

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

§ 5:23-4A.1 Purpose

(a) The purpose of this subchapter is to implement P.L. 1991, c.457, which made New Jersey a party to the Interstate Compact on Industrialized/Modular Buildings, the commission of which is known as the Interstate Industrialized Building Commission (IBC). The adoption of this subchapter, which is identical in content to the rules adopted by the other states participating in the compact, will create uniformity in the compliance requirements of individual states; promote the use of new technologies, techniques, and materials and increase the availability of safe, decent, and affordable housing and other building occupancies.

(b) No approval, ruling, action, order, or notice issued in accordance with rules in effect prior to July 1, 1990 shall be rendered invalid or unenforceable by reason of either the adoption of this subchapter or the repeal of rules superseded by this subchapter. Any approval issued in accordance with rules in effect prior to July 1, 1990 shall continue in effect for the period for which it was granted, but any subsequent approval shall be in accordance with this subchapter.

§ 5:23-4A.2 Findings; functions of the Commission

(a) The Department, as the administrative agency for the State of New Jersey under the Interstate Compact on Industrialized/Modular Buildings, finds that:

1. Industrialized/modular buildings are constructed in factories in various states and are a growing segment of the nation's affordable housing and commercial building stock.
2. The regulation of industrialized/modular buildings varies from state to state and from locality to locality. This creates confusion and burdens state and local building officials and the industrialized/modular buildings industry.
3. Regulation by multiple jurisdictions imposes additional costs that are ultimately borne by the owners and users of industrialized/modular buildings, that restrict market access and that discourage the development and incorporation of new technologies.

(b) The Industrialized Buildings Commission (IBC) shall:

1. Provide the states that regulate the design and construction of industrialized/modular buildings and building components with a system to coordinate and uniformly administer their rules and regulations for such buildings, all in a manner that will assure mutual acceptance of industrialized/modular buildings and building components; and
2. Provide to Congress assurances that would preclude the need for a voluntary preemptive Federal regulatory system for industrialized/modular housing, as outlined in Section 572 of the

This document is provided as a courtesy only; the official Administrative Rules of the State of NJ are available through LexisNexis, the publisher licensed by the NJ Office of Administrative Law, or through your local public library.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

Housing and Community Development Act of 1987, including development of model standards for industrialized/modular housing construction, such that design and performance will insure quality, durability and safety; will be in accordance with cost-effective energy conservation standards; and will promote the lowest total construction and operating costs over the life of such housing.

§ 5:23-4A.3 Scope

(a) This subchapter applies to the design, manufacture, handling, storage, delivery, and installation of industrialized/modular buildings and building components intended for installation in this State. Industrialized/modular buildings or building components certified pursuant to this subchapter may be sold for, delivered to, or installed on building sites located in the State. Industrialized/modular buildings that are not required to be labeled or to comply with code approval under this chapter are exempt from the requirements of this subchapter.

(b) Industrialized/modular buildings or building components certified pursuant to this subchapter shall be deemed to comply with all requirements of this chapter.

(c) Except as otherwise specifically indicated, this subchapter shall not apply to requirements concerning land use and zoning, building set-backs, side and rear yards, and property lines - generally, this subchapter shall not apply to requirements concerning on-site development, construction, and inspection provided that such requirements are not more stringent than those imposed on other types of buildings in the same zone or area.

§ 5:23-4A.4 Definitions

The following words and terms, when used in this subchapter, shall have the meanings given, unless a different meaning is clearly indicated by the context:

"Act" means the State Uniform Construction Code Act, P.L. 1975, c.217, as supplemented by P.L. 1991, c.457 and the ratification of the Interstate Compact on Industrialized/Modular Buildings.

"Approved" means approved by the Industrialized Buildings Commission, a participating state or a designated evaluation/inspection agency.

"Building component" means any subsystem, sub-assembly or other system of closed construction that is designed for use in, or as part of, a structure. The component may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

This document is provided as a courtesy only; the official Administrative Rules of the State of NJ are available through LexisNexis, the publisher licensed by the NJ Office of Administrative Law, or through your local public library.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

"Building system" means the method of constructing a type of industrialized/modular building or building component that is described by plans, specifications, and other documentation that together establish a set of limits meeting the requirements of this subchapter for that type of industrialized/modular building or building component. The system may include structural, electrical, mechanical, plumbing, fire protection, and other systems affecting health and safety.

