

ASSEMBLY, No. 5130

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 16, 2024

Sponsored by:

Assemblyman ALEXANDER "AVI" SCHNALL

District 30 (Monmouth and Ocean)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Fantasia, Assemblyman Simonsen, Assemblywoman

Drulis and Assemblyman Freiman

SYNOPSIS

Requires enforcing agency to conduct inspection of construction in specified time window.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/30/2025)

A5130 SCHNALL, KARABINCHAK

2

1 AN ACT concerning inspection of construction by an enforcing
2 agency and amending P.L.1975, c.217.

3

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

6

7 1. Section 14 of P.L.1975, c.217 (C.52:27D-132) is amended to
8 read as follows:

9 14. a. The enforcing agency shall periodically inspect all
10 construction undertaken pursuant to a construction permit issued by
11 it to ensure that the construction or alteration is performed in
12 accordance with the conditions of the construction permit and
13 consistent with the requirements of the code and any ordinance
14 implementing said code.

15 b. The owner of any premises upon which a building or
16 structure is being constructed shall be deemed to have consented to
17 the inspection by the enforcing agency and the department, of the
18 entire premises and of any and all construction being performed on
19 it until a certificate of occupancy has been issued. An inspector, or
20 team of inspectors, on presentation of proper credentials, shall have
21 the right to enter and inspect such premises, and any and all
22 construction thereon, for purposes of ensuring compliance with the
23 provisions of the applicable construction permit, the code, and other
24 applicable laws and regulations. All **[inspection]** inspections
25 pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.) shall be
26 between the hours of 9 a.m. and 5 p.m. on business days or at
27 another time that has been agreed upon by the owner and the
28 relevant inspecting entity, whether the enforcing agency,
29 department, or private on-site inspection agency, or when
30 construction is actually being undertaken, provided, however, that
31 inspections may be conducted at other times if the enforcing agency
32 has reasonable cause to believe that an immediate danger to life,
33 limb or property exists, or if permission is given by an owner, or the
34 owner's agent, architect, engineer or builder. No person shall
35 accompany an inspector or team of inspectors on any inspection
36 pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.), unless the
37 person's presence is necessary for the enforcement of P.L.1975,
38 c.217 (C.52:27D-119 et seq.), or the code, or unless consent is
39 given by an owner or the owner's agent, architect, engineer or
40 builder.

41 c. If the construction of a structure or building is being
42 undertaken contrary to the provisions of a construction permit,
43 P.L.1975, c.217 (C.52:27D-119 et seq.), the code, or other
44 applicable laws or ordinances, the enforcing agency may issue a
45 stop construction order in writing which shall state the conditions

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 upon which construction may be resumed and which shall be given
2 to the owner or the holder of the construction permit or to the
3 person performing the construction. If the person doing the
4 construction is not known, or cannot be located with reasonable
5 effort, the notice may be delivered to the person in charge of, or
6 apparently in charge of, the construction. No person shall continue,
7 or cause or allow to be continued, the construction of a building or
8 structure in violation of a stop construction order, except with the
9 permission of the enforcing agency to abate a dangerous condition
10 or remove a violation, or except by court order. If an order to stop
11 construction is not obeyed, the enforcing agency may apply to the
12 appropriate court as otherwise established by law for an order
13 enjoining the violation of the stop construction order. The remedy
14 for violation of such an order provided in this subsection shall be in
15 addition to, and not in limitation of, any other remedies provided by
16 law or ordinance.

17 d. When an inspector or team of inspectors finds a violation of
18 the provisions of a construction permit, the code, or other applicable
19 laws and regulations at an owner-occupied single-family residence,
20 and issues a notice of violation and an order to terminate the
21 violation, the enforcing agency shall require the same inspector or
22 team of inspectors who found the violation to undertake any
23 subsequent reinspection thereof at the premises. When the same
24 inspector or team of inspectors cannot be assigned to undertake the
25 reinspection, the enforcing agency may assign an available
26 inspector, provided the scope of the reinspection shall be limited to
27 the violation for which the reinspection is required. The
28 requirements of this subsection shall not apply to violations of the
29 plumbing or electrical subcodes, or to fire safety code violations, or
30 to any violation of any other subcode that the Department of
31 Community Affairs determines to be a health or safety violation.
32 Nothing in this subsection shall be construed to infringe upon the
33 right of a property owner to request a different inspector, team of
34 inspectors, or supervisor, to perform any required reinspection.

