

Construction Code Communicator



State of New Jersey
Philip D. Murphy, Governor

Department of Community Affairs
Lt. Governor Sheila Y. Oliver, Commissioner

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The Winter Communicator: A Reminder

The final (Winter) issue of the *Construction Code Communicator* each year now consists of a collection of Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website during the calendar year. This year, we are including articles that were printed in earlier editions of the *Construction Code Communicator* on topics that continue to generate questions. As noted on the last page, once this edition of the *Construction Code Communicator* has been posted, these individual Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items will be removed from those sections of Division's website. There is one exception; the materials related to Superstorm Sandy will remain in place. In short, there are no new articles in this issue.

Please note that, although the documents will be removed from the Alerts and Hot Topics, they will still be accessible through the Division's Document Library or through the "Topics A-Z" tab on the Division's website: www.nj.gov/dca/divisions/codes/.

Also, the indices for all issues of the *Construction Code Communicator* 2017 are included in this issue as a handy reference.

Prospectively, the *Construction Code Communicator* will follow this same format: three issues, Spring, Summer, and Fall, that contain new articles and a Winter issue that will provide in one place all the Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website in that calendar year with previously printed articles where the topic continues the generate questions.

If you have any questions about the *Construction Code Communicator*, or if you have any recommendations for articles, please feel free to contact me at (609) 984-7609 or at Emily.Templeton@dca.nj.gov.

Source: Emily W. Templeton
Division of Codes and Standards

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Weyerhaeuser TJI Joists with Flak Jacket Protection – Guidance

(Memorandum to Construction Officials – August 30, 2017; Updated Information email – October 6, 2017, superseded by email update – November 6, 2017)

The first memorandum, issued on August 30, provided guidance on how to address the administrative and technical code issues involved with remediation of TJI Joists with Flak Jacket Protection. On October 6, after receiving a revised ICC-ES report, a message was sent to Code Officials advising that the top coating (W20115) paint applied would meet the requirements of Section R302.13 of the International Residential Code (IRC). The Department was then made aware of multiple problems occurring with the Flak Jacket protection. The email sent on November 6, 2017, below, supersedes the October 6, 2017 email and advises that the guidance in the August 30 memorandum should be followed.

From: Codes and Standards Information

Sent: Monday, November 06, 2017 11:57 AM

Subject: Weyerhaeuser TJI Joists with Flak Jacket Protection update

It has been reported to the Department that problems have occurred with the Flak Jacket protection: both cracking or delaminating of the Flak Jacket protection due to exposure to weather (unrelated to the remediation) and cracking or flaking of the top coating (W20115 paint) applied to address the formaldehyde emissions. Because the testing performed for the ICC-ES report (ESL-1091) did not involve coating with cracks or other damage, it is not known whether this cracking impacts fire protection. Accordingly, the guidance issued on August 30 should be followed. Compliance with the requirements of Section R302.13 of the IRC/2015 should be required.

October 6, 2017 message (below) superseded except for August 30, 2017 memo:

As a follow up to the memo from Director Edward Smith dated August 30, 2017, please be advised that a revised ICC-ES report (ESL-1091) has been issued. Accordingly, TJI joists with Flak Jacket protection and the top coating (W20115 paint) applied may be accepted as meeting the requirements of Section R302.13 of the IRC.

A link to the newly-revised ICC ES report is included below:

http://www.icc-es.org/Reports/pdf_files/load_file.cfm?file_type=pdf&file_name=ESL-1091.pdf

A link to the August 30 memo is included below for your convenience:

http://www.nj.gov/dca/divisions/codes/alerts/pdfs/TJI_Flak_Jacket_Guide.pdf

Should you have any questions, please contact the Code Assistance Unit at codeassist@dca.nj.gov or (609) 984-7609.

Source: Edward M. Smith, Director, Division of Codes and Standards

Swimming Pool Barriers Revisited

(Originally published Winter 2008)

Many of you may remember the confusion created when the 1993 Building Officials and Code Administrators National Building Code was amended to include requirements for swimming-pool barriers. There have been many telephone calls made, letters written, and *Construction Code Communicator* articles published on this topic.

After hours of debate, this article is intended to clarify one of the more contentious issues that has arisen: “is it permissible to share a swimming-pool barrier with my neighbor?”

The opinion of the Department is “yes.” It is permissible to share a swimming-pool barrier, provided the local authority having jurisdiction grants a variation to do so. The variation should include a statement from the fence owner acknowledging use of his fence as a swimming-pool barrier and a statement from the pool owner acknowledging his responsibility to install a compliant barrier should the neighbor remove his fence for any reason. The barrier should not be climbable, as per code, from the side away from the swimming pool; and if there is a swimming pool on both sides of the barrier, the barrier should not be climbable from either side.

This should solve many of the problems before us as code officials on the subject. We believe this solution is reasonable and protects the public at the same time. Should you have any questions on this article, please contact the Code Assistance Unit at (609) 984-7609.

Source: Code Assistance Unit
(609) 984-7609

Registered Architects – Digital Signature and Seal, Additional Information

(Memorandum to Construction Officials – May 22, 2017)

As of May 1, 2017, digital signing and sealing has now been extended to Registered Architects. Previously, digital signing and sealing was only allowed by rule for Professional Engineers (adopted 11/16/15).

Pursuant to the rules adopted by the Board of Architects, digital sealing at N.J.A.C. 13:27-6.5(a)1., the digital signature and seal must be:

- i. Unique to the licensee;
- ii. Verifiable by a trusted third party or some other approved process as belonging to the licensee;
- iii. Under the licensee’s direct and exclusive control; and
- iv. Linked to a document in such a manner that the digital signature and seal is invalidated if any data in the document is [sic] changed. Once the digital signature and seal are applied to the document, the document shall be available in read-only format if the document is to be digitally transmitted.