"Certification" means the process whereby participating states and local building inspection agencies are assured that elements of closed construction, which are not practical to inspect at building sites, conform to applicable codes.

"Certification label" means an approved insignia or seal evidencing certification in accordance with the Uniform Administrative Procedures of the Industrialized Buildings Commission.

"Closed construction" means any building, building component, assembly, or system that is made or assembled in manufacturing facilities off the building site for installation, or assembly and installation, on the building site such that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage, or destruction. This definition shall not include products, such as structural, electrical, and plumbing fixtures and equipment, that are tested, listed, labeled, and certified by a nationally recognized testing laboratory.

"Code" means the codes, standards, specifications and requirements adopted pursuant to *N.J.A.C. 5:23-4A.5*.

"Commission" means the Industrialized Buildings Commission.

"Compliance assurance documents" means approved building system documents, an approved compliance assurance manual and approved on-site installation instructions.

"Compliance assurance program" means the policies and procedures assuring that industrialized/modular buildings and building components, including their manufacture, storage, delivery, assembly, handling, and installation, conform with this subchapter and with the IBC's Uniform Administrative Procedures.

"Designated" means selected by the Commission to perform one or more of the inspection and/or evaluation functions described under the Uniform Administrative Procedures.

"Evaluation agency" means a designated person or organization, private or public, determined by the Commission to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to investigate and evaluate industrialized/modular buildings, building components, building systems or compliance assurance programs.

"Independence of judgment" means not being affiliated with or influenced or controlled by building manufacturers by producers, suppliers, or vendors of products or equipment used in

This document is provided as a courtesy only; the official Administrative Rules of the State of NJ are available through LexisNexis, the publisher licensed by the NJ Office of Administrative Law, or through your local public library.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

industrialized/modular buildings and building components, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.

"Industrialized/modular building" means any building of closed construction, including, but not limited to, modular housing that is factory-built single-family and multi-family housing (including closed-wall, panelized housing) as well as other modular, nonresidential buildings. Industrialized/modular building does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

"Inspection agency" means a designated person or organization, private or public, that is determined by the Commission to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to monitor compliance assurance programs.

"Installation" means the process of affixing, or assembling and affixing, industrialized/modular buildings or building components on a building site.

"Interim reciprocal agreement" means a formal reciprocity agreement as defined in P.L. 1991, c.457, which is the New Jersey statute ratifying the Interstate Compact on Industrialized/Modular Buildings.

"Module" means a closed wall structure or substantial part of a closed wall structure incorporating one or more rooms used as habitable, occupiable or mechanical/equipment space.

"Nonconformance" means the failure to adhere to the requirements of an approved building system or, where the building system is not specific, to the code.

"Participating state" means any compacting state or any non-compacting state that is acting under an interim reciprocal agreement.

§ 5:23-4A.5 Standards

(a) No person/agency shall be allowed to deliver, sell, lease, or install any industrialized/modular building or building component in the participating state unless such industrialized/modular building or building component is certified in accordance with the requirements of this subchapter.

(b) Buildings, building components and building systems shall comply with all applicable provisions of the State Uniform Construction Code.

(c) Alternates: The provisions of this subchapter are not intended to prevent the use of any technologies, techniques, or materials not specifically prescribed by the codes, standards, specifications, and requirements in this subchapter, provided any such alternate has been approved.

This document is provided as a courtesy only; the official Administrative Rules of the State of NJ are available through LexisNexis, the publisher licensed by the NJ Office of Administrative Law, or through your local public library.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

1. Applications for such alternates shall be filed in writing with the evaluation agency. The application shall contain the current requirements of the codes, standards or specifications from which an alternate is sought and a statement of how the proposed alternate would adequately protect the health, safety and welfare of both the occupants and the public.
2. The evaluation agency may approve any such alternate provided that it determines that the proposed design is satisfactory and that the material, method, or work offered is, for the purpose intended, consistent with the adopted codes and standards as to quality, strength, effectiveness, fire resistance, durability, and safety. The evaluation agency shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding the use of any such alternate. The evaluation agency shall notify the applicant of the determination. If the application is denied, the notification shall state the reasons for the denial.

