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New Jersey's New Construction Code Has Arrived. The Real Estate Implications Are Immediate.

September 3, 2026

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On August 17, 2026, New Jersey adopted substantial updates to its Uniform Construction Code (UCC). This update impacts numerous international conventions including the 2024 International Building Code, 2024 International Residential Code, 2024 International Mechanical Code, 2024 International Energy Conservation Code, and the 2023 National Electrical Code.

Although building code updates often are viewed as issues primarily for architects, engineers, and contractors, the latest changes have broader implications for real estate owners, developers, investors, lenders, and asset managers. The updated code framework may affect project schedules, permitting strategies, construction costs, redevelopment planning, and contractual risk allocation across a wide range of property types.

Below are several issues stakeholders now should be evaluating.

1. Determine Whether Your Project Falls Within the Transition Period

For many owners and developers, the most immediate question is whether a project can continue under the previously applicable code requirements or whether it must comply with the newly adopted standards.

Projects that currently are in planning, design, or permitting stages should be reviewed carefully to determine whether they qualify for applicable transition provisions and whether permit applications have been sufficiently advanced to avoid redesign obligations. New Jersey's code regulations provide limited pathways for certain projects already in progress, but those provisions are often highly fact-specific.

2. Revisit Construction Budgets and Project Pro Formas

The adoption of updated construction and energy standards may have a direct impact on project economics.

Among other changes, the State adopted the 2024 International Energy Conservation Code as part of its updated regulatory framework, reflecting a continued emphasis on energy efficiency and building performance.

While many of these upgrades may generate operational savings over the life of a building, developers should anticipate potential increases in upfront construction costs and should revisit existing project budgets and underwriting assumptions accordingly.

Projects with thin margins, fixed financing commitments, or guaranteed maximum price contracts may warrant particular attention.

3. Evaluate Impacts on Redevelopment and Adaptive Reuse Strategies

The code changes may be especially significant for redevelopment projects, adaptive reuse initiatives, and conversion opportunities.

Throughout New Jersey, owners continue to explore office-to-residential conversions, mixed-use repositioning projects, industrial redevelopments, and substantial rehabilitation efforts. These projects frequently involve complex interactions among the rehabilitation subcode, existing building conditions, occupancy classifications, accessibility requirements, and life-safety standards.

Because redevelopment projects often rely on assumptions regarding existing conditions and previously anticipated compliance obligations, project teams should evaluate whether any of those assumptions have changed under the updated code framework.

4. Prepare for Expanded Energy and Building Performance Requirements

The latest code adoption continues a broader trend toward enhanced building performance standards.

In addition to adopting updated energy conservation requirements, New Jersey's revised code package incorporates changes affecting building systems, electrical infrastructure, fire safety, and related construction requirements

As environmental, sustainability, and resiliency considerations continue to influence development decisions, owners should expect greater scrutiny of energy performance and compliance documentation throughout the permitting and construction process. Projects that proactively address these requirements may be better positioned to avoid regulatory delays and support long-term operational goals.

5. Review Contractual Risk Allocation Before Construction Begins

The code transition also presents important contractual considerations.

Development agreements, construction contracts, design agreements, and guaranteed maximum price arrangements should be reviewed to determine how responsibility is allocated for regulatory changes, code compliance revisions, increased construction costs, schedule impacts, and redesign obligations.

Questions worth considering include:

- Who bears the cost of changes required by newly adopted regulations?
- How are permitting delays addressed?
- What happens if design revisions become necessary after contract execution?
- Are contingency provisions adequate to address compliance-related cost increases?

Although every transaction is unique, addressing these issues before construction begins is generally far less costly than resolving disputes after work is underway.

6. Coordinate With Design Professionals Early to Avoid Delays

Perhaps the most important takeaway is that early coordination matters.

The updated UCC places increased importance on communication among owners, architects, engineers, contractors, and code officials. Stakeholders should verify not only that projects comply with the applicable code edition, but also that permitting strategies, construction schedules, lender requirements, and project budgets reflect the realities of the new regulatory environment.

Takeaways for Owners, Developers, Investors, and Lenders

New Jersey's adoption of the 2024 Uniform Construction Code is more than a routine regulatory update. It is a development and investment issue that may influence project feasibility, construction costs, financing assumptions, permitting timelines, and risk management decisions across the real estate industry. [

Owners, developers, investors, and lenders with active or upcoming New Jersey projects should consider conducting a project-specific review to determine whether the new requirements affect planned budgets, schedules, permitting strategies, or contractual arrangements. Proactive evaluation today may help avoid costly delays and compliance challenges tomorrow.

If you have any questions, please contact any one of Flaster Greenbergs real estate and land use attorneys.

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