

# RULE PROPOSALS

## INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## COMMUNITY AFFAIRS

### (a)

#### DIVISION OF CODES AND STANDARDS

#### Uniform Construction Code

#### Rehabilitation Subcode; Residential Reconstruction

#### Proposed Amendments: N.J.A.C. 5:23-6.26 and 6.27

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

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

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

Proposal Number: PRN 2021-051.

Submit written comments by August 6, 2021, to:

Geraldine Callahan  
Department of Community Affairs  
PO Box 800  
Trenton, New Jersey 08625  
Fax No. (609) 984-6696  
[geraldine.callahan@dca.nj.gov](mailto:geraldine.callahan@dca.nj.gov)

The agency proposal follows:

#### Summary

The Department of Community Affairs (Department) proposes amendments to the Uniform Construction Code (UCC), N.J.A.C. 5:23, related to the placement and spacing of electrical receptacles and lighting outlets in reconstructed, non-transient Residential Group R buildings in the Rehabilitation Subcode. The Rehabilitation Subcode, N.J.A.C. 5:23-6, is a graduated code, wherein a reconstruction is categorized as the most extensive possible work on an existing building. Presently, the basic requirements for these reconstructed buildings result in limited installation of electrical receptacles and lighting outlets and consequent overuse of extension cords by homeowners, which poses a safety hazard to the occupants of the building. The proposed amendments would ensure that a reconstructed Group R-2, R-3, R-4, or R-5 building will provide occupants with the same number of electrical receptacles and lighting outlets afforded new construction, in accordance with the relevant sections of the National Electrical Code (NEC).

A section-by-section description of amendments follows:

1. N.J.A.C. 5:23-6.26(o)1, Electrical Equipment and Wiring, is replaced to stipulate that all areas of a Residential Group R-2 or R-4 building will have receptacles and outlets in accordance with the relevant sections of the NEC. The exceptions presently articulated for various rooms in a reconstructed building would be removed.

2. At N.J.A.C. 5:23-6.26(o)2, amendments would allow for a minor exception exclusive to kitchens related to small appliance branch circuits.

3. N.J.A.C. 5:23-6.26(o)3, 4, 5, and 9 are proposed for deletion as these paragraphs are no longer needed, since the exceptions will no longer exist, per the proposed amendments at N.J.A.C. 5:23-6.26(o)1.

4. N.J.A.C. 5:23-6.27(f)1, Electrical Equipment and Wiring, is proposed for replacement to stipulate that all areas of a Residential Group R-3 or R-5 building will have receptacles and outlets in accordance with the relevant sections of the NEC. The exceptions presently articulated for various rooms in a reconstructed building would be removed.

5. At N.J.A.C. 5:23-6.27(f)2, amendments would allow for a minor exception exclusive to kitchens related to small appliance branch circuits.

6. N.J.A.C. 5:23-6.27(f)3, 4, 5, and 9 are proposed for deletion as these paragraphs are no longer needed, since the exceptions will no longer exist, per the proposed amendments at N.J.A.C. 5:23-6.27(f)1.

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

#### Social Impact

The proposed amendments to the Rehabilitation Subcode are expected to have a positive social impact. This rulemaking will ensure that the placement of electrical receptacles and lighting outlets in reconstructed residential buildings are updated to current standards, lessening the need for extension cords that pose a fire hazard, a risk to infants and children in the home, and other potential threats to safety.

#### Economic Impact

The proposed amendments update the placement of electrical receptacles and lighting outlets in reconstructed residential buildings of Groups R-2, R-3, R-4, and R-5. As the proposed amendments apply only to reconstructions, otherwise known as "gut jobs" or the most extreme rehabilitating of a structure, the economic impact to contractors and homeowners would be negligible.

#### 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 a State statute that incorporates or refers to Federal law, standards, or requirements.

#### Jobs Impact

The proposed amendments are not expected to have an impact on the creation or loss of jobs, as the implementation of the amendments will be executed in the ordinary course of a building's rehabilitation. Moreover, the vast majority of contractors already perform the proposed amendments.

#### Agricultural Industry Impact

The Department does not anticipate that the proposed amendments would have any effect on the agricultural industry.