§ 5:23-4A.6 Amendments

The Department may amend these rules pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1 et seq.*

§ 5:23-4A.7 Uniform Administrative Procedures

- (a) The Uniform Administrative Procedures of the Industrialized Building Commission, hereby incorporated by reference, shall constitute the procedures by which the Department shall assure itself and the Commission of the compliance of industrialized/modular building construction with the State Uniform Construction Code, assess the adequacy of the building systems and verify and assure the competency and performance of evaluation and inspection agencies.
- (b) Copies of the Uniform Administrative Procedures may be obtained from the Industrialized Building Commission, Suite 210, 505 Huntmar Park Drive, Herndon, VA 22070. Copies are also available on the IBC's website, www.interstateibc.org.
- (c) The Department shall approve evaluation or inspection agencies that the Commission designates as meeting the requirements of Part VI, Section 1, of the Uniform Administrative Procedures and that the Commission finds otherwise qualified to perform the functions delegated to the agencies.
- (d) The Department shall take such enforcement action against a manufacturer, inspection agency or evaluation agency as recommended by the Commission if, pursuant to the Uniform Administrative Procedures, the Commission determines that such manufacturer, inspection agency

This document is provided as a courtesy only; the official Administrative Rules of the State of NJ are available through LexisNexis, the publisher licensed by the NJ Office of Administrative Law, or through your local public library.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

or evaluation agency has failed to fulfill its responsibilities under the Uniform Administrative Procedures.

(e) Any notice or order issued pursuant to this subchapter shall be in writing and shall be served upon the respondent party by certified mail, return receipt requested.

§ 5:23-4A.8 Appeals

(a) Any person, firm, or corporation aggrieved by any decision or action undertaken pursuant to this subchapter may file an appeal.

(b) The appellant shall file the appeal within 30 calendar days after receipt of the decision or action that is the basis of the appeal.

(c) The appeal may be filed either in person or by mail and shall be addressed to the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802.

(d) The appeal shall be in writing and shall contain sufficient information as set forth in (e) below to apprise the Department of the decision or action being appealed and the facts and circumstances surrounding the decision or action.

(e) The appeal shall include, where applicable, the following information and documentation:

1. A copy of the decision or action that is the subject of the appeal;
2. A description of the industrialized/modular building or building component affected and, if available, a copy of the building system plans or design, compliance assurance program, or other document involved;
3. A statement of the relief sought by the appellant; and
4. If the Commission has made a prior decision or completed another action on this appeal (or one like it) and a hearing has already been conducted pursuant to the Uniform Administrative Procedures, the appellant shall include a copy of the prior decision or information on the other action with this appeal. In the event of an appeal from an action or decision of an evaluation and inspection agency, the application shall contain a copy or, if that is unavailable, a written statement of the prior decision or other action of the agency being appealed.

§ 5:23-4A.9 Hearings

Hearings in contested cases shall be conducted by the Office of Administrative Law pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq., and the Uniform Administrative

This document is provided as a courtesy only; the official Administrative Rules of the State of NJ are available through LexisNexis, the publisher licensed by the NJ Office of Administrative Law, or through your local public library.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

Procedure Rules (UAPR), *N.J.A.C. 1:1*. A proprietary version of the UAPR may be accessed at <http://nj.gov/oal>.

§ 5:23-4A.10 (Reserved)

§ 5:23-4A.11 (Reserved)

§ 5:23-4A.12 (Reserved)

§ 5:23-4A.13 (Reserved)

§ 5:23-4A.14 (Reserved)

§ 5:23-4A.15 (Reserved)

§ 5:23-4A.16 (Reserved)

§ 5:23-4A.17 (Reserved)

§ 5:23-4A.18 (Reserved)

§ 5:23-4A.19 (Reserved)

§ 5:23-4A.20 (Reserved)

§ 5:23-4A.21 (Reserved)

This document is provided as a courtesy only; the official Administrative Rules of the State of NJ are available through LexisNexis, the publisher licensed by the NJ Office of Administrative Law, or through your local public library.

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 45, No. 11, June 3, 2013 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS

N.J.A.C. 5:23-4A (2013)

§ 5:23-4A.22 (Reserved)

§ 5:23-4A.23 (Reserved)

§ 5:23-4A.24 (Reserved)

§ 5:23-4A.25 (Reserved)

§ 5:23-4A.26 (Reserved)

§ 5:23-4A.27 (Reserved)