



Building Safety, Inspections, Reserve Funding

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New Jersey State League of Municipalities 107th Annual Conference

What We Will Be Talking About

Keeping our Buildings Safe

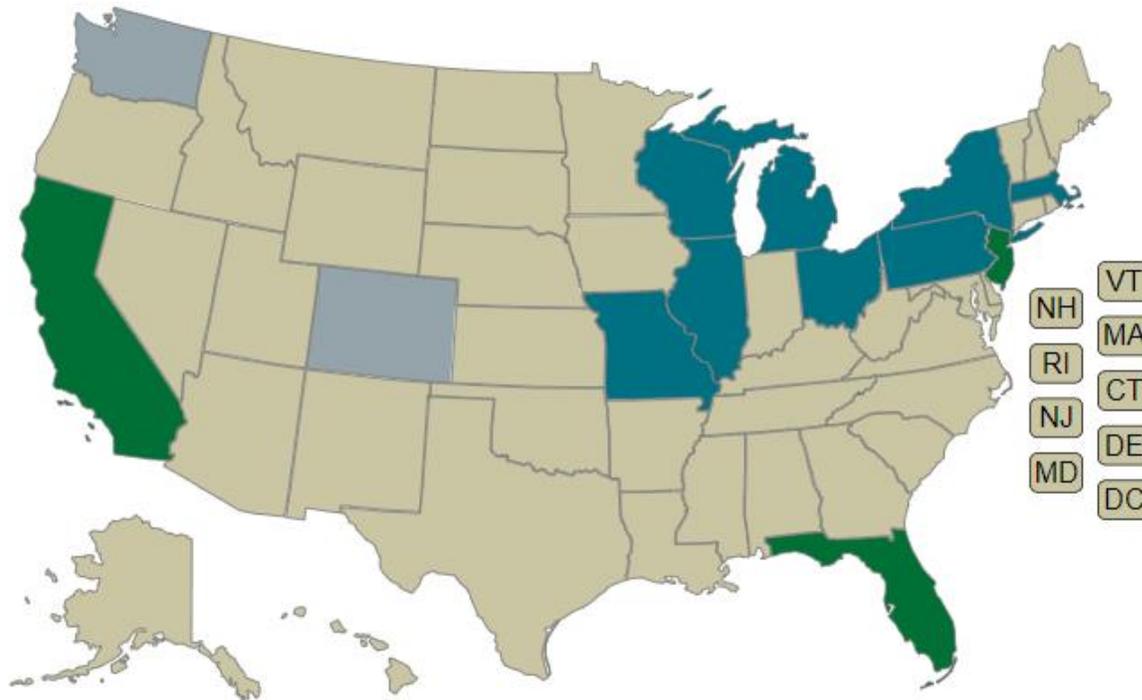
NJ Senate Bill 2760

Structural Integrity Regulations for Certain Residential Buildings

- Why do we need it ?
- What are the 3 pillars of structural safety ?
- What is the basis for the proposed bill ?
- What buildings are included ?
- What are the requirements ?

Why Do We Need It ?

As a result of the Champlain Towers South Tragedy changes are taking place across the country to prevent this from happening again



NOTE: States in Gray ONLY have local laws pertaining to Building Inspections, and States in Green have BOTH State and local laws on Building Inspections.

States in Blue identify states with Municipalities that have a Facade Inspection Ordinance.

Note : The above are primarily not structural and some are for inspections relating to fire protection, others are just for wood decks, Florida is recent and as a result of Champlain Towers.

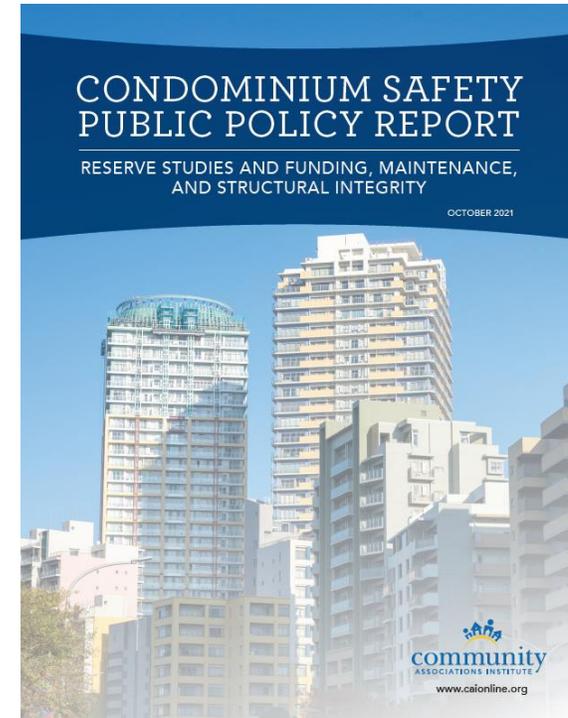
NJ is recent and only in Jersey City for structures is only for concrete buildings over 6 stories and also includes facades.

