

# Construction Code Communicator



State of New Jersey  
Philip D. Murphy, Governor

Department of Community Affairs  
Lt. Governor Sheila Y. Oliver, Commissioner

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Winter 2021

## The Winter Communicator: A Reminder

The final (Winter) issue of the *Construction Code Communicator* each year now consists of a collection of Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website during the calendar year. This year, we are including articles that were printed in earlier editions of the *Construction Code Communicator* on topics that continue to generate questions. Once this edition of the *Construction Code Communicator* has been posted, these individual Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items will be removed from those sections of the Division's website. There is one exception: the materials related to Superstorm Sandy will remain in place. **Generally, there are no new articles in this issue. However, there are times when a short, new article finds its way into the Winter issue.**

Please note that, although the documents will be removed from the Alerts and Hot Topics, they will still be accessible through the Division's Document Library or through the "Topics A-Z" tab on the Division's website: [www.nj.gov/dca/divisions/codes/](http://www.nj.gov/dca/divisions/codes/).


Also, the indices for all issues of the *Construction Code Communicator* 2021 are included in this issue as a handy reference.

Prospectively, the *Construction Code Communicator* will follow this same format: three issues, Spring, Summer, and Fall, that contain new articles and a Winter issue that will provide in one place all the Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website in that calendar year with previously printed articles where the topic continues to generate questions.

If you have any questions about the *Construction Code Communicator*, or if you have any recommendations for articles, please feel free to contact me at (609) 984-7609 or at [marie.daniels@dca.nj.gov](mailto:marie.daniels@dca.nj.gov).

Source: Marie Daniels, Division of Codes and Standards



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## 2021 Proposals and Adoptions

The following is a list of the 2021 proposals and adoptions. This list, with previous years included, can be found at <http://www.nj.gov/dca/divisions/codes/codereg> by scrolling to "Rule Proposals and Adoptions."

Posted in NJ Register	Subject	Submit Comments by:	Adoption Date*
Dec 20, 2021	<a href="#">Notice of Administrative Correction</a> <a href="#">Lead Hazard Evaluation and Abatement Code</a> <a href="#">N.J.A.C. 5:17-3.6 and 5.1</a>	N/A	Dec 20, 2021
Dec 06, 2021	<a href="#">Notice of Action on Petition for Rulemaking</a> <a href="#">Planned Real Estate Development Full Disclosure Act Regulations – Elections</a> <a href="#">N.J.A.C. 5:26-8</a>	N/A	N/A
Oct 04, 2021	<a href="#">Notice of Administrative Correction (2) - UCC, Rehab</a> <a href="#">N.J.A.C. 5:23-6.9 and 6.31</a>	N/A	Oct 04, 2021
Oct 04, 2021	<a href="#">Uniform Construction Code - Completely Inclusive Playgrounds (Jake's Law)</a> <a href="#">Proposed Amendments: N.J.A.C. 5:23-7.19, 7.31, 11.2, and 11.4</a>	Dec 03, 2021	
Sept 20, 2021	<a href="#">Uniform Construction Code - Responsibilities</a> <a href="#">Proposed substantial changes upon adoption: N.J.A.C. 5:23-3.4</a> <i>(see Jan 19, 2021 for original proposed amendments; yellow indicates further revision)</i>	Nov 19, 2021	
July 06, 2021	<a href="#">Uniform Construction Code</a> - Various <a href="#">Proposed Amendments: N.J.A.C. 5:23-3.4, 3.14, 3.21, 6.5, 6.6, and 6.7</a>	Sep 04, 2021	
June 07, 2021	<a href="#">Notice of Administrative Correction</a> - UCC <a href="#">N.J.A.C. 5:23-3.4 and 4D.6</a>	N/A	Jun 07, 2021
June 07, 2021	<a href="#">Uniform Construction Code</a> <a href="#">Rehabilitation Subcode; Dwelling Unit Reconstruction</a> <a href="#">Proposed Amendments: N.J.A.C. 5:23-6.26 and 6.27</a>	Aug 06, 2021	
May 17, 2021	<a href="#">Notice of Administrative Correction</a> - UCC <a href="#">N.J.A.C. 5:23-3.4</a>	N/A	May 17, 2021
May 03, 2021	<a href="#">Notice of Readoption</a> <a href="#">Residential Site Improvement Standards</a> <a href="#">Readoption: N.J.A.C. 5:21</a>	N/A	May 03, 2021