The rules may be accessed at:

Proposal/Adoption: <http://www.nj.gov/dca/divisions/codes/alerts>

Board of Architects: <http://www.njconsumeraffairs.gov/arch/Pages/regulations.aspx>

Clicking on or sliding the cursor over a digital signature and seal causes a box or a window to pop up with additional information, including the name of the software company. Any electronic submissions should bear such a digital seal.

The bottom line is that paper submissions must have a pressure seal. Electronic submissions must have a digital seal. This means that nothing requiring a seal should be sent via facsimile.

Source: Code Assistance Unit
(609) 984-7609

Elevator “Routine (six-month) Inspections” Eliminated

(Letter to Code Officials – June 1, 2017)

Please be advised that the requirement for routine inspections (six month) of elevator devices has been eliminated. The proposed amendments to the Uniform Construction Code to bring about this change appeared in the *New Jersey Register* on July 5, 2016. The Notice of Adoption to these changes will appear in the July 3, 2017 issue of the *New Jersey Register*. A link to the proposed rule is included below. Please note that escalators continue to require inspection every six months.

http://www.nj.gov/dca/divisions/codes/codreg/pdf_rule_proposals/PRN2016_104_DCA_5_23_12_2.pdf (or see the “July 5, 2016” row in the chart of rule proposals and adoptions posted at http://www.nj.gov/dca/divisions/codes/codreg/rule_proposals_adoptions.html. The Notice of Adoption is available in the chart.)

The fee schedule at N.J.A.C. 5:23-12.6 has been adjusted to reflect this change. A reinspection fee has been established for any device that is the subject of a Notice of Violation necessitating a reinspection.

Questions should be directed to the Department’s Elevator Safety Unit at (609) 984-7833 or elevatorsafetyunit@dca.nj.gov.

Source: Elevator Safety Unit
(609) 984-7833



2017 Proposals and Adoptions

The following is a list of the 2017 proposals and adoptions. This list, with previous years included, can be found at <http://www.nj.gov/dca/divisions/codes/codereg/> by scrolling to "Rule Proposals and Adoptions."

Posted in NJ Register	Subject	Submit Comments by:	Adoption Date*
Oct 16, 2017	Notice of Administrative Correction - UCC; Rehabilitation Subcode N.J.A.C. 5:23-6.4, 6.5, 6.6 and 6.7	N/A	Oct 16, 2017
Sept 05, 2017	Notice of Readoption - Liquefied Petroleum Gas Readoption: N.J.A.C. 5:18	N/A	Sept 05, 2017
Sept 05, 2017	Notice of Readoption - Rules for Proprietary Campground Facility Health and Safety Standards Readoption: N.J.A.C. 5:10A	N/A	Sept 05, 2017
Sept 05, 2017	Notice of Readoption - Lead Hazard Evaluation and Abatement Code Readoption: N.J.A.C. 5:17	N/A	Sept 05, 2017
Sept 05, 2017	Notice of Readoption - Condo, Fee Simple, Cooperative Conversion, and Mobile Home Retirement Readoption: N.J.A.C. 5:24	N/A	Sept 05, 2017
Sept 05, 2017	Notice of Readoption - New Jersey State Housing Code Readoption: N.J.A.C. 5:28	N/A	Sept 05, 2017
Sept 05, 2017	Notice of Readoption - Rooming and Boarding Homes Readoption: N.J.A.C. 5:27-1 through 12 and 14	N/A	Sept 05, 2017
Aug 21, 2017	Maintenance of Hotels and Multiple Dwellings - Human Trafficking Proposed Amendments: N.J.A.C. 5:10-1.12 and 28.1 Proposed New Rule: N.J.A.C. 5:10-29	Oct 20, 2017	
Aug 07, 2017	Carnival-Amusement Rides Proposed Amendments: N.J.A.C. 5:14A-1.2, 1.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.11, 2.14, 2.15, 4.13, 5.5, 7.1, 7.7, 7.8, 9.11, 10.7, 10.8, 13.3, 13.8, 13.9, 14.5	Oct 6, 2017	
Aug 07, 2017	Liquefied Petroleum Gas Proposed Amendment: N.J.A.C. 5:18-1.6	Oct 6, 2017	
Aug 07, 2017	Uniform Construction Code Proposed Amendments: N.J.A.C. 5:23-2.15, 2.20, 3.2, 3.4, 3.14, 4.4, 4.5, 4.12, 4.13, 4.14, 4.18, 4D, 6.2, and 7.1	Oct 6, 2017	
Aug 07, 2017	Uniform Construction Code - Minor Work & Ordinary Maintenance Proposed Amendments: N.J.A.C. 5:23-1.4, 2.7, 2.14, and 2.17A Notice of Public Hearing November 29, 2017 for above Proposed Amendments	Oct 6, 2017	
July 17, 2017	Uniform Construction Code - Emergency Shelters for the Homeless Proposed Readoption: N.J.A.C. 5:15 Proposed Amendments: N.J.A.C. 5:15-1.5 and 4.2	Sept 15, 2017	Dec 18, 2017 NSC
July 17, 2017	Standards for Licensure of Residential Health Care Facilities Not Located With, and Operated By, Licensed Health Care Facilities Proposed Readoption with Amendments: N.J.A.C. 5:27A Proposed New Rule and Repeal: N.J.A.C. 5:27A-17.4 Proposed New Rules: N.J.A.C. 5:27A-19	Sept 15, 2017	Dec 18, 2017 NSC
June 5, 2017	Uniform Construction Code - Cranes Proposed Amendment: N.J.A.C. 5:23-2.34	Aug 4, 2017	Dec 18, 2017 NSC

