

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5130

STATE OF NEW JERSEY

DATED: JANUARY 23, 2025

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 5130.

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

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

- fails to perform the inspection within the time window;
- fails to provide notice that the enforcing agency is unable to perform a requested or scheduled inspection;
- fails to perform inspections on the dates of, or during the time windows for, inspections on repeated instances;
- cancels an inspection on repeated instances sufficient to notably disrupt construction or completion; or
- is delinquent in the discharge of the enforcing agency's duties pursuant to the State Uniform Construction Code Act or the State Uniform Construction Code.

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

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

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