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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2016)*

§ 5:10-1.1 Title

This chapter promulgated pursuant to *N.J.S.A. 55:13A-1* et seq. of the Laws of New Jersey shall be known and may be cited as the "Regulations for Maintenance of Hotels and Multiple Dwellings", and are hereinafter referred to as "regulations".

§ 5:10-1.2 Purpose

(a) The purpose of this chapter is to provide reasonable minimum requirements and standards, based upon scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery, equipment, materials, and forms and methods of maintenance for the regulation of the maintenance of hotels and multiple dwellings in the State of New Jersey in the interest of public safety, health and welfare, as well as to provide effective administrative structures for enforcement.

(b) The Bureau or a local enforcing agency shall have discretion not to enforce any maintenance requirement herein set forth in a particular case if it determines that the violation of such requirement in such case, if allowed to continue, would not jeopardize the health, safety or welfare of occupants or intended occupants or of the public generally. In no case, however, shall the Bureau or local enforcing agency fail to enforce any standards or requirements pertaining to fire safety, building security, occupancy, health or providing of required facilities or equipment except pursuant to an exception granted in accordance with *N.J.S.A. 55:13A-11*.

§ 5:10-1.3. Administration and enforcement

(a) The Bureau of Housing Inspection or local enforcing agency shall administer and enforce these rules.

(b) Each municipality and county of the State may be authorized by the Commissioner to enforce the provisions of this chapter within the corporate limits thereof, subject to the supervision and control of the Commissioner. Any such authorization shall be in accordance with the following terms and conditions:

1. The municipality or county shall comply with all provisions of the Act and regulations and with all directives of the Bureau issued pursuant thereto.

2. The Bureau shall create a reservation for the purchase of inspection services, from the municipality or county during each period from July 1 to the following December 31 and from January 1 to the following June 30 and shall give notice to the municipality or county of the amount of such reservation for each such period. The municipality or county may make requisitions against this reservation in amounts not to exceed credits earned up to the time of requisition. Said reservation may be decreased by the Bureau, if, in its sole discretion, it determines that the municipality or county cannot reasonably be expected to do enough work satisfactory to the Bureau to earn the full amount of the reservation before the end of the State's fiscal year.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

3. The municipality or county shall identify all unregistered buildings within its jurisdiction. A separate information form prescribed by the Bureau shall be completed and promptly forwarded to the Bureau for each such building.

4. The municipality or county shall be obligated to keep the local registry accurate by promptly reporting to the Bureau all transfers of ownership, demolitions, alterations, and construction of buildings within its jurisdiction and by reporting all errors that may appear.

5. The municipality or county shall inspect, in each State fiscal year, all of the multiple dwellings and hotels and units of dwelling space therein which the Bureau determines to be subject to cyclical inspection in that fiscal year.

6. Twenty-five percent of the inspections required to be performed pursuant to (b)5 above shall be completed prior to October 1 of each State fiscal year, 50 percent prior to January 1 of each State fiscal year, 75 percent prior to April 1 of each State fiscal year and 100 percent on or before June 30 of each State fiscal year. In the event that any of these percentages cannot be met based on the number of cyclical inspections that are due during a portion of a year, this requirement shall be deemed satisfied if all buildings that can be scheduled for cyclical inspections are inspected.

7. All buildings are to be inspected in accordance with the most recently promulgated regulations.

8. The municipality or county shall, in addition to whatever local procedures it chooses to adopt, make an inspection report concerning each inspected building upon forms prescribed by the Bureau.

i. All inspection and reinspection reports submitted to the Bureau shall be signed by the local program official(s) designated by the municipality or county and approved by the Bureau.

ii. Such reports shall include the name of the inspector who performed the inspection and shall be submitted to the Bureau not less frequently than once per month.

iii. In the event that an inspection of a building discloses a violation of the regulations constituting an imminent hazard to the health, safety or welfare of its occupants, the municipality or county shall, without delay, transmit its inspection report and findings to the Bureau for appropriate action.

iv. All reports submitted to the Bureau which disclose violations shall be clearly segregated from reports which disclose no violations.

9. When specifically requested by the Bureau, the municipality or county shall conduct, within one week of the request, reinspection of those buildings where violations were discovered at the time of the original inspection.

i. The municipality or county shall make a reinspection report concerning such building upon forms prescribed by the Bureau and forward such reports to the Bureau upon completion thereof.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

ii. No reinspection reports will be accepted for credit unless all original reported violations have been re-inspected.

iii. The Bureau shall be responsible for notifying the municipality or county when such reinspections are to be conducted.

iv. The municipality or county shall be responsible for any other functions of the enforcement procedure which can be undertaken on a local level.

v. Extensions of time to complete abatement shall be granted only by the Bureau.

10. The municipality or county shall provide the Department with such information as may be necessary to determine the eligibility of the municipality or county for funds that may be requisitioned by it, including, without limitation, copies of past, current and projected operation budgets and tables of organization for the agency undertaking inspection and related duties.

i. The municipality or county shall also supply the Bureau with a list of appropriate totals of those buildings within its boundaries which are not registered or inspected by the end of each State Fiscal Year.

11. The municipality or county shall be solely responsible for compliance with local, State, and Federal law pertaining to the dislocation and relocation of individuals, families and businesses, provided, however, that the municipality or county may apply to the Department for relocation assistance as it may deem necessary.

12. The municipality or county shall perform, within its jurisdiction, inspections of those buildings that are the subject of complaints received by the Bureau.

i. Such inspections shall be complete and performed in accordance with (b)7 above and included in the regular cycle of inspections.

ii. However, in the event that the building that is the subject of the complaint has been issued a valid Certificate of Inspection by the Bureau, the first inspection and reinspection shall be limited to the subject matter of the complaint.

13. All inspections performed pursuant hereto shall be performed by inspectors acceptable to the Bureau.

i. The municipality or county shall provide to the Bureau resumes of all inspectors whom the municipality or county intends to assign to the performance of inspections pursuant hereto.

ii. No inspector disapproved by the Bureau shall perform any inspections pursuant hereto.

iii. Upon request of the Bureau, the municipality or county shall provide to the Bureau such further information concerning any inspector whom the municipality or county assigns or intends to assign to perform inspections pursuant hereto as the Bureau may require.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

iv. In the event that the Bureau deems the quality of an inspector's work to be unsatisfactory and so advises the municipality or county, then the municipality or county shall immediately cease to assign inspections required to be performed pursuant hereto to the said inspector.

v. All inspectors assigned by the municipality or county to perform inspections pursuant hereto shall attend, and shall be required by the municipality or county to attend, training sessions scheduled by the Bureau when such attendance is required by the Bureau and any such inspector is not specifically excused by the Bureau.

14. The Bureau shall supply the municipality or county with a listing of all buildings within its jurisdiction registered or on file with the Bureau, and such other information regarding inspection and enforcement activities of the municipality or county and the Bureau as may reasonably be required.

15. The Bureau shall furnish to the municipality or county all forms or documents which are or may become necessary to carry out the duties assumed hereunder.

16. The Bureau, upon receipt of each inspection report disclosing a violation or violations, may initiate whatever enforcement or compliance proceedings as it deems fit and appropriate.

17. The Bureau shall credit the municipality or county in accordance with the following formula:

i. Upon formal registration of each building not now registered, the municipality or county shall be credited with an amount of \$10.00.

ii. In the event of administrative hearings and/or court appearances, the Bureau shall credit the municipality or county with a maximum of \$25.00 per full day for each local witness required to appear. Without prior permission, local attendance at administrative hearings shall be limited to one person per day.

iii. The municipality or county shall be credited with \$10.00 for each transfer of ownership, or creation of a building when the municipality or county is responsible for such information reaching the Bureau in the first instance.

iv. The Bureau shall annually establish and distribute to authorized municipalities a regular inspection payment schedule which shall set forth the payments to be made by the Bureau to each municipality or county for each unit inspected and reinspected and for inspection and reinspection of common areas. Maximum payments per building or per project may be established. The regular inspection payment schedule established each year shall be uniform for all counties and municipalities and notice of it shall be published annually in the New Jersey Register.

v. The municipality or county shall be credited with an amount of \$10.00 for each first inspection and \$10.00 for each reinspection when the inspection is performed as a result of a complaint received by the Bureau, and when the building that is the subject of the complaint has been issued a valid Certificate of Inspection by the Bureau. In the event that the building complained of has not been issued a Certificate of Inspection, the municipality will be credited in accordance with the regular inspection payment schedule.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

vi. No credit shall be allowed for any work that is not satisfactory to the Bureau or for inspections by construction or subcode officials of newly constructed or altered buildings pursuant to (c) below.

18. The municipality or county may from time to time make requisitions against the reservation, as may be approved by the Bureau, up to but not in excess of the amount of credits outstanding in said account as of the date of the requisition. Said requisition shall be expressly limited to reimbursement to the municipality or county for existing or additional expenses incurred in carrying out the duties assumed by it hereunder or to improve its housing inspection program and to supplement the locally approved budget dedicated to local housing inspection program; provided, however, in the event the municipality or county shows to the satisfaction of the Bureau that such funds are not needed for the above, requisitions may request payment to the general surplus or other account designated by the municipality or county.

19. The municipality or county shall submit such data as the Bureau shall from time to time require and shall from time to time make its books available for the Bureau's inspection at such times as the Bureau shall require.

20. The municipality or county shall conscientiously enforce all local ordinances related to housing and shall proceed under such ordinances with respect to all cases referred by the Bureau for enforcement under such ordinances. No payment shall be made by the Bureau for enforcement under local ordinances.

21. The Bureau expressly reserves the right, at its option, to carry out inspection and enforcement activities within the boundaries of the municipality or county as it deems necessary to fulfill the duties imposed upon it by the Act or to assure faithful discharge by the municipality or county of its duties and responsibilities pursuant to (b) of this section.

22. The municipality or county shall not utilize any funds received pursuant to this subsection to employ or otherwise compensate any employee of the Department of Community Affairs who has directly participated in the negotiation or approval of the authorization.

23. The authorization may be terminated at any time by the Bureau for any of the following reasons:

i. Failure for any reason of the municipality or county to fulfill in a timely and proper manner any of the conditions herein set forth;

ii. Submission of reports by the municipality or county to the Bureau that are incorrect or incomplete in any material respect;

iii. Improper use of funds provided pursuant hereto;

iv. Any conduct on the part of a local employee which would constitute a violation of the New Jersey Conflict of Interest Law, *N.J.S.A. 52:13D-12 et seq.*, if that conduct were engaged in by a State employee.

24. In the event of termination, the municipality or county shall deliver to the Bureau all inspection reports and registration information in its possession.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

25. Any authorization given by the Bureau shall be effective as of the date stated in the letter of authorization and shall continue in effect until revoked by the Bureau.

26. Any authorization conferred pursuant to this subsection shall be deemed to be extended to the territory of one or more other local units of government upon submission by such other local units of government and proof of compliance with the requirements of the Interlocal Services Act (*N.J.S.A. 40:8A-1 et seq.*).

27. Any municipality or county acting under an authorization granted by the Bureau pursuant to this subsection shall be solely responsible for, and shall keep, save and hold the Department of Community Affairs, the Division of Codes and Standards and the Bureau of Housing Inspection, and their officers, directors, employees, agents and servants, harmless from, all claims, loss, liability, expense, damage and judgments, including all legal expenses incurred, resulting from any and all injury, and damage to agents or employees or anyone connected with performance pursuant to the authorization or to any other persons caused by any and all acts of the municipality or any of its officers, directors, employees, agents, or any person or persons in connection with performance under this authorization, or from any and all injury and damage to any property caused by any and all acts of the municipality or county or any of its officers, directors, employees, agents and servants or any other person or persons in connection with performance pursuant to this authorization.

i. The liability of the municipality or county pursuant hereto shall continue after the termination of the authorization with respect to any liability, claims, loss, expense, damage or judgments resulting from acts occurring prior to termination.

ii. The municipality or county shall be solely responsible to defend any and all suits that may be brought against the Department, the Division, or the Bureau or any of its officers, directors, employees, agents or servants on account of any and all acts of the municipality or county and shall make good to, and reimburse the Department for any expenditures that the Department may make by reason of such acts.

28. No municipality or county shall unilaterally discontinue performing inspections pursuant to the authorization except upon six months' notice to the Bureau.

(c) As of July 1, 2004, no municipality or county may employ a person to perform inspections under (b) above unless that person is licensed pursuant to N.J.A.C. 5:10-1B.

(d) Any municipality that maintains a local enforcing agency for the purpose of conducting inspections and other enforcement functions within the municipality pursuant to *N.J.S.A. 55:13A-13a* shall do so as provided in these rules. The method of enforcement shall be set forth in an ordinance adopted by the municipal governing body and shall designate a municipal or county agency to enforce the Act and these rules or shall set forth that enforcement shall be by way of an interlocal agreement.

(e) The Construction Official in each municipality is hereby designated as an agent of the Bureau of Housing Inspection for the purpose of inspecting newly constructed or altered hotels and multiple dwellings in order to enforce the provisions of these regulations. Responsibility for inspection may be delegated to the appropriate subcode official(s).

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(f) The local enforcing agency, as the term is defined in *N.J.A.C. 5:70-1.5*, authorized to enforce the Uniform Fire Code in each municipality is hereby designated as the agent of the Bureau for the purpose of inspecting existing buildings in order to enforce all provisions of the Uniform Fire Safety Act, *N.J.S.A. 52:27D-192 et seq.*, and the Uniform Fire Code, *N.J.A.C. 5:70*, applicable to hotels and multiple dwellings; provided, however, that such provisions shall continue to be enforced by the Bureau in multiple dwellings and hotels that are not life hazard uses, as defined in *N.J.A.C. 5:70-2.4A* or *2.4B*, until such time as the Bureau has been advised by the Division of Fire Safety that the local enforcing agency has agreed to accept responsibility for periodic fire safety inspections in such buildings.

(g) The Bureau of Code Services shall serve as the agent for the Bureau of Housing Inspection for the purpose of administering the licensing and training of housing officials, inspectors and trainees.

§ 5:10-1.4 Scope

(a) This chapter shall apply to the repair, maintenance, occupancy and use of new and existing hotels, retreat lodging facilities and multiple dwellings in the State of New Jersey.

(b) A building section containing not more than four dwelling units shall not be considered to be a portion of a multiple dwelling if it:

1. Is held under a condominium or cooperative form of ownership or by a mutual housing corporation;
2. Has no dwelling units not occupied by unit owners, if a condominium, or by shareholders, if a cooperative or mutual housing corporation.

i. If there are both owner-occupied units and units that are not owner-occupied within a building section, then the owner-occupied units within that building section, and only the owner-occupied units, shall be considered not to be portions of a multiple dwelling.

ii. The condominium association or cooperative or mutual housing corporation shall provide the Bureau with any information necessary to justify an exemption for a dwelling unit or building section pursuant to this paragraph.

3. Has at least two exterior walls unattached to any adjoining building section; and

4. Is attached to any adjoining building sections exclusively by fire separation walls having a 1 1/2 hour minimum fire resistant rating, in the case of buildings constructed prior to January 1, 1977, or as required by the State Uniform Construction Code, *N.J.A.C. 5:23*, at the time of construction.

§ 5:10-1.5 Interpretation

(a) This chapter shall be liberally interpreted to secure the beneficial purposes thereof.

(b) Any conflict or inconsistency between the requirements of these regulations and applicable local and Federal laws and regulations shall be resolved in favor of the more restrictive requirements.

