
 [x.] **xi.** (No change in text.)
 18. Chapter 23, Wood, shall be amended as follows:
 i.-ii. (No change.)
iii. In Section 2303.4.6, TPI 1 specifications, "Section 104" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.
 Recodify existing iii.-v. as **iv.-vi.** (No change in text.)
19. Chapter 25, Gypsum Board, Gypsum Panel Products and Plaster, shall be amended as follows:

i. In Section 2503.1, Inspection, "Section 110.3.5" shall be deleted and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.
 Recodify existing 19.-20. as **20.-21.** (No change in text.)
 [21.] **22.** Chapter 30, Elevators and Conveyor Systems, shall be amended as follows:
 i.-xv. (No change.)
 xvi. In Section 3008.6.6, Two-way communication **system,** in the first sentence, "or an alternate location approved by the fire department and" shall be deleted.
 [22.] **23.** Chapter 31, Special Construction, shall be amended as follows:
 i.-iii. (No change.)
 iv. Section 3109, Swimming Pool Enclosures and Safety Devices, shall be deleted in its entirety and the following shall be inserted:
SECTION 3109 SWIMMING POOLS, SPAS AND HOT TUBS
 3109.1 General. The design and construction of pools, spas, hot tubs and enclosures shall comply with the International Swimming Pool and Spa Code listed in Chapter 35.
 3109.2 Amendments to the International Swimming Pool and Spa Code. The following amendments shall be made to the International Swimming Pool and Spa Code:
 1.-2. (No change.)
 3. Chapter 3, General Compliance, shall be amended as follows:
 3.1-3.8 (No change.)
 [3.9 In Section 307.9, Accessibility, the last sentence shall be deleted.]
 [3.10] **3.9** (No change in text.)
 [3.11] **3.10** (No change in text.)
 4.-5. (No change.)
 v.-vi. (No change.)
 Recodify existing 23.-26. as **24.-27.** (No change in text.)
 5:23-3.16 Electrical subcode
 (a) Rules concerning the electrical subcode adopted are as follows:
 1. (No change.)
 2. The National Electrical Code 2017 may be known and cited as "the electrical subcode."
 i. Codes and standards referenced in the Informational Notes of the electrical subcode (NEC 2017) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin # [15-2] **19-3,** which contains a list of adopted codes and standards that are applicable to the enforcement of the electrical subcode.
 3. (No change.)
 (b) The following chapters or articles of the electrical subcode are amended as follows:
 1.-6. (No change.)
 7. Chapter 6 of the electrical subcode, entitled "Special Equipment," is amended as follows:
 i.-iv. (No change.)
 v. In Section 620.91, Emergency and Standby Power Systems, the Informational Note shall have "A17.1-2013/CSA B44-13" deleted and "ASME A17.1-2016/CSA B44-16" shall be inserted in its place; **and**
 vi. (No change.)
 [vii. In Section 690.47, Grounding Electrode System, (D) Additional Auxiliary Electrodes for Array Grounding, shall be deleted in its entirety.]
 8.-9. (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. (No change.)
 ii. Table R301.2(1), Climatic and Geographic Design Criteria, shall be amended as follows:
 1. Under the heading of "Ground Snow Load," insert "see Bulletin [94-8] **19-1**";
 2.-7. (No change.)

8. Under the heading of "Subject to damage from - Frost line depth," insert "[2'8"]2'6" SNJ; 3'0" NNJ";

9.-17. (No change.)

iii.-xxii. (No change.)

[xxiii. In Section R311.8.3.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.]

Recodify existing xxiv.-xxv. as **xxiii.-xxiv.** (No change in text.)

xxv. In Section R311.8.3.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.

xxvi.-xliii. (No change.)

xliv. In Section R326.1, General, "and enclosures" shall be inserted between "spas" and "shall." In addition, the following shall be added to the end of the section: "Amendments to the ISPC shall be as follows:

1.-2. (No change.)

3. Chapter 3, General Compliance, shall be amended as follows:

3.1-3.8 (No change.)

[3.9 In Section 307.9, Accessibility, the last sentence shall be deleted.]

[3.10] **3.9** (No change in text.)

[3.11] **3.10** (No change in text.)

4.-5. (No change.)

4.-11. (No change.)

12. Chapter 13, General Mechanical System Requirements, shall be amended as follows:

i.-iii. (No change.)

iv. In Section M1307.5, Electrical appliances, "and 34 through 43" shall be deleted and "and the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted at the end of the sentence.

v.-vi. (No change.)

13.-24. (No change.)