<https://www.caionline.org/Advocacy/Pages/Building%20Inspections/buildinginspection.aspx>

A number of states are currently investigating structural integrity legislation such as Delaware and Virginia . Other than Florida which enacted requirements, NJ is the only state with a bill currently pending.

The Community Associations Institute which Represents 358,000 Community Associations across the US and the 74.2 Million People who Live in Them established a Task Force to Provide Legislative Guidance

- Condominium Safety Public Policy Report
 - Reserve Studies and Funding, Maintenance and Structural Integrity
 - <https://www.caionline.org/HomeownerLeaders/DisasterResources/Pages/CONDO-SAFETY-Structural-Integrity,-Maintenance,-%26-Reserves.aspx>
- NJ has 7,020 CA with 548,000 residents



These Public Policies are the basis for

SENATE, No. 2760
STATE OF NEW JERSEY
220th LEGISLATURE
INTRODUCED JUNE 2, 2022

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS
Concerns structural integrity regulations for certain residential buildings.

CURRENT VERSION OF TEXT
As introduced.



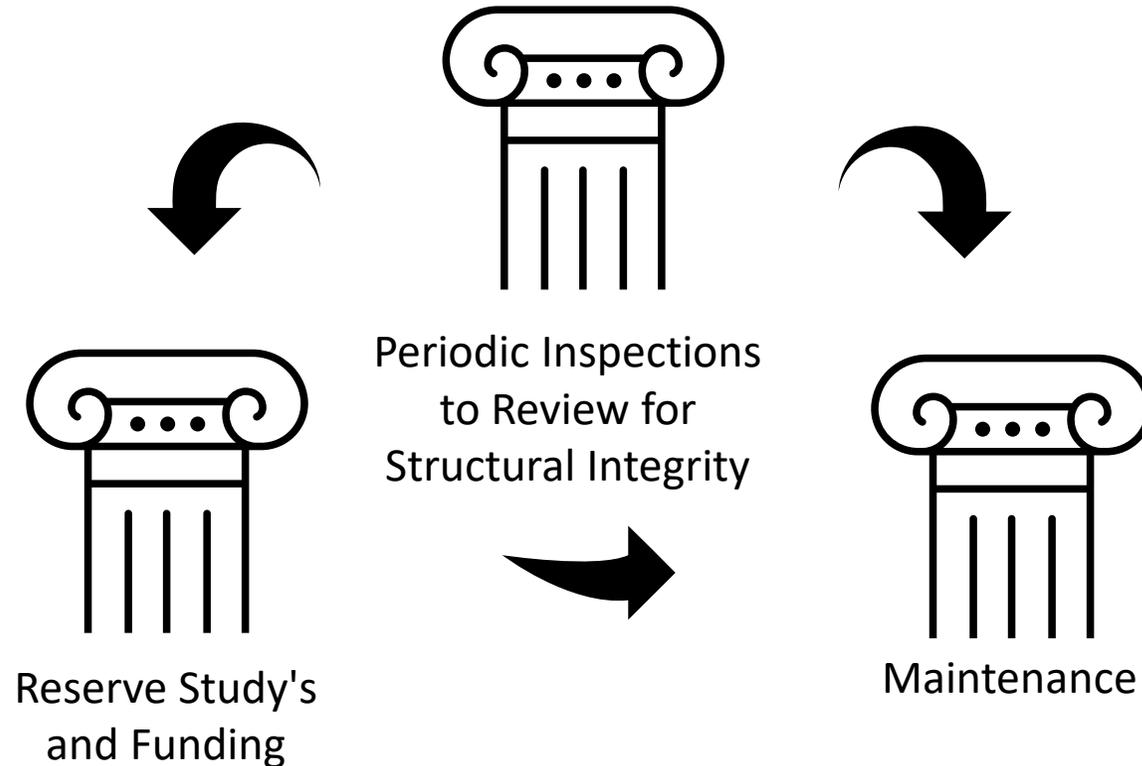
(Sponsorship Updated As Of: 6/2/2022)

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. (New section) The Legislature finds and declares that:
 - a. The importance of the structural integrity of residential buildings in New Jersey has become a growing concern for many, especially in the wake of the tragic collapse of a high-rise, multifamily housing structure in Florida.
 - b. In light of these growing concerns, it is appropriate for the Legislature to put in place appropriate procedures for inspecting, evaluating and maintaining the structural integrity of certain residential housing structures within this State.