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<i>(2017 Proposals and Adoptions)</i>			
June 5, 2017	Uniform Construction Code / Rooming and Boarding Houses - Sober Living Res Proposed Amendments: N.J.A.C. 5:23-3.11, 3.14, 6.31; and 5:27-1.4, 1.5, 1.6, 1.9, 2.1, 3.2 through 3.6, 3.8, 3.9, 3.12, 4.1 through 4.9, 6.1, 6.2, 6.3, 7.1 through 7.4, 8.1 through 8.4, 9.1, 10.1, 11.1, 12.1, 13.1, and 14.1	Aug 4, 2017	
Feb 21, 2017	Uniform Construction Code Proposed Amendments: N.J.A.C. 5:23-2.2, 2.6, 2.7, 2.14, 2.15, 2.15A, 2.20, 2.23, 2.35, 2.37, 3.2, 3.4, 3.8, 3.14, 3.15, 3.22, 4.26, 5.3 and 12.8	Apr 22, 2017	
Sept 19, 2016	Uniform Construction Code & Uniform Fire Code; Carbon Monoxide Detection Proposed Amendments: N.J.A.C. 5:23-3.14, 6.1, 6.4 through 6.7 and 6.31 and 5:70-4.3, 4.9 and 4.19	Nov 18, 2016	June 05, 2017 NSC
Sept 19, 2016	Uniform Construction Code; Rehabilitation Subcode Proposed Amendments: N.J.A.C. 5:23-6.1 through 6.9, 6.12, 6.13, 6.13A, 6.14, 6.15, 6.16, 6.17, 6.18, 6.18A, 6.19, 6.20, 6.20A, 6.21, 6.22, 6.22A, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.28A, 6.29 through 6.33 and 12.8	Nov 18, 2016	May 01, 2017
Sept 19, 2016	Condominium, Fee Simple and Cooperative Conversion and Mobile Home Park, Retirement; New Home Warranties and Builders' Registration; Landlord-Tenant Relations Proposed Amendments: N.J.A.C. 5:24-1.4, 2.2 and 2.9; 5:25-2.2, 2.5 and 2.8; and 5:29-1.2	Nov 18, 2016	Mar 20, 2017
Sept 19, 2016	Relocation Assistance and Eviction Proposed Readoption with Amendments: N.J.A.C. 5:11 Proposed Repeals: N.J.A.C. 5:11-7.3 and 7.4	Nov 18, 2016	Feb 24, 2017
Sept 06, 2016	LP Gas Regulations; Update of the edition of NFPA 58 referenced; timeframes for Certified Employee Training Program; training for motor vehicle fueling Proposed Amendments: N.J.A.C. 5:18-3.1, 6.3, 10.3 and 10.4	Nov 05, 2016	May 01, 2017
Aug 15, 2016	Ski Lift Safety - Adoption of ANSI B77.1-2011 Proposed Readoption: N.J.A.C. 5:12 Proposed Amendments: N.J.A.C. 5:12-1.4 and 4.2 Proposed Repeal: N.J.A.C. 5:12-6	Oct 14, 2016	Feb 21, 2017
July 05, 2016	Uniform Construction Code; Permit Updates regarding Zoning Proposed Amendments: N.J.A.C. 5:23-2.16, 2.18 and 2.29	Sept 03, 2016	
July 05, 2016	Uniform Construction Code; Elevator Subcode Elimination of Six-Month Elevator Inspections Proposed Amendments: N.J.A.C. 5:23-12.1, 12.2, 12.3 12.6 and 12.9 Proposed Repeal: N.J.A.C. 5:23-12.10	Sept 03, 2016	July 03, 2017 NSC

Source: Code Assistance Unit
(609) 984-7609

Dedication of Revenue: Fees for Uniform Construction Code Enforcement

(Local Finance Notice – August 11, 2017)

The Department of Community Affairs has become aware of instances where municipal construction code enforcement offices are consistently earning revenue well in excess of the offices' operating costs. This Notice, issued jointly by the Division of Local Government Services and the Division of Codes and Standards, reminds municipalities with construction code enforcement offices of fee limitations set forth in State law and how fee proceeds must be budgeted and accounted for. The within guidance also applies to any county that operates a construction code enforcement agency.

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(Dedication of Revenue: Fees for Uniform Construction Code Enforcement)

Expenses that Construction Code Fees Can Cover

N.J.S.A. 52:27D-126a limits municipal fees for plan review, certificates of occupancy and issuance of construction, demolition, moving of building, elevator, and sign permits to only the level necessary to satisfy the enforcement agency's annual operating costs. Regulations promulgated by the Commissioner of DCA, specifically N.J.A.C. 5:23-4.17 and 4.18, set forth detailed parameters governing municipal construction code fees.

The fee schedule set by municipal ordinance must be calculated to reasonably cover the municipal costs of enforcing the regulations, and shall be reviewed against the revenues and expenditures listed in the Uniform Construction Code Annual Report along with the accompanying recommendation from the construction code official on whether changes to the fee schedule are necessary.

Subsection (c) of N.J.A.C. 5:23-4.17 strictly limits which costs can be utilized in calculating construction code enforcement fees. Those costs set forth in detail under Appendix "A".

