

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendment: N.J.A.C. 5:23-2.15

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 2022-122.

Submit written comments by November 18, 2022, to:

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The agency proposal follows:

Summary

The proposed amendments are proposed to revise the administrative provisions of the Uniform Construction Code (UCC) to reference the requirement for an elevator, escalator, and moving walkway mechanic to be licensed in order to obtain a permit for work that falls within the scope of this licensed trade. P.L. 2012, c. 71 established the Elevator, Escalator, and Moving

Walkway Mechanics (EEMW) Licensing Board (N.J.S.A. 45:14H-1 et seq.). On May 21, 2018, the Department of Law and Public Safety, Division of Consumer Affairs, adopted rules requiring EEMW mechanics to be licensed (N.J.A.C. 13:44M). To provide for a grandfathering period required by the law, the EEMW Licensing Board began its enforcement of the existing statute and rules on February 1, 2020. Further, the law does not apply to any person who installs, constructs, alters, services, repairs, tests, or maintains a stairway chairlift in a dwelling unit. The proposed amendments would incorporate the requirements for EEMW mechanics to be licensed into the UCC.

As such, the Department of Community Affairs (Department) is proposing new N.J.A.C. 5:23-2.15(b)10 stating that, when submitting a permit application, if the work involves an elevator, escalator, or a moving walkway, any mechanic performing the work must be licensed pursuant to N.J.S.A. 45:44M et seq., and that the license number of the mechanic must be on the permit application.

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

Social Impact

The proposed amendments incorporate the requirements for EEMW mechanics to be licensed into the Uniform Construction Code. It is anticipated that this will have a positive social impact because it will align the Department's rules with existing law and rules already established by the Division of Consumer Affairs. This will clarify the licensing requirements for EEMW mechanics and allow for uniform enforcement of rules across State agencies. This will further ensure that all necessary work is performed by a licensed EEMW mechanic, which will have a positive social impact by providing for the safety of residents of the State.

Economic Impact

The proposed amendments to incorporate the requirements for EEMW mechanics to be licensed reflects the requirements of existing laws and rules. Accordingly, it is not anticipated that these proposed amendments will have any discernable economic impact.

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being proposed pursuant to 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 do not 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. There are no professional services required as a result of the proposed amendments. The licensing requirements for EEMW mechanics are already required by other laws; the proposed amendments reference those requirements for permits for proposed work within the scope of the licensed trade and requires the application to contain certain information as discussed in the Summary above.

Housing Affordability Impact Analysis

It is not expected that the proposed amendments will have any impact on the affordability of housing and it is unlikely to evoke a change in the average cost associated with housing in the State. The proposed amendments to incorporate the requirements for EEMW mechanics to be licensed reflects the requirements of existing laws and rules.

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. The proposed amendments to incorporate the requirements for EEMW mechanics to be licensed reflects the requirements of existing laws and rules.

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

5:23-2.15 Construction permits--application

(a) (No change.)

(b) In addition to the requirements [of] **at** (a) above, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. – 9. (No change.)

10. If the work involves an elevator, escalator, or a moving walkway, any mechanic performing such work shall be licensed pursuant to N.J.S.A. 45:44M et seq. The license number of the mechanic shall appear on the permit application.

[10.] **11.** (No change in text.)

[11.] **12.** In the event of any change of contractor or person in charge of work [under] **at** (b)1 through [10] **11** above, such change shall be filed as an amendment to the application.

(c) – (f) (No change.)