(Continued on next page)

*(2021 Proposals and Adoptions)*

Apr 19, 2021	<a href="#">Notice of Administrative Correction - UCC Subcodes; Energy Subcode: N.J.A.C. 5:23-3.18</a>	N/A	Apr 19, 2021
Apr 19, 2021	<a href="#">Carnival-Amusement Rides Proposed Amendments: N.J.A.C. 5:14A-1.3 and 4.13</a>	Jun 18, 2021	<a href="#">Oct 18, 2021</a>
Apr 19, 2021	<a href="#">Uniform Construction Code Rehabilitation Subcode Proposed Amendment: N.J.A.C. 5:23-6.8</a>	Jun 18, 2021	<a href="#">Oct 18, 2021</a>
Apr 05, 2021	<a href="#">Notice of Administrative Corrections - UCC Subcodes; Responsibilities: N.J.A.C. 5:23-3.4(a)6 and 9 Recreational Park Trailers; Appeals, Local: N.J.A.C. 5:23-4D.9</a>	N/A	Apr 05, 2021
Mar 15, 2021	<a href="#">Notice of Readoption Board of Landscape Irrigation Contractors Readoption: N.J.A.C. 5:62</a>	N/A	Mar 15, 2021
Feb 16, 2021	<a href="#">Notice of Administrative Correction - UCC Enforcing agencies: N.J.A.C. 5:23-4.24</a>	N/A	Feb 16, 2021
Jan 19, 2021	<a href="#">Notice of Readoption Construction Board of Appeals Readoption: N.J.A.C. 5:23A</a>	N/A	Jan 19, 2021
Jan 19, 2021	<a href="#">Uniform Construction Code Responsibilities and Rehabilitation Subcode Proposed Amendments: N.J.A.C. 5:23-3.4 and 6.9</a> <i>(see <a href="#">Sep 20, 2021</a> for proposed substantial changes upon adoption at N.J.A.C. 5:23-3.4)</i>	Mar 20, 2021	<a href="#">Sep 20, 2021</a> (N.J.A.C. 5:23-6.9 only)
Oct 19, 2020	<a href="#">Uniform Construction Code - Various Proposed Amendments: N.J.A.C. 5:23-2.6, 2.15, 2.15A, and 2.38</a>	Dec 18, 2020	<a href="#">Aug 16, 2021</a> NSC
July 20, 2020	<a href="#">Uniform Construction Code Radon Hazard Subcode, Radon for Educational Group E Buildings Proposed Amendments: N.J.A.C. 5:23-10.2, 10.3, and 10.4</a>	Sept 18, 2020	<a href="#">Jan 04, 2021</a> NSC

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*(2021 Proposals and Adoptions)*