Please note that indirect and overhead expenses charged to construction code fee revenues shall not exceed 12 percent of all other costs of the enforcing agency unless the indirect and overhead expenses of the municipality exceed 12 percent of the entire municipal budget, in which case indirect and overhead expense may be charged to construction code fee revenues in proportion to the general municipal overhead and expense ratio. A detailed written justification for any charge for indirect and overhead expenses in excess of 12 percent must be prepared and made available for inspection both by the Department of Community Affairs and by the public.

If the municipality deposits UCC fee revenue into a trust fund ("dedication by rider"), fees may be set at such a level so as to accumulate a reasonable level of funds for offsetting future code enforcement expenses. It is recommended that a three-year average be used for projecting a "reasonable" level of future expenses. See the "Budgeting and Accounting" section below for further discussion on dedicating construction code fee revenue.

Subsection (d) of N.J.A.C. 5:23-4.17 governs fees for development-wide inspection of homes after issuance of a certificate of occupancy. Municipal construction code enforcement fees are subject to further standards which are detailed in N.J.A.C. 5:23-4.18.

Treatment of Fees in Shared Services or Third-Party Vendor Context

When construction code enforcement is provided under a shared services agreement, one uniform fee schedule shall be applied by all parties to the agreement. Said fee shall be collected by the enforcing agency performing the administration and enforcement of the regulations, with no additional fee required to be paid by an applicant to any municipality or county. The enforcing agency shall maintain financial records showing for each municipality the amounts of money collected and expended.

In instances where private on-site inspection and plan review agencies carry out all of the enforcement responsibilities of the local code enforcement agency, fees cannot exceed the contracted amount the municipality must pay the third-party vendor(s) except to cover additional overhead and other operational costs incurred by the municipality in connection with the administration of code enforcement activities. In instances where private on-site inspection and plan review agencies carry out a portion of the enforcement responsibilities of the local code enforcement agency for one or more disciplines, fee revenue cannot exceed the contracted amount the municipality must pay the third-party vendor(s) and the costs incurred by the municipality in carrying out its enforcement responsibilities as allowed pursuant to N.J.A.C. 5:23-4.17 and as described in this LFN.

Budgeting and Accounting for Construction Code Fees

Revenue earned from construction code enforcement fees must be dedicated to enforcing the UCC. Municipalities can dedicate fee revenue in either one of two ways.

The first method, set forth in N.J.S.A. 40A:4-36, is to state fee revenues in a separate section of the budget according to their respective sources together with the appropriations for the purposes to which such revenues are applicable; with the total of anticipated revenues equaling the total of appropriations. Under this method, current year revenue cannot exceed prior year realized revenue absent documentation supporting the disparity (e.g. amended ordinance to increase fees, substantial increase in the number of inspections).

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(Dedication of Revenue: Fees for Uniform Construction Code Enforcement)

The second method of dedicating UCC fee revenue is to utilize a “dedication by rider” (i.e. a trust fund) pursuant to N.J.S.A. 40A:4-39. A dedication by rider must be used if the municipality wishes to accumulate funds at a reasonable level for offsetting future code enforcement expenses.

Municipalities with code enforcement offices should ensure they are sufficiently staffed to handle their duties. Although municipalities are not prohibited from using general fund to pay the costs of UCC enforcement when fee revenues are insufficient to cover costs, or when necessary to compensate for work done without fee pursuant to statute or ordinance, municipalities are expected to set fees at a level sufficient to cover the costs of their construction code offices.

The appropriation and expenditure of construction code fee revenues shall be tested annually for compliance with N.J.A.C. 5:23-4.17 as part of the municipal audit. As is the case for municipal court and dog license revenues, a separate dedicated report shall be included with the annual audit; CFOs shall be responsible for providing their auditors with all information necessary to complete the report. This UCC Enforcement Fee Report shall be included with all municipal audits starting with the 2017 audit (SFY2018 audit for municipalities on a State Fiscal Year budget cycle). Guidance will be forthcoming on how the dedicated report is to be incorporated into the upcoming electronic audit submission process (the FAST system).

By no later than March 1 each year (September 1 for SFY municipalities), the Department of Community Affairs will notify a municipality whether they are required to perform further sample testing of the supporting expenditures for all direct and indirect expenses allocated to the Construction Department. This testing should provide support to validate the appropriateness of the charges as they relate to compliance with N.J.A.C. 5:23-4.17, namely that all expenditures of construction code fees have been made for purposes permitted under the regulation. The outcome of said testing shall be specifically reflected as a separate opinion contained in an addendum to the annual Audit. The CFO is responsible for providing the auditor with all necessary supplemental supporting information.

Document	Internet Address
Subchapter 4 of N.J.A.C. 5:23	http://www.nj.gov/dca/divisions/codes/codreg/pdf_regs/njac_5_23_4.pdf
UCC Annual Report (pdf)	http://www.nj.gov/dca/divisions/dlgs/resources/fa_docs/UCC%20Annual%20Report%20Online.pdf
UCC Annual Report Login	http://fs2.formsite.com/njdca/uccrpt/form_login.html
UCC Report (Annual Audit)	http://www.nj.gov/dca/divisions/dlgs/resources/fa_docs/UCC%20Annual%20Audit%20Report.docx