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CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(c) Whenever any standard or code is referred to in this chapter the most recent edition of such standard or code shall be deemed to be incorporated herein by reference, notwithstanding the fact that such edition may have been published subsequent to enactment of the regulation in which the reference to such standard or code is contained.

§ 5:10-1.6 Maintenance requirements

(a) All buildings and all parts thereof shall be maintained as required by this chapter and by the Uniform Fire Code, *N.J.A.C. 5:70*.

(b) All service equipment, means of egress, devices, and safeguards that are required in a building by the provisions of these regulations, or that were required by the law when the building was erected, altered, or repaired, shall be maintained in good working order.

(c) The owner shall be responsible at all times for the safe maintenance of the building and its facilities as prescribed in this chapter.

(d) A nonprofit corporation owning or controlling buildings of three stories or less in a retirement community, which are excluded from the definition of "multiple dwelling" pursuant to P.L. 1983, c.154, shall maintain all such buildings in compliance with the Uniform Fire Code, *N.J.A.C. 5:70*.

(e) All buildings in compliance with the Uniform Fire Code shall be deemed to be in compliance with the Act insofar as issues of fire safety are concerned.

(f) Where not otherwise indicated, all rules in this chapter that are applicable to hotels shall be applicable to retreat lodging facilities except as follows:

1. *N.J.A.C. 5:10-19.1(a)*1 and 2; and

2. Any regulation that is not substantially related to the protection of the health, safety or welfare of the occupants of the facility or of the public generally.

§ 5:10-1.7 Force and effect of regulations

This chapter shall have the force and effect of law until revised, repealed, or amended by the Commissioner of the Department of Community Affairs and shall be enforced by the Commissioner pursuant to the provisions of *N.J.S.A. 55:13A-1* et seq.

§ 5:10-1.8 Matters covered

(a) The provisions of this chapter shall cover all matters affecting or relating to buildings, as set forth in *N.J.A.C. 5:10-1.4*, and shall extend to all hotels and multiple dwellings and their appurtenant constructions, together with all surface and subsurface construction.

(b) Any matter or requirement essential for the fire or structural safety of a new or existing building or essential for the safety or health of the occupants or users thereof or the public, and which is not covered by

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CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

the provisions of this chapter shall be the subject of determination by the Bureau of Housing Inspection in specific cases.

§ 5:10-1.9 Continuation of lawful existing use

The lawful occupancy and use of any building may be continued unless a change is specifically required by the provisions of this chapter.

§ 5:10-1.10 Bureau inspections

(a) The Bureau of Housing Inspection or an authorized representative in the discharge of their duties shall have authority to enter upon and examine and inspect at all reasonable times any building, enclosure, or premises, or any part thereof or service equipment attached thereto or contained therein for the purpose of determining compliance with the provisions of this chapter. Officers and employees of the Bureau of Housing Inspection in the discharge of their duties, shall identify themselves by exhibiting their authority in writing signed by the Commissioner.

(b) The Bureau of Housing Inspection shall cause inspections to be made periodically of completed buildings. Each multiple dwelling and each hotel shall be inspected once in every five years.

(c) All inspection reports submitted to the Bureau shall be in writing and signed by the inspector making the inspection and a record of all inspections shall be kept by the Bureau of Housing Inspection.

(d) Inspection of private living quarters shall require the consent of the occupant of the premises, except as hereunder described:

1. In case of emergencies where facts known to Bureau of Housing Inspection personnel or statements of persons having personal knowledge thereof indicate that conditions exist on any premises subject to the jurisdiction of the Bureau which are either an immediate threat to the safety or health of persons using or in near proximity to the premises or of such a nature that the delay necessary to secure a warrant would render the inspection of no value in confirming the existence of the suspected violation, an inspection may be demanded and, if possible without the use of force, made to determine whether or not a violation of the law or regulations in fact exists.

2. Where access to any premises where inspection is desired to implement the policy of the Bureau of Housing Inspection and the Department of Community Affairs and such access has been refused, then such refusal shall be reported to the Bureau and a search warrant shall be obtained upon one or more the following grounds:

- i. An inspection is required as part of the procedures authorized by law and implemented by regulations.
- ii. There is evidence of or indication of a violation of the law or this chapter requiring an examination to determine whether the violation in fact exists.
- iii. The inspection is part of an area wide inspection to upgrade properties in a given area.
- iv. The inspection is part of a systematic inspection of buildings falling into a particular class or category composed in order to provide adequate protection to the public health, safety and welfare.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(e) It shall be the duty of every owner or managing agent of a hotel or multiple dwelling, upon receipt of notice from the Bureau that his property is scheduled to be inspected, to notify each occupant, other than a hotel guest having a permanent residence elsewhere, of the time of such scheduled inspection and to request that each such occupant either admit the inspector representing the Bureau to his dwelling unit or authorize the owner or managing agent to do so. Any occupant who has been so notified, has allowed the owner or managing agent to retain a key to his dwelling unit and has not expressed any objection in writing to the inspector's entering his dwelling unit either to the Bureau or its representative or to the owner or managing agent shall be deemed to have consented to the inspection of his dwelling unit by the Bureau. Any occupant consenting to an inspection who is unable to be present or to have a representative present at the time of such inspection shall, upon notice from either the Bureau or the owner, or the representative of either one of them, give a key to the dwelling unit to the owner or managing agent. Such key shall be returned to the occupant within 24 hours after the inspection. It shall be the further duty of the owner and of any managing agent to provide such assistance as may be reasonable and necessary to enable the inspector to gain access to all areas of the property being inspected and, upon request of the Bureau or the inspector, to accompany the inspector during his inspection of the exterior and common areas and of all units the occupants of which are not present at the time of the inspection.

(f) Upon reasonable request of the Bureau, the owner of any hotel or multiple dwelling in which any major structural deficiency constituting a violation of this chapter has been found to exist, and the correction of which would require the issuance of a building permit by the construction official having jurisdiction, shall provide to the Bureau, at the sole cost and expense of such owner, an analysis and report, prepared by a licensed professional engineer or registered architect, which specifies the work necessary to correct such violation and the manner in which it should be accomplished, and certification by a licensed professional engineer or registered architect that such violation has been properly corrected and that any hazard that may have been created by such violation has been eliminated.

(g) If, in the course of inspecting any hotel or multiple dwelling, any inspector performing inspections for the Bureau shall find a condition which is, or appears to be, in violation of the Uniform Fire Code, *N.J.A.C. 5:70*, the inspector shall give prompt notice of that condition to the Bureau, which shall promptly notify the Division of Fire Safety.

(h) The Bureau shall waive the inspection fee for any unit that has been thoroughly inspected within the previous 12-month period under a municipal ordinance requiring inspection upon change of occupancy in accordance with the maintenance standards established herein if the unit has had a municipal certificate of occupancy issued as a result of that inspection.

1. The owner shall provide the Bureau with a copy of each municipal certificate of occupancy issued within 15 days after the date of the start of the inspection required under this chapter.

2. If requested to do so by the Bureau, the owner shall, within 10 business days of the owner's receipt of the Bureau's request therefor, provide the Bureau with a copy of the municipal maintenance code used for the certificate of occupancy inspection. If the owner does not provide a copy of the municipal maintenance code within this period of time, the fee for the unit for which a municipal certificate of occupancy has been issued shall not be waived.

3. Upon a finding that the requirements of the municipal maintenance code are substantially identical to the requirements of this chapter, and that the inspection occurred within the previous 12 months, the owner shall be notified of the reduced fee.

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CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

4. Upon a finding that the requirements of the municipal maintenance code or ordinance are not substantially identical to the requirements of this chapter, the owner shall be so notified, and the fee in the amount originally assessed shall be due and payable.

(i) Upon a finding by the Bureau that a building has been thoroughly inspected prior to resale since the most recent inspection made in accordance with this chapter, that the inspection was conducted by the municipality in accordance with the maintenance standards established in this chapter and that a municipal certificate of occupancy has been issued, the Bureau shall accept that inspection in lieu of a current inspection and shall not conduct another cyclical inspection of the building until five years shall have elapsed since the date of that municipal inspection.

1. The owner shall provide the Bureau with a copy of the municipal certificate of occupancy not less than 90 days prior to the fifth anniversary of the date on which the last cyclical inspection was performed. If the copy of the municipal certificate of occupancy is not submitted, or is submitted later than the date 90 days prior to the fifth anniversary of the date on which the last cyclical inspection was performed, the municipal inspection prior to resale shall not be accepted in lieu of a current inspection.

2. If requested to do so by the Bureau, the owner shall, within 10 business days of the owner's receipt of the Bureau's request therefor, provide the Bureau with a copy of the municipal maintenance code used for the certificate of occupancy inspection. If a copy of the municipal maintenance code is not provided within this period of time, the resale inspection shall not be accepted in lieu of a current inspection.

3. Upon a finding that the requirements of the municipal maintenance code are substantially identical to the requirements of this chapter, the inspection prior to sale shall be accepted in lieu of the current inspection.

(j) In order to facilitate administration of subsections (h) and (i) above, the Bureau shall maintain a current file of municipal ordinances establishing certificate of occupancy and maintenance code requirements applicable to hotels and/or multiple dwellings and shall review all such ordinances and maintain a list of ordinances reviewed, indicating whether each maintenance code is or is not substantially identical in its requirements to the maintenance standards set forth in this chapter. The Bureau shall request those municipalities that have adopted codes substantially identical to the maintenance standards of this chapter to notify the Bureau whenever those codes are amended or are no longer in effect. Copies of this list shall be made available upon request, without charge, to owners of hotels and multiple dwellings and other interested persons.

(k) Upon reasonable request of the Bureau, the owner of any multiple dwelling in which any violation of *N.J.A.C. 5:10-6.6* is found or suspected shall provide to the Bureau, at the sole cost and expense of such owner, a risk assessment prepared by a certified lead evaluation firm pursuant to *N.J.A.C. 5:17* which identifies lead-based paint hazards and specifies corrective action to eliminate or control such hazards. The Bureau may also request, and the owner shall provide, a certification that the multiple dwelling is free of lead-based paint hazards issued pursuant to *N.J.A.C. 5:17*.

§ 5:10-1.11 Certificate of registration

(a) The owner of each hotel, retreat lodging facility or multiple dwelling shall file with the Bureau of Housing Inspection, upon forms provided by the Bureau, a certificate of registration.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

- (b) Each such certificate shall be accompanied by a fee of \$ 10.00.
- (c) Each certificate of registration shall state:
1. The name, address and telephone number of said owner;
  2. Such description of each hotel, retreat lodging facility or multiple dwelling, by street number or otherwise, as will enable the Bureau easily to locate the same;
  3. The name, address and telephone number of the agent appointed by said owner pursuant to (f) below for the purpose of receiving service of process and other orders or notices;
  4. The name, address and telephone number of the person, association or corporation, if any, which manages or operates such hotel, retreat lodging facility or multiple dwelling for or on behalf of said owner;
  5. The name and address of any mortgage holder of record;
  6. Whether or not the property is being registered for the first time and, if not, the date of transfer to the present owner;
  7. Whether the owner is a corporation, partnership, individual(s), or some other entity;
  8. Whether the building is a hotel, a retreat lodging facility or a multiple dwelling;
  9. The construction class;
  10. The number of dwelling units in the building;
  11. The number of stories;
  12. The year, or approximate year, of construction;
    - i. If the building is a multiple dwelling constructed after 1977, a copy of the certificate of occupancy or other proof of the date of construction that is acceptable to the Bureau shall be provided. Submission of proof of the date of construction for a building previously registered by the owner shall be deemed to be an amendment of the certificate of registration, for which no fee shall be charged;
  13. The municipality and county in which the property is located;
  14. The name and address of any person other than the record owner of the property who controls the property pursuant to a net lease or otherwise;
  15. If the record owner is a corporation, the name and address of the registered agent and of each corporate officer;
  16. If the record owner is a partnership, the name and address of each partner who is not exclusively a limited partner;
  17. The name and address of a person who resides or has an office in the county in which the property is located who is authorized to accept notices from tenants and to issue receipts therefor and to accept service of process on behalf of the record owner;
  18. The name and address, including the dwelling unit, apartment or room number, of any person employed by the owner or managing agent to provide regular maintenance service;

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

19. The name, address and telephone number of an individual representative of the owner or managing agent who may be contacted at any time and who has authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;

20. The name and address of the fuel oil supplier, if any, and the grade of fuel oil used; and

21. In the case of a multiple dwelling constructed before 1978, a list of units that have been certified to be free of lead-based paint or to have a lead-free interior, to be a seasonal rental unit rented for less than six months' duration during each year, or to be occupied by the owner of the unit shall be appended. In the case of a unit certified to be free of lead-based paint or to have a lead-free interior, a copy of a certification by a certified evaluation firm shall be attached. Submission of the information and documentation required pursuant to this paragraph for a building previously registered by the owner shall be deemed to be an amendment of the certificate of registration for which no fee shall be charged.

(d) Upon the receipt of said certificate and fee, the Bureau shall forthwith issue to the owner of such hotel, retreat lodging facility or multiple dwelling a validated copy of the certificate of registration, which validated copy of the certificate of registration shall be kept posted by the owner of such hotel, retreat lodging facility or multiple dwelling in a conspicuous location therein.

(e) The certificate of registration shall be in such form as may be prescribed by the Bureau of Housing Inspection.

(f) The owner of each hotel, retreat lodging facility or multiple dwelling shall appoint an agent for the purpose of receiving service of process and such orders or notices as may be issued by the Bureau of Housing Inspection pursuant to the Act. Each such agent so appointed shall be a resident of the county in which the hotel or multiple dwelling is located or shall have an office in the county. If the agent is a corporation, it shall be licensed to do business in this State.

(g) In the case of any transfer of the ownership of any hotel, retreat lodging facility or multiple dwelling, whether by sale, assignment, gift, intestate succession, testate devolution, reorganization, receivership, foreclosure or execution process, it shall be the duty of the new owner thereof to file with the Bureau of Housing Inspection, within 20 days of said transfer, an application for a certificate of registration pursuant to (a) above and to appoint an agent for the service of process pursuant to (f) above. The transferrer shall, within 30 days of such transfer, return to the Bureau of Housing Inspection his validated copy of the certificate of registration, indicating thereon the name and address of the new owner.

(h) In the event that the number of dwelling units in a registered hotel, retreat lodging facility, or multiple dwelling, or any other information required to be set forth in a certificate of registration, is changed, the owner of the said hotel, retreat lodging facility or multiple dwelling shall file an amended certificate of registration within 30 days of such change. No fee shall be charged for the filing of such amended certificate.

(i) Within 30 days of the issuance of a certificate of occupancy for any newly constructed hotel, retreat lodging facility or multiple dwelling subject to the Act, the owner thereof shall file with the commissioner, upon forms provided by the commissioner a certificate of registration pursuant to *N.J.S.A. 55:13A-12*.

(j) A separate application for a certificate of registration shall be filed for each building in a project.

(k) Every application for a certificate of registration shall be signed by at least one individual owner or, in the case of a partnership, corporation or other entity, by a duly authorized representative of the owner, in

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

which case the signer's relationship to the owner shall be stated. The name of the person signing shall be printed or typed beneath the signature in a legible manner.

§ 5:10-1.12 Certificate of inspection

(a) Within 90 days of the most recent inspection of any hotel or multiple dwelling, the owner thereof shall file with the Bureau of Housing Inspection or a local enforcing agency exercising jurisdiction under *N.J.S.A. 55:13A-13a*, upon forms which shall have been provided, an application for a certificate of inspection.

1. Any owner who shall fail to comply with the requirements of this subsection and/or of (c) below shall be subject to a penalty in the amount of 50 percent of the unpaid fee, but not less than \$ 50.00 nor more than \$ 500.00 for each such unpaid fee.