**Regulatory Flexibility Analysis**

The proposed amendments address the placement of electrical receptacles and lighting outlets in the reconstruction of Groups R-2, R-3, R-4, and R-5 buildings. The intent of this rulemaking is to ensure that receptacles and outlets are appropriately spaced in a reconstructed building, thereby lessening, or eliminating, the usage of extension cords. This rulemaking affects construction companies and contractors, many of whom would be considered small businesses as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendments are not expected to impose an undue hardship or impose any new reporting, recordkeeping, or compliance requirements, as the inclusion of appropriately spaced electrical receptacles and lighting outlets in the course of a reconstruction is not burdensome and is executed by the vast majority of contractors.

**Housing Affordability Impact Analysis**

The proposed rulemaking addresses reconstructions in presently existing Group R residential buildings. It would not have an impact on the affordability of housing in New Jersey or evoke a change in production costs.

**Smart Growth Development Impact Analysis**

The proposed amendments address reconstructions in presently existing Group R residential buildings only and would not have any impact upon 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.

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

## SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.26 Basic requirements—Groups R-2 and R-4

(a)-(n) (No change.)

(o) Electrical Equipment and Wiring:

[1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets.]

**1. All areas shall have receptacle and lighting outlets in accordance with Sections 210.52 and 210.70, respectively, of the electrical subcode.**

[2.] i. [Kitchen] **In the event that small appliance branch circuits cannot be installed, kitchen** areas shall have a minimum of two duplex receptacle outlets or equivalent and a switch controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.

[3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.

4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.]

Recodify existing 6.-8. as 2.-4. (No change in text.)

[9. When finished space is created in previously unfinished space, receptacle and lighting outlets shall comply with Section 210.52 and 210.70, respectively, of the electrical subcode. (Electrical)]

(p)-(u) (No change.)

5:23-6.27 Basic requirements—Groups R-3 and R-5

(a)-(e) (No change.)

(f) Electrical Equipment and Wiring:

[1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas, and bathrooms shall have a minimum of two duplex receptacle outlets.]

**1. All areas shall have receptacle and lighting outlets in accordance with Sections 210.52 and 210.70, respectively, of the electrical subcode.**

[2.] i. [Kitchen] **In the event that small appliance branch circuits cannot be installed, kitchen** areas shall have a minimum of two duplex receptacle outlets or equivalent and one switch controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.

[3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.

4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.]

Recodify existing 6.-8. as 2.-4. (No change in text.)

[9. When finished space is created in previously unfinished space, receptacle and lighting outlets shall comply with Section 210.52 and 210.70, respectively, of the electrical subcode. (Electrical)]

(g)-(h) (No change.)

**EDUCATION****(a)****STATE BOARD OF EDUCATION****State Board of Education Rulemaking Process****Proposed Readoption with Amendments: N.J.A.C.****6A:6**

Authorized By: New Jersey State Board of Education, Angelica Allen-McMillan, Ed.D., Acting Commissioner, Department of Education and Acting Secretary, State Board of Education.

Authority: N.J.S.A. 18A:4-15 and 52:14B-1 et seq.

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

Proposal Number: PRN 2021-052.

Submit written comments by August 6, 2021, to:

Diane Shoener, Director  
Office of the State Board of Education  
New Jersey Department of Education  
100 River View Plaza  
PO Box 500  
Trenton, New Jersey 08625-0500  
Email: [chapter6@doe.nj.gov](mailto:chapter6@doe.nj.gov)

The agency proposal follows:

**Summary**

The Department of Education (Department) proposes to readopt N.J.A.C. 6A:6, State Board of Education Rulemaking Process, with amendments. This chapter informs the education community and the public of the State Board of Education's and the Department's procedures for promulgating and amending rules in Title 6A of the New Jersey Administrative Code. The chapter also provides a procedure for an interested person to petition the State Board to create, amend, or repeal a rule. The chapter was scheduled to expire on December 5, 2021. As the Department filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date of the chapter was extended 180 days to June 3, 2022, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The chapter complies with the Administrative Procedure Act (APA), N.J.S.A. 52:14B-1 et seq., which governs the rulemaking activities of the Department and all other State agencies by providing a uniform application and administration of the rulemaking process. The statutory requirements are implemented by N.J.A.C. 1:30, Rules for Agency