APPENDIX

Calculating UCC Enforcement Fees – Permissible Costs under N.J.A.C. 5:23-4.17

- Salaries and employee benefits for licensed code enforcement officials and inspectors and clerical personnel assigned to the enforcing agency¹, in an amount proportionate to the time spent in performing work for the enforcing agency. Detailed time records must be kept where employees divide their time between Uniform Construction Code and Non-Uniform Construction Code duties.
- Cost of motor vehicles in an amount proportionate to their use by or for the enforcing agency. Payments for this purpose may be in the form of
 - mileage reimbursement paid to employees for use of their own motor vehicles
 - cost of purchase of motor vehicles by the municipality for the exclusive use of the enforcing agency (which cost may not be amortized)
 - depreciation and operating expenses of motor vehicles made available to the enforcing agency by another municipal agency, and
 - cost of rental of motor vehicles for use by the enforcing agency
- Direct costs in support of the agency such as equipment, supplies, furniture, office equipment maintenance, standardized forms, printing, and safety equipment that are supplied directly to the enforcing agency for its sole use

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- Professional expenses of enforcing agency personnel that are directly related to the enforcement of the regulations, including publications, membership dues, license fees, and authorized travel to conferences, meetings and seminars
- Fees for services performed under contract by private on-site inspection agencies
- Documented charges for legal services connected to construction code enforcement litigation
- Fees for the annual audit of the dedicated fund by an independent auditor
- Indirect, overhead, and other expenses of the municipality in support of the enforcing agency, including:
 - Legislative and Executive expenses (e.g. administrative warrants; appeals to construction board of appeals)
 - Administration, including personnel, payroll, and general training services provided to the agency in common with all other municipal offices;
 - Central services shared jointly with other municipal offices, such as telephone, reproduction, centralized computer services, etc.;
 - Insurance except for group insurance premiums under employer fringe benefits;
 - General building maintenance expenses;
 - Finance, including bookkeeping, purchasing, and auditing;
 - Office space expenses, including rent or interest and debt service on municipal capital facilities; and
 - Such other expenses as may be properly allocable to construction code enforcement.

¹ Please note that all references to the “enforcing agency” pertain to the department, division, or office of the municipality that effectuates code enforcement responsibilities (including entities that provide code enforcement through a shared service agreement or as a private third-party provider), and not the municipality as a whole.

Source: Timothy J. Cunningham, Director, Division of Local Government Services
Edward M. Smith, Director, Division of Codes and Standards

Lateral Deck Connection: Reminder – Update

(Originally published Fall 2011)

It has recently come to the Department’s attention that there has been some confusion as to when a lateral deck attachment, like the ones illustrated in Figures R507.2.3(1) and R507.2.3(2), Deck Attachment for Lateral Loads, of the International Residential Code/2015 (IRC/2015), is required.

The **specific** deck attachment for lateral loads as demonstrated in Figures R507.2.3(1) and R507.2.3(2), Deck Attachment for Lateral Loads, of the IRC/2015, is not required. These figures are rooted in Federal Emergency Management Agency (FEMA) 232, entitled “Homebuilders’ Guide to Earthquake Resistant Design and Construction,” and is clearly a seismic requirement. Section R301.2.2, Seismic Provisions, of the IRC/2015, states “Detached one- and two-family dwellings and attached single family townhouses are exempt from the seismic requirements of this code.”

Based on this, the **specific** lateral deck attachment like the ones illustrated in Figures R507.2.3(1) and R507.2.3(2) is not required for a detached one- or two-family dwelling or attached single family townhouse in New Jersey that is designed and built in accordance with the IRC/2015.

If you have any questions, please direct your calls to the Code Assistance Unit at (609) 984-7609.

Source: Code Assistance Unit
(609) 984-7609

Building Permits, Part 1: What We See

Every month, the Department gets information on tens of thousands of building permits and certificates of occupancy. Most building departments send these data electronically. The Department counts every permit – new construction as well as additions, alterations, and demolitions – and reports the number of new houses, the dollar amount of work, and the square feet of office and retail space. The monthly tally for each of the State’s 565 municipalities is available online at: <http://www.state.nj.us/dca/divisions/codes/reporter/>

This is the first of four articles on building permits and certificates. It discusses what a permit looks like to the Department and why this information is important. The Department does not get actual permits; we only see certain items on them. This information does not include names, addresses, the applicant, who is doing the work, or phone numbers. The table below shows what permits look like to the Department.

