

CHAPTER 70
(CORRECTED COPY)

AN ACT establishing a State online electronic building permit review and inspection scheduling system, and supplementing and amending P.L.1975, c.217, and amending P.L.2005, c.212, and P.L.1979, c.121.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.52:27D-124.4 "Electronic Permit Processing Review System."

1. a. The Commissioner of Community Affairs shall establish, develop, implement, and administer the "Electronic Permit Processing Review System." This electronic system shall be an Internet-based system allowing for the electronic submission of applications for construction permits, plans, and specifications pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the electronic review and approval of applications, plans, and specifications, for the scheduling of inspections, and for the exchange of information between the applicant, the applicant's professionals, and the department or enforcing agency during the review process. The electronic system shall offer a permit applicant:

- (1) the ability to submit the materials necessary for application review;
- (2) the ability to submit requests for on-site inspection of a project; and
- (3) continuous, 24-hour accessibility for the submission of both scheduling requests, and the materials necessary for the permit application review.

b. (1) Following the effective date of P.L.2021, c.70 (C.52:27D-124.4 et al.), the commissioner may make the electronic system accessible, and facilitate its use, through the acceptance of application materials and scheduling submissions, by:

- (a) the department, with regard to applications for which the department approves plans and specifications pursuant to the "State Uniform Construction Code Act";
- (b) local enforcing agencies; and
- (c) private agencies providing plan review and inspection services.

(2) (a) Within one year following the effective date of P.L.2021, c.70 (C.52:27D-124.4 et al.), the commissioner shall fully implement the electronic system, and provide for its use, through the acceptance of application materials and scheduling submissions, by the department, with regard to applications for which the department approves plans and specifications pursuant to the "State Uniform Construction Code Act".

(b) Local enforcing agencies may elect to utilize the electronic system implemented by the department. In the alternative, a local enforcing agency may utilize a different electronic system, which system shall provide the same level of functionality as the system implemented by the department.

c. The commissioner shall provide training opportunities on the use of the electronic system for employees of local enforcing agencies and private agencies which provide plan review and inspection services.

d. The commissioner shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations to govern the form and format of applications for construction permits, plans, and specifications and other information exchanged through the electronic system. Notwithstanding the requirement, pursuant to subsection b. of this section, to accept electronically submitted materials within one year following the effective date of P.L.2021, c.70 (C.52:27D-124.4 et al.), the commissioner shall have the discretion to establish different submission requirements,

including non-electronic submissions as necessary, for large, complicated, or otherwise unusual construction projects, so long as the system is designed to accept approximately 80 percent of construction permit application submissions electronically.

e. The department may waive a contrary form and format requirement imposed by statute or ordinance or by the rules of another department or agency for the submission of information in physical form to the extent the waiver is necessary to facilitate the submission of the information electronically. The department may accept an electronic reproduction of a signature, stamp, seal, certification, or notarization as the equivalent of the original or may accept the substitution of identifying information for the signature, stamp, seal, certification, or notarization. The department shall not waive any other requirement.

f. The commissioner may adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by an enforcing agency or private agency. Fees shall be remitted to the department to defray the cost of developing and administering the electronic system by local enforcing agencies that have elected to utilize the electronic system implemented by the department.

g. A person exchanging information through the electronic system in a form and format acceptable to the department is not subject to any licensing sanction, civil penalty, fine, permit disapproval, or revocation or other sanction for failure to comply with a form or format requirement imposed by statute, ordinance, or rule for submission of the information in physical form, including but not limited to any requirement that the information be in a particular form or of a particular size, be submitted with multiple copies, be physically attached to another document, be an original document or be signed, stamped, sealed, certified, or notarized.

h. As used in this section, "form and format" means the arrangement, organization, configuration, structure, or style of, or method of delivery for, providing required information or providing the substantive equivalent of required information. "Form and format" does not mean altering the substance of information or the addition or omission of information.

2. Section 3 of P.L.2005, c.212 (C.52:27D-124.3) is amended to read as follows:

C.52:27D-124.3 Submittal of bid, proposal by private agency under local public contracts law.