June 15, 2020	<a href="#">Planned Real Estate Development Full Disclosure Act Regulations</a> <a href="#">Proposed Amendments: N.J.A.C. 5:26-1.3, 8.6 and 8.7</a>	Aug 14, 2020	<a href="#">July 19, 2021</a>
Apr 06, 2020	<a href="#">Uniform Construction Code - Ordinary Maintenance and Minor Work</a> <a href="#">Proposed Amendments: N.J.A.C. 5:23-2.7 and 2.17A</a> (see related at Nov 04, 2019)	Jun 05, 2020	<a href="#">Feb 16, 2021</a>
Apr 06, 2020	<a href="#">Uniform Construction Code - Rehab Subcode, etc.</a> <a href="#">Proposed Amendments: N.J.A.C. 5:23-2.18, 2.35, 3.2, 5.3, 6.2, 6.3A, 6.5, 6.6, 6.7, 6.8, 6.9, 6.11A, 6.17, 6.27, 6.28A, 6.31, 12.2, and 12.8.</a>	Jun 05, 2020	<a href="#">Feb 16, 2021</a> NSC
Mar 16, 2020	<a href="#">Lead Hazard Evaluation and Abatement Code</a> <a href="#">Proposed Amendments: N.J.A.C. 5:17-3.4, 3.5 and 9.1</a>	May 15, 2020	<a href="#">Jan 19, 2021</a>
Mar 02, 2020	<a href="#">Uniform Construction Code - Subcodes</a> <a href="#">Proposed Amendments: N.J.A.C. 5:23-3.14, 3.16, 3.21 and 3.22</a>	May 01, 2020	<a href="#">Jan 04, 2021</a> NSC
Jan 21, 2020	<a href="#">Carnival-Amusement Rides - Aerial Adventure Courses</a> <a href="#">Proposed Amendment: N.J.A.C. 5:14A-1.3</a> <a href="#">Proposed New Rules: N.J.A.C. 5:14A-15</a>	Mar 21, 2020	<a href="#">Feb 16, 2021</a>

Source: Code Development Unit  
(609) 984-7609

### **Please Note: Error in Bulletin 09-1, Permit Requirements for LP-Gas Systems**

It has come to the Division's attention that there is an error in Bulletin 09-1 of the Uniform Construction Code. In the first sentence of the second paragraph, "(100 gallons water capacity)" should read "(1000 gallons water capacity)."

Please mark your bulletins accordingly until the Division is able to issue a revised Bulletin with this correction.

Source: Code Development Unit  
(609) 984-7609

The Construction Code Communicator is an online publication of the New Jersey Department of Community Affairs' Division of Codes and Standards. It is typically published four times a year.

Copies may be read or downloaded from the division's website at: [www.nj.gov/dca/divisions/codes](http://www.nj.gov/dca/divisions/codes).

Please direct any comments or suggestions to the NJDCA, Division of Codes and Standards, Attention: Code Development Unit, PO Box 802, Trenton, NJ 08625-0802 or [codeassist@dca.nj.gov](mailto:codeassist@dca.nj.gov).

## Premanufactured Construction Fees

(updated reprint from Fall 1995)

The Department has received various inquiries regarding the calculation of code enforcement fees with respect to site work involving improvements and the installation of premanufactured construction.

"Premanufactured construction" (N.J.A.C. 5:23-1.4) is a generic term used for both industrialized/modular buildings (N.J.A.C. 5:23-4A) and recreational park trailers (N.J.A.C. 5:23-4D)\*. The municipal fee for site construction associated with installation of pre-manufactured construction is covered in N.J.A.C. 5:23-4.18(c)1.i, which stipulates that such fees shall be based upon ESTIMATED COST OF WORK (all disciplines) and the fee shall be computed as a unit rate per \$1,000 of estimated cost. The municipality can use the unit rate applicable for alterations, or it can adopt a separate unit rate category specifically for site work related to installation of pre-manufactured construction. This would necessitate a change to your fee schedule. As always, make sure your fee schedules are up to date.

\* The original article included "manufactured (mobile) homes (N.J.A.C. 5:23-4B)." This serves as a reminder that, as of 08/05/2019, these "homes" (as well as manufactured home add-on units) are under the jurisdiction of the Federal Department of Housing and Urban Development (HUD) under 24 CFR Parts 3280 and 3285, for production, labeling and first-time installations, and fees would not apply.

\*\* See also, Bulletin 07-1, Premanufactured Construction, <https://www.nj.gov/dca/divisions/codes/resources/bulletins.html>.

If you have any questions regarding this procedure, please contact Chris Ferrara at (609) 984-7672.

Source: Code Assistance Unit

## Tesla Meter Sockets

I would like to take this opportunity to remind everyone of the Intent and Purpose (N.J.A.C. 5:23-1.3) of the UCC. This section tells us that the intent and purpose of the regulations are: "to permit to the fullest extent feasible the use of modern technical methods, **devices** and improvements,..." and "to eliminate restrictive, obsolete, conflicting, and unnecessary construction regulations that tend to unnecessarily increase construction costs or retard the use of new materials, **products**, or methods of construction, or *provide preferential treatment to types or classes of materials or products or methods of construction.*"

It has come to the Department's attention that several local enforcing agencies, as well as a few electric utilities, may have overlooked this section of the regulations.