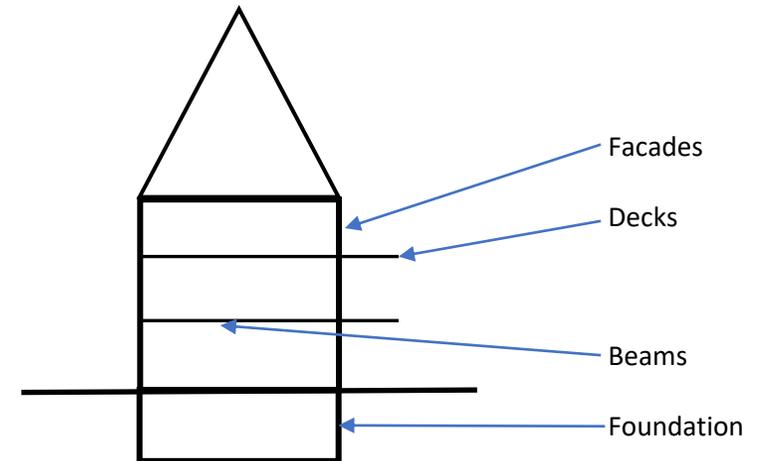
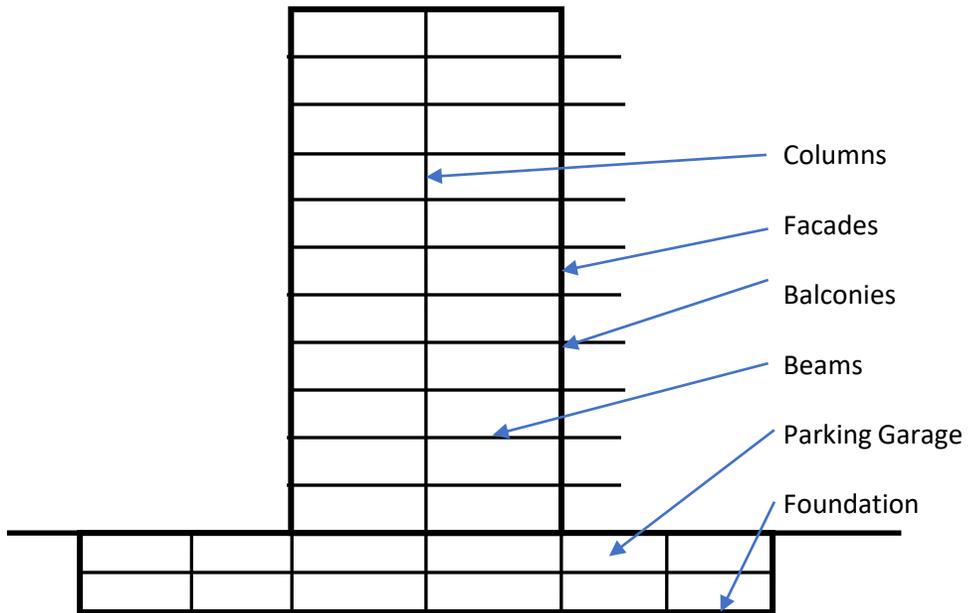
The Three Pillars of Structural Safety Reflected in This Legislation

(Both during construction as well as during the life of the building)

