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COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Minor Work

Proposed Amendment: N.J.A.C. 5:23-2.17A

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

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

Proposal Number: PRN 2011-204.

Submit written comments by November 18, 2011 to:

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The agency proposal follows:

Summary

The Department is proposing amendments to N.J.A.C. 5:23-2.17A, Minor work, to significantly broaden the types of work that would be categorized as minor work for purposes of permitting and inspections. The proposed rule would establish a two-tiered system for the submission of documentation for minor work and for notice for inspections. Under the proposed

rule, renovation work of the kind that typically would be done at change of tenancy in a retail, office, warehouse or industrial space, would be classified as minor work and would be allowed to proceed without waiting for the issuance of a permit and without waiting for progress of work inspections. Under the current rules, minor work requires a verbal notice to the local code enforcement agency followed within five business days by the submission of an application for a permit. An inspection of the visible portions of the work is performed within 30 days of the date of notice for inspection. The proposed rule would also allow alteration work in these spaces to be classified as minor work. Because alteration work may involve the construction of walls, the extension or modification of electrical, plumbing or HVAC systems and other changes to the space, the proposed amendments would require sketch plans and specifications describing the work to be performed and notification of the local code enforcement agency for progress of work inspections for alterations. As provided in the proposed rule, while the owner or contractor would be required to notify the local code enforcement agency, work would not be required to stop awaiting an inspection. (The definitions of renovation and alteration and the accompanying restrictions on the work in each of these two categories may be found at N.J.A.C. 5:23-6.3, 6.5 and 6.6.)

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 are expected to have a positive social impact in that they would facilitate a change in tenancy in an office, mercantile, warehouse or factory space by removing a potential regulatory barrier.

Economic Impact

The proposed amendments are expected to have a positive economic impact in that they would facilitate a change in tenancy in an office, mercantile, warehouse or factory space. This benefits both the building owner and those seeking to occupy the space.

Federal Standards Statement

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

Jobs Impact

The proposed amendments are not expected to have an impact on jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

To the extent that "small businesses," as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., own or occupy office, mercantile, warehouse or factory space, the proposed amendments may be expected to reduce compliance requirements on "small

businesses." The proposed amendments would reduce or eliminate the professional services that a small business might otherwise have needed to engage, were the work that is the subject of the proposed amendments to continue to be covered by the current permitting requirements of the Uniform Construction Code.

Smart Growth Impact

The Department does not expect that the proposed amendments would have any impact upon either the achievement of smart growth or implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact Analysis

The proposed amendments do not have any impact on the production of affordable housing as they concern permitting of renovations and alterations to already existing non-residential structures.

Smart Growth Development Impact Analysis

The proposed amendments concern the permitting process for renovations or alterations to existing non-residential structures at change of tenancy in a retail, office, warehouse or industrial space. The rule classifies such renovations or alterations as minor work and permits them to proceed without waiting for the issuance of a permit and without waiting for progress of work inspections. As a result, the proposed amendments will not have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

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

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.17A Minor work

(a) (No change.)

(b) Notice of work; application:

1. (No change.)

2. In addition to oral notice, the owner or his agent shall be required to file an application **for a permit**. The completed application with the fee shall be delivered in person or by mail to the enforcing agency, within five business days from the date of the oral notice.

i. For alteration work performed pursuant to (c)7 below, the application shall also be accompanied by no fewer than two copies of specifications and plans drawn to scale with sufficient clarity and detail to show the nature and character of the work being performed.

(c) Minor work:

1. – 3. (No change.)

4. Minor work shall also mean and include the following:

i. – ii. (No change.)

iii. The installation of a **hard-wired** burglar alarm or security system in any structure;

iv. (No change.)

5. – 6. (No change.)

7. Minor work shall include renovation or alteration work in a Group B, Group F, Group M or Group S occupancy performed in accordance with N.J.A.C. 5:23-6, provided that no primary structural members or fire-resistance rated assemblies or members are altered in any way, and further provided that the work does not constitute reconstruction. No work affecting a fire protection system shall be permitted except the relocation of sprinkler heads and smoke detectors.

(d) Inspection of minor work:

1. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within 30 days of the request for inspection[;].

i. Exception: For alteration work performed pursuant to (c)7 above, notice for inspection shall be given to the local enforcing agency pursuant to N.J.A.C. 5:23-2.18(c)1 for all applicable progress of work inspections described in N.J.A.C. 5:23-2.18(b) provided, however, that work shall be allowed to proceed regardless of whether an inspection has been performed.

2. (No change.)