Tesla has developed a product that inserts between the utility meter and the meter enclosure. This product is intended to monitor the utility power and communicate with an electrical storage system installed in the owner's premises. Under 2017 NEC, Article 230.82(6), this equipment is permitted to be installed prior to the service disconnecting means.

This product has UL approval under Standards 414 Meter Socket, 2735 Electric Utility Meters, and 916 Energy Management Equipment. The Department received multiple calls/emails about local enforcing agencies and electric utility companies refusing to accept this product. Under 5:23-3.8(d)2i, only products listed, labeled, and approved from a NRTL are acceptable. This product has met the requirements of the regulations.

It is not our authority to dictate that products meet a particular standard unless the Code gives us that authority. If the product being proposed has met the requirements of 3.8(d)2i, then we, in the code enforcement community as well as the public utilities, should not refuse the use of this product.

If you have any questions regarding this topic, contact the Code Assistance Unit at (609) 984-7609.

*Note: This issue has been discussed internally within the Board of Public Utilities (BPU); they do not endorse or otherwise approve the specifications, installation, or usage of the equipment, as it is not their area of work. However, BPU sees no reason to oppose this article nor take any position on this situation.*

Source: Scott Borsos  
Bureau of Construction Project Review

## Comparison of a Rooming House to a Cooperative Sober Living Residence (CSLR)

On December 20, 2017, the Department of Community Affairs adopted amendments to the Regulations Governing Rooming and Boarding Houses (N.J.A.C. 5:27) and the Uniform Construction Code (N.J.A.C. 5:23) to create a "Class F" license expressly for a Cooperative Sober Living Residence (CSLR). Beginning in January 2018, the Bureau of Rooming and Boarding House Standards began accepting applications from individuals and entities seeking to obtain a License to Own/Operate a CSLR.

CSLRs are designated as single-family homes, which are Group R-3 or R-5 occupancies (pursuant to N.J.A.C. 6.31(q)); thus, a new Certificate of Occupancy is not required. Only a one- or two-family dwelling may be converted to a CSLR. A CSLR is licensed to provide a home in which up to ten (10) individuals, exclusive of the owner, licensed operator, and bona fide employees, who are recovering from drug or alcohol addiction can live together as a single housekeeping unit and support each other during their recovery. Residents of a CSLR become familiar with each other and depend on one another as part of a single housekeeping unit. Residents of a CSLR often share a bedroom with another resident and complete tasks related to maintenance and housekeeping within the facility. CSLR residents are supervised, including 24/7 awake and alert staffing in most of the 183 licensed facilities. CSLR operators often conduct random drug or alcohol tests to ensure residents stay the course of substance abuse recovery, and the Licensee is required to maintain a drug and alcohol-free environment.

Furthermore, pursuant to N.J.A.C. 5:23-3.11(k) of the Uniform Construction Code, the Department is the sole enforcing agency for a CSLR. Therefore, construction work undertaken in the dwelling is submitted to the Office of Local Code Enforcement in the Department for plan review, permit issuance, and inspection.

A conventional rooming house, having two or more residents must register with the Division of Fire Safety as a Life Hazard Use Structure (LHU) and renew the LHU registration annually. Inspections of a registered LHU are conducted by a certified Fire Official to confirm compliance with the Uniform Fire Code (N.J.A.C. 5:70) (UFC). The Fire Official having jurisdiction in a municipality retains the authority to enter and inspect any CSLR that is not occupied by the Owner in Fee. Currently, Department Evaluators conduct inspections in CSLRs to verify compliance with the applicable section of the UFC since a CSLR is not a Life Hazard Use Structure. If this should change in the future, we will notify everyone.

