

The Homebuyer's Guide to Building Codes in New Jersey

The Department of Community Affairs has developed the following answers to homebuyer's frequently asked questions on building codes as they relate to new home construction in New Jersey.

How is new home construction regulated in New Jersey?

New Jersey provides various protections for new homebuyers. The New Jersey Uniform Construction Code, a set of regulations adopted by the Department that works to protect the health, safety, and welfare of New Jersey's citizens, is one of those protections.

All construction work performed in the State is regulated by the Uniform Construction Code (UCC), which contains rules relating to the administration and enforcement of the code as well as four basic technical subcodes: building, electrical, fire protection, and plumbing.

As each technical subcode of the UCC, the code adopts by reference a national model code, which, in turn, contains references to national performance technical standards that govern construction. The technical standards contain very detailed specifications for a particular aspect of construction. The national model codes incorporate by reference standards that are appropriate to their subject. For example, the adopted building subcode for new home construction in New Jersey is the 2000 edition of the International Residential Code (IRC/2000), which references technical standards that are developed and published by such organizations as the American Forest and Paper Association, the American Society of Testing and Materials, and the National Fire Protection Association and that apply to wood construction, heating and ventilation, and fire protection requirements, respectively.

In short, the UCC is a complete set of technical standards for construction with a uniform method of administration and enforcement.

Who enforces New Jersey's construction code?

In New Jersey, State-licensed, municipally employed code enforcement professionals--construction officials, subcode officials, and inspectors--are responsible for the enforcement of the UCC. A construction official is a State-licensed code enforcement official who is responsible for administering the UCC within the jurisdiction of the enforcing agency. A subcode official is a State-licensed code enforcement official who implements the provisions of a specific technical subcode (building, fire protection, electrical, or plumbing) of the UCC and oversees the technical and administrative provisions of that subcode. Inspectors are State-licensed code enforcement officials who enforce the requirements of a specific technical subcode, but do not oversee the administrative provisions of that subcode.

What role do code enforcement professionals play in the construction of my home?

The primary responsibility of code enforcement professionals is to protect the health, safety, and welfare of New Jersey's citizens. To accomplish this, construction officials and subcode officials review building plans and specifications to ensure they conform to the UCC and inspectors perform field inspections of construction projects to ensure that the construction is in accordance with the UCC.

During construction, the code official or inspector conducts regular inspections to ensure that the work performed complies with the UCC. The code requires construction work to stop so that certain inspections can be performed at particular points in construction, namely inspection of the bottom of footing trenches before placement of footings and inspection of the rough plumbing and electrical wiring before the framing inspection of framing system before they are covered with finishes. It is not practical and the UCC does not require that inspectors be at the construction site at all times. Rather, the UCC requires that inspectors carry out periodic inspections during the progress of work to ensure that the work inspected conforms to the UCC.

Once a construction project passes final inspections, the builder certifies that the project complies with the UCC and the construction official issues a Certificate of Occupancy. A Certificate of Occupancy verifies that the construction work has been completed in accordance with the UCC.

What role do the building plans and specifications filed with the enforcing agency play in the construction of my new home?

Under the Uniform Construction Code, building plans and specifications are required for the construction of new homes and are prepared by State licensed design professionals. Plans and specifications are required to show such detail and include such information as is necessary to assist the inspectors to determine compliance with the construction code and to facilitate inspections for code conformity. In other words, plans and specifications are used to determine whether the construction of your home meets or exceeds the requirements of the construction code. The plans on file in the building department do not determine what the builder must provide to you. Your contract is the only document, which establishes what the builder must provide to you. The plans on file are not a part of your contract unless the contract says so explicitly. Rather, plans and specifications are intended to be used as a tool for determining code compliance. Inspectors are not authorized by law to ensure that the home conforms to your contract; they are limited to ensuring that it conforms to code.

Do I have a right to a copy of the filed plans and specifications for my home?

Yes. Your local construction department maintains the building plans and specifications for your home. Construction officials should make the building plans and specifications available to any individual who has a legitimate need for the information contained in the documents. The owner, mortgagee, or contract purchaser of a property would have good reason for access, as would a contractor or agent acting with authorization from the owner. There will be a copying charge.

What happens if I discover a problem with the construction of my home?

The nature of construction is such that there can be no guarantee that a new home will be absolutely perfect. Fortunately, the New Home Warranty and Builders Registration Act, which is enforced through the New Home Warranty Program, protects new homebuyers from defects. Under the New Home Warranty Program, all builders of new homes must issue a warranty. The warranty ensures certain standards and quality of construction for various components of your new home. The New Home Warranty Program also requires new homebuilders in the State to be registered with the Department and provides assistance to both homebuilders and new homebuyers. http://www.nj.gov/dca/codes/newhome_warranty/nhw.shtml

For defects that are covered under the warranty, homeowners should first file a claim through the warranty program rather than file a complaint with your local building department. The warranty program's goal is to correct the defect. They will either require the builder to repair any covered defect or, should the builder default, pay to have the defect corrected. Additionally, there are defects covered by the warranty program during the first and second year that would not be considered code violations by the building department. For example, problems with carpeting would be covered by the warranty program during the first year of coverage but would not be considered a code violation. The building department's role is to identify and have the code violation corrected but it cannot help you financially as the warranty program can. You should file a complaint with the building department for items that are either out of time for warranty coverage or for items not covered by the warranty.

If you believe that there is a problem with an element of construction in your new home, review your homeowner's warranty to determine whether the item is covered by warranty. File a claim. If it is determined that a particular item is a warranted defect, the builder must correct the problem and if the builder fails to correct the problem, the defect will be corrected through the warranty plan.

THIS PUBLICATION WAS CREATED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS. FOR THE CURRENT VERSION OF THIS GUIDE, VISIT

http://www.state.nj.us/dca/codes/newhome_warranty/word_documents/homebuyerguide_web_version.doc