Big permits, 2017

municipality	county	permit no.	month	year	use	activity	estm work \$	sq ft	dwellings	description
Hoboken	Hudson	000020170955	07	17	R-2	NEW	150,000,000	650,000	434	700-32 Jackson St; Monroe Ctr urban renewal
Jersey City	Hudson	20172162	06	17	R-2	NEW	140,316,750	655,074	549	235 Grand St; hi-rise, mixed use
Englewood Cliffs	Bergen	17-216	08	17	B	NEW	123,565,000	303,650	0	LG Electronics headquarters
Jersey City	Hudson	20163418+D	06	17	R-2	NEW	118,000,000	501,482	389	75 14th St / 75 Park Ln LLC
Newark	Essex	000020170398	02	17	R-2	NEW	99,453,325	395,358	245	Park Pl Apts; 22-story bldg
West New York	Hudson	000020170799	10	17	R-2	NEW	92,957,000	711,071	360	17 Av of Port Imperial; 11 story apt bldg
Harrison Twp	Gloucester	17-00532	08	17	I-2	NEW	75,347,680	465,348	0	Inspira Hospital network
Sayreville	Middlesex	000020170175	02	17	U	ALT	66,268,000	0	0	pump station renovation
Hoboken	Hudson	20171480	10	17	R-2	NEW	60,989,100	211,516	0	1018-28 Maxwell Av, Toll Bros
Atlantic City	Atlantic	16-70079+C	07	17	R-2	NEW	56,000,000	0	0	dormitory, Stockton State Univ
Jersey City	Hudson	20174172	11	17	R-2	NEW	55,858,615	213,790	180	321 Warren St; 18 story
New Providence	Union	17-29905	09	17	R-2	NEW	50,000,000	311,531	171	Lantern Hill Independent lvg; bldg 6
Parsippany	Morris	0002016130BU	01	17	R-2	NEW	49,810,191	259,964	212	Modera Apts; 1715 Rte 46
Hackensack	Bergen	000020171324	09	17	R-2	NEW	48,000,000	481,472	254	Brick Yard Urban Renewal, 18 E Camden Av
Newark	Essex	17CP001339+C	10	17	B	NEW	44,920,000	267,666	0	update, Rector St urban renewal, mixed use, 153 apts
Weehawken	Hudson	000020170049	02	17	R-2	NEW	43,595,250	276,199	236	Harbor Blvd Apts
Harrison	Hudson	00020170185U	11	17	R-2	NEW	41,000,000	210,972	0	permit update, 799 S 3rd, 270 apts
Weehawken	Hudson	00020170048U	06	17	R-2	NEW	36,812,025	0	0	Harbor Blvd Apts update
Newark (st bldg)	Essex	16-0839+C	01	17	E	NEW	33,318,000	0	0	New South Elementary School
Woodbridge	Middlesex	00020173273U	11	17	S-1	NEW	33,000,000	620,040	0	update; warehouse; Anzoni Ice Tea
Bridgewater	Somerset	20171162+A	07	17	B	NEW	32,814,000	0	0	PSE&G data center, update
Vineland	Cumberland	16-80005+C	01	17	E	NEW	31,105,000	1	0	Lincoln Av Middle School
Madison	Morris	17-008	01	17	B	ALT	30,327,748	0	0	Allegan Pharmaceuticals
New Brunswick	Middlesex	16-80005+A	01	17	E	ADD	29,803,000	1	0	Paul Robeson Elementary School
Passaic City	Passaic	16-80010+A	10	17	E	NEW	28,467,938	1	0	update, new school, 30 Henry St
Montvale	Bergen	16-00606	01	17	M	NEW	27,783,500	122,108	0	Wegman's
Camden City	Camden	000020170817	07	17	B	NEW	27,500,000	703,859	0	18-story office bldg & parking deck
Union City	Hudson	00020131332U	01	17	R-2	NEW	27,330,000	172,500	108	Summit Av Apts, update
Bayonne	Hudson	17-08-159	08	17	R-2	NEW	26,399,198	181,466	91	957 Broadway
Edgewater	Bergen	000020170113	04	17	R-2	NEW	26,320,000	314,404	240	Avalon Bay, 700 River Rd
Fort Lee	Bergen	00020170010U	02	17	E	NEW	25,430,000	10,233	0	update, Cole Middle School
Bayonne	Hudson	17-01-092	01	17	R-2	NEW	24,965,556	142,815	138	434-36 Broadway, Ingeman development
Montvale	Bergen	17-00321	07	17	B	ADD	24,855,000	86,086	0	KPMG Accounting

Permit number: While formats vary, every record has a permit number. This helps to distinguish initial work from updates. Updates show the progression of work over months, even years. It is important to only report new information on updates. For example, if you report \$200,000 of work on the initial permit, and another \$200,000 on an update, the Department will see \$400,000. If the total cost of work for the entire project is only \$200,000, don't report this again. This is overreporting, and the Department will overcount.

Permit dates: Building permits are vital signs on the economy. A permit date tells when work began; a certificate date says when it ends. Timing is important, as it shows the Department when construction heats up and slows down.

(continued on next page)

(Building Permits, Part 1: What We See)

Location: The only locational information the Department gets is the name of the municipality where the work occurred and the block and lot.

Building Use: Each permit has a building use, as shown in the table below. They show the Department, in broad terms, what is being built. More buildings today have multiple uses; report the predominant use first. Because the Department only sees the first use entered, order matters. A ten-story building with apartments on eight levels and parking on two is an R-2 / S-2, not an S-2 / R-2.

Use	Description - International Building Code, New Jersey Edition, 2015
Assembly	Buildings where people gather for civic, social, or religious purposes.
A-1	Theaters, concert halls
A-2	Banquet halls, casinos, restaurants, night clubs, bars
A-3	Churches, art galleries, bowling alleys, arcades
A-4	Indoor sporting events, swimming pools, skating rinks, tennis courts
A-5	Outdoor activities, amusement parks, bleachers, grandstands, stadiums
Business	Buildings for professional or office services.
B	Office buildings, banks, barber shops, car washes, auto showrooms, government office buildings, post offices
Education	School and other educational buildings for six or more persons through 12 th grade
E	Public and private schools K-12 th grade, day care facilities for children older than 2 ½ years.
Factory	Factory and industrial buildings used to assemble, disassemble, and manufacture products
F-1	Moderate-hazard factories: aircraft and appliance manufacturers, bakeries, food processing plants
F-2	Low-hazard factories: brick, masonry, glass, and ceramic plants
High Hazard	Buildings used to make, process, or store materials that are a physical or health hazard
H-1	Detonation hazards: fireworks, explosives
H-2	Accelerated burning hazards
H-3	Combustion or physical hazard
H-4	Health hazard
H-5	Hazardous production materials (HPM)
Institutional	Buildings where supervision is provided and evacuation is slow or impractical (See also, Bulletin 15-3)
I-1	Supervised residential homes for 17 or more people
I-2	Hospital, nursing home, and other facilities for six or more people
I-3	Jails, reformatories, and asylums for six or more people
I-4	Daycare for six or more people 2 ½ years or older
Mercantile	Retail buildings where products are displayed and sold.
M	Department stores, drug stores, gas stations, markets
Residential	Buildings where people can sleep (See also, Bulletin 15-3)
R-1	Hotels, motels, boarding homes
R-2	Multifamily buildings, dormitories
R-3	1 & 2 family houses; adult/child care for five or fewer occupants
R-4	Therapeutic residences for six to 16 residents
R-5	1&2 family houses, International Residential Code
Storage	Buildings used for the storage of products not classified as high-hazard
S-1	Moderate-hazard storage: warehouses that store things like book, paper, furniture, tires, sugar, clothes
S-2	Low-hazard storages: parking garages and warehouses that store things like frozen foods, glass meats, metals, and pottery
Utility	Utility and accessory buildings, also a miscellaneous category
U	Signs, fences, detached garages, sheds, pool houses, pagodas, decks, agricultural buildings, oil tanks, and greenhouses.