A Class A Rooming House licensed to allow occupancy of up to ten (10) residents do not operate as a single housekeeping unit. Pursuant to the Uniform Construction Code, using a single-family home as a Class A Rooming House constitutes a change of use to a Group R-2 occupancy. The change of use to a more restrictive Group requires additional life safety protections, including suppression and interconnected hard-wired smoke/carbon monoxide alarms. In most cases, the residents of Class A Rooming Houses do not know each other. The residents each live in a single occupancy room with a lockable door. They communicate with other residents while passing each other in the common areas or entering and exiting the dwelling. Residents of Class A Rooming Houses are not required to complete housekeeping or maintenance tasks within the facility, and they are not supervised. The typical rooming house has a licensed operator residing on site, but there is no requirement for the licensed operator to remain on site.

If you have question or comments regarding either of these occupancies, feel free to contact the Bureau via email at [rbhs.info@dca.nj.gov](mailto:rbhs.info@dca.nj.gov) or via telephone at (609) 633-6251.

Source: Bernard A. Raywood, Chief, Bureau of Rooming and Boarding House Standards

## Conflicting Requirements

*(reprint from Spring 2015)*

Occasionally, there are conflicts between requirements contained in different documents. There is a relatively simple hierarchy for deciding which provision would govern. By operation of law, the provisions of a statute (the Uniform Construction Code Act) trump the provisions of an administrative rule (the Uniform Construction Code itself.) In theory, there should never be a conflict between a rule and the enabling statute, but were this to happen, the statute would govern. To continue down the hierarchy, the provisions of the rules, the Uniform Construction Code, trump the provisions of a model code adopted by reference in those rules. The provisions of a model code trump the provisions of a referenced standard (for example, the provisions of the International Building Code would trump the provisions of a referenced NFPA standard). The provisions of a referenced standard trump the manufacturer's instructions.

When a conflict arises between two adopted model codes, the provisions of the model code that is the primary subcode for the subject in question would govern. For example, in a conflict between the building subcode and the electrical subcode, it is necessary to decide first whether this is primarily a building issue or primarily an electrical issue. The conflict would be resolved in favor of the provisions of the primary subcode.

Source: Code Assistance/Development Units, (609) 984-7609.



## When is a Demolition Permit Required?

*(updated reprint from Fall/Winter 2014 ed)*

The Department of Community Affairs has become aware of some confusion in the field about when permits are required for demolition. As a general rule of thumb, a true demolition permit is required when the entire building or structure is being demolished. Under the Rehabilitation Subcode, when a portion of a building is being demolished, this type of work is considered an alteration or reconstruction.

The exception to this rule is that, when a building or structure is going to be demolished and the foundation left in place, a full demolition permit is required. Any portion of the new structure built on the existing foundation is treated as new construction and is required to comply with the Building Subcode; the existing foundation is required to comply with the Rehabilitation Subcode. (See further, N.J.A.C. 5:23-6.2(b)2i and page 8 of the Fall 2017 CCC for "Reconstruction Definition and De Minimis Example," <https://www.nj.gov/dca/divisions/codes/resources/ccc.html>.)

An example of when the term demolition is mistakenly used is when the applicant proposes to uncover a partition by removing the interior finish. Often the applicant requests to remove interior finishes from partitions to explore the amount of unknown work that would need to be addressed, such as the confirmation of a load-bearing wall or the relocation of utilities. In this case, if the interior finish to be removed or replaced exceeds the 25 percent set forth in N.J.A.C. 5:23-2.7(c)1ii, this shall be scoped within the original permit application under the alteration or reconstruction permit, and if any additional work needs to be addressed after exploration, a permit update shall be requested. The removal of a partition should never be considered demolition but simply part of the alteration or reconstruction project.