35 e. The owner, agent, or other responsible person in charge of
36 work shall notify the enforcing agency when the work is ready for
37 any required inspection under the code. This notice shall be given
38 in writing at least 24 hours prior to the date and time requested for
39 the inspection. The enforcing agency shall perform an inspection
40 within three business days of the date for which the inspection is
41 requested. The owner, agent, or other responsible person in charge
42 of work may provide oral notice for inspections of minor work
43 projects, as defined by the code.

44 (1) The owner, agent, or other responsible person in charge of
45 work shall be present and prepared at the time of any inspection that
46 has been scheduled upon the owner, agent, or other responsible
47 person's request. A failure by the owner, agent, or other responsible

1 person in charge of work to be present and prepared for inspection
2 shall be considered a failed inspection.

3 (2) If the enforcing agency is unable to perform a requested
4 inspection within three business days of the date for which the
5 inspection is requested, the enforcing agency shall inform the
6 owner, agent, or other responsible person in charge of work in
7 writing within 24 hours of receiving the request and no less than 24
8 hours prior to the start of the two and a half hour time window set
9 pursuant to paragraph (5) of this subsection, at which time the
10 enforcing agency and the owner, agent, or other responsible person
11 in charge of work may agree to a different date and time for
12 inspection. The enforcing agency shall commit the agreed upon
13 inspection date to writing and provide a copy to the owner, agent, or
14 other responsible person in charge of work.

15 (3) If the enforcing agency is unable to perform the requested
16 inspection within three business days of the date for which the
17 inspection is requested and the enforcing agency and the owner,
18 agent, or responsible person in charge of work are unable to come
19 to an agreement pursuant to paragraph (2) of this subsection, the
20 owner, agent, or other responsible person in charge of work may
21 choose to contract with a private on-site inspection agency
22 authorized by the department to conduct on-site inspections
23 pursuant to paragraph i. of section 6 of P.L.1975, c.217 (C.52:27D-
24 124) to perform the requested inspection or inspections.

25 (a) The owner, agent, or other responsible person in charge of
26 work shall notify the enforcing agency in writing of any choice to
27 utilize an authorized private on-site inspection agency to conduct
28 the requested inspection or inspections.

29 (b) The owner, agent, or other responsible person in charge of
30 work may elect to utilize the private on-site inspection agency to
31 conduct all subsequent associated inspections. In the event of a
32 project with multiple units in one building, this provision shall
33 apply to the specific unit or units affected by the inspection delay.

34 (c) The use of a private on-site inspection agency by an owner,
35 agent, or other responsible person for on-site inspections shall be
36 subject to the conflict-of-interest provisions in the code. In addition
37 to those requirements, no private on-site inspection agency shall
38 perform an inspection for any owner, agent, or other responsible
39 person in charge of work, if an owner, agent, or other responsible
40 person is currently employed by or affiliated with any individual
41 affiliated with the private on-site inspection agency or has
42 employed or was associated with an individual affiliated with the
43 private on-site inspection agency within a timeframe established by
44 the commissioner by regulation.

45 (d) The enforcing agency shall, if warranted, provide a fee
46 reconciliation to the owner for an inspection completed by a private
47 on-site inspection agency as a result of a missed inspection. The
48 enforcing agency shall perform the reconciliation at the conclusion

1 of the project. This reconciliation shall be based on the fees already
2 paid less administrative costs for the enforcing agency and shall not
3 exceed the amount already paid for the project, nor shall it exceed
4 the amount that the enforcing agency is authorized to impose for
5 inspections, and shall take into account the administrative costs of
6 the enforcing agency.