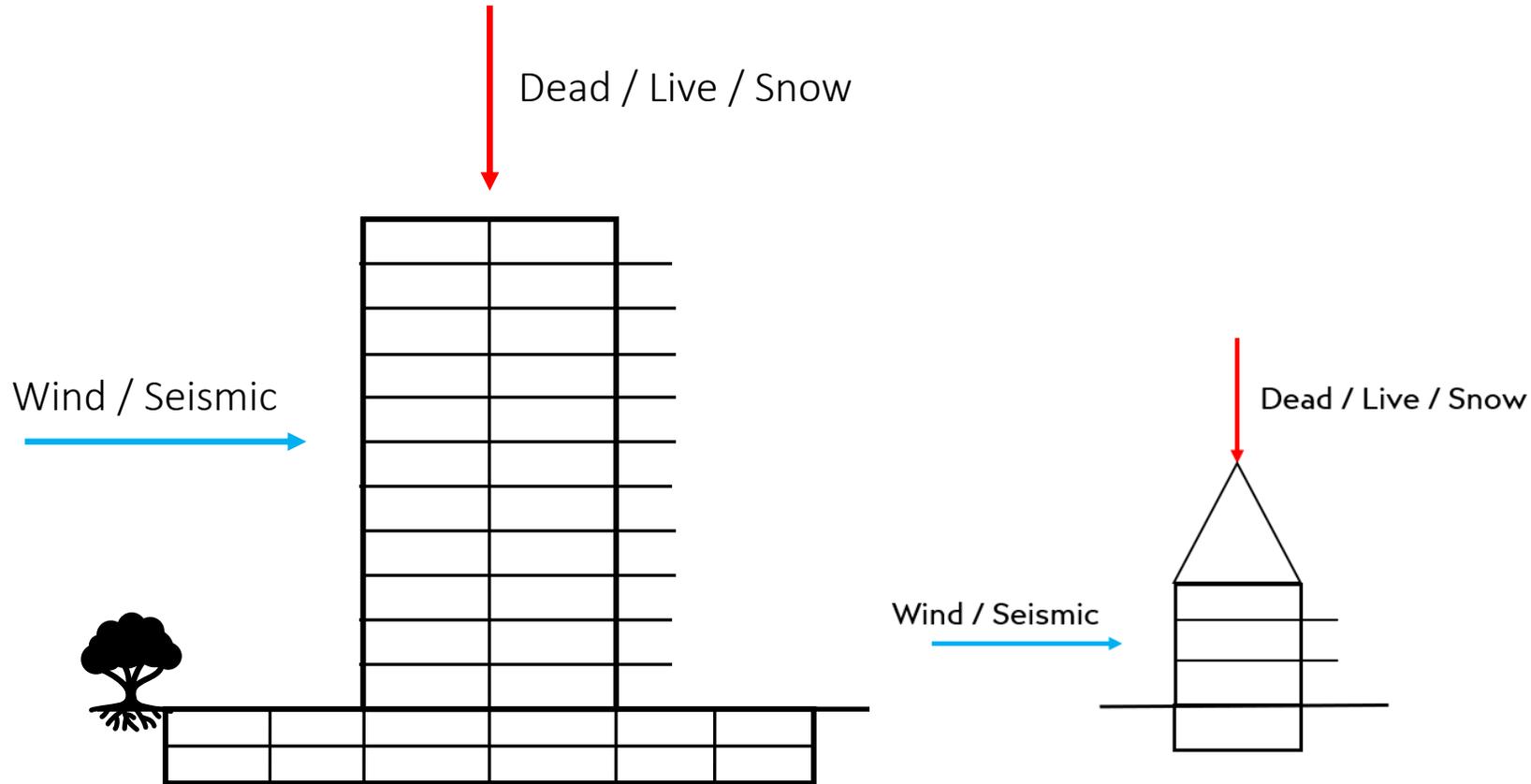


What is the Buildings Structure ?

A building's structure is what holds the building up.



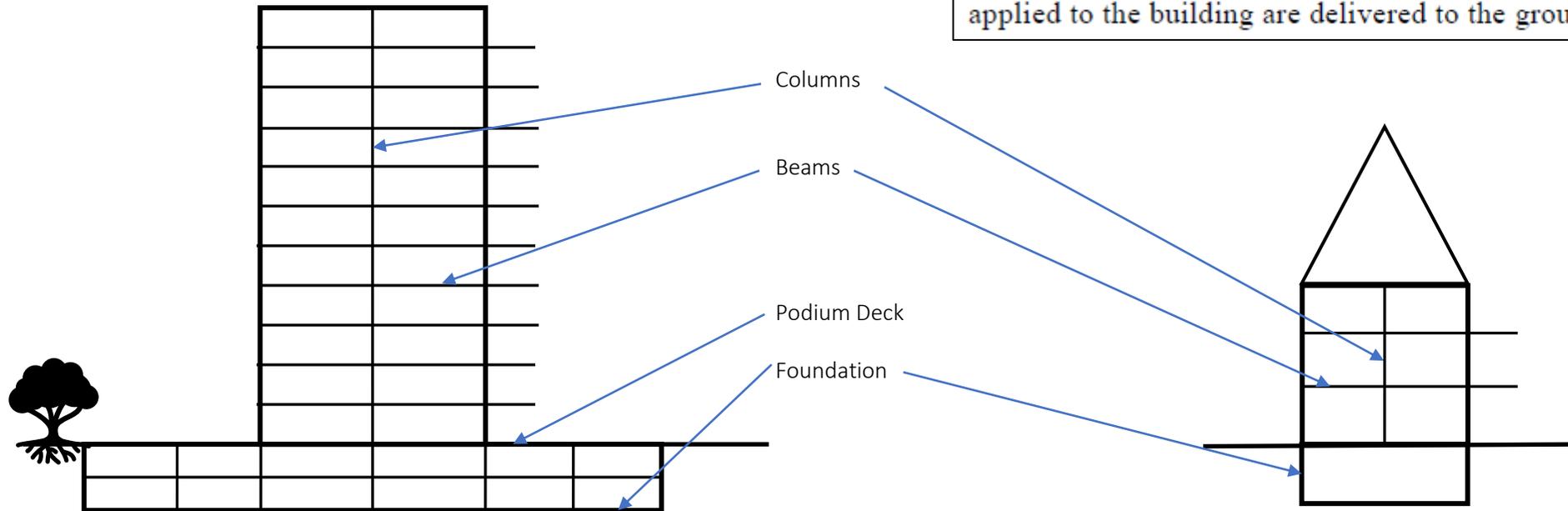
What is your building Designed For ?