Source: Adam Matthews, Code Assistance Unit  
(609) 984-7609

## Current Nationally Recognized Testing Laboratories (NRTLs)

*(updated from Spring 2016)*

In reference to N.J.A.C. 5:23-3.6, Standards; accepted practice, the current list of NRTLs is as follows:

- Applied Research Laboratories of South Florida, LLC
- Bay Area Compliance Laboratories
- Bureau Veritas Consumer Products Services, Inc. (BVCPS)
- CSA Group Testing and Certification Inc.
- DEKRA Certification, Inc.
- Eurofins Electrical and Electronic Testing NA, Inc.
- FM Approvals (FM)
- International Association of Plumbing and Mechanical Officials EGS (IAPMO)
- Intertek Testing Services NA, Inc. (ITSNA)
- LabTest Certification Inc.
- Nemko North America, Inc. (NNA)
- NSF International (NSF)
- QAI Laboratories, LTD (QAI)
- QPS Evaluation Services Inc.
- SGS North America, Inc.
- SolarPTL, LLC
- Southwest Research Institute
- TUV Rheinland of North America, Inc.
- TÜV SÜD America Inc.
- TÜV SÜD Product Services GmbH
- Underwriters Laboratories Inc.

This information can be found at <https://www.osha.gov/nationally-recognized-testing-laboratory-program/current-list-of-nttls>. It is important to note this and periodically check this information as organizations may no longer be recognized. This would not negate previous testing if an item came into question and was installed at a time when the organization was recognized. Organizations no longer listed can be found at <https://www.osha.gov/nationally-recognized-testing-laboratory-program/no-longer-recognized>.

Source: Rob Austin, Code Assistance/Development Units  
(609) 984-7609

## Counting Houses

Every month, the New Jersey Department of Community Affairs (DCA) and the Census Bureau in the US Department of Commerce publish the number of housing units authorized by building permits. Some call this indicator “housing starts.” We call them “authorized housing.” It is one of the few statistical markers available every month for every municipality. Authorized housing gauges where, how much, and what type of new housing is built. These indicators are utilized by a variety of people, from utility companies to municipal planners and school officials to garage door sellers, to track the construction industry and identify settlement patterns.

This information is drawn from building permits issued, recorded, and reported by construction officials. As such, it is important to get this right.

Here are some tips:

1. *Anytime a building permit is issued for new housing, building departments are required to record and report timely and accurately the number of new dwellings.* This is the most important indicator on any building permit.
2. *A dwelling is a place where people live.* Most have a kitchen or kitchenette, but that alone does not make a dwelling or house. Motel rooms are not dwellings, and neither are time shares. There is a time element; dwellings are intended for stays of 30 or more days.
3. *Dwellings must be reported by tenure.* Permit reporting software can ask for the number of new housing units in different ways. **The only way the DCA or Census Bureau get this information, however, is when it is reported by tenure. You must indicate how many new dwellings will be for sale and how many for rent.** If your software does not ask for this information, it's wrong, and you should contact your vendor. Reporting software and building departments must comply with UCC reporting requirements.
4. *If you don't know the tenure, make your best guess.* If the permit is for a new, multifamily building with 50 housing units, and you're uncertain if they will be for sale or rent, guess, but don't double count. If you record 50 rental units gained and 50 for sale units, we will count 100 new housing units. **An accurate count is more important than knowing the tenure.**
5. *Timing matters.* When do you report new dwellings? When construction begins. If the permit is a partial release for footings and foundation for a multifamily building that will have many updates over months, even years, report the number of dwellings on the initial permit. **This is a housing start.** New housing units should be reported when work begins. Don't worry about completions. We count those, too, but right now, the subject is housing starts. Though some say they want to report new housing on relevant updates, this is often a bad idea, because it is easy to forget or report dwellings on multiple updates. The best way to accurately and timely report this important information is when work begins.
6. *Don't repeat information.* Large projects occur over time. After an initial permit, many updates may follow over months, even years. Updates are to record and report the progress of the development. Only record new information on updates. Don't repeat what was recorded earlier. This goes for the number of new housing units, square and cubic feet, and the estimated dollar amount of construction. If the initial permit reported a gain of 30 rental units in 2021, and the developer gets approval in 2022 for another five dwellings, the permit update records “5” rental units gained, not 35.
7. *Don't change permit type mid-stream.* There are four types of permits. New construction permits are for new structures. Additions add space to existing buildings. Alterations are also for work on a completed structure, but the activity does not add floor area or volume. Issue an alteration permit to replace a water heater. The permit type should not change in the life of a project. **An update to a new construction permit is not an alteration.** Making this mistake can mean excessive fees and inaccurate reports.
8. *A demolition permit authorizes the complete removal of a house, oil tank, or some other structure.* There are no “partial” demolitions.” Those are alterations. When a residential building is demolished, report the number of dwellings lost. Do so by tenure. If you don't know, guess, but don't double count. **Again, it is more important to accurately report the number of dwellings than how many were owned or rented.**
9. *Report new housing every time its created, regardless of permit type.* Most new dwellings are in new buildings. Some are constructed in, atop, or attached to buildings that already exist. An example is a conversion of a factory to loft apartments, or an apartment built over a detached garage. Anytime housing is created, count and report how many dwellings by tenure.

