PROPOSALS COMMUNITY AFFAIRS

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

(a) DIVISION OF CODES AND STANDARDS

Uniform Construction Code


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


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

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.
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)8vi, 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)xxx, the word “inch” would be added to specify the dimension for hose connections. In addition, N.J.A.C. 5:23-3.14(b)xxxvii through xliv 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)xxxviii, 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)xlvii and lxvii, amendments would replace the term “fire chief” with “fire code official.”

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

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

17. At N.J.A.C. 5:23-3.14(b)xvi, 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)xviii 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.


20. At N.J.A.C. 5:23-3.14(b)16x, 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)xv, 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)xv, an amendment would delete item 18, 19, 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)xvii, 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)xvii, the amendment at item 3l.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.
3. Chapter 3, Use and Occupancy Classification, 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.

3. 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 903.2.1.3, 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.-xxxi. (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 ½-inch hose connection with valves and threads compatible with the connections used by the local fire department.”

xxxii.-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 systems, 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.

[xxxviii.] xxix. (No change in text.)

xxxi.-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 xliv. as xxix.-xliii. (No change in text.)

xlv. 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.

xlv.-lxvi. (No change.)

lxvii. 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.-lxxii. (No change.)

lxxiii. 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.”

lxxiv.-lxxvvi. (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 [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.

[vii.] 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.”

[xvii.] 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.] xx. 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 xxi.-xxiii. (No change in text.)

[xxi.] xxiv. Section 1107.5.3, Group I-3, shall be renumbered as Section 1107.5.6 and the following shall be inserted in its place:

“1107.5.3.1107.5.5 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 xxxv.-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, multifamily 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;[;]

ADDENDUM TO THE NEW JERSEY REGISTER, MONDAY, MARCH 2, 2020

(952 N. J. R. 368)
Recodify existing ii.-iii. as (2)-(3) (No change in text.)
Recodify existing iii.-iv. as (4) (No change in text.)
Recodify existing iv. as (5) (No change in text.)
Recodify existing xxxvi.-xxxvii. as xxxix.-xl. (No change in text.)
Recodify existing xlii.-xliii. as li.-lii. (No change in text.)
Recodify existing lii.-lvi. as lvii.-lviii. (No change in text.)
Recodify existing li.-vii. as lvii.-lx. (No change in text.)
Recodify existing ii.-iii. as li.-lii. (No change in text.)
Recodify existing iii.-iv. as li.-lvii. (No change in text.)
Recodify existing iv.-vii. as (No change in text.)
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 § 1115 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, 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 4, 2011. The Department replaced 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 exempted 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.

COMMUNITY AFFAIRS

HUMAN SERVICES

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.


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.LAAPo@dhs.state.nj.us, or by regular mail or facsimile to:

Carol Jones

Administrative Practice Officer

Division of Developmental Disabilities

(CITE 52 N.J.R. 390)