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# LEGISLATIVE ALERT: THE FIGHT AGAINST UCC PRIVATIZATION

## Strategic Talking Points for Construction Officials

As we enter the 2026 Legislative Session, the push to privatize municipal inspections Bills **S3174 and A2137** are already introduced. Use these six key points to educate your stakeholders and build opposition

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### 1. A Direct Assault on Home Rule

This legislation allows developers to bypass the municipal enforcing agency **"for any reason."** It strips the local government of its oversight authority and hands control of public safety to private, third-party entities that are not accountable to the taxpayers or local elected officials.

### 2. Erosion of Public Safety Standards

Moving inspections to a decentralized system of third-party agencies introduces massive systemic risk. It fragments the inspection process, increases the likelihood of missed or non-compliant inspections, and creates confusion about accountability. This breakdown in uniform oversight inevitably leads to unsafe structures and puts citizens at risk simply to serve the interest of developer speed.

### 3. Inherent Conflict of Interest ("Pay-to-Play")

Municipal inspectors are unbiased public servants accountable only to the law. This bill creates a "pay-to-play" environment where developers hand-pick and pay their own inspectors. When speed and profit are the priorities, rigorous safety code enforcement is the first thing to be compromised.

### 4. The "Death Spiral" for Municipal Budgets

The bill mandates that permit fees can be returned to developers who use private firms. Because large-scale commercial projects subsidize the costs of running an office (including smaller residential inspections), losing these fees will create massive revenue shortfalls, forcing towns to use tax dollars to keep their construction offices open.

### 5. A Threat to Professional Public Careers

The vast majority of our inspectors and subcode officials are dedicated union members. By shifting work to private, non-union firms, this bill effectively "outsources" public sector jobs. It turns stable, middle-class municipal careers into precarious, private-sector roles, making it impossible to recruit or retain qualified experts.

## **6. Unfunded Administrative Burdens**

Even when a private agency is used, the municipality remains the "custodian of record." The town still carries the long-term legal liability and the administrative costs of OPRA compliance and records management—but they are forced to do it without the permit fee revenue to cover the costs.

## **7. Current Law Already Solves the Problem**

New Jersey law already allows for third-party intervention if a municipality is underperforming or missing deadlines. This bill is not about "efficiency"; it is a calculated push for privatization that punishes well-managed towns with budget deficits and staff layoffs.

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**THE BOTTOM LINE:** Public safety is a public service, not a private commodity. We must stand together to ensure that the integrity of the New Jersey Uniform Construction Code is not traded away for developer convenience.

**Brought to you by the Municipal Construction Officials of New Jersey (MUNCO)**