- Dead Load
 - The weight of the materials of construction.
- Live Load
 - A load produced by the use and occupancy of the building.
- Wind
- Snow
- Earthquakes

The Basis for Safety is the Primary Load Bearing System*

“Primary load bearing system” means the assemblage of structural components within a building that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the ground.



What is the Structure **Not** Designed For ?

Deterioration due to Aging



Causes of Deterioration

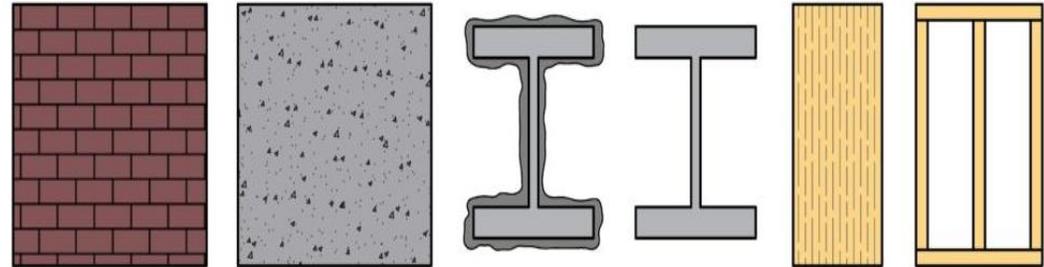
- Age
- Moisture
 - Not just near the ocean !!



Covered Building *

“Covered building” means a residential building that is categorized as use group R-1 or use group R-2, as those terms are defined in N.J.A.C.5:70-1.5, having load bearing concrete, masonry, steel, hybrid structure including, but not limited to, heavy timber, and a building with podium decks.

Note : The structure is reflective of the type of materials used, not the building configuration (such as a high rise).



What is maintenance

Preventive

Planned Maintenance carried out at predetermined intervals aimed at making sure that the common elements attain their full useful lives

Corrective

Unplanned Maintenance carried out following detection of a problem with a goal of remediating the problem.

During Construction Requirements*

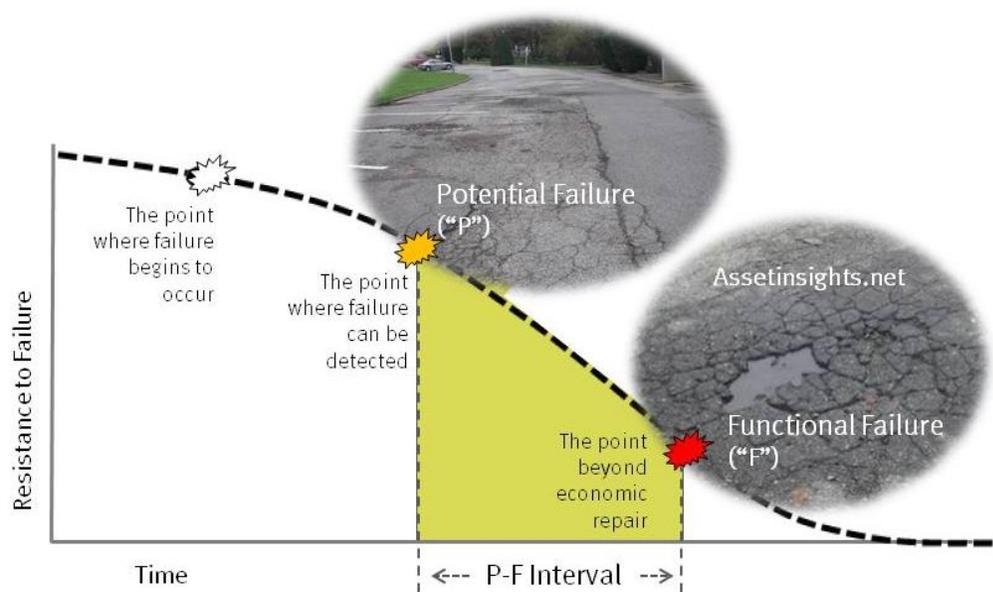
If changes take place during construction to the Primary Load Bearing System, confirmation must be provided that equivalent structural adequacy is provided prior to a certificate of occupancy being provided.

system conforms to the building plans. If the construction structural inspector determines that the primary load bearing system is not in conformance with the building plans, the applicant shall provide additional plans which show conformance with a modification to the primary load bearing system. No certificate of occupancy shall be issued pursuant to section 15 of P.L.1975, c.217 (C.52:27D-133), until the structural inspector issues a written report which confirms that the construction of the primary load bearing system of the building is in conformance with the approved construction plans.



