



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 802
TRENTON, NJ 08625-0802

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

March 7, 2019

Dear Construction Official:

On May 11, 2018, the Department sent the attached letter regarding farm storage buildings that had been converted to temporary living quarters for farm workers. The Division of Fire Safety has conducted inspections of numerous farms, and where a change of use group occurred to a building, a referral has been made to the Construction Official for action.

The May 11 letter provided guidance on how to proceed once the referral was received; the first action that should have been taken was to issue a notice of violation. The Department is aware that in some cases, the notice has not been issued. Aside from the staged compliance mentioned in the letter, these referrals should be treated the same as any other illegal change of use, thus, Notices of Violation must be issued. Failure to issue notices is a failure to properly enforce the Uniform Construction Code. For farmers who were not made aware that the conversion of storage buildings to farm labor housing is illegal, the staged compliance outlined in last year's letter is acceptable; however, a Notice of Violation must be issued.

Farmers who were notified of the illegal change of use last season must now meet the requirements of the Uniform Construction Code, including prior approvals, regardless of whether a Notice of Violation was issued. This means that suppression systems must be installed in any storage buildings that are used even temporarily as housing; all other applicable Change of Use requirements as set forth in N.J.A.C. 5:23-6.31 must be followed. In extreme circumstances where compliance with the Uniform Construction Code is not possible, the municipality may grant a variation. The application for the variation must include an alternative solution that would substantially comply with the Uniform Construction Code and protect the health, safety, and welfare of the intended occupants.

Finally, according to the Division of Fire Safety, there are also buildings that have been converted to shower buildings or kitchen buildings. These buildings may also represent a possible change of use group. The Division of Fire Safety has been advised to refer those buildings to the Construction Official as appropriate.

The Department is working with the Departments of Agriculture and Labor on this issue. In order to provide them with the scope of the problem and the impact on the agricultural industry, we are asking you to notify us of any changes of use related to buildings used for farm labor housing – including structures used for cooking and bathing – of which you become aware.



If you have questions about what considerations should be made when granting a variation or whether a variation substantially complies with the Uniform Construction Code, or if you have any information regarding a possible change of use related to farm labor, please contact John Dotoli of the Office of Regulatory Affairs at (609) 984-7672.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward M. Smith', written in a cursive style.

Edward M. Smith
Director
Division of Codes and Standards

Attachment