

P.L. 2025, CHAPTER 173, *approved December 19, 2025*
Assembly, No. 5130 (First Reprint)

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

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

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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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly amendments adopted in accordance with Governor's
recommendations November 24, 2025.

1 given by an owner or the owner's agent, architect, engineer or
2 builder.

3 c. If the construction of a structure or building is being
4 undertaken contrary to the provisions of a construction permit,
5 P.L.1975, c.217 (C.52:27D-119 et seq.), the code, or other
6 applicable laws or ordinances, the enforcing agency may issue a
7 stop construction order in writing which shall state the conditions
8 upon which construction may be resumed and which shall be given
9 to the owner or the holder of the construction permit or to the
10 person performing the construction. If the person doing the
11 construction is not known, or cannot be located with reasonable
12 effort, the notice may be delivered to the person in charge of, or
13 apparently in charge of, the construction. No person shall continue,
14 or cause or allow to be continued, the construction of a building or
15 structure in violation of a stop construction order, except with the
16 permission of the enforcing agency to abate a dangerous condition
17 or remove a violation, or except by court order. If an order to stop
18 construction is not obeyed, the enforcing agency may apply to the
19 appropriate court as otherwise established by law for an order
20 enjoining the violation of the stop construction order. The remedy
21 for violation of such an order provided in this subsection shall be in
22 addition to, and not in limitation of, any other remedies provided by
23 law or ordinance.

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

42 e. The owner, agent, or other responsible person in charge of
43 work shall notify the enforcing agency when the work is ready for
44 any required inspection under the code. This notice shall be given
45 in writing at least 24 hours prior to the date and time requested for
46 the inspection. The enforcing agency shall perform an inspection
47 within three business days of the date for which the inspection is
48 requested. The owner, agent, or other responsible person in charge

1 of work may provide oral notice for inspections of minor work
2 projects, as defined by the code.

3 (1) The owner, agent, or other responsible person in charge of
4 work shall be present and prepared at the time of any inspection that
5 has been scheduled upon the owner, agent, or other responsible
6 person's request. A failure by the owner, agent, or other responsible
7 person in charge of work to be present and prepared for inspection
8 shall be considered a failed inspection.

9 (2) If the enforcing agency is unable to perform a requested
10 inspection within three business days of the date for which the
11 inspection is requested, ¹or during the time window set pursuant to
12 paragraph (5) of this subsection,¹ the enforcing agency shall inform
13 the owner, agent, or other responsible person in charge of work in
14 writing within 24 hours of receiving the request ¹that it is unable to
15 perform the inspection within three business days,¹ and no less than
16 24 hours prior to the start of the ¹["two and a half hour"] four-hour¹
17 time window set pursuant to paragraph (5) of this subsection ¹if it
18 is unable to perform the inspection during that window¹, at which
19 time the enforcing agency and the owner, agent, or other
20 responsible person in charge of work may agree to a different date
21 and time for inspection. The enforcing agency shall commit the
22 agreed upon inspection date to writing and provide a copy to the
23 owner, agent, or other responsible person in charge of work.

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

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

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

43 (c) The use of a private on-site inspection agency by an owner,
44 agent, or other responsible person for on-site inspections shall be
45 subject to the conflict-of-interest provisions in the code. In addition
46 to those requirements, no private on-site inspection agency shall
47 perform an inspection for any owner, agent, or other responsible

1 person in charge of work, if an owner, agent, or other responsible
2 person is currently employed by or affiliated with any individual
3 affiliated with the private on-site inspection agency or has
4 employed or was associated with an individual affiliated with the
5 private on-site inspection agency within a timeframe established by
6 the commissioner by regulation.

7 (d) The enforcing agency shall, if warranted, provide a fee
8 reconciliation to the owner for an inspection completed by a private
9 on-site inspection agency as a result of a missed inspection. The
10 enforcing agency shall perform the reconciliation at the conclusion
11 of the project. This reconciliation shall be based on the fees already
12 paid less administrative costs for the enforcing agency and shall not
13 exceed the amount already paid for the project, nor shall it exceed
14 the amount that the enforcing agency is authorized to impose for
15 inspections, and shall take into account the administrative costs of
16 the enforcing agency.