2. Any owner to whom a penalty notice has been issued pursuant to (a)1 above who shall fail to comply with any order to comply the requirements of this subsection and/or of (c) below that is issued either together with or subsequent to the penalty notice shall be subject to a penalty of \$ 500.00 for each failure to comply within 30 days with any such order.

(b) Said application shall state:

1. The name of the owner;

2. Such description of the hotel, retreat lodging facility or multiple dwelling, by street number or otherwise, as will enable the Bureau easily to locate the same.

(c) Said application shall be accompanied by a fee as required by (h) below, except that no fee shall be required for a retreat lodging facility.

(d) Every application for a certificate of inspection shall be signed by at least one individual owner or, in the case of a partnership, corporation or other entity, by a duly authorized representative of the owner, in which case the signer's relationship to the owner shall be stated. The name of the person signing shall be printed or typed beneath the signature in a legible manner.

(e) The following relates to Uniform Fire Code inspections:

1. No certificate of inspection shall be issued for any hotel, retreat lodging facility or multiple dwelling subject to inspection, pursuant to the Uniform Fire Safety Act, by a local enforcing agency or by the Division of Fire Safety, either as a life hazard use or pursuant to a notice given by the local enforcing agency to the Division of Fire Safety, unless and until the Bureau shall have received from the local enforcing agency or from the Division of Fire Safety a certification that the building does not have any outstanding violations of the Uniform Fire Code, *N.J.A.C. 5:70*, or the Bureau's representative has, while at the premises, examined a current certificate of inspection issued pursuant to the Uniform Fire Safety Act.

2. The owner of a building subject to the Act, that is deemed a life hazard use pursuant to *N.J.A.C. 5:70-2.4* through *2.4D*, shall have a copy of the current certificate of inspection issued pursuant to the Uniform Fire Safety Act posted in a conspicuous location on the premises at all times.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

3. No certificate of inspection shall be issued pursuant to *N.J.S.A. 55:13A-13* for any building that is deemed a life hazard use pursuant to *N.J.A.C. 5:70-2.4* through *2.4D*, unless the owner of the building has a current certificate of inspection issued pursuant to the Uniform Fire Safety Act on the premises.

(f) A certificate of occupancy issued by the local construction official for a newly-constructed building, pursuant to *N.J.A.C. 5:23*, shall be equivalent to a certificate of inspection. A certificate of inspection, and the fees therefor, shall not be required until five years after the date of issuance of the certificate of occupancy.

(g) An owner shall have the option, in accordance with the provisions of this subsection, of paying an annual fee in lieu of the inspection fee otherwise payable as a condition of the issuance of a certificate of inspection for the hotel or multiple dwelling.

1. The annual fee shall be in the amount of 20 percent of the current inspection fee chargeable for the hotel or multiple dwelling.

2. The annual fee shall be payable every year for five years on the anniversary date of the last previous inspection; provided, however, that the first annual fee paid for a hotel or multiple dwelling shall be in an amount equal to 20 percent of the current inspection fee times the number of years that shall have elapsed since the last previous inspection, but not more than five years. If, at the time of an inspection, there have been paid fewer than five annual fees, or the equivalent paid in a first annual fee, the balance shall be paid at the rate of 20 percent of the current inspection fee for each unpaid annual fee.

3. The total amount of the annual fees required to be paid for a hotel or multiple dwelling shall in no case exceed the amount of the inspection fee that would be required if the annual fee option had not been chosen. In the event that the amount of the inspection fee chargeable for the hotel or multiple dwelling is increased by rule during the period between inspections, the increase shall not be retroactive to annual fees already paid.

(h) Inspection fees shall be as follows:

1. For each hotel, there shall be a fee as follows: \$ 31.00 per unit for the first 20 units in any building or project, \$ 25.00 per unit for the 21st through 100th unit in any building or project, \$ 16.00 per unit for the 101st through 250th unit in any building or project, and \$ 11.00 per unit for all units over 250 in any building or project. Additionally, there shall be a reinspection fee for hotels in the amount of \$ 21.00 for each dwelling unit reinspected.

2. For each multiple dwelling, there shall be a fee as follows: \$ 67.00 per unit for the first seven units in any building or project, \$ 41.00 per unit for the eighth through 24th unit in any building or project, \$ 35.00 per unit for the 25th through 48th unit in any building or project, and \$ 25.00 per unit for all units over 48 in any building or project; provided that the maximum total fee for inspection of three- and four-unit multiple dwellings owned and occupied by persons having a household income that is less than 80 percent of the median income for households of similar size in the county shall be limited to \$ 129.00 for a three-unit multiple dwelling and \$ 158.00 for a four-unit multiple dwelling. Additionally, there shall be a reinspection fee for multiple dwellings in the amount of \$ 79.00 for each unit reinspected, but only after the first reinspection.

3. The fee for the issuance of a certificate of acceptance for self-inspection by a condominium association of a building that is not more than three stories, was constructed after 1976, is certified as being in compliance with the Uniform Fire Code and in which at least 80 percent of the units are owner-occupied shall be \$ 49.00.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

4. In addition to the fee determined pursuant to (h)2 or 3 above, there shall be an additional inspection fee for multiple dwellings in the amount of \$ 20.00 per unit; provided, however, that this additional fee shall not be charged for units registered with the Bureau as being in any of the following categories:

- i. Constructed after 1977;
- ii. Certified by a certified inspector as being either free of lead-based paint or having a lead-free interior;
- iii. Seasonal rental units rented for less than six months' duration during each year;
- iv. Occupied by the owner of the dwelling unit as his or her residence; or
- v. Housing for the elderly, or a residential property designated exclusively for persons with disabilities; except this exemption shall not apply if a child less than age six resides or is expected to reside in the dwelling unit.

5. In the case of a condominium or horizontal property regime, the additional inspection fee assessed pursuant to (h)4 above shall be paid by the owner of the unit; provided, however, that the association or council of co-owners, as the case may be, shall be deemed to be the agent of the owner for purposes of receiving notices and orders issued by the Bureau, shall have the duty to deliver any such notice or order to the unit owner and shall promptly notify the Bureau of the name and address of any unit owner who is liable for the additional inspection fee. If the association or council of co-owners fails or refuses to provide the name and address of the owner of a unit, it shall be presumed to be the owner of the unit and shall be liable for the additional inspection fee.

§ 5:10-1.13 Unsafe building notice and order

(a) Upon a determination by the Bureau of Housing Inspection or its authorized representatives or a local enforcing agency that violations of the provisions of this chapter exist and that such violations result in an imminent hazard to the safety and welfare of the occupants, an order shall be issued to the owner forbidding occupation of any dwelling units then vacated or to be vacated during the life of the order and/or ordering that the violation be corrected within the period specified in the order.

(b) The notice shall be given to the owner or lessee of the property involved, or to the agents of either of them, and may be contained in an order to declare building unsafe issued stating the reasons for the issuance of the order and the conditions under which occupancy may take place.

(c) When any owner to whom an order has been issued pursuant to (a) above denies that any violation justifying such order exists, such owner may apply for an administrative hearing. Any such hearing shall be held, and a decision rendered, within 48 hours of receipt by the Department of the hearing request.

§ 5:10-1.14 Delegation of powers

(a) The power to issue rules and regulations pursuant to *N.J.S.A. 55:13A-7* and *N.J.S.A. 55:13A-8* shall be exercised by the Commissioner, either directly or through the Deputy Commissioner or an Assistant Commissioner.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(b) The following powers of the Commissioner under the Act shall be exercised by the Director:

1. Issuance of subpoenas, pursuant to *N.J.S.A. 55:13A-6(d)*;
2. Application ex parte for Superior Court orders, pursuant to *N.J.S.A. 55:13A-6(d)*;
3. Adoption, rejection and modification of hearing decisions, pursuant to *N.J.S.A. 55:13A-18*; and
4. Granting of stays or rulings, actions, orders and notices, pursuant to *N.J.S.A. 55:13A-18*.

(c) All other powers of the Commissioner under the Act shall be exercised by the Chief of the Bureau either directly or through such employees and agents as he may designate.

§ 5:10-1.15 Applications for exceptions

(a) Any application for an exception pursuant to *N.J.S.A. 55:13A-11* must be filed with the Bureau or the local enforcing agency within 30 days of the receipt by the applicant of the ruling, action, order or notice requiring compliance with the regulation from which an exception is sought.

(b) An application for an exception shall be filed in triplicate upon forms provided.

(c) The time period set forth in (a) above may be extended by the Bureau upon a showing of good cause.

§ 5:10-1.16 Separability clause

If any provisions of this chapter shall be held invalid or ineffective in whole or in part, or inapplicable to any person or situation, it is the purpose and intent of this chapter that all other provisions thereof shall nevertheless be separately and fully effective, and that the application of any such provision to other persons or situations shall not be affected.

§ 5:10-1.17 Violation penalties

(a) For purposes of this section, a "life hazard violation" shall be any violation of this chapter, or of any violation of the Uniform Fire Code, *N.J.A.C. 5:70*, that is incorporated into this chapter by reference, that presents a hazard to the life safety of occupants of the building or of the public generally.

(b) Except as otherwise provided in (f) and (g) below, penalties shall be assessed for each area in which one or more violations are found. Violation areas shall be:

1. Each dwelling unit;
2. Interior common areas; and
3. Building exterior.

(c) Absent any mitigating or aggravating circumstances, the initial penalty for each violation area shall be as follows:

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

1. In a dwelling unit for which a life hazard violation is cited: \$ 325.00;
2. In an interior common area or building exterior for which a life hazard violation is cited: \$ 500.00; and
3. In any area for which none of the violations cited is a life hazard violation: \$ 175.00.

(d) Absent any mitigating or aggravating circumstances, the first continuing violation penalty shall be as follows:

1. For each violation area in which a life hazard violation is cited: \$ 1,500; and
2. For each violation area in which no life hazard violation is cited: \$ 1,000.

(e) Absent any mitigating or aggravating circumstances, the second continuing violation penalty shall be as follows:

1. For each violation area in which a life hazard violation is cited: \$ 2,500; and
2. For each violation area in which no life hazard violation is cited: \$ 1,000.

(f) Absent any mitigating circumstances, the third, and any subsequent, continuing violation penalty shall be in the amount of \$ 5,000 per violation.

(g) The owner of any building subject to an unsafe building notice and order issued pursuant to *N.J.A.C. 5:10-1.13* who shall fail to comply with such notice and order after issuance of the first continuing violation penalty shall be subject to a continuing violation penalty of \$ 5,000 per day per violation until all life hazard violations are abated.

§ 5:10-1.18 through 5:10-1.29 (Reserved)

§ 5:10-1.30 (Reserved)

§ 5:10-1.31 (Reserved)

§ 5:10-1.32 (Reserved)

§ 5:10-1.33 through 5:10-1.34 (Reserved)

§ 5:10-1A.1 Local enforcing agencies; establishment and organization

(a) A municipality which elects to establish a local enforcing agency shall do so by ordinance in conformity with the following requirements:

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

1. A housing code official shall serve as the chief administrator of the local enforcing agency and shall establish the day to day operating procedures of the agency and shall be responsible for the activities of the inspectors and trainees. He or she shall be qualified and licensed as a housing code official in accordance with these rules.

2. Inspectors, sufficient in number to perform the inspections required, shall be appointed. All inspectors shall be qualified and licensed as inspectors in accordance with these rules.

3. The appointing authority may appoint persons to the position of trainee. All persons so appointed shall be qualified and licensed as trainees in accordance with these rules.

4. In the event the local enforcing agency shall consist of only one position, that position shall be filled by someone qualified and licensed as a housing code official.

§ 5:10-1A.2 County enforcement; establishment and organization

A county local enforcing agency shall only be created by an ordinance or resolution of the Board of Chosen Freeholders and shall be organized in the same manner as a municipal agency.

§ 5:10-1A.3 Joint local enforcing agencies; establishment and organization

(a) Two or more municipalities, or at least one municipality and a county, may by ordinance of all, or by resolution in the case of a county not authorized by law to adopt ordinances, join to administer and enforce the Act and the rules. The joint local enforcing agency shall be organized in the same manner as municipal local enforcing agencies are organized.

(b) The procedures for the execution of any agreement to create a joint local enforcing agency shall be so set forth in the Interlocal Services Act, *N.J.S.A. 40:8A-1 et seq.*

§ 5:10-1A.4 Local enforcing agencies; administration

(a) The local enforcing agency shall:

1. Identify all hotels and multiple dwellings within its jurisdiction;
2. Maintain a registry thereof;
3. Provide a copy of the registry to the Bureau; and
4. Promptly notify the Bureau of all changes.

(b) The local enforcing agency shall ensure that a comprehensive inspection is made of each multiple dwelling within its jurisdiction at least once in every five years and that a comprehensive inspection is made of each hotel within its jurisdiction at least once in every five years.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(c) The local enforcing agency shall cause an inspection report to be made that shows the results of the inspection. The report shall be prepared on forms prescribed by the Bureau, a copy of which shall be maintained by the local enforcing agency at least until the next inspection cycle.

(d) The local enforcing agency shall be responsible for the issuance of the written notice of violations as required by *N.J.S.A. 55:13A-13, 55:13A-16 and 55:13A-17*. Copies of all such notices issued shall be maintained by the enforcing agency for at least until the next inspection cycle.

§ 5:10-1A.5 Departmental monitoring

(a) The Bureau of Housing Inspection shall institute a regular program of monitoring enforcing agencies to ensure that the Act and rules are being properly enforced. This monitoring program shall provide for random field visits as well as monitoring visits in response to complaints.

(b) When making a monitoring visit, the Bureau shall determine:

1. Whether the Housing Code Official and any inspectors or trainees are licensed in accordance with these rules;
2. Whether all required inspections and re-inspections are being made when required by the Act;
3. Whether inspection reports, notices of violations and penalty notices are being properly issued and maintained;
4. Whether the enforcing agency has sufficient staff; and
5. Whether the local enforcing agency or any of its employees are in violation of any requirement of the Act or these rules.

(c) If the Bureau determines that an enforcing agency has failed to properly enforce the Act or these rules, or is in violation of the rules, it shall notify the enforcing agency of the deficiencies and of the necessary corrective action.

(d) The enforcing agency shall have 15 days from the receipt of a notice to file written comments or objections with the Bureau who shall review the comments and objections and issue a final notice.

(e) When the enforcing agency fails to take corrective action or where a failure to enforce the Act and the rules is pervasive and substantial, the Bureau shall notify the enforcing agency of this finding and shall thereafter be responsible for enforcing the Act and rules.

(f) Where the Bureau has assumed responsibility pursuant to (e) above, the enforcing agency may petition the Commissioner for the return of jurisdiction. The petition shall indicate the corrective action taken or to be undertaken to ensure proper enforcement of the Act and rules. The Commissioner may return jurisdiction if he or she finds that the Act and rules will be properly enforced.

(g) In any case in which it may find it necessary to do so, the Bureau of Housing Inspection may supplant or replace a local enforcing agency for a specific project, without appeal.

§ 5:10-1A.6 Appointment

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(a) A housing code official or inspector in a non-civil service municipality shall not be subject to removal from the position for reasons having to do with technical, administrative or enforcement issues related to enforcement of the Hotel and Multiple Dwelling Law so long as he or she continues to hold licensure as a housing code official or inspector, as the case may be.

(b) The Department shall have the right to suspend or revoke the license of a housing code official or inspector or trainee who violates any provision of the Hotel and Multiple Dwelling Act or of these rules, or is grossly negligent in the performance of his or her duties, or fails to maintain a minimally acceptable level of competence.

