

**SENATE, No. 3551**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 2, 2023

**Sponsored by:**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Senators Singleton and Pou**

**SYNOPSIS**

Requires “Electronic Permit Processing Review System” in DCA to enable applicant to submit electronic signature and certain other submission materials for permit application review.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/11/2023)**

1 AN ACT concerning electronic signatures on construction permits  
2 and other submissions and amending P.L.2021, c.70.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.2021, c.70 (C.52:27D-124.4) is amended to  
8 read as follows:

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

21 (1) the ability to submit the materials necessary for application  
22 review;

23 (2) the ability to submit requests for on-site inspection of a  
24 project; **[and]**

25 (3) continuous, 24-hour accessibility for the submission of both  
26 scheduling requests~~**[.]**~~ and the materials necessary for the permit  
27 application review; and

28 (4) the ability to submit electronic signatures for all materials  
29 necessary for the permit application review, including all  
30 construction permits, plans and specifications, and for the  
31 scheduling of inspections.

32 b. (1) Following the effective date of P.L.2021, c.70 (C.52:27D-  
33 124.4 et al.), the commissioner may make the electronic system  
34 accessible, and facilitate its use, through the acceptance of  
35 application materials and scheduling submissions, by:

36 (a) the department, with regard to applications for which the  
37 department approves plans and specifications pursuant to the "State  
38 Uniform Construction Code Act";

39 (b) local enforcing agencies; and

40 (c) private agencies providing plan review and inspection  
41 services.

42 (2) (a) Within one year following the effective date of  
43 P.L.2021, c.70 (C.52:27D-124.4 et al.), the commissioner shall fully  
44 implement the electronic system, and provide for its use, through  
45 the acceptance of application materials and scheduling submissions,  
46 by the department, with regard to applications for which the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 department approves plans and specifications pursuant to the "State  
2 Uniform Construction Code Act." **[.]**

3 (b) Local enforcing agencies may elect to utilize the electronic  
4 system implemented by the department. In the alternative, a local  
5 enforcing agency may utilize a different electronic system, which  
6 system shall provide the same level of functionality as the system  
7 implemented by the department as enumerated in subsection a. of  
8 this section.

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

13 d. The commissioner shall, in accordance with the  
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
15 seq.), adopt rules and regulations to govern the form and format of  
16 applications for construction permits, plans, and specifications and  
17 other information exchanged through the electronic system.  
18 Notwithstanding the requirement, pursuant to subsection b. of this  
19 section, to accept electronically submitted materials within one year  
20 following the effective date of P.L.2021, c.70 (C.52:27D-124.4 et  
21 al.), the commissioner shall have the discretion to establish different  
22 submission requirements, including non-electronic submissions as  
23 necessary, for large, complicated, or otherwise unusual construction  
24 projects, so long as the system is designed to accept approximately  
25 80 percent of construction permit application submissions  
26 electronically.

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

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

44 g. A person exchanging information through the electronic  
45 system in a form and format acceptable to the department is not  
46 subject to any licensing sanction, civil penalty, fine, permit  
47 disapproval, or revocation or other sanction for failure to comply  
48 with a form or format requirement imposed by statute, ordinance, or

1 rule for submission of the information in physical form, including  
2 but not limited to any requirement that the information be in a  
3 particular form or of a particular size, be submitted with multiple  
4 copies, be physically attached to another document, be an original  
5 document or be signed, stamped, sealed, certified, or notarized.

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

12 (cf: P.L.2021, c.70, s.1)

13  
14 2. This act shall take effect immediately.

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17 STATEMENT

18  
19 Current law requires the Commissioner of Community Affairs to  
20 establish the "Electronic Permit Processing Review System," an  
21 Internet-based system allowing for the electronic submission of  
22 applications for construction permits, plans, and specifications  
23 pursuant to the "State Uniform Construction Code Act,"  
24 N.J.S.A.52:27D-119 et seq., for the electronic review and approval  
25 of applications, plans, and specifications, for the scheduling of  
26 inspections, and for the exchange of information between the  
27 applicant, the applicant's professionals, and the Department of  
28 Community Affairs or enforcing agency during the review process.  
29 The electronic system offers a permit applicant:

- 30 • the ability to submit the materials necessary for application  
31 review;  
32 • the ability to submit requests for on-site inspection of a  
33 project; and  
34 • continuous, 24-hour accessibility for these submissions.

35 This bill amends current law to specify that the electronic permit  
36 system is also required to offer an applicant the ability to submit  
37 electronic signatures for all materials necessary for the permit  
38 application review, including all construction permits, plans and  
39 specifications, and for the scheduling of inspections. The bill also  
40 requires the department to accept an electronic reproduction of  
41 stamps, seals, certifications, and notarizations.