After Construction Periodic Inspections

- Ongoing inspections of the primary load bearing system aimed at identifying issues when they become evident.
- Deterioration is a progressive condition which typically worsens over time.



First Inspection*

- Within 2 years of effective date of legislation if constructed prior to bill passage
- Within 15 years if constructed after bill passage

4. (New section) a. Following the issuance of a certificate of occupancy, an initial structural inspection of the building components forming the primary load bearing system of a covered building shall be undertaken by a post-occupancy structural inspector retained by the covered building owner within the earlier of: (1) 15 years of the date on which the covered building receives a certificate of occupancy pursuant to section 15 of P.L.1975, c.217 (C.52:27D-133); or (2) 60 days after observable damage to the primary load bearing system. If a covered building has received a certificate of occupancy pursuant to section 15 of P.L.1975, c.217 (C.52:27D-133) prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), then an initial structural inspection shall be undertaken by a structural inspector within two years of the effective date of P.L. , c. (C.) (pending before the Legislature as this bill).



Initial Inspection Report Should Include*

b. After the post-occupancy structural inspector has performed an inspection pursuant to subsection a. of this section, the post-occupancy structural inspector shall issue a written report describing the condition of the primary load bearing system. The post-occupancy structural inspection report shall:

- (1) set forth with specificity any required maintenance or repairs needed by the primary load bearing system;
- (2) determine when the next inspection of the primary load bearing system shall be performed, _____



Ongoing Periodic Inspections*

(1) The structural inspector will determine a reasonable period of time within which the next inspection shall take place provided, however, that any subsequent inspection under this paragraph shall not take place:

(a) more than 10 years after a preceding inspection during the first 20 years following issuance of a certificate of occupancy of a covered building; or

(b) more than five years after a preceding inspection if the covered building is more than 20 years old.

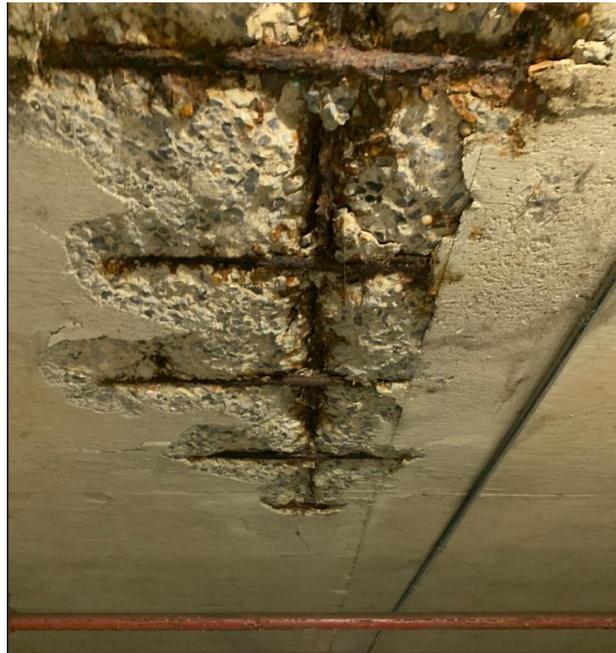


Inspection Reports Should Include*

- (2) The structural inspector shall review the preceding inspection report prior to undertaking subsequent inspection of the covered building. After the structural inspector completes this review and inspection, the structural inspector will then issue a subsequent inspection report which shall:
- (a) make note of any new or progressive deterioration;
 - (b) set forth the covered maintenance required to address any new or progressive deterioration; and



