



New Jersey Adopts 2021 International Building Code and Grace Period for Permit Applications

Jan 26, 2023

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The New Jersey Department of Community Affairs (DCA) has recently amended the Building Subcode of the Uniform Construction Code (UCC) to incorporate the 2021 Edition of the International Building Code (IBC). Builders, developers, and others currently applying for construction permits should be aware of the provision within the UCC that provides for a grace period from application of the newly adopted regulations until March 6, 2023.

On April 18, 2022, DCA posted in the New Jersey Register proposed amendments to the Building Subcode, located within the New Jersey Administrative Code at N.J.A.C. 5:23-3.14, to incorporate the 2021 Edition of the IBC. The model codes for buildings, which include residential and commercial structures, energy, fire protection, mechanical, and fuel gas, are published by the International Code Council, and DCA proposes and adopts the model codes as part of the UCC. Since 1996, DCA has undertaken a review of each subsequent model code edition and has proposed and adopted the new edition of the national model codes. The most recently adopted amendments to the UCC's Building Subcode incorporate the 2021 edition of the IBC.

The Building Subcode amendments were adopted on September 6, 2022. Of particular importance to builders and developers, the UCC contains a grace period provision at [N.J.A.C. 5:23-1.6](#), which provides that for a period of six months following the operative date of a subcode revision, applicants may submit a complete permit application to be reviewed under the code in force immediately preceding the subcode revision. As long as the application is complete, the construction official shall perform the plan review and issue construction permits based on the code in force immediately prior to the operative date of the subcode revision; this grace period applies only to revisions of subcodes. For the revised Building Subcode, this means that complete permit applications submitted prior to March 6, 2023, will be reviewed based on the

prior Building Subcode.

Please contact any of [Gibbons's real estate land use and development attorneys](#) if you are seeking advice or representation in connection with a permit application or have questions in regard to any of the recent amendments to the UCC.

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