(continued on next page)



*(Counting Houses)*

10. *DCA counts all new housing. Census Bureau looks only at new construction permits.* Census excludes new housing from additions and alterations. Why? Because they don't count them in other states and territories. Sometimes consistency is more important than comprehensiveness.
11. *Use Census item number "999" for every demolition, alteration, or addition permit.* This applies to additions and alterations that construct new housing. Count and report every new dwelling, but let Census know when this is outside their scope with item number "999."
12. *Use Census Item Numbers 101, 103, 104, or 105 to identify **new construction permits with new housing**.* This helps the Census Bureau count new housing in new buildings. The item number depends on how many new dwellings, as follows:
  - a. **101** is for a new construction permit with one dwelling gained, a single-family house, for example.
  - b. **103** is for a new duplex; it should **always show two and only two** new dwellings.
  - c. **104** is for a new building with **either three or four** new dwellings.
  - d. **105** is for a new residential building with **5 or more housing units**.
13. *Mixed-use buildings.* A lot of new housing units are in buildings with different uses. Some examples: a high-rise apartment with parking and retail; a public storage building with an apartment for an on-site manager; or a guest apartment in a pool house. Always count and report new dwellings. The Census Item Number can vary. If housing is a secondary or minor use (accounts for less than 40 percent of the building area) record the nonresidential use (or uses) first. Order matters. The permit should get the item number "999" to let the Census Bureau know it is outside their scope. Census does not count new housing when it is a secondary use in a mixed-use building. Again, this is to be consistent with their survey in other states and territories. If the permit is for a mixed-use building where housing is the primary use, enter the appropriate residential building use (R-2, R-3, R-4, or R-5) and the appropriate item number (101, 103, 104, or 105), depending on how many new dwellings will be in the new building.
14. Finally, should you have any questions, please do not hesitate to call me.

Source: John Lago  
 Division of Codes and Standards  
 (609) 292-7899

### Exterior Wall Ductwork

*(Updated reprint from Summer 2016)*

There has been discussion out there that ducts are not permitted to be installed in an exterior wall part of the building thermal envelope. Well, the answer to that question is...it depends.

If you recall the four options to demonstrate compliance with the energy subcode listed in Bulletin 19-2, you have (1) hand calculations, (2) REScheck, (3) Clean Energy Program for Residential New Construction (formerly Energy Star) and (4) Prescriptive Packages. Since item #3 is a separate program outside the International Energy Conservation Code/2018, I won't address its ductwork requirements here. As for the other three options, this is how it works:

**Ducts may be installed in the exterior wall** – If using the **hand calculations** or the **REScheck** option, you may have ducts installed in this wall. Both methods follow the Overall UA calculation and permit trade-offs between components. The stud bay that has the duct within is calculated separately because it will not accommodate R-20. When using REScheck, that particular bay would be separately inputted into the wall category with the lesser insulation value and the program will calculate the overall value of the wall/home.

**Ducts may not be installed in the exterior wall** – If using a **prescriptive package**, it is assumed that every single cavity of the exterior wall is going to meet R-20 or R-13+5ci. This is why ductwork cannot be installed in the exterior wall when using this option for demonstrating compliance.

Source: Rob Austin, Code Assistance Unit  
 (609) 984-7609

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