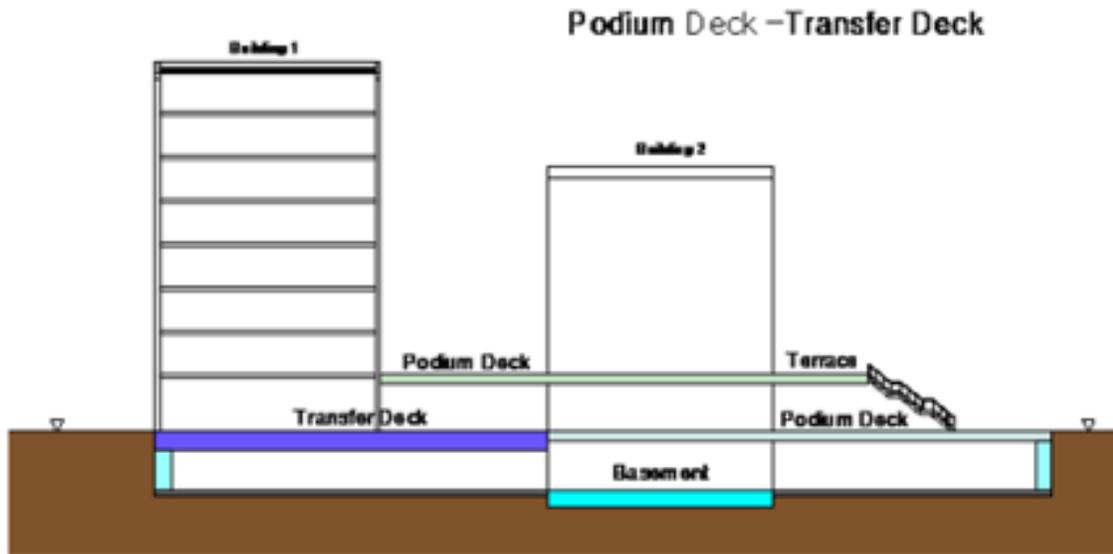
Example Concrete Deterioration



Example Steel Deterioration



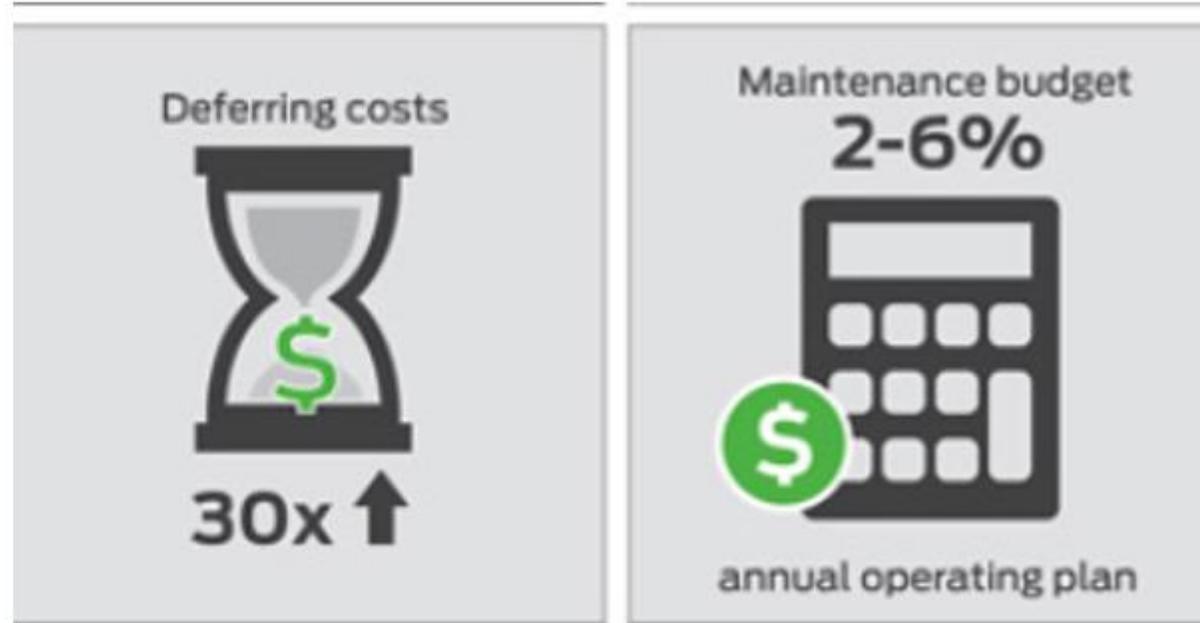
Example Podium Deck Deterioration



Key Concept

Life Cycle Costs

- Experts estimate that between 2 and 6% of the annual operating budget should be spent on preventive maintenance in order to effectively minimize a facilities rate of decay.
 - Naomi Millan, senior editor Building Operating Magazine.
- Failure to maintain = 30x cost of maintenance