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(Building Permits, Part 1: What We See)

Permit activity: This tells the Department what’s being done. There are four types of permits: new construction, alterations, additions, and demolitions. A new construction permit is for a new structure. It can be a house, office, store, fence, or pool, but it has to be new. The other three permit types are for work on existing structures. An alteration is for work that does not add space, like a roof replacement, new water heater, or upgrade of an electrical service. Additions add space. Anytime a permit is issued for an addition, the floor area (square feet) and volume (cubic feet) must be reported. Again, be careful not to repeat information on an update that was reported earlier. Sometimes, a permit has both alteration and addition work. Like building use, order matters; report the predominant activity first, because that is the only one the Department sees.

Demolition permits are for the complete removal of structures, and are covered in Part Four of this article series.

Permit activity should stay the same throughout the course of a project. The Department receives too many permits that start out as alterations, but are updated and changed to new construction. This typically seems to be done for a partial release for the footings and foundations to new buildings. A footing and foundation to a new building requires a new construction permit, not an alteration. If you must switch permit activity through the course of a job, consider issuing another permit.

Dollar amount of work: This the estimated cost of the work authorized by the building permit. The amount can be reported all at once or in increments, as long as the information is not repeated.

Square feet: Anytime a building permit is issued for a new building or an addition to an existing one, the square feet and cubic feet must be reported. As with dollars and housing units gained, don’t repeat anything that was reported earlier.

Dwellings gained: This is the most important indicator on a permit. Anytime a building permit results in a new dwelling, the number of new housing must be reported. Both the Department and the U.S. Census Bureau publish this information. Census is interested only in new housing created from new construction permits, but the Department wants to know about all new housing—those dwellings created from new construction, as well as those created by alteration and additions to existing buildings.

Source: John Lago
Division of Codes and Standards
(609) 292-7899

Building Permits, Part 2: Counting Houses

Every month, both the Department and the U.S. Census Bureau publish statistics on authorized housing, specifically the number of new dwellings authorized by building permits. This is one of the most important indicators on a building permit. It is used by demographers, planners, and economists to gauge a vital part of the construction industry, new homebuilding, and examine emerging settlement patterns. School administrators, utility companies, businesses, and others use the data to predict demand. Because authorized housing is such a useful indicator, it is important to report it accurately.

Dwellings, not Buildings: The Department is counting new housing. A dwelling is a place where someone can live, for example a house or apartment. It has a kitchen, but not all buildings with ovens and refrigerators are dwellings. Motel rooms aren’t, and neither is an extended-stay apartment or timeshare; these are meant mainly for short-term stays (less than thirty days). Most college dormitories, nursing home beds, and jail cells aren’t dwellings either. However, some assisted living units can be, typically the ones that look more like apartments than nursing home rooms. People in dwellings live more independently; they may still drive, buy food, and cook meals. Use your best judgement, but if you need advice, call the Department.

Tenure: Report the number of dwellings by tenure, whether they are for sale or for rent. If you’re not sure, guess, but don’t double count. If you report five for-sale units gained and five for-rent units, the Department will count ten authorized dwellings.

(continued on next page)



(Building Permits, Part 2: Counting Houses)

New Construction vs. Housing Rehab: Most new housing is from new construction. However, sometimes dwellings are created by work on existing buildings; for example, the conversion of an old factory to loft apartments. Anytime the work authorized by a building permit creates new housing, the number of dwellings gained must be reported. This applies to new construction permits, as well as additions and alterations. Remember, an alteration to replace fire escapes in a hi-rise apartment building with 100 condominiums does not create any new housing.

Avoid multiple permits for multiple dwellings: Today, more housing is being built in multifamily or mixed-use buildings. Some building departments feel they must issue separate permits for each dwelling. Try to avoid this; it is one building with a lot of dwellings. Think of a multifamily housing building like a shopping mall. If you must issue multiple permits, issue one new construction permit for the shell, and multiple alteration permits for the fit outs that come later. Call if you have questions, because multiple permits for multiple dwellings can lead to multiple mistakes.

Mixed-use Buildings: More housing today is in buildings with mixed uses. Apartments and condominiums are sharing space with other uses, like parking decks, shops, offices, and gyms. The Department has trouble with building permits authorizing work in mixed-use buildings because we do not see the multiple uses. We only see the first building use reported. This is why it is important to report the predominant use first. If the mixed-use building has new housing, let the Census Bureau know by using the appropriate Item Number. Part 3 of this series discusses Census Item numbers.

Source: John Lago, Division of Codes and Standards
(609) 292-7899

Additions in a Flood Zone – Update

In the Summer 2016 edition of the Construction Code Communicator, the following article was published regarding those who would like to install an addition to their existing home in a flood zone regulated by Uniform Construction Code (UCC).

