

March 26, 2020

New Jersey Issues Guidance on Municipal Building Code Departments' Operations During COVID-19 State of Emergency

The New Jersey Department of Community Affairs has issued guidance regarding municipal building code departments' operations during the COVID-19 state of emergency, dated March 25. It advises that local enforcing agencies (LEAs) cannot restrict code officials from performing their obligations under the Uniform Construction Code (UCC), and encourages flexibility, electronic communications and work from home options to the greatest extent possible. It orders:

- All required inspections for new construction and any work on the exterior or outside of any occupied building should be performed as usual.
- Rough inspections for new additions should be performed, provided no entry to the occupied home or building is required or that appropriate social distancing is in effect.
- Contractors may report construction activity, such as rough inspections, in existing occupied buildings with photos or other documentation for the time being.
- Items listed as minor work at N.J.A.C. 5:23-2.17A require only a final inspection. This includes inspections of replacement items, such as a residential heater, air conditioner and/or water heater. These inspections may be deferred to a later date. The contractor should report construction activity as indicated in item 3 above.

DCA simultaneously issued a Notice of Rule Waiver/Modification/Suspension, relaxing its regulatory provisions governing minor work (N.J.A.C. 5:23-2.17A), inspections (N.J.A.C. 5:23-2.18), and certificate requirements (N.J.A.C. 5:23-2.23). The full text of the documents can be found [here](#).

For more Day Pitney alerts and articles related to the impact of COVID-19, as well as information from other reliable sources, please visit our [COVID-19 Resource Center](#). COVID-19 DISCLAIMER: As you are aware, as a result of the COVID-19 pandemic, things are changing quickly and the effect, enforceability and interpretation of laws may be affected by future events. The material set forth in this document is not an unequivocal statement of law, but instead represents our best interpretation of where things stand as of the date of first publication. We have not attempted to address the potential impacts of all local, state and federal orders that may have been issued in response to the COVID-19 pandemic.

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