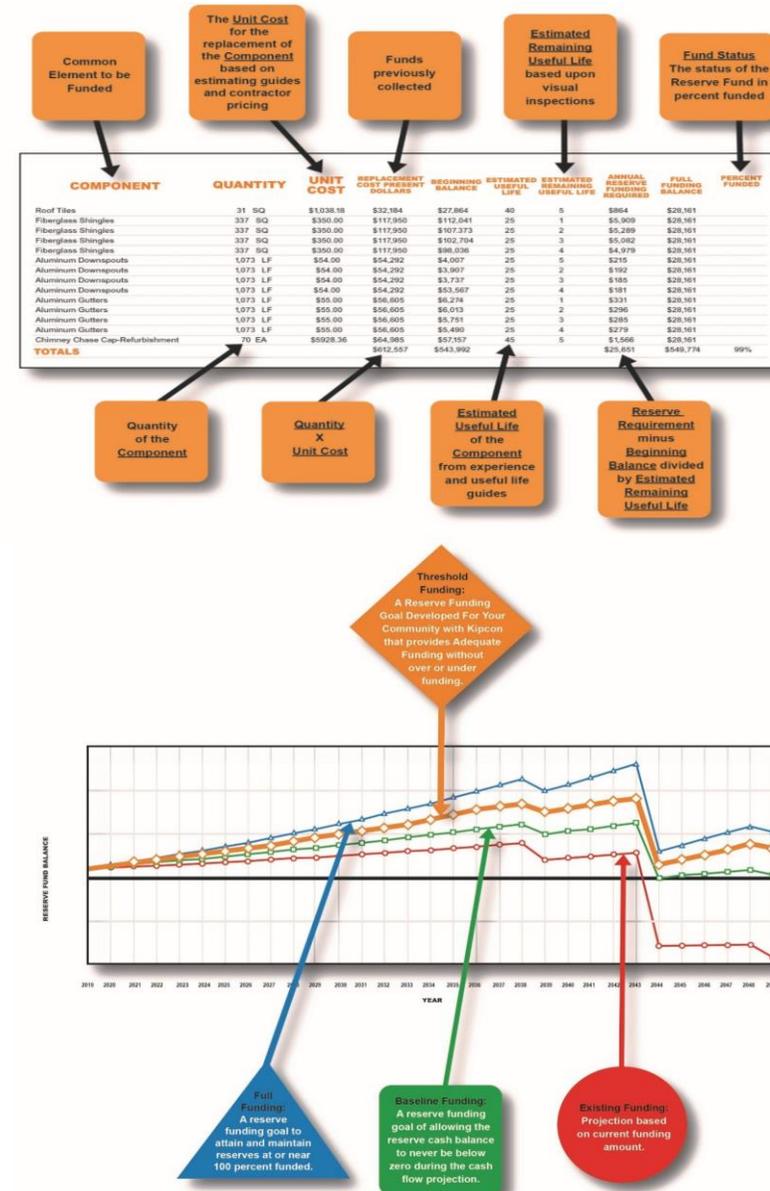


Reserve Study ❖

- A Reserve Study is a **budget planning** tool that provides funding options designed to offset the future replacement of common elements.

❖ For Community Associations Only

- Required by Developer
- Required for Association *



Reserve Requirements For Community Associations *

- Must have and fund a reserve study
- If current study is more than 5 years old a new study must be prepared within 1 year
- Update reserve study every five years

7. (New section) a. Any association created pursuant to P.L.1977, c.419 (C.45:22A-21 et seq.) shall undertake and fund a capital reserve study which shall determine or assess the adequacy of the association's capital reserve funds to meet the anticipated costs of replacement or repair of the capital assets of a common interest community that the association is obligated to maintain.

b. Associations which have not undertaken a reserve study within five years of the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) shall undertake a reserve study within one year of the effective date of P.L. , c.

c. A covered building owner shall ensure that a capital reserve study conducted pursuant to this section shall be reviewed by a licensed architect, engineer, or credentialed reserve specialist, and that a capital reserve study be conducted and reviewed at least once every five years.

Additional Requirements for Developers of Community Associations *

- Must include in Budget a Preventive Maintenance Document which includes for the common area components
 - Schedule and timing for preventive maintenance
 - Timing of Periodic Inspections of structural components
 - Expenses associated with the above
 - Note : Current requirements already include a Reserve Study

10. (New section) The developer shall prepare a document which sets forth the preventative maintenance tasks to be undertaken by the association over the life of the common area components. This preventive maintenance document shall provide the maintenance schedule and timing for preventive maintenance, including, but not limited to, periodic inspections of the structural components of the buildings or common areas which the association is obligated to maintain. The developer shall include within the budget prepared in accordance with the rules and regulations adopted pursuant to section 15 of P.L.1977, c.419 (C.45:22A-35) all operating expenses associated with the preventative maintenance set

forth in the preventative maintenance document prepared pursuant to this section. The preventative maintenance document shall be updated at the completion of any structural inspections performed pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill) in order to reflect and address any required corrective maintenance.

Addendum & Questions ?