3. A proposal by a private agency to provide inspection or plan review services to a municipality to administer the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) shall be submitted in accordance with and shall be subject to the bidding and other provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.). A municipality shall require, as part of the bid specifications, that a private agency participate in whichever electronic system the municipality has elected to utilize. A municipality shall require as part of the bid specifications that a private agency submit a bid or proposal in terms of a percentage of the costs charged by the department when it serves as a local enforcement agency pursuant to section 10 of P.L.1975, c.217 (C.52:27D-128). A municipality may include in the fee charged by it for work done by private agencies an amount sufficient to cover a proportionate share of administrative costs incurred by the local enforcing agency in connection with inspections performed by private agencies.

3. Section 3 of P.L.1979, c.121 (C.52:27D-126a) is amended to read as follows:

C.52:27D-126a Enforcing agency fees, surcharges.

3. Where the appointing authority of any municipality shall appoint an enforcing agency and construction board of appeals pursuant to section 8 of P.L.1975, c.217 (C.52:27D-126), the municipal governing body by ordinance, in accordance with standards established by the commissioner, shall set enforcing agency fees for plan review, construction permit, certificate of occupancy, demolition permit, moving of building permit, elevator permit and sign permit, provided, however, that such fees shall not exceed the annual costs for the operation of the enforcing agency. For the three-year period commencing with an enforcing agency's initial participation in the "Electronic Permit Processing Review System," developed and implemented pursuant to section 1 of P.L.2021, c.70 (C.52:27D-124.4), the municipal governing body may impose, and the enforcing agency may collect, construction permit surcharge fees to defray the enforcing agency's startup costs related to offering electronic plan review and scheduling. Surcharge fees shall be established in accordance with standards established by the commissioner.

4. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to read as follows:

C.52:27D-130 Permit required; application; contents; issuance; transfer.

12. Except as otherwise provided by this act or in the code, before construction or alteration of any building or structure, the owner, or his agent, engineer or architect, shall submit an application in writing, including signed and sealed drawings and specifications, to the enforcing agency as defined in this act. When an enforcing agency begins to participate in the "Electronic Permit Processing Review System," pursuant to section 1 of P.L.2021, c.70 (C.52:27D-124.4), the owner, or his agent, engineer or architect, may submit applications and scheduling requests electronically. The application shall be in accordance with regulations established by the commissioner and on a form or in a format prescribed by the commissioner and shall be accompanied by payment of the fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The application for a construction permit shall be filed with the enforcing agency and shall be a public record; and no application for a construction permit shall be removed from the custody of the enforcing agency after a construction permit has been issued. Nothing contained in this paragraph shall be interpreted as preventing the imposition of requirements in the code, for additional permits for particular kinds of work, including but not limited to plumbing, electrical, elevator, fire prevention equipment or boiler installation or repair work, or in other defined situations.

Upon the transfer of ownership of property that is the subject of a construction permit, and prior to beginning or continuing work authorized by the construction permit, the new owner shall file with the enforcing agency an application for a permit update to notify the enforcing agency of the name and address of the new owner and of all other changes to information previously submitted to the enforcing agency. If the municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, and a performance guarantee has previously been furnished in favor of the municipality to assure the installation of on-tract improvements on the property that is the subject of an application for a permit update for the purpose of notifying the enforcing agency of the name and address of a new owner, the enforcing agency shall not approve the application for a permit

update until it receives notification from the governing body or its designee that the new owner has furnished an adequate replacement performance guarantee.

No permit shall be issued for a public school facility unless the final plans and specifications have been first approved by the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. Approval by the Bureau of Facility Planning Services in the Department of Education shall only be required when a review for educational adequacy is necessary. Requirements determining when a review for educational adequacy is necessary shall be established jointly by the Department of Community Affairs and the Department of Education. The standards shall thereafter be adopted as part of the Uniform Construction Code regulations by the Department of Community Affairs. After the final plans and specifications have been approved for educational adequacy by the Bureau of Facility Planning Services in the Department of Education, a local board of education may submit the final plans and specifications for code approval to either the Bureau of Facility Planning Services in the Department of Education or a municipal code official who is appropriately licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed. The Bureau of Facility Planning Services in the Department of Education when approving final plans and specifications shall be responsible for insuring that the final plans and specifications conform to the requirements of the code as well as for insuring that they provide for an educationally adequate facility. In carrying out its responsibility pursuant to the provisions of this section the Department of Education shall employ persons licensed by the Commissioner of Community Affairs for the type and level of plans being reviewed.

5. This act shall take effect immediately.

Approved April 30, 2021.