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

31 (5) The enforcing agency shall notify, in writing, within 24
32 hours of receiving a request for an inspection, and not later than 24
33 hours prior to the start of a time window set for an inspection, the
34 owner, agent, or other responsible person in charge of work, of the
35 '[two and a half hour] four-hour' time window, during which the
36 enforcing agency will conduct the inspection. The '[enforcing
37 agency and inspector shall be subject to a complaint, brought at the
38 discretion of the]' owner, agent, or other responsible person in
39 charge of work, 'may file [and filed]' on the department's Internet
40 website, '[if the enforcing agency:

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

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

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

- 1 (d) cancels an inspection pursuant to paragraph (2) of this
2 subsection on repeated instances sufficient to notably disrupt
3 construction or completion; or
4 (e) is delinquent in the discharge of the enforcing agency's
5 duties pursuant to the "State Uniform Construction Code Act,"
6 P.L.1975, c.217 (C.52:27D-119 et seq.) or the code.
7 (6) The commissioner shall establish a system, made readily
8 available on the department's Internet website, for an owner, agent,
9 or other responsible person in charge of work, to report an] a
10 complaint against a local¹ enforcing agency¹ [and inspector subject
11 to potential complaints described pursuant to] for violations of this¹
12 paragraph¹ [(5) of this subsection. The department, in response to
13 a complaint initiated pursuant to paragraph (5) of this subsection,
14 after confirmation of one or more violations, shall take corrective
15 action, including the issuance of penalties, pursuant to subsection k.
16 of section 6 of P.L.1975, c.217 (C.52:27D-124)]. Municipalities in
17 which the Department of Community Affairs acts as the local
18 enforcing agency, and projects in which the Department is the sole
19 enforcing agency, shall not be subject to the provisions of this
20 paragraph.¹
21 f. Each enforcing agency shall establish a process for ensuring
22 inspections are performed within three business days of a requested
23 inspection date, as required by subsection e. of this section, and that
24 the¹ applicable¹ enforcing agency performs the inspection within
25 the¹ [two and a half hour] four-hour¹ time window set pursuant to
26 paragraph (5) of subsection e. of this section, or that notice is
27 provided pursuant to paragraph (2) of subsection e. of this section.
28 Authorized processes include, but are not limited to, the use of
29 supplemental shared services agreements with other municipalities
30 or enforcing agencies or the use of contracted private on-site
31 inspection agencies, including supplemental private on-site
32 inspection agencies.
33 g. (1) At timeframes established by the commissioner by
34 regulation, adopted in accordance with the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
36 municipal construction official shall submit an annual report
37 detailing compliance with the code. The report shall include, at a
38 minimum information related to the staffing, staff titles, and
39 expenses of the enforcing agency, in addition to any other
40 information required by the commissioner. The annual report shall
41 take into account projected work and agency resource needs for the
42 next budget year.
43 (2) A municipality that enters into a contract for supplemental
44 services pursuant to subsection f. of this section shall provide a
45 copy of the contract to the department upon entering into the
46 contract.

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

8 (4) The department may utilize the information provided
9 pursuant to this subsection to determine appropriate staffing levels
10 for the enforcing agency. If the department determines that an
11 enforcing agency has not maintained appropriate staffing levels, the
12 department may require the municipality to take corrective actions
13 to ensure that the enforcing agency's staffing needs are met.

14 (5) The department may take corrective action, including the
15 issuance of penalties, pursuant to subsection k. of section 6 of
16 P.L.1975, c.217 (C.52:27D-124), if an enforcing agency fails to
17 maintain or provide the information required by this subsection or
18 maintain appropriate staffing levels, as determined by the
19 department pursuant to paragraph (4) of this subsection.

20 h. If an enforcing agency is unable to meet its obligations
21 under P.L.1975, c.217 (C.52:27D-119 et seq.), the enforcing agency
22 shall promptly notify the department within 15 business days. The
23 department may take corrective action, including the issuance of
24 penalties, pursuant to subsection k. of section 6 of P.L.1975, c.217
25 (C.52:27D-124) if an enforcing agency fails to meet its obligations
26 under P.L.1975, c.217 (C.52:27D-119 et seq.).

27 (cf: P.L.2022, c.139, s.2)

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

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35 3. This act shall take effect on the first day of the third month
36 next following the date of enactment, except that the Commissioner
37 of Community Affairs may take anticipatory action necessary to
38 effectuate the provisions of this act.

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