7 (4) If the owner, agent, or other responsible person in charge of
8 work believes an enforcing agency has demonstrated a repeated
9 inability to conduct inspections for a construction project within the
10 timelines required by this section, as established by the
11 commissioner by regulation, the owner, agent, or other responsible
12 person in charge of work may notify the department in writing to
13 request authorization to utilize an authorized private on-site
14 inspection agency. Within 15 business days of receiving a
15 notification under this paragraph, the department shall determine
16 whether the enforcing agency has demonstrated repeated inability,
17 and, if the department determines, shall authorize the owner, agent,
18 or other responsible person in charge of work to utilize an
19 authorized private on-site inspection agency for all or a portion of
20 the necessary inspections for the remainder of the project.

21 (5) The enforcing agency shall notify, in writing, within 24
22 hours of receiving a request for an inspection, and not later than 24
23 hours prior to the start of a time window set for an inspection, the
24 owner, agent, or other responsible person in charge of work, of the
25 two and a half hour time window, during which the enforcing
26 agency will conduct the inspection. The enforcing agency and
27 inspector shall be subject to a complaint, brought at the discretion
28 of the owner, agent, or other responsible person in charge of work,
29 and filed on the department's Internet website, if the enforcing
30 agency:

31 (a) fails to perform the inspection within the two and a half hour
32 time window;

33 (b) fails to provide notice pursuant to paragraph (2) of this
34 subsection that the enforcing agency is unable to perform a
35 requested or scheduled inspection;

36 (c) fails to perform inspections on the dates of, or during the
37 time windows for, inspections on repeated instances;

38 (d) cancels an inspection pursuant to paragraph (2) of this
39 subsection on repeated instances sufficient to notably disrupt
40 construction or completion; or

41 (e) is delinquent in the discharge of the enforcing agency's
42 duties pursuant to the "State Uniform Construction Code Act,"
43 P.L.1975, c.217 (C.52:27D-119 et seq.) or the code.

44 (6) The commissioner shall establish a system, made readily
45 available on the department's Internet website, for an owner, agent,
46 or other responsible person in charge of work, to report an
47 enforcing agency and inspector subject to potential complaints
48 described pursuant to paragraph (5) of this subsection. The

1 department, in response to a complaint initiated pursuant to
2 paragraph (5) of this subsection, after confirmation of one or more
3 violations, shall take corrective action, including the issuance of
4 penalties, pursuant to subsection k. of section 6 of P.L.1975, c.217
5 (C.52:27D-124).

6 f. Each enforcing agency shall establish a process for ensuring
7 inspections are performed within three business days of a requested
8 inspection date, as required by subsection e. of this section, and that
9 the enforcing agency performs the inspection within the two and a
10 half hour time window set pursuant to paragraph (5) of subsection
11 e. of this section, or that notice is provided pursuant to paragraph
12 (2) of subsection e. of this section. Authorized processes include,
13 but are not limited to, the use of supplemental shared services
14 agreements with other municipalities or enforcing agencies or the
15 use of contracted private on-site inspection agencies, including
16 supplemental private on-site inspection agencies.

17 g. (1) At timeframes established by the commissioner by
18 regulation, adopted in accordance with the "Administrative
19 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
20 municipal construction official shall submit an annual report
21 detailing compliance with the code. The report shall include, at a
22 minimum information related to the staffing, staff titles, and
23 expenses of the enforcing agency, in addition to any other
24 information required by the commissioner. The annual report shall
25 take into account projected work and agency resource needs for the
26 next budget year.

27 (2) A municipality that enters into a contract for supplemental
28 services pursuant to subsection f. of this section shall provide a
29 copy of the contract to the department upon entering into the
30 contract.

31 (3) The information required by paragraphs (1) and (2) of this
32 subsection, in addition to the inspection log, the municipal monthly
33 activity reports, and the fee schedule shall be maintained by the
34 municipal construction official or enforcing agency, and the
35 municipal construction official or enforcing agency shall make the
36 information and documents described in this paragraph available to
37 the department upon request.