For those wondering if an addition is allowed in a flood zone, here's your answer:

First, check with the local floodplain administrator to (a) see if the addition is permitted by local zoning regulations and NJ DEP regulations and (b) if the permitted addition is considered a substantial improvement.

As a refresher, FEMA defines substantial improvement as "Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed" (<http://www.fema.gov/floodplain-management-old/substantialimprovement>). This is reiterated within the Rehabilitation Subcode at N.J.A.C. 5:23-6.3A(a).

This leads us to the addition section of the Rehabilitation Subcode at N.J.A.C. 5:23-6.32. If you recall, subsection (a) states, "Any addition to a building or structure shall comply with the requirements of the Uniform Construction Code applicable to new construction." Since N.J.A.C. 5:23-6.3A(a) includes addition within the requirements for flood resistant construction, an addition not considered a substantial improvement would not have to be elevated.

The key here is: it is important to follow through with the Prior Approval process. Even though the UCC may not necessarily require an addition to be placed at today's flood elevation in a non-substantially improved project, the NJ DEP regulations at N.J.A.C. 7:13 will require the addition to be placed at today's flood elevation regardless of substantial improvement status. Please note that there is a small exception at N.J.A.C. 7:13-7.12(a)2 which permits up 400 ft² to be added to a non-substantially improved home at its current elevation.

Source: Rob Austin
Code Assistance Unit
(609) 984-7609

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Please direct any comments or suggestions to the NJDCA, Division of Codes and Standards, Attention: Code Development Unit, PO Box 802, Trenton, NJ 08625-0802 or codeassist@dca.nj.gov.

Building Permits, Part 3: Census Item Numbers

Every month, both the Department and the U. S. Census report on the number of new dwellings authorized by building permits. While the Department looks at every permit, Census focuses only on new construction. Item Numbers tell the Census Bureau which permits to look at and which to ignore.

Census gets only those building permits with Item Numbers 101, 103, 104, or 105. These vary, based on the number of new housing units. A permit with Item Number 105 is for a new, residential building with five or more dwellings, for example, a new, high-rise apartment building with 100 units.

A 104 is for a new residential building with three or four new dwellings, for example, a new garden apartment.

Item Number 103 is for a new duplex. One of the dwellings might be built for sale, the other for rent, but there are only two new dwellings.

A 102 is no longer used. It was for new, single-family, attached housing.

A permit with Census Item Number 101 is a new, single-family house. Most times, report only one dwelling gained. Sometimes, 101s can have multiple units. These are attached, single-family dwellings, rowhouses or townhouses.

Remember, Census focuses only on new construction permits. They are not counting new housing created from alterations and additions. All alteration or addition permits must be tagged as 999, even those that authorize new housing. All permits for nonresidential uses must also be tagged as 999. This tells Census to ignore the permits.

Mixed-Use Buildings: More housing is being built in mixed-use buildings. For an example, an assisted living complex can have nursing home beds as well as apartments for those able to live independently. Another example is a building with shops on the ground level and apartments overtop. Anytime you issue a new construction permit that creates new housing, let Census know by selecting the appropriate Item Number. The table below summarizes Item Numbers.

Census Item Numbers	
Census Item Numbers	dwellings gained
101	1, sometimes more
102	not used anymore
103	2
104	3 or 4
105	5 or more

All additions & alterations get Census Item Number 999, even if they create new housing

All building permits for nonresidential uses get item number 999

For new, mixed-use buildings, use appropriate Item Number, when new dwellings are created.

If you have questions, the Census Bureau can be contacted directly at the toll free number 1-800-845-8244. I am also available by phone or by email at john.lago@dca.nj.gov.

Source: John Lago
Division of Codes and Standards
(609) 292-7899.

Building Permits, Part 4: Demolition Permits

Demolition permits are issued for the complete removal of a structure. It can be a shed, underground storage tank, old factory, or house. Whatever it is, the entire structure must be torn down. Any partial removal is an alteration. Most technical assistants and construction officials know how to report demolitions, but this article provides five things to remember.

1. **Lost housing is key:** Report every demolition, but pay special attention anytime housing is lost. The number of lost dwellings must be reported. This is important, as demographers, planners, and others keep track new housing built, as well as existing housing that is torn down. For a demolition of a single-family house, report one dwelling lost. When a duplex is demolished, report two housing units lost. Enter the information by tenure, for sale or for rent. If you don't know, guess, but don't double count. In addition, it is important to not confuse buildings with dwellings. The Department wants to know about lost housing, not buildings.
2. **Report building uses accurately:** Make a mistake here and more typically follow. Too many issue a demolition permit for a pool house, shed, storage tank, or pagoda and enter a residential building use. These are accessory structures, not houses. The correct building use is "U." Only enter a residential building use for demolitions that result in lost housing, a place of residence.
3. **Hotels and other R-1s are not dwellings:** Don't report how many hotel rooms are lost. The Department only needs information on lost housing. If your reporting software forces you to enter lost dwellings every time you demolish a hotel, call your vendor. This must be fixed. If they don't know what you're talking about, direct them to me.
4. **The dollar amount on a demolition permit is the cost of the removal.**
5. **Only report the tear down, not what comes next:** The building use on a demolition permit is for the structure torn down, not what comes later. Anything built after the demolition needs a new permit, and should only be reported when the new permit is issued.

Building permit data appears in the New Jersey Construction Reporter at <http://www.nj.gov/dca/divisions/codes/reporter/>.

Source: John Lago, Division of Codes and Standards
(609) 292-7899

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Source: Code Assistance Unit, (609) 984-7609

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