5:23-3.22 Fuel gas subcode

(a) (No change.)

(b) The following chapters, sections or pages of the International Fuel Gas Code/2018 shall be amended as follows:

1.-3. (No change.)

4. Chapter 4 of the fuel gas subcode, entitled "Gas Piping Installation," shall be amended as follows:

i.-ii. (No change.)

iii. In Section [402.6.1, Liquefied petroleum gas systems,] **402.7.1, Operation below -5°F (-21°C)**, insert the following at the beginning of the section: "The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge)."

iv. (No change.)

5.-9. (No change.)

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The agency proposal follows:

Summary

The Department of Human Services (Department) proposes to readopt N.J.A.C. 10:46, Determination of Eligibility, (Chapter 46) with amendments. Chapter 46 establishes the Division of Developmental Disabilities' (Division) guidelines and criteria for the determination of eligibility for services for individuals with developmental disabilities. Chapter 46 was set to expire on January 22, 2020. As the Department submitted this notice of readoption with proposed amendments with the Office of Administrative Law prior to that date, pursuant to N.J.S.A. 52:14B-5.1.c(2), the expiration date of the chapter was extended 180 days to July 20, 2020. The Department has reviewed this chapter, and has found that with the proposed amendments, the rules are reasonable, necessary, and proper for the purpose for which they were originally promulgated.

Pursuant to N.J.S.A. 30:4-25.6, the Division is required to provide an individual determined eligible for Division services with appropriate functional services, to the extent that funding is available. To receive Division services, an individual must be 21 years of age or older, meet functional eligibility criteria, and establish and maintain Medicaid eligibility.

At this time, the Department proposes to readopt the rules with amendments. Since the Department last promulgated Chapter 46, the New Jersey Legislature enacted P.L. 2015, c. 192 (N.J.S.A. 30:6D-21.1 through 21.3). When applicable, P.L. 2015, c. 192 permits individuals with developmental disabilities residing in out-of-State placements to remain in those placements; the Department is proposing amendments to reference this law.

Since the rules were last readopted, the Division has substantially transitioned from a contract reimbursement model to a Medicaid fee-for-service model. In the fee-for-service model, provider agencies may collect contributions to care from individuals served, subject to applicable State and Federal law and regulation.

Formerly, the Division provided home and community-based services through the Community Care Waiver (CCW), authorized by the Centers for Medicare and Medicaid Services under § 1915(c) of the Social Security Act, Pub. L. 74-271. In 2017, the CCW was transitioned to the Department's Comprehensive Medicaid Waiver (CMW), authorized under § 1115 of the Social Security Act, Pub. L. 74-271, and renamed the Community Care Program (CCP).

The Department adopted Chapter 46, as Application and Admission to Functional Services, effective September 1, 1969. The Department repealed Chapter 46, Application and Admission to Functional Services, and adopted Chapter 46, Determination of Eligibility, as new rules, effective September 17, 1990. Pursuant to Executive Order No. 66 (1978), the Department readopted Chapter 46 effective August 17, 1995. The Department renamed Chapter 46 as Determination of Eligibility and Contribution to Care and Maintenance Requirements, and adopted Subchapter 5, Offers by the Division, Subchapter 6, Termination, and Subchapter 7, Appeals Process, as new rules, effective September 8, 1998. Pursuant to Executive Order No. 66 (1978), the Department readopted Chapter 46, Determination of Eligibility and Contribution to Care and Maintenance Requirements, effective August 4, 2000, and readopted it effective October 18, 2005. The Department renamed Chapter 46 Determination of Eligibility, effective October 1, 2007, and readopted it effective March 24, 2011. The Department repealed Chapter 46, Determination of Eligibility, and adopted Chapter 46, Determination of Eligibility, as new rules, effective January 22, 2013.

As the Department provides 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.

A Summary of the rules proposed for readoption with amendments follows.

Subchapter 1 sets forth the general provisions of the rules, including the purpose, authority, and scope of the rules and definitions of terms used in the chapter.

HUMAN SERVICES

(a)

DIVISION OF DEVELOPMENTAL DISABILITIES

Determination of Eligibility

Proposed Readoption with Amendments: N.J.A.C. 10:46

Authorized By: Carole Johnson, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12, 30:4-25.2, and 30:6D-23 et seq.

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

Proposal Number: PRN 2020-018.

Submit written comments by May 1, 2020, electronically to

DDD-CO.LAPO@dhs.state.nj.us, or by regular mail or facsimile to:

Carol Jones

Administrative Practice Officer

Division of Developmental Disabilities