38 (4) The department may utilize the information provided
39 pursuant to this subsection to determine appropriate staffing levels
40 for the enforcing agency. If the department determines that an
41 enforcing agency has not maintained appropriate staffing levels, the
42 department may require the municipality to take corrective actions
43 to ensure that the enforcing agency's staffing needs are met.

44 (5) The department may take corrective action, including the
45 issuance of penalties, pursuant to subsection k. of section 6 of
46 P.L.1975, c.217 (C.52:27D-124), if an enforcing agency fails to
47 maintain or provide the information required by this subsection or

1 maintain appropriate staffing levels, as determined by the
2 department pursuant to paragraph (4) of this subsection.
3 h. If an enforcing agency is unable to meet its obligations
4 under P.L.1975, c.217 (C.52:27D-119 et seq.), the enforcing agency
5 shall promptly notify the department within 15 business days. The
6 department may take corrective action, including the issuance of
7 penalties, pursuant to subsection k. of section 6 of P.L.1975, c.217
8 (C.52:27D-124) if an enforcing agency fails to meet its obligations
9 under P.L.1975, c.217 (C.52:27D-119 et seq.).
10 (cf: P.L.2022, c.139, s.2)

11
12 2. The Commissioner of Community Affairs shall, in accordance
13 with the "Administrative Procedure Act," P.L.1968, c.410
14 (C.52:14B-1 et seq.), adopt rules and regulations that the
15 Commissioner of Community Affairs deems necessary to
16 implement this act.

17
18 3. This act shall take effect on the first day of the third month
19 next following the date of enactment, except that the Commissioner
20 of Community Affairs may take anticipatory action necessary to
21 effectuate the provisions of this act.

22
23
24 STATEMENT

25
26 This bill requires an enforcing agency to conduct an inspection
27 of construction in a two and a half hour time window (time
28 window); establishes a complaint process for an owner, agent, or
29 other responsible person in charge of work to file a complaint on
30 the Department of Community Affairs' (department) Internet
31 website for violations of the bill; and authorizes the department to,
32 after confirmation of a violation or violations, take corrective
33 action, including the issuance of penalties, pursuant to the State
34 Uniform Construction Code Act.

35 Specifically, the bill requires an enforcing agency to notify, in
36 writing, the owner, agent, or other responsible person in charge of
37 work, of the time window, during which the enforcing agency will
38 conduct the inspection. The bill requires the notice to be provided
39 within 24 hours of receiving a request for an inspection, and not
40 later than 24 hours prior to the start of a time window set for an
41 inspection. The enforcing agency and inspector would be subject to
42 a complaint, brought at the discretion of the owner, agent, or other
43 responsible person in charge of work, which would be filed on the
44 department's Internet website, if the enforcing agency:

- 45 ▪ fails to perform the inspection within the time window;
46 ▪ fails to provide notice that the enforcing agency is unable to
47 perform a requested or scheduled inspection;

- 1 ▪ fails to perform inspections on the dates of, or during the
- 2 time windows for, inspections on repeated instances;
- 3 ▪ cancels an inspection on repeated instances sufficient to
- 4 notably disrupt construction or completion; or
- 5 ▪ is delinquent in the discharge of the enforcing agency's
- 6 duties pursuant to the State Uniform Construction Code Act
- 7 or the State Uniform Construction Code.

8 The bill requires the Commissioner of Community Affairs to
9 establish a complaint system, and in response to a complaint, after
10 the department's confirmation of the violation or violations, the bill
11 requires the department to take corrective action against the
12 enforcing agency, including the issuance of penalties.

13 Further, the bill requires the enforcing agency to notify the
14 owner, agent, or other responsible person in charge of work no less
15 than 24 hours prior to the start of the time window, that the
16 enforcing agency is unable to perform the inspection within the
17 allowed timeframes. The bill also requires each enforcing agency
18 to establish a process for ensuring that the enforcing agency
19 performs the inspection within the time window, or provides notice
20 24 hours prior to the start of the time window.

21 This bill would take effect on the first day of the third month
22 following the date of enactment, except the Commissioner of
23 Community Affairs would be permitted to take anticipatory action
24 necessary to effectuate the provisions of the bill.