(c) Municipal officials may determine salary, assign office space, require reports of activities and generally fix terms and conditions of employment. They may impose discipline for failure to maintain office hours, failure to maintain records, failure to serve the public courteously, or for dishonesty, intoxication or other forms of misbehavior not related to housing code enforcement.

§ 5:10-1B.1 Authority; hearings

(a) A candidate for a license issued pursuant to this subchapter shall submit an application to the Licensing Unit, Bureau of Code Services, Division of Codes and Standards, which shall review and process the application in accordance with applicable provisions of *N.J.A.C. 5:23-5.5(b)*.

(b) Licensing responsibility within the Division of Codes and Standards shall be as follows:

1. The Bureau of Code Services shall issue such licenses as may be called for herein when warranted, shall affix the seal of the Commissioner thereon, shall keep accurate records of all applications for a license and official action thereon, and shall make such records available for inspection by the public at all reasonable times.

2. The Bureau of Housing Inspection shall suspend or revoke licenses provided for herein upon the establishment of cause as set forth in this chapter.

(c) The following concern hearings:

1. Any person aggrieved by any notice, action, ruling or order of the Bureau of Code Services or the Bureau of Housing Inspection, with respect to this subchapter, shall have a right to a hearing before the Office of Administrative Law, in accordance with the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq. and *52:14F-1* et seq. and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*. The final decision in any such case shall be issued by the Commissioner.

2. The aggrieved person must request a hearing. The request must be made within 15 days after receipt of the action or ruling being contested. The request shall be mailed to the Hearing Coordinator, Division of Codes and Standards, Department of Community Affairs, PO Box 802, Trenton, New Jersey 08625-0802. The request for hearing shall raise all issues that will be set forth at the hearing.

§ 5:10-1B.2. Types of licenses

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(a) Any agency created for the purpose of conducting inspections of hotels and multiple dwellings for the purpose of enforcing the Hotel and Multiple Dwelling Law, P.L. 1967, c.76 (*N.J.S.A. 55:13A-1 et seq.*) must be staffed with individuals who possess the appropriate license(s) issued by the State of New Jersey, Department of Community Affairs. This requirement shall be equally applicable to the Bureau of Housing Inspection and to local enforcing agencies.

1. An enforcing agency that is staffed by a licensed inspector of Hotels and Multiple Dwellings and housing code official may perform all of the functions that are allowed under this chapter, including collecting of fees, conducting inspections, reinspections, assessing penalties, penalty enforcement actions, and other actions provided for under the Act and this chapter.

(b) License types and qualifications are as follows:

1. Inspector of hotels and multiple dwellings, trainee: Persons may apply for licensure, and shall be licensed under this category subject to the compliance with the following requirements:

i. At least one year of full-time experience in the construction industry, in a skilled craft, such as carpenter, electrician, plumber, architectural or engineering draftsman, housing inspector, fire inspector, or building inspector;

ii. An applicant who possesses an associates degree in engineering, code enforcement, or other related field, shall be exempt from the experience requirement; and

iii. A trainee must complete requirements for licensure as an inspector of hotels and multiple dwellings within two years after application for trainee status.

2. Inspector of hotels and multiple dwellings: Persons may apply for licensure, and shall be licensed under this category, subject to compliance with the following requirements:

i. At least three years of full-time experience in a skilled craft or profession in the construction industry, such as carpenter, electrician, plumber, architectural or engineering draftsman, housing inspector, fire inspector, or building inspector; or two years as an inspector trainee;

ii. Successful completion of an approved 60-hour course for inspector of multiple dwellings, referenced under (c) below;

iii. Successful completion of a State uniform test module for licensure as inspector of hotels and multiple dwellings; and

iv. Any candidate who possesses an associate's or bachelor's degree in engineering, code enforcement, or other related discipline is exempt from the course requirement and can substitute education for experience on a year for year basis.

3. Housing code official: Persons holding inspector of hotel and multiple dwellings licensure may apply for licensure, and shall be licensed under this category, subject to compliance with the following requirements:

i. At least four years of full-time experience in a skilled craft or profession in the construction industry, such as engineering or architectural draftsman or inspection work or working as a fire inspector, carpenter, plumber, electrician, or in some other construction trade; or four years of technical experience in housing management or housing code enforcement or one year as a licensed inspector of multiple dwellings.

ii. Successful completion of an approved 60-hour course for housing code official; and

iii. Individuals who possess an associate's or bachelor's degree in engineering, code enforcement or other related discipline may apply for the same exemptions as provided for inspector of multiple dwellings.

4. Special provisions:

i. A person possessing any license issued pursuant to the State Uniform Construction Code Act, *N.J.S.A. 52:27D-119 et seq.*, or a license as a health officer or as a registered environmental health specialist issued by the Department of Health and Senior Services, or holding permanent classified civil service status as an

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

inspector of multiple dwellings, or a title that the Department determines to be equivalent after review of information submitted by the applicant, as of July 1, 2002 shall be eligible to be licensed as an inspector of hotels and multiple dwellings without regard to the requirement of (b)2 above; provided, however, that any such licensee shall be subject to the requirements of *N.J.A.C. 5:10-1B.6(d)* (license revocation) and (e) (continuing education) and 1B.7 (revocation of licensure and alternative sanctions).

ii. Any person possessing a license as a construction or subcode official issued pursuant to the State Uniform Construction Code Act or a license as a health officer or as a registered environmental health specialist issued by the Department of Health and Senior Services, or holding permanent civil service status as administrator of an agency performing inspections of multiple dwellings as of July 1, 2002 shall be eligible to be licensed as a housing code official and inspector of hotels and multiple dwellings without regard to the requirements of (b)3 above; provided, however, that any such licensee shall be subject to the requirements of *N.J.A.C. 5:10-1B.6(d)* (license revocation) and (e) (continuing education) and 1B.7 (revocation of licensure and alternative sanctions).

iii. Any person possessing a certification issued pursuant to the State Uniform Fire Safety Act, *N.J.S.A. 52:27D-192* et seq., may perform fire inspections in order to enforce all provisions of the Uniform Fire Safety Act and the Uniform Fire Code, *N.J.A.C. 5:70*, applicable to hotels and multiple dwellings, in accordance with *N.J.A.C. 5:10-1.3(d)*, without being licensed under this chapter.

(c) Educational requirements are as follows:

1. Inspector of hotels and multiple dwellings:

i. Understanding and interpreting the provisions of the hotel and multiple dwelling regulations, and other pertinent housing maintenance codes.

(1) Housing:

(A) Administration;

(B) Internal and external maintenance standards;

(C) Occupancy standards;

(D) Utilities and facilities;

(E) Duties and rights of owners and tenants; and

(F) Postings, receivership and legal provisions;

(2) Building:

(A) Light, ventilation and habitable spaces;

(B) Basic structural; and

(C) Fire protection;

(3) Zoning:

(A) Permitted uses;

(B) Definitions;

(C) Restrictions; and

(D) Variances;

(4) Electrical:

(A) Minimum service and appliance; and

(B) Basic circuits;

(5) Plumbing:

(A) Sanitary waste disposal;

(B) Water supply;

(C) Venting; and

(D) Required facilities;

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

- (6) Fire prevention:
  - (A) Permits requirements;
  - (B) Maintenance of fire protection equipment; and
  - (C) Required fire protection installations;
- (7) Health and sanitary codes; and
- (8) Local codes provisions.
- ii. Components of buildings used for residential or commercial purposes including structural, electrical, fire safety and heating and plumbing elements.
  - (1) Listing of basic components;
  - (2) Location of basic components; and
  - (3) Identification and nomenclature;
- iii. Housing inspection tools and equipment and how to use same correctly.
  - (1) Types; and
  - (2) Care and use of each;
- iv. Basic features of residential and commercial blueprints.
  - (1) Plan views;
  - (2) Elevation views;
  - (3) Section views;
  - (4) Schedules;
  - (5) Special blow-ups;
  - (6) Scales and dimensions; and
  - (7) Architectural symbols;
- v. How to read zoning maps and locate properties on same.
  - (1) Methods of depicting zoning districts;
  - (2) Zoning map explanatory provisions in zoning ordinance; and
  - (3) Effect of contiguous zoning districts on each other;
- vi. Purposes of related codes and the application of their provisions to the building or housing code requirements.
  - (1) Enumeration and explanation of purpose related codes;
  - (2) Areas of overlap;
  - (3) How they complement the building code; and
  - (4) Recognition and location of above;
- vii. Making thorough and complete inspections for violations of the housing code and accurately report existing violations.
  - (1) Systematizing inspections;
  - (2) How and when to inspect;
  - (3) Proper recordkeeping; and
  - (4) Reinspections;
- viii. Recognize conditions that will impair or prevent compliance that should be reported to supervisor.
  - (1) Discussion of common conditions; and
  - (2) Factors contributing to the problems;
- ix. Factors that constitute serious threats to safety or health, whether or not these factors make a structure unfit for human habitation, occupancy or use.
  - (1) Lack of essential facilities or utilities;
  - (2) Infestation;

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

- (3) Structural instability; and
- (4) Recognition and location of above;
- x. Accurately identify all violations requiring immediate action or referral.
  - (1) List of violations that pose immediate hazards; and
  - (2) Methods of locating and identifying same;
- xi. Powers and processes utilized to deal with hazardous conditions and emergency situations.
  - (1) Authority granted by codes;
  - (2) Ordering emergency work;
  - (3) Bids and quotations; and
  - (4) Documentation and notification;
- xii. Relocation resources available to occupants of buildings and dwellings that must be vacated.
  - (1) Local relocation offices;
  - (2) Vacancy lists;
  - (3) Contacts with real estate brokers and landlords;
  - (4) Personal surveys; and
  - (5) Social agencies-Red Cross, Salvation Army, etc.;
- xiii. Diverse characteristics of the public served and their relation to the work of the housing inspector.
  - (1) Economic positions;
  - (2) Social backgrounds;
  - (3) Cultural backgrounds;
  - (4) By age and by sex; and
  - (5) Health and disability status;
- xiv. Fundamentals of clear communications:
  - (1) Report writing, technical and narrative; and
  - (2) Verbal communication skills;
- xv. Proper inspection procedures and complete inspections:
  - (1) Scheduling of workload;
  - (2) Systematizing inspections;
  - (3) Recording of violations, accurately and clearly;
  - (4) Maintaining records;
  - (5) Proper form utilization; and
  - (6) Thorough documentation;
- xvi. Proper methods of preparing case records for hearing or court action:
  - (1) Accurate and precise inspections;
  - (2) Recordation of all pertinent facts and data;
  - (3) Pertinent evidentiary research;
  - (4) Thorough documentation; and
  - (5) Notification to owners and tenants/users;
- xvii. Purpose and fundamentals of hearing process, postings and court action as methods of code enforcement:
  - (1) Hearings;
  - (2) Posting premises; and
  - (3) Basic legal requirements;
- xviii. How to testify at hearings and in court:
  - (1) Documentations that should be available;

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

- (2) How to be a good witness; and
  - (3) "Do's" and "don'ts" of testifying;
  - xix. Legal rights of owners and tenants;
  - xx. When a search warrant is required and how it is obtained:
    - (1) Specific instances requiring warrants;
    - (2) Applications to be presented; and
    - (3) Manner of issuance;
  - xxi. Duties and legal responsibilities of a good inspector:
    - (1) Enforcement of applicable codes;
    - (2) State laws and responsibilities therefor; and
    - (3) Responsibilities enumerated in codes;
  - xxii. Technical mathematics, Standard course, calculations and formula used in zoning and housing code work.
2. Housing code official: The listed subjects are additional prerequisites for licensure as a housing code official and reflect a higher level of learning that is commensurate with the additional duties and responsibilities of a code official level.
- i. Effective means of obtaining and maintaining liaison between the housing and building inspection agencies and other related agencies, that is, utilizing staff meetings, consultations, sharing information and joint field activities;
  - ii. Resources to utilize and to develop proper interpretations of technical provision of housing codes;
  - iii. Analyzing and interpreting the housing code and other code ordinances that apply to buildings;
  - iv. Building construction materials, methods and techniques:
    - (1) Various construction materials and their uses;
    - (2) Structural considerations in the use of various materials; and
    - (3) Construction methods and specifications;
  - v. Plan examination for compliance with all codes enforced by the agency:
    - (1) Systematic approach;
    - (2) Documents that are required;
    - (3) Areas of concern;
    - (4) Use of checklists; and
    - (5) Corrections and revisions;
  - vi. Effective cooperation and interaction with municipal officials, agencies, residents and owners and others in carrying out code official duties:
    - (1) Effective communication and dialogue;
    - (2) Explanation of and justification of requirements and orders;
    - (3) Questions and problems most often encountered; and
    - (4) Effective listening;
  - vii. Basic principles of supervision and management;
  - viii. Proper maintenance of records and files;
  - ix. Writing effective and clear reports and correspondence necessary in carrying out responsibility;
  - x. Office supervision over procedures that are involved in the processing of housing inspections and complaints;
  - xi. Steps involved in the administration of housing code program:
    - (1) Personnel required;
    - (2) Record requirements and needs;

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

- (3) Budgeting;
  - (4) Adoption code;
  - (5) Inspection and enforcement;
  - (6) Changes and amendments;
  - (7) Enforcement procedures and penalty actions; and
  - (8) Case readiness for legal action;
  - xii. Supervision of complex cases on inspections and case preparation for legal action;
  - xiii. Effective methods of data processing;
  - xiv. How to plan all phases of inspection's agencies work:
    - (1) Records;
    - (2) Adequate reporting;
    - (3) Model inspection practices; and
    - (4) Staff size and equipment;
  - xv. How to participate in management level policy and planning:
    - (1) Agenda preparation;
    - (2) Listing questions and problems;
    - (3) Areas of concern; and
    - (4) Factors in evaluation of ideas and options;
  - xvi. Personnel procedures and rules of the State and local government:
    - (1) Hiring, recruiting and placements;
    - (2) Needs assessments, and organization development; and
    - (3) State and Federal laws governing employment practices;
  - xvii. Administrative practices, procedures and techniques;
  - xviii. Evaluation methods and techniques of management.
    - (1) Obtaining and analyzing information; and
    - (2) Problem analysis;
  - xix. Factors involved in the preparation of agency budget:
    - (1) Estimation of work load, supplies and equipment needs;
    - (2) Estimation of funds required for emergency services training, conferences, etc.; and
    - (3) Budget justification;
  - xx. Legal aspects of the housing inspection agencies, including legal processes and rules of evidence.
- Legal responsibilities of inspection personnel. Methods of court appeals and legal basis required:
- (1) Sources of pertinent laws;
  - (2) Legal rights, restrictions and limitations; and
  - (3) Rules of evidence.

§ 5:10-1B.3. Standards for educational programs

(a) To carry out their responsibilities, housing inspectors must be fully knowledgeable about code standards and adequately prepared to administer and enforce them properly. Housing inspection education programs must meet certain standards to ensure housing inspectors have the necessary technical and administrative training to effectively enforce the Act at the local level. This section sets forth explicit guidelines and

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

standards for official education programs. Procedures governing the approval of such educational programs are set forth in *N.J.A.C. 5:10-1B.4*

(b) This section covers the organizational, administrative, and operational functions that support the education programs.

1. Purposes and objectives: Programs for the effective education are expected to operate with appropriate purposes and objectives. An institution seeking initial and continuing approval of education programs shall include in its catalog clearly defined statements of such purposes and objectives.

2. Organization: Sound educational programs can be operated effectively only when supported by adequate institutional arrangements. Accordingly, only programs offered by or under the auspices of institutions of secondary or higher education, licensed by the New Jersey Department of Education or the Commission on Higher Education, can be considered for approval.

3. Admission, retention and evaluation policies and practices:

i. Admission to education programs: Provision shall be made within the institution for orderly methods of obtaining and filing information relative to candidates applying for admission to education programs.

ii. Grading: An institution shall have evaluation procedures to assess the quality of its students when they complete programs and at the very least establish and apply pass/fail criteria.

iii. Retention: The nature of housing inspection calls for achievement and growth in technical competence. An institution shall determine as objectively and systematically as possible specific strengths and weaknesses of the student as these affect the continuation of the student in education programs.

iv. Evaluation: The institution shall design and implement a well-defined plan for continuing evaluation of students enrolled in the programs and measures of academic ability.

v. Observation by faculty (in courses, laboratories and field experiences) and other modes of appraisal shall be utilized to assess specific strengths and weaknesses as they affect the student's retention within the education programs and readiness to assume a professional role in housing inspection.

4. Student personnel:

i. Supporting student services: Each student shall know where to secure guidance and who is officially responsible for his or her program. Attention must be given to a plan for maintaining desirable student-faculty relationships.

ii. Student records: It is the responsibility of the institution to maintain an adequate system of student personnel accounting, including a permanent cumulative record of each student enrolled. To facilitate ready interpretation by licensing authorities, the graduate is entitled to an intelligible and adequate transcript of record, including a statement of course titles.

5. Faculty: Faculty members shall be competent in their fields and have contacts with code enforcement environments and other sources so that their teaching and research may be current and relevant.

i. Faculty competence: The quality of the faculty is one of the more important factors in judging the effectiveness of an institution. Appraisal of the faculty shall be made in terms of its competence to provide the program for which approval is being sought. Each faculty member, in subject matter and in professional fields, shall have a high degree of competency in his or her area. The faculty consists of those instructors who teach in the curriculums and all personnel who direct students in all types of activities included as part of the curriculum. Those who teach courses shall be familiar with practices in the housing inspection and/or building construction technology generally.

ii. Part-time faculty: The institution, recognizing that an appropriate faculty is one of the major determinants of the quality of its education programs, shall make provision for the use of part-time or adjunct faculty.

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

iii. No individual who has ever had a license relating to building or inspection suspended for a period of six months or more or has ever had a license revoked for any reason set forth in *N.J.A.C. 5:10-1B.7(a)* shall be eligible to instruct housing inspection programs.

iv. Instruction: The institution shall evaluate instruction systematically based on the performance of its students within the institution. Consideration shall be given to such items as the performance of the students in class tests, the quality of their subsequent work, and the degree to which the institution as a whole attains its goals in the preparation of housing inspection personnel. The institution shall show that it utilizes a variety of appropriate instructional procedures which contribute to the effectiveness of the student's preparation, such as class discussions, lectures, laboratory work, and newer media.

6. Facilities and instructional materials: The institution shall provide physical facilities, instructional materials and other resources essential for conducting education programs.

i. Building and grounds: An institution shall have a physical plant designed to serve effectually its defined purposes for education.

ii. Library: The library, as the principal materials resource center of the institution, shall be adequate for the instructional research and other services pertinent to the housing inspection education programs.

iii. Laboratories: Each institution shall be provided with laboratory equipment sufficient for instructional purposes for each program offered.

(c) All courses for credit toward a housing inspection official license shall be designed to meet the following general standards:

1. Standard I, Institutional responsibility: Each institution shall be responsible for developing its housing inspection courses within the general policies relating to education and licensure of housing inspection officials in the State.

2. Standard II, Statement of objectives: Each course shall be built upon a clear-cut statement of its purpose and objectives. These statements shall be prepared by the instructors concerned, shall be based on analysis of current practices and recommendations of the professional organizations representing this field, and shall be available in writing.

3. Standard III, Statement of competencies: Each course shall be built on a clearly formulated statement of the competencies needed in the area.

4. Standard IV, Evaluation and recommendation of the student: Each course shall include provision for a systematic program of evaluation procedures to determine the degree of the student's attainment of competency. These evaluation procedures shall serve as the basis for recommending the student for credit toward the appropriate license.

5. Standard V, Supporting facilities and schedule: Each course shall be supported by plant, facilities, equipment, library, and media resources and shall include opportunities for field or laboratory experiences. Meeting time adequate to implement a scheduled course, including appropriate field and laboratory experiences, shall be provided.

6. Standard VI, Staff: Each course shall be staffed by instructors well-qualified by training and experience in the subject matter of the particular course area.

§ 5:10-1B.4 Procedure for approving educational programs

(a) Any licensed institution of secondary or higher education may submit any credit or non-credit course for approval as a component of the educational programs required by *N.J.A.C. 5:10-1B.3*. The application

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

shall be in letter form, be submitted at least 60 days prior to the first class session of the course and contain all the information specified herein.

(b) Each application shall be submitted in the name of the institution by a person authorized to do so. It shall contain the minimum information:

1. The name of the course or program;
2. A description of the length of each session, the frequency of the sessions and the total number of sessions;
3. An outline showing the course or program content broken down by session;
4. A description of any text or materials to be used. The description shall identify whether the text or materials will be mandatory or suggested;
5. A description of the institution's standard for faculty members who will be employed to instruct the course or program;
6. An estimate of the program's duration (that is, the number of times it will be offered);
7. A statement that the institution will notify the Department if the program is withdrawn or changed at any time;
8. A statement that the institution will conduct the course or program in accordance with *N.J.A.C. 5:10-1B.3* and will maintain such records as are therein required; and
9. A statement of such charges as the institution has established for the course or program.

(c) The Department reserves the right to undertake such reviews as may be necessary to verify the accuracy of an application or conformity with these rules. The institution, by submitting an application, expressly agrees to cooperate in such reviews.

(d) An institution may conduct a program which satisfies only a portion of the requirements established in *N.J.A.C. 5:10-1B.3* or may establish a series of courses designed to fulfill all the requirements for the educational program of that article.

(e) Upon verification that the program or course will satisfy some or all of the educational program requirements, the Department shall:

1. Issue a letter of approval to the institution which letter shall contain any terms or conditions of such approval; and
2. Place the name of the institution and the course on the Department's list of approved courses. That list shall be made available to the public.

i. Any approval shall be limited in that it is effective only as long as the course conforms to the application submitted and approved.

(f) Whenever a course or program has been approved by the Department, the institution offering the course may include the following statement: "This course is approved for credit toward a license issued by the Department of Community Affairs pursuant to the Hotel and Multiple Dwelling Law" in any catalog, bulle-

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

tin or informational circulars. Whenever such a statement is included, however, the catalog, bulletin or circular shall also contain a statement describing precisely the nature and extent of the approval.

(g) The Department may revoke its approval, after notice and the opportunity to be heard, whenever it ascertains that a course has lapsed or is no longer in conformity with the requirements of these rules, and/or the terms of the Department's approval. Whenever approval has been revoked or a course has been withdrawn by an institution, a new application and approval shall be required before the course may again be offered as providing credit toward a license.

(h) An applicant for licensure as a housing code official or inspector of hotels and multiple dwellings who seeks to obtain credit for a course that he or she has taken that was not previously approved by the Department shall submit to the Department a copy of the course curriculum and such other information as the Department may require in order to determine if the course satisfies the applicable requirements set forth in *N.J.A.C. 5:10-1B.3*.

§ 5:10-1B.5 Duties

(a) A Housing Code Official performs the following duties as the first line supervisor in a local enforcement agency responsible for the administration and enforcement of the Act and rules:

1. Plans all phases of the inspection agency's work and assigns the work to Inspectors of Multiple Dwellings and other appropriate support staff, including trainees;
2. Develops and administers the housing code administrative program in the public interest in accordance with the provisions set forth in the Act and the rules;
3. Plans, develops and coordinates agency's programs with all related intra-governmental and inter-governmental programs;
4. Is responsible for the development and implementation of a continuing public information program concerning code administration purposes, programs and issues;
5. Represents the agency in all governmental activities related to the administration of the program;
6. Initiates investigations and brings to appropriate conclusions;
7. Performs the daily required tasks to ensure that there is proper administration of the program;
8. Ensures the proper maintenance of required files and records;
9. Resolves the day-to-day operational problems;
10. Maintains close liaison with the appropriate bureau unit within the Department of Community Affairs;
11. Ensures that timely and complete inspections and reinspections are performed;
12. Prepares necessary reports and correspondence as required;
13. Prepares budget and staffing requests;
14. Ensures that files are appropriately prepared for court action, and interacts with the legal staff;

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

15. Testifies in court when necessary; and
16. Performs any other related duties required for the efficient administration of the program.

(b) An Inspector of Hotels and Multiple Dwellings performs the following duties in a local agency responsible for the administration and enforcement of the Act and rules under the supervision of a Housing Code Official:

1. In accordance with the standards, procedures and guidelines, performs inspections and reinspections of hotels and multiple dwellings, as defined under the Act;
2. Serves subpoenas and other legal process notices;
3. Testifies in court as necessary;
4. Makes surveys of tax assessor's records and performs door-to-door canvassing to discover the existence of unregistered buildings under jurisdiction of the Act;
5. Prepares necessary reports upon which notices of violations and orders to abate are prepared;
6. Conducts investigations as required;
7. Supervises the on the job training of a trainee;
8. Assists other relevant agencies in interpreting and applying the rules and Act;
9. Prepares clear, concise and comprehensive reports containing the findings, conclusions and recommendations;
10. Prepares necessary reports upon which notices of violations and orders to abate are prepared;
11. Provides information to tenants and landlords and others concerning proper housing maintenance and other technical information; and
12. Performs other related duties as required.

(c) An Inspector of Hotels and Multiple Dwellings, Trainee performs the very basic inspection of hotels and multiple dwellings under the direct supervision of a licensed inspector of hotels and multiple dwellings or housing code official. An Inspector of Hotels and Multiple Dwellings, Trainee:

1. Prepares clear and concise reports including findings, conclusions and recommendations;
2. Accompanies a licensed inspector on inspections to experience the diverse activities of an inspector; and
3. Performs other related duties as required.

§ 5:10-1B.6. Renewal of license

(a) Every three years, any license already issued shall be renewed upon submission of an application, payment of the required fee, as defined in *N.J.A.C. 5:10-1B.8*, and verification by the Bureau that the applicant has met such continuing educational requirements under (e) below. The Bureau shall renew the li-

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

cense previously issued for a term of three years. The renewal period shall begin 60 days prior to the expiration dates, which shall be July 31 or January 31.

(b) The Bureau shall issue, upon application, a duplicate license of the appropriate type and specialty upon a finding that the license has been issued and the applicant is entitled to such license to replace the one which has been lost, destroyed or mutilated. Payment of a fee of 50 percent of the application fee shall be required.

(c) Where the holder of a license has allowed it to lapse by failing to renew the license, as provided in (a) above, within three years of the license having lapsed, then the application may be made in the same manner as a regular renewal, but the application shall be accompanied by the appropriate renewal fee and an additional late fee determined in accordance with *N.J.A.C. 5:10-1B.8(b)*. Additionally, the licensee must make up or meet the appropriate continuing education requirement for each active and expired year, as specified in (e) below.

1. Where the license has lapsed for a period exceeding three years or has been revoked, a new application shall be required, in accordance with *N.J.A.C. 5:10-1B.2*, and the applicant shall meet all current licensure requirements. In any such case, the provisions of *N.J.A.C. 5:10-1B.2(b)4i* and *ii* shall not apply.

(d) After revocation of a license upon any of the grounds set forth in these rules, the Bureau may not renew or reinstate such license; however, a person may file a new application for a license with the Bureau. When it can be shown that all loss caused by the act or omission for which the license was revoked has been fully satisfied, that the applicant has been legally rehabilitated and that all conditions imposed by the decision of revocation have been complied with, the Bureau may issue a new license. No new license shall be issued if the cause for revocation was conviction of a crime of any degree which crime was in connection with Code enforcement.

(e) Continuing education requirements for each three-year license cycle are as follows:

1. The following continuing education requirements are based upon the type(s) of license(s) held, and not upon employment positions held. Continuing education units (CEUs) shall be subject to approval by the Department. One CEU equals 10 contact hours of instruction. CEUs will be awarded both for technical and for administrative licenses.

i. Inspector of Hotels and Multiple Dwellings: 1.5 technical CEUs.

ii. Inspector of Hotels and Multiple Dwellings and Housing Code Official: 1.0 administrative CEU and 1.5 technical CEUs.

2. If an individual adds the Housing Code Official license to an existing Inspector of Hotels and Multiple Dwellings license, there shall be no additional continuing educational requirements for the Housing Code Official license during that licensing period.

3. CEU credit for a given course shall be allowed with respect to all licenses held by a licensee to which the course may be applicable.

§ 5:10-1B.7 Revocation of licensure and alternative sanctions

(a) The Bureau may suspend or revoke a license, and/or assess a civil penalty of not more than \$ 500.00, if the Bureau determines that the holder:

1. Has violated any of the provisions of the Act or rules;

2. Has obtained a license by fraud or misrepresentation, or the person named in the license has obtained it by fraud or misrepresentation;

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

3. Has aided or abetted in practice as a licensed enforcement official or inspector any person not authorized to practice as an enforcement official or inspector under the provisions of these rules;

4. Has fraudulently or deceitfully practiced as a licensed enforcement official or inspector;

5. Has been grossly negligent or has engaged in misconduct in the performance of any of his or her duties;

6. Has failed, over a period of time, to maintain a minimally acceptable level of competence;

7. Has been found to have failed to report an offer or bribe or other factor in a proceeding under the Act or other appropriate law of this or any other State or jurisdiction;

8. Has failed to comply with any order issued by the Department;

9. Has made a false or misleading written statement, or has made a material omission in any submission to the Department; or

10. Has failed to enforce the Act or rules.

(b) The Bureau, in addition or as an alternative, as the case may be, to revoking or suspending a license, or assessing a penalty, may issue a letter or warning, reprimand, or censure with regard to any conduct which, in the judgment of the Bureau, warrants a letter of warning, reprimand, or censure. Such letter, in addition to any other filing requirements, shall be made a part of the licensing file of the individual.

(c) Conviction of a crime, or an offense in connection with the practice as a licensed enforcement official or inspector, shall result in revocation of a license.

(d) Any sanctions imposed by the Division of Codes and Standards pursuant to *N.J.S.A. 52:27D-119* et seq. or the Division of Fire Safety pursuant to *N.J.S.A. 52:27D-192* et seq. shall constitute grounds for imposition of sanctions under this section.

(e) Any person aggrieved by any action of the Bureau pursuant to this chapter shall be entitled to a hearing before the Office of Administrative Law in accordance with the Administrative Procedure Act as provided in *N.J.A.C. 5:10-1B.1*.

§ 5:10-1B.8. Fees

(a) No application for a license shall be acted upon unless the application is accompanied by a fee or fees as follows:

1. The initial application fee shall be \$65.00, regardless of the number or type(s) of licenses applied for at the same time; and

2. The three-year renewal application fee shall be \$65.00, regardless of the number or type of license renewals applied for at the same time.

(b) There shall be a late fee of \$65.00 per year or portion thereof that shall be required to be paid, in addition to the application fee, as part of any application for renewal of a lapsed license within three years of the date of expiration.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(c) Any person holding a State Uniform Construction Code license shall have a license issued pursuant to this chapter so that its expiration date will coincide with that of the construction code license. In such event, the same form may be used to apply for renewal of both the construction code license(s) and the license(s) issued pursuant to this chapter and the only renewal fee shall be as required by *N.J.A.C. 5:23-5.23*.

(d) All fees specified in this section shall be nonrefundable.

§ 5:10-2.1 Tense, gender and number

Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in the singular include the plural and the plural the singular.

§ 5:10-2.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act", See "Law or Act" of this section.

"Adjoining grade elevation" means the average elevation of the final grade adjoining all exterior walls of a building, calculated from grade elevations taken at intervals of 10 feet around the perimeter of the building.

"Alteration", as applied to a building or structure, means a change or rearrangement in the structural parts or in the egress facilities of any such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location or position to another.

"ANSI" means the American National Standards Institute, Inc.

"Approved" means approved by the Bureau of Housing Inspection or its duly authorized representative.

"Architect" means a person registered to practice the profession of architecture under the laws of the State of New Jersey.

"ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

"Attic" means the space between the ceiling beams of the top story and the roof rafters.

"Basement" means that portion of a building which is partly below and partly above grade, and has at least one half its ceiling height above grade.

"Basin" means a plumbing fixture located in a bathroom or in close proximity thereto and used exclusively for sanitation operations.

"Bathroom" means any enclosed space containing one or more bathtubs, or showers, or both, and which also may contain water closets, lavatories or fixtures serving similar purposes.

"Board" means the Hotel and Multiple Dwelling Health and Safety Board. (See *N.J.S.A. 55:13A-3(c)*.)

"BOCA" means the Building Officials and Code Administrators International.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Building" means a structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind which is enclosed within exterior walls on all sides.

"Bureau" means the Bureau of Housing Inspection. (See *N.J.S.A. 55:13A-3(d)*.)

"Ceiling height" means vertical distance between the finished floor and the finished ceiling.

"Cellar" means that portion of a building which is partly or completely below grade, and has more than one-half its ceiling height below grade.

"Central heating" means the provision of heat throughout a building by means of one or more heating units or furnaces centrally located in a building, rather than by means of individual heating units or furnaces located in some or all of the units of dwelling space in said building.

"Child-protection window guard" or "window guard" means a bar, screen or grille assembly designed to be installed in a window for the purpose of preventing accidental fall or ejection of a child through the window.

"Chimney" means a vertical enclosure containing one or more flues used to remove hot gases from burning fuel, refuse, or from industrial processes.

"Commissioner" means the Commissioner of the Department of Community Affairs, New Jersey or his duly authorized representative.

"Common area" means all areas accessible to, and which may be utilized by either occupants of a building or the general public, or both, including, but not limited to, vestibules, hallways, stairways, landings and common space and occupiable room or space, as hereinafter defined, which is not part of any dwelling unit. This definition shall also mean and include any area accessible to the owner or manager or any person employed in the maintenance of the building which is not part of any dwelling unit.

"Concurrent loads" means two or more elements of dead or live load that, for purposes of design, are considered to act simultaneously.

"Condominium" means the form of ownership of real property under a master deed providing for ownership by one or more owners of units, together with an undivided interest in common elements appurtenant to each such unit. (See *N.J.S.A. 46:8B-3* and *55:13A-3(q)*.)

"Construction" means any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating and filling. It shall also mean the finished product of any such work or operations.

"Construction class (group)" means the category in which a building or space is classified based on the fire-resistance ratings of its construction elements as set forth in the current edition of the BOCA National Building Code.

"Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association. (See *N.J.S.A. 55:13A-3(r)*.)

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Corridor" means an enclosed passage providing a means of access from rooms or spaces to an exit.

"Court" means an open, uncovered, and unoccupied space on the same lot with a building.

"Crawl space" means an unoccupiable area in a building not more than 48 inches in height.

"Dead-end" means a portion of a corridor in which the travel to an exit is in one direction only.

"Demolition" means the dismantling or razing of all or part of a building, including operations incidental thereto.

"Department" means the Department of Community Affairs, State of New Jersey.

"Design winter conditions" means the design temperature at the nearest locality reported in the latest edition of the Handbook of the American Engineers Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE).

"Deterioration" means decay, damage, loss of material or ability to function as intended caused by exposure to the elements.

"Director" means the Director of the Division of Housing and Development.

"Drainage system" means all the piping within public or private premises, which conveys sewage, rain water, or other liquid wastes to a legal point of disposal, but shall not include the mains of public sewer system or private or public sewage-treatment or disposal plant.

"Duct (Ventilation)" means a pipe, tube, shaft, conduit, or an enclosed space within a wall or structure, used for conveying air.

"Dumbwaiter" means a hoisting and lowering mechanism equipped with a car that moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, whose total inside height, whether or not provided with fixed or movable shelves does not exceed four feet, the capacity of which does not exceed 500 pounds and that is used exclusively for carrying materials.

" Dwelling space". (See *N.J.A.C. 5:10-2.2*, definition of "Unit of dwelling space".)

" Dwelling unit" means a room or rooms, or suite or apartment, that is occupied or intended to be occupied for sleeping or dwelling purposes by one or more persons. (See *N.J.S.A. 55:13A-3(h)*.)

"Egress or means of egress" means a path by which ambulatory persons can travel safely and without assistance from a unit of dwelling space, dwelling unit or rooming unit along a continuous and unobstructed line to an exterior open area.

"Electrically supervised", as applied to a control circuit, means that in the event of interruption of the current supply or in the event of a break in the circuit, a specific signal will be given.

"Elevator" means a hoisting and lowering mechanism equipped with a car or platform that moves in guides in a substantially vertical direction, and that serves two or more floors of a building.

"Emancipated minor" means any person under the age of 18 who is gainfully employed and who is self-supporting or who is married to a spouse who is gainfully employed and who supports the said minor, or who is a student living away from home and in regular attendance in an institution of higher learning.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Engineer" means a person licensed to practice the profession of engineering under the law of the State of New Jersey.

"Exit" means a means of egress from the interior of a building to an open exterior space, including any or all of the following: door openings, enclosed vertical exits, grade passageways, horizontal exits, exterior stairs, or fire escapes; but not including access stairs, aisles, corridor doors or corridors.

"Expected to reside" means there is actual knowledge that a child will reside in a dwelling unit reserved for the elderly or designated exclusively for persons with disabilities. If a resident woman is known to be pregnant, there is actual knowledge that a child will reside in the dwelling unit.

"Extermination" means the process of controlling and eliminating of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping, or by any other recognized and lawful pest-elimination methods.

"Fire resistance rating" means the time in hours or fractions thereof that materials or their assemblies will withstand fire exposure as determined by a fire test made in conformity with recognized standards.

"Fire separation wall" means a fire resistance rated assembly of materials having protected openings which is designed to restrict the spread of fire.

"Fire wall" means a fire resistance rated wall, having no unprotected openings, which restricts the spread of fire and extends openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof.

"Floor area" means the projected horizontal area enclosed inside of walls, partitions, or other enclosing construction.

"Flue" means an enclosed passageway in a chimney to carry products of combustion to the outer air.

"Footing" means a foundation element consisting of an enlargement of a foundation pier or foundation wall, wherein the soil materials along the sides of and underlying the element may be visually inspected prior to and during its construction.

"Foundation (Building)" means a construction that transfers building loads to the support soil.

"Foundation wall" means a wall extending below grade.

"Fresh air" means outdoor air.

"Fuel-burning appliance" means a device or apparatus which is designed to utilize natural gas, manufactured gas, mixed gas, liquefied petroleum products, solid fuel, oil or any gas as a fuel for heating, cooling, hot water, cooking, generating light or power or for aesthetics.

"Garbage" means rubbish and refuse as defined in this section.

"Grade" means a reference plane representing the average of finished ground level adjoining the building at all exterior walls.

"Grade passageway" means a horizontal extension of a vertical exit or a passage leading from a yard or court to an open exterior space.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Guest" means any person who occupies a unit of dwelling space either as a temporary occupant or transient in an establishment holding itself out as serving transients or on a temporary or permanent basis in an establishment providing housekeeping or dining services on a regular basis to occupants.

"Habitable room" means a residential room or space, having an area exceeding 59 square feet in which the ordinary functions of domestic life are carried on, and which includes bedrooms, living rooms, studies, recreation rooms, kitchens, dining rooms, and other similar spaces, but does not include closets, halls, stairs, laundry rooms, or bathrooms.

"Hazard" means a condition which because of faulty construction or maintenance of the premises creates significant and recognizable danger or risk to the health and safety of persons on or near the premises.

"Height (Buildings)" means the vertical distance from the curb level to the highest point of the roof beams in the case of flat roofs, or to a point at the average height of the gable in the case of roofs having a pitch of more than one foot in 4 1/2 feet; except that where the curb level has not been legally established, or where every part of the building is set back more than 25 feet from a street line, the height shall be measured from the adjoining grade elevation.

"Hotel" means any building, including but not limited to any related structure, accessory building and land appurtenant thereto, and any part thereof, which contains ten or more dwelling units or has sleeping facilities for 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to guests. "Hotel" also means any facility that is commonly regarded as a hotel, motor hotel, motel or established guesthouse in the community in which it is located. "Hotel" does not include those facilities that are excluded by statute. (See *N.J.S.A. 55:13A-3(j)*.)

"Housing for the elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more, or other age if recognized as elderly by a specific Federal housing assistance program.

"Infestation" means the presence within a hotel or multiple dwelling of any insects, rodents or other pests. Infestation shall include breeding areas on the exterior of the premises so located that products thereof may spread to the interior of any building subject to these regulations.

"Interim controls" means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs, or the term as it is defined under *42 U.S.C. § 4851b*.

"Janitorial services" means cleaning and maintaining of common areas including the making of minor repairs, attendance to the furnishing of heat and hot water where the owner is responsible for operation and maintenance thereof, the removal of garbage, refuse and rubbish from the premises, and the removal of snow, ice, dirt, and other matter creating obstructions or hazards from pedestrian paths, sidewalks and gutters.

"Kitchen" means any room or part of a room used for cooking or the preparation of food.

"Law" or "Act" means *N.J.S.A. 55:13A-1 et seq.*, the Hotel and Multiple Dwelling Law.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Lead hazard control work" means work to make housing lead-safe, or to mitigate through the use of interim controls as permitted under Federal law and as defined in *42 U.S.C. § 4851b*, or to eliminate permanently lead-based hazards by abatement on a premises by a person certified to perform lead abatement work pursuant to sections 1 through 12 of P.L. 1993, c.288 and sections 14 through 24 of P.L. 1993, c.288.

"Lead-based paint" means paint or other surface coating material that contains lead equal to or in excess of 1.0 milligrams per centimeter squared or in excess of 0.5 percent by weight, or such other level as may be established by Federal law.

"Lead-based paint hazard" means any building or property condition that is not in compliance with the lead-safe maintenance requirements of this chapter, including, but not limited to, chipping or peeling paint or lead dust levels that exceed those established pursuant to *N.J.A.C. 5:17*, that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces, that would result in adverse human health effects.

"Leader" means a vertical drainage pipe for conveying storm water from roof or gutter drains to a building house storm drain, building house drain (combined) or other means of disposal. The leader shall include the horizontal pipe to a single roof drain or gutter drain.

"Live load" means all occupants, materials, equipment, constructions or other elements of weight supported in, on or by a building that will or are likely to be moved or relocated during the expected life of the building.

"Local enforcing agency" or "local agency" means a permanent municipal, county or interlocal agency maintained for the purpose of conducting inspections and enforcing building maintenance laws, ordinances, codes and rules, that is supervised by, and has all hotel and multiple dwelling inspections performed by, persons licensed under this chapter.

"Mechanical ventilation" means the process of introducing outdoor air into, or removing vitiated air from a building by mechanical means. A mechanical ventilating system may include air heating, air cooling or air conditioning components.

"Minor" means any person who is under the age of 18. (See *N.J.A.C. 5:10-2.2*, definitions of "Emancipated minor" and "Unemancipated minor".)

"Multiple dwelling" means any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other. "Multiple dwelling" also means any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. "Multiple dwelling" does not include those buildings and structures that are excluded by statute. (See *N.J.S.A. 55:13A-3(k)*.)

"Municipality" means in addition to its legal meaning, two or more municipalities acting in concert through any public agency, joint committee, contractual arrangement or in any other manner authorized by law.

"Mutual housing corporation" means a not-for-profit corporation incorporated under the laws of the State of New Jersey on a mutual or cooperative basis within the scope of the "Lanham War Housing Act," *42 U.S.C. Sect. 1501 et seq.*, which acquired a National Defense Housing Project pursuant to said act. (See *N.J.S.A. 55:13A-3(p)*.)

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Natural ventilation" means ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind-driven devices.

"New Jersey Uniform Construction Code" means *N.J.S.A. 52:27D-119* et seq., *N.J.A.C. 5:23-1.1* et seq., and the Subcodes adopted pursuant thereto.

"NFPA" means the National Fire Protection Association.

"Occupancy" means the purpose or activity for which a building or space is used or is designed or intended to be used.

"Occupant" means any person or persons, including guests, in actual physical possession or occupancy of a unit of dwelling space on a regular basis. For purposes of assigning specific duties or responsibilities, the term "occupant", unless the text indicates otherwise, shall mean the tenant, lessee, head of the family or household, or other adult person or emancipated minor assuming basic responsibility for the continued renting or occupancy of the dwelling space.

"Occupiable room" means a room or space, other than a habitable room, designed for human occupancy or use, in which persons may remain for a period of time for rest, amusement, dining, shopping, storing goods or other similar purposes, or in which persons may be engaged at work.

"Owner" means any person who owns, purports to own, or exercises control of any hotel, multiple dwelling or retreat lodging facility. "Owner" also means and includes any person who owns, purports to own, or exercises control over three or more dwelling units within a multiple dwelling.

"Partition" means a vertical unit or assembly of materials that separates one space from another within any story of a building.

"Person" means any individual, corporation, association, or other entity. (See *N.J.S.A. 1:1-2* and *55:13A-3(m)*.)

"Plumbing" means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, equipment and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building; also the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste, or sewerage, and water-supply systems of any premises and their connection with any point or public disposal or other acceptable terminal.

"Plumbing fixtures" means installed receptacles, devices, or appliances that are supplied with water or which receive or discharge liquids or liquid-borne wastes.

"Potable water" means water free from impurities present in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Department of Health.

"Premises" means land, improvements thereon, or any part thereof.

"Project" means a group of buildings subject to the Act that:

1. Are or are represented to be under common or substantially common ownership;
2. Are on a single lot or contiguous lots, and

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

3. Are named, designated or advertised as a common entity. Lots shall be considered to be contiguous even if they are separated by a public right-of-way. (See *N.J.S.A. 55:13A-3(o)*.)

"Protective equipment" means any equipment, device, system or apparatus required or permitted to be constructed or installed in any hotel or multiple dwelling for the protection of occupants, intended occupants or the general public. (See *N.J.S.A. 55:13A-3(i)*.)

"Refuse" means all putrescible solid wastes (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

"Regulations" means the rules contained in this chapter.

"Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance, but not including additional work that would affect safety, or affect required exit facilities, or a vital element of an elevator, plumbing, gas piping, wiring, ventilating, or heating installation, or any work that would be in violation of a provision of this code or any other law governing building construction.

"Required" means required by the provisions of these regulations.

"Retreat lodging facility" means a building or structure, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, owned by a nonprofit corporation or association which has tax-exempt charitable status under the Federal Internal Revenue Code and which has sleeping facilities used exclusively on a transient basis by persons participating in programs of a religious, cultural or educational nature, conducted under the sole auspices of one or more corporations or associations having tax-exempt charitable status under the Federal Internal Revenue Code, which are made available without any mandatory charge to such participants. (See *N.J.S.A. 55:13A-3(s)*.)

"Roof" means the topmost slab or deck of a building, either flat or sloping with its supporting members, not including vertical supports.

"Rooming unit" means a unit of dwelling space located within a multiple dwelling or a hotel, forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

"Rubbish" means nonputrescible solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

"Sanitary system" means either the public system for disposal of sewage from the premises or, in the absence of such system, any private system available to the premises for the disposal of sewage.

"Self-closing", as applied to an opening protective, means a door, window, damper, or other device and its assembly that is normally kept in a closed position and that is equipped with an approved device to insure immediate closing after having been opened for use.

"Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Shaft" means a vertical, inclined or offset passage, duct or hoistway, penetrating through two or more floors of a building or through a floor and roof, for the transmission of light, air, materials or persons, or the passage of pipes or other mechanical facilities.

"Shall", as used in this chapter, is always to be construed as mandatory.

"Sink" means a plumbing fixture located in a kitchen area and used exclusively for food preparation operations.

"Story" means that portion of a building that is between a floor level and the next higher level or roof above.

"Street" means a thoroughfare dedicated or devoted to public use by legal mapping or other lawful means.

"Structure" means an assembly of materials forming a construction for occupancy or use, including among others: buildings, stadia, tents, reviewing stands, platforms, stagings, observation towers, radio towers, tanks, trestles, open sheds, coal pockets, shelters, fences and display signs.

"Surface" means an area such as an interior or exterior wall, ceiling, floor, door, door frame, window sill, window frame, porch, stair, handrail and spindle, or other abradable surface, soil, furniture, a carpet, a radiator or a water pipe.

"Transient," as applied to occupancy, means occupancy for not more than 90 days by a person having a principal residence elsewhere.

"Unemancipated minor" means any person under the age of 18 who is not an "emancipated minor" as defined herein.

"Unit of dwelling space", see "Dwelling unit" of this section. (See *N.J.S.A. 55:13A-3(h)*.)

"Use (used)" means the purpose for which a building, structure, or space is occupied or utilized, unless otherwise indicated by the text. Use (used) shall be construed as if followed by the words "or is intended, arranged, or designed to be used".

"Useable floor area" means that part of the floor area within a unit of dwelling space that can be considered useable for general living purposes, excluding areas devoted to built-in equipment, such as, wardrobes, cabinets, closets, kitchen units, and equipment or fixtures which are not readily available for use as floor area.

"Ventilation" means the supply and removal of air to and from any space by natural or mechanical means. (See also *N.J.A.C. 5:10-2.2*, definitions of "Mechanical ventilation" and "Natural ventilation".)

"Water distribution piping" means the pipes in a building or premises that convey water from the water service pipe to the plumbing fixtures and other water outlets.

"Water service pipe" means the pipe from the water (street) main or other source of water supply to the building served.

"Water (street) main" means a water supply pipe for public or community use controlled by public authority.

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

"Water supply system" means the water service pipe, the water distribution piping, and all of the necessary connecting pipes, fittings, control valves, and appurtenances used for conveying water in the plumbing system.

"Window guard" see "Child-protection window guard."

§ 5:10-3.1 Organizational meetings; officers

(a) The organizational meeting of the Board shall be held on the second Tuesday of June in each year at 10:00 A.M. in the building in which the office of the Director is located.

(b) A majority of the members of the Board shall constitute a quorum. However, even in the absence of a quorum, a majority of the members of the Board who are present, shall have the power to adjourn the meeting until a specified future time.

(c) The Board shall, at its organizational meeting, elect a Chairman, a Vice-Chairman, a Secretary and such other officers as it may deem appropriate. All officers shall serve until the next organizational meeting or until their successors shall have qualified.

(d) All officers other than the Secretary shall be elected from among the members of the Board. The Secretary may be either a member of the Board or an employee of the Division. If an employee of the Division, he shall not enter upon the office of Secretary without the consent of the Director and shall serve at the pleasure of the Director.

(e) A vacancy in any office shall be filled by the Board for the remaining unexpired term. If any member of the Board who is an officer ceases to be a member of the Board, his office shall forthwith be deemed vacant.

§ 5:10-3.2 Special meetings

(a) A special meeting of the Board may be called at any time by the Commissioner, the Director, the Chairman of the Board or by petition of any three members of the Board.

(b) The person or persons calling the special meeting shall give written notice to the Secretary stating the purpose of the meeting and the time and place at which it is to be held. No meeting shall be held in any place other than the building in which the office of the Director is located without the consent of either the Commissioner or the Director.

(c) The Secretary shall give written notice of the time and place of the special meeting to all members of the Board, the Commissioner, the Director and the Chief of the Bureau at least 10 days prior to such a meeting.

§ 5:10-3.3 Rules of procedure

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

All business of the Board shall be conducted in accordance with the current edition of Robert's Rules of Order (Revised), except insofar as such rules may conflict with provisions of the Act or of this chapter. Officers shall have the duties prescribed in said rules.

§ 5:10-3.4 Transmittal and consideration of proposed regulations

(a) Proposed regulations required pursuant to the Act to be transmitted to the Board shall be transmitted by the Director to all members of the Board.

(b) The Director may call a special meeting of the Board to consider proposed regulations transmitted to the Board but shall have discretion not to do so.

(c) In the event that the Director transmits any proposed regulations to the Board without calling a special meeting, either the Chairman of the Board or any three members of the Board may call a special meeting pursuant to *N.J.A.C. 5:10-3.2*.

(d) In the event that no special meeting is called, each member of the Board shall individually submit to the Director such comments and recommendations as he may have within 30 days of his receipt of a copy of the proposed regulations. Upon receipt of any member's comments and recommendations, the Director shall promptly provide copies thereof to all other members.

§ 5:10-4.1 Concurrent responsibilities

(a) Owners, including agents of owners, managing agents and superintendents shall have the general duties outlined herein for the maintenance of the premises, and no such person shall be relieved from any such responsibility hereunder by reason of the fact that an occupant or other person shall have similar responsibilities or shall have failed to report any violation, nor shall any such person be relieved of any responsibility by the terms or provisions of any lease, contract or agreement.

(b) Occupants, and to the extent provided herein, members of their families, or other persons living on the premises shall have the general duties outlined herein for occupants for the maintenance of the premises, and no such person shall be relieved from any such responsibility by reason of the fact that any owner or operator shall have similar responsibilities, nor shall any person be relieved of any responsibility by the terms or provisions of any contract, lease or agreement.

(c) In any premises subject to either the Horizontal Property Act (*N.J.S.A. 46:8A-1 et seq.*) or the Condominium Act (*N.J.S.A. 46:8B-1 et seq.*), the council of co-owners or condominium association, as the case may be, shall have the duties of an owner as set forth in these regulations. However, any such council or association shall only be required to abate those violations which pertain either to the common areas or common elements or which it has the right, pursuant to contract or otherwise, to require the owner of the individual dwelling unit to abate. Owners of individual dwelling units shall be responsible for the abatement of violations and for the maintenance of records pertaining only to each such unit; provided, however, that the responsibilities of the dwelling unit owner and of the council or association may be concurrent.

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

1. It shall be the duty of the council of co-owners or association, as the case may be, to forward a notice for payment of the \$ 20.00 inspection fee set forth at *N.J.A.C. 5:10-1.12(h)4* to the unit owner and to identify those tenant-occupied units known to the association prior to the five-year cyclical inspection.

§ 5:10-4.2 Discontinuation of services

(a) No person shall intentionally cause any service, facility, equipment or utility which is required to be supplied under this chapter to be removed, shut off or discontinued, or knowingly allow such condition to continue, when the condition affects any occupied unit of dwelling space.

1. This section shall not be applicable to such temporary interruption as may be necessary when actual repairs or alterations are in process or during temporary emergencies when discontinuance of services is caused by any public utility or public agency or is approved by the bureau.

(b) In the event of any discontinuation of services, repairs shall be performed expeditiously to minimize inconvenience to occupants and, to the greatest extent possible, temporary or alternate service shall be provided until permanent service can be restored.

§ 5:10-5.1 Responsibility of occupants

(a) An occupant shall in addition to complying with all provisions of this chapter applicable to him, be responsible for violations of this chapter to the extent that he has the power to prevent the occurrence of a violation or assist in abating the violation. An occupant has the power to prevent the occurrence of a violation if:

1. It is caused by his own willful act or the willful act of a member of his family or household, or of his guest; or

2. It is the result of his gross negligence, neglect or abuse, or the gross negligence, neglect or abuse of a member of his family or household, or his guest.

(b) The occupant, any member of his family or household, or his guest shall, with respect to the public parts of the premises, be liable if a violation is caused by his own willful act, gross negligence, neglect or abuse.

(c) Every occupant of each unit of dwelling space shall give the owner thereof or his agent or employees access to any part of the unit of dwelling space upon reasonable notification, which under ordinary circumstances shall be one day for multiple dwellings, except immediately for hotels, for the purpose of making such inspection and such repairs or alterations as are necessary to effect compliance with the law and this chapter. In case of safety or structural emergencies immediate access shall be given.

(d) All items stored by occupants in any area provided for common storage by occupants of more than one unit of dwelling space shall bear the name and dwelling unit number of the occupant storing the said item or items. It shall be the responsibility of the occupant to label each item and maintain it labeled. Materials stored in such areas shall be secured against becoming sources of infestation and shall not be placed so as to create a hazard.

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-5.2 Reporting of violations

Upon discovery by an occupant of any conditions on the premises, failure of service, or defect in any equipment, which constitutes a violation hereof, the occupant shall report same promptly to the owner or to the superintendent having charge of the premises.

§ 5:10-5.3 Prohibited acts

(a) No occupant or other person shall:

1. Create or maintain any condition constituting a violation of the Uniform Fire Code, *N.J.A.C. 5:70*;
2. Take down, obscure, alter, destroy, or in any way deface any notice, certificate or sign required by this chapter to be displayed; or
3. Destroy or damage protective equipment.

§ 5:10-5.4 Unsafe and unsanitary conditions

(a) Occupants shall place all garbage within the receptacles provided for garbage disposal. Where janitorial service is not required, they shall place all containers with sufficient frequency to avoid an insanitary accumulation in the exterior area or areas set aside for the same. Garbage, rubbish and other refuse shall not be thrown out of windows or down dumbwaiters, nor shall garbage and refuse be set out on stairways or fire escapes or in common hallways.

(b) Occupants of each unit of dwelling space shall be responsible to the extent of their own use and activities for keeping the interior thereof safe and sanitary. Occupants shall prevent any accumulation of garbage or waste matter which may become a source of infestation.

(c) Every occupant shall maintain all plumbing fixtures used by him in a clean and sanitary condition, shall not deposit any material in any fixture or sewer system which would cause stoppage of or damage to properly maintained fixture or sewer systems and shall be responsible for the exercise of reasonable care in the proper use and operation of such fixtures.

(d) Occupants shall not damage, remove or destroy screens needed for the building.

(e) Every occupant of any unit of dwelling space shall be responsible for removing conditions resulting from the occupants own activities or which may result in infestation conditions which are subject to and under his exclusive control.

(f) No occupant shall cause excessive grease, soot or other foreign matter to accumulate on side walls, ceilings or other exposed room surfaces by improper use of heating or cooking equipment. Cooking equipment shall be kept clean, free of garbage, food particles and grease.

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-5.5 Willful damage

Every occupant shall be liable for willfully or maliciously causing damage to any part of the premises which results in a violation of this chapter. Any adult occupants shall be responsible and liable for any violation of this section caused by minors under their care or custody occupying the same unit of dwelling space if the violations were created or permitted to continue with the knowledge or acquiescence or consent of said adult member.

§ 5:10-5.6 Heating by occupant

(a) Where any occupant undertakes by contract, or as a condition of his lease to supply his own heat through a furnace or boiler which also heats any unit of dwelling space occupied by other persons, the said occupant shall be responsible in the same manner as the owner for supplying heat in accordance with the provisions of this chapter.

(b) Installation and maintenance: Where any occupant undertakes to install heating equipment, it shall conform to the requirements of the New Jersey Uniform Construction Code.

(c) The occupant shall be responsible for maintaining such equipment installed by him in good repair and operating condition during all times that the heating equipment remains under his control.

§ 5:10-5.7 Occupancy violations

No occupant shall occupy or permit the occupancy of any unit of dwelling space in violation of the occupancy standards established under N.J.A.C. 5:10-22. No occupant shall cook in any unit or dwelling space except where all the required cooking facilities are installed as required under N.J.A.C. 5:10-20. No occupant shall occupy or continue to occupy a unit of dwelling space that does not have provision for bathroom and toilet room facilities as required by N.J.A.C. 5:10-21.

§ 5:10-5.8 Storage

No occupant shall utilize any area outside of his dwelling space for storage purposes except in an area designated for such use in accordance with *N.J.A.C. 5:10-5.1(d)*.

§ 5:10-6.1 Elimination of hazards

The owner of any hotel or multiple dwelling shall be responsible at all times for keeping all parts of the premises occupied by himself or other persons, to the extent of his responsibilities described herein, clean and free of infestation and hazards to the health or safety of occupants and other persons in or near the premises.

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-6.2 Nuisances

The owner of any hotel or multiple dwelling shall be responsible for avoiding, eliminating or abating any noises, lights, odors, radiations or vibrations arising out of the use or occupancy of the premises which shall constitute a nuisance that is harmful or potentially harmful to the health and well-being of persons of ordinary sensitivity occupying or using the premises.

§ 5:10-6.3 Maintenance of dwelling units

Every unit of dwelling space shall be so maintained as to be fit for human use and habitation and to prevent progressive deterioration of the unit to the detriment of the health, safety and well-being of its occupants.

§ 5:10-6.4 Maintenance of exterior

(a) The exterior of the premises and all structures thereon shall be kept free of all nuisances, insanitary conditions, and any hazards to the safety or health of occupants, pedestrians and other persons utilizing the premises, and any of the foregoing conditions shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of such conditions which include, but are not limited to the following:

1. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris;

2. Dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating conditions or storm damage constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions;

3. Loose and overhanging objects and accumulations of ice and snow which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof;

4. Holes, excavations, breaks, projections, obstructions, litter, icy conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises. Holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or insanitary conditions with reasonable dispatch upon their discovery;

5. Accumulations of water, vegetation or other matter which might serve as a source of food or as a harboring or breeding place for infestation;

6. Walks, courts and other paved areas shall be kept clean and free of litter, dirt, mud or other conditions hazardous to pedestrians.

(b) All parts of the premises shall be so graded and, where necessary, provided with runoff drains and other means to carry off and dispose of surface waters in such a manner as to eliminate any recurrent or

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

excessive accumulations of storm water on the premises, without causing excessive accumulations of water on adjoining properties:

1. Parts of the premises regularly used by occupants shall drain within one hour of the termination of any storm creating surface waters;
2. Other parts of the premises not covered under paragraph 1 of this subsection shall drain within six hours of the cessation of any such storm.

§ 5:10-6.5 Outdoor pools

Outdoor swimming pools, decorative pools, reflecting pools and artificial fish ponds which contain 24 inches or more of water shall be protected by a fence, wall, building, enclosure or solid wall of durable material of which the pool itself may be constructed so as to afford no external handholds or footholds, of materials which are impenetrable by toddlers, and shall be at least four feet in height and equipped with a self-closing and self-latching closure mechanism not more than six inches below the top of the gate and provided with hardware for permanent locking.

§ 5:10-6.6 Lead-safe maintenance requirements for multiple dwellings

(a) Each multiple dwelling, including all common areas, constructed before 1978, shall be subject to the requirements for lead-safe maintenance contained in this section. All such buildings shall undergo a combined inspection and risk assessment, and lead hazard control work in accordance with (b) below or shall comply with the requirements for standard treatments contained in (c) below. Following the performance of lead hazard control work or standard treatments, all buildings shall be subject to the requirements for on-going evaluation and maintenance contained in (d) below.

1. The requirements of this section shall not apply to:
  - i. Buildings, dwelling units or common areas that have been certified to be free of lead-based paint in accordance with *N.J.A.C. 5:17*;
  - ii. A seasonal rental unit which is rented for less than six months' duration each year;
  - iii. A dwelling unit that has been certified as having a lead-free interior in accordance with *N.J.A.C. 5:17*;
  - iv. An owner-occupied dwelling unit; or
  - v. Housing for the elderly, or a residential property designated exclusively for persons with disabilities; except this exemption shall not apply if a child less than age six resides or is expected to reside in the dwelling unit.

(b) Inspection, risk assessment and lead hazard control work: A combined inspection and risk assessment shall be performed in accordance with the applicable provisions of *N.J.A.C. 5:17*. Data collected from a previous inspection or risk assessment may be used. If a property or portions of a property were inspected for lead-based paint prior to May 16, 2005, a risk assessment shall be performed for the property or portions inspected; however, a new inspection shall not be required. For purposes of this section, "risk assessment"

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

shall exclude testing of soil. For purposes of this section, "floors" shall include both carpeted and uncarpeted surfaces.

1. Lead hazard control work to address lead-based paint hazards identified in the risk assessment shall be conducted in accordance with the applicable provisions of *N.J.A.C. 5:17* for lead-based paint abatement and in accordance with the U.S. Department of Housing and Urban Development rules (24 CFR 35) for interim controls included here as Subchapter Appendix 6-A, incorporated herein by reference.

2. Following the performance of an inspection and risk assessment and any necessary lead hazard control work, the owner shall obtain a certification that the property is free of lead-based paint hazards issued in accordance with *N.J.A.C. 5:17-3.6*.

(c) Standard treatments: If the owner chooses not to have an inspection and risk assessment performed, as described in (b) above, the following lead hazard control requirements shall be followed for each dwelling unit and for all common areas. For each such building, the owner shall undertake periodic standard treatments as described below.

1. Standard treatments for lead safety shall be undertaken at unit turnover, unless they were undertaken less than 12 months before. Standard treatments shall be undertaken not less than once every 12 months in dwelling units where the owner has been notified by a tenant that a pregnant woman or a child under the age of six years resides.

2. Standard treatments shall include the following:

i. Smooth and cleanable horizontal surfaces shall be provided. All horizontal surfaces, such as floors, stairs, interior window sills and window troughs, that are rough, pitted or porous, shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane or linoleum;

(1) If carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in *N.J.A.C. 5:17*, the carpet shall be removed.

(A) If carpet is to be removed and replaced with new carpet, the padding beneath the contaminated carpet shall also be replaced and the floor below shall be tested and shall not exceed the clearance levels set forth in *N.J.A.C. 5:17*.

ii. Conditions of rubbing, binding, friction or crushing of painted surfaces shall be corrected;

iii. Specialized cleaning shall be performed in accordance with (c)2iii(1) through (3) below.

(1) The work area shall be vacuumed with a HEPA vacuum cleaner as follows:

(A) HEPA vacuuming shall be sequenced to avoid passing through rooms already cleaned. The entry-way shall be vacuumed last; and

(B) In each room, vacuuming shall begin with the ceiling and shall proceed down the walls. Every surface shall be vacuumed including, but not limited to, ceiling, walls, windows, window sills, exterior sills, window wells, doors, heating and air conditioning equipment, fixtures, such as light fixtures, and built-in appliances. Floors shall be the final surface vacuumed.

(2) The work area(s) shall be wet washed with a detergent solution such as trisodium phosphate, formulated to bind lead. An original, marked container showing the nature of the formula and any necessary pre-

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

cautions shall be available at the work site. The name of the product used and its manufacturer shall be included in the records retained by the owner.

(A) In each room, the wet wash process shall begin with the ceiling and work down to the floor following the sequence in (c)2iii(1)(A) and (B) above.

(B) String mops and mop buckets with wringers are required for wet washing floors. Sponge mops shall not be used.

(3) When dry, the abated area(s) shall be HEPA vacuumed again, following the sequence in (c)2iii(2)(A) and (B) above; and

iv. Maintenance staff trained in accordance with *N.J.A.C. 5:10-6.6(g)* or a lead evaluation firm certified in accordance with *N.J.A.C. 5:17* shall perform dust wipe sampling per *N.J.A.C. 5:17-9.1*, Table 9.1 for Single Surface Wipe Samples, if standard treatments are performed that disturb painted surfaces that total two square feet or more in any one interior room space, or 10 percent or more of the total surface area of an interior component with a small surface area, including, but not limited to, window sills, baseboards or trim. The results shall not exceed the levels established in *N.J.A.C. 5:17*.

(d) On-going evaluation and maintenance, as described below, shall be required for all buildings.

1. A visual examination for deteriorated paint shall be performed by the owner at unit turnover or every 12 months, whichever comes first.

2. Deteriorated paint and the causes of deterioration shall be promptly and safely repaired in accordance with the requirements of (i) below.

i. Painted surfaces shall be made intact by paint stabilization, enclosure, encapsulation or removal.

ii. The causes of paint deterioration shall be diagnosed and corrected.

iii. Dust wipe testing shall be performed in accordance with (d)2iii(1) through (4) below when the work is complete to ensure that the lead dust levels do not exceed the lead hazard levels established by *N.J.A.C. 5:17*. If the level exceeds the lead hazard level established by *N.J.A.C. 5:17*, cleaning and retesting shall be performed until the results of testing demonstrate lead levels below the standard.

(1) Dust wipe sampling shall be performed following the first 20 maintenance activities. Ninety-five percent of these samples taken shall meet the clearance levels set forth at *N.J.A.C. 5:17*.

(2) If the 95 percent accuracy level is reached, dust wipe sampling shall be performed following five percent of maintenance activities performed and samples shall be ordered on a random basis. A 95 percent accuracy level shall be maintained.

(3) If the accuracy level falls below 95 percent or if a 95 percent accuracy level was not achieved following the first 20 maintenance activities, dust wipe sampling shall be performed following all maintenance activities until the 95 percent accuracy level is reached.

(4) Property owners shall be required to maintain records of all dust wipe sampling performed.

(e) The following concern exterior surfaces:

1. The requirements set forth in (a) through (d) above shall apply to stairwells, porches, balconies, entryways, and windows.

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

2. For all other exterior surfaces, lead-safe work practices, in accordance with (i) below, shall be used for any work to be undertaken, unless the paint has been tested and not found to be lead-based paint.

(f) The following concern recordkeeping:

1. A record of testing performed and any certificate issued by a certified evaluation firm indicating that the building or any portion thereof is lead free shall be maintained for the life of the structure.

2. A record of all testing, visual examinations, findings and corrective action taken, including the date(s) and location(s) of any sampling performed and of corrective actions taken, shall be maintained for not less than five years and shall be made available upon request for review by the Bureau. This shall include a record of:

- i. Inspections, risk assessments and lead hazard control work performed pursuant to (b) above;
- ii. Standard treatments undertaken pursuant to (c) above;
- iii. On-going evaluation and maintenance undertaken pursuant to (d) above;
- iv. Any certificates issued to the building owner by a certified lead evaluation firm;
- v. Tenant notification required pursuant to (h) below; and
- vi. Any reports of deteriorated paint received from tenants and documentation of the owner's responses pursuant to (h) below.

3. A record of the training in safe building maintenance practices of each individual as required by (g) below shall be maintained by the owner as long as that individual is involved in the maintenance of the building and shall be made available upon request for review by the Bureau.

(g) Training requirements are as follows:

1. All owners or employees of the owner performing visual examinations or undertaking corrective action or maintenance work shall complete a one-day training course on safe building maintenance practices and applicable New Jersey law offered by a training provider accredited by the Department of Health and Senior Services. Courses approved for this purpose shall include:

- i. The Lead-Based Paint Maintenance Training Program, "Work Smart, Work Wet, and Work Clean to Work Lead Safe," prepared by the National Environmental Training Association for EPA and HUD;
- ii. "The Remodeler's and Renovator's Lead-Based Paint Training Program," prepared by HUD and the National Association of the Remodeling Industry;
- iii. Lead Safety for Remodeling, Repair and Painting: A Joint EPA-HUD Course; or
- iv. Any other course that the Department finds to be substantially equivalent.

2. Owners or employees of the owner shall not perform dust wipe sampling unless they have completed a State-certified course in accordance with this section or a HUD-approved clearance technician course (for example, the course developed by EPA, "Lead Sampling Technician ('HUD Clearance Technician') Training Course").

(h) Tenant notification and owner response requirements are as follows:

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

1. Owners shall distribute a pamphlet developed by the Department prior to commencement of repair work that will disturb more than two square feet of lead-based paint, unless the tenant has received the pamphlet within the last 12 months.

2. Owners shall post a notice advising tenants to report deteriorated paint and shall respond to any reported problem within 30 days. The notice shall include the landlord's name, address, and telephone number.

i. If an owner has received notice from a tenant that there is a pregnant woman or a child under the age of six years residing in the unit or, with regard to any problem reported in a common area, in the building, the owner shall correct any conditions of deteriorated paint within one week of the tenant complaint.

ii. In buildings where there is no central location for posting notices or where notices are likely to be defaced or removed without authorization, the owner shall provide each tenant with a copy of such a notice.

(i) Lead-safe work practices: All work undertaken to repair or stabilize deteriorated paint and any other work that will disturb painted surfaces shall comply with the following:

1. Occupant protection and worksite preparation shall be performed in accordance with the applicable provisions of U.S. Department of Housing and Urban Development rules 24 CFR 35 included as subchapter Appendix 6-B, incorporated herein by reference.

2. The following work practices shall be prohibited:

- i. Open flame burning or the use of high temperature (in excess of 1,100 degrees Fahrenheit) heat guns;
- ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;
- iii. Uncontained water blasting or power washing; or
- iv. Dry scraping or sanding more than two square feet of painted surface per room (interior) or more than 10 square feet per building (exterior).

3. All work shall be undertaken in a manner that prevents the spread of dust.

4. Specialized cleaning shall be performed at the end of each work day if the job will take more than one day and the area is to be occupied before work begins again and at the end of each job.

5. Occupant protection, worksite preparation and specialized cleaning ((i)1 and 4 above) are not required for maintenance activities that disturb painted surfaces that total:

- i. Twenty square feet or less on the exterior of the building;
- ii. Two square feet or less in any one interior room or space; or
- iii. Ten percent or less of the total surface area of an interior or exterior component with a small surfaces area, including, but not limited to, window sills, baseboards or trim.

6. After the completion of any work involving the disturbance of painted surfaces of a size that exceeds the limits of (i)5 above, at least one dust wipe sample shall be taken by maintenance staff trained in accordance with (g) above in each room that is part of the work area at a location where work was performed. If the

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

level exceeds the lead hazard level established by *N.J.A.C. 5:17*, the room shall be cleaned and retested until the results of testing demonstrate lead levels below the standard.

(j) Bare soil in excess of nine square feet per property shall be covered or access to these areas shall be restricted and bare soil in play areas or walkways of any size shall be covered unless that soil has been tested and has been found to be below the lead hazard level established by the U.S. Environmental Protection Agency at 40 CFR 745, incorporated herein by reference.

(k) Garages and other structures on the site: Any work on garages and other structures on the site shall be performed in accordance with the lead-safe work practices listed in (i) above. Structures to which tenants have access shall comply with the requirements set forth in (a) through (e) above.

APPENDIX 6-A

INTERIM CONTROLS

(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development

*24 CFR 35.1330*, Interim controls

35.1330 Interim controls

Interim controls of lead-based paint hazards identified in a risk assessment shall be conducted in accordance with the provisions of this section. Interim control measures include paint stabilization of deteriorated paint, treatments for friction and impact surfaces where levels of lead dust are above the levels specified. (See *N.J.A.C. 5:17-3.5*, Lead hazards.) Interim controls may be performed in combination with, or be replaced by, abatement methods.

(a) General requirements

(1) Only those interim control methods identified as acceptable methods in a current risk assessment report shall be used to control identified hazards.

(2) Occupants of dwelling units where interim controls are being performed shall be protected during the course of the work in accordance with 35.1345. (See Appendix 6-B, Occupant protection and worksite preparation.)

(3) Testing shall be performed at the conclusion of interim control activities in accordance with *N.J.A.C. 5:17*.

(4) A person performing interim controls must be trained in accordance with *N.J.A.C. 5:10-6.6(g)* (training).

(b) Paint stabilization

(1) Interim control treatments used to stabilize deteriorated lead-based paint shall be performed in accordance with the requirements of this section. Interim control treatments of intact, factory applied prime

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

coatings on metal surfaces are not required. Finish coatings on such surfaces shall be treated by interim controls if those coatings contain lead-based paint.

(2) Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component shall be repaired before treating the surface or component. Examples of defective substrate conditions include dry rot, rust, moisture-related defects, crumbling plaster, and missing siding or other components that are not securely fastened.

(3) Before applying new paint, all loose paint and other loose material shall be removed from the surface to be treated. Acceptable methods for preparing the surface to be treated include wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to the manufacturer's instructions.

(4) Lead-safe work practices shall be performed in accordance with *N.J.A.C. 5:10-6.6(i)*, Lead-safe maintenance requirements for multiple dwellings.

(5) Paint stabilization shall include the application of a new protective coating or paint. The surface substrate shall be dry and protected from future moisture damage before applying a new protective coating or paint. All protective coatings and paints shall be applied in accordance with the manufacturer's recommendations.

(c) Friction and impact surfaces

(1) Friction surfaces are required to be treated only if:

(i) Lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, window trough, or floor) are equal to or greater than the standards specified. (See *N.J.A.C. 5:17-3.5*, Lead hazards.)

(ii) There is evidence that the paint surface is subject to abrasion; and

(iii) Lead-based paint is known or presumed to be present on the friction surface.

(2) Impact surfaces are required to be treated only if:

(i) Paint on an impact surface is damaged or otherwise deteriorated;

(ii) The damaged paint is caused by impact from a related building component (such as a door knob that knocks into a wall, or a door that knocks against its door frame); and

(iii) Lead-based paint is known or presumed to be present on the impact surface.

(3) Examples of building components that may contain friction or impact surfaces include the following:

(i) Window systems;

(ii) Doors;

(iii) Stair treads and risers;

(iv) Baseboards;

(v) Drawers and cabinets; and

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(vi) Porches, decks, interior floors, and any other painted surfaces that are abraded, rubbed, or impacted.

(4) Interim control treatments for friction surfaces shall eliminate friction points or treat the friction surface so that paint is not subject to abrasion. Examples of acceptable treatments include rehanging and/or planing doors so that the door does not rub against the door frame, and installing window channel guides that reduce or eliminate abrasion of painted surfaces. Paint on stair treads and floors shall be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of acceptable materials include carpeting, tile, and sheet flooring.

(5) Interim control treatments for impact surfaces shall protect the paint from impact. Examples of acceptable treatments include treatments that eliminate impact with the paint surface, such as a door stop to prevent a door from striking a wall or baseboard.

(6) Interim control for impact or friction surfaces does not include covering such a surface with a coating or other treatment, such as painting over the surface, that does not protect lead-based paint from impact or abrasion.

(d) Chewable surfaces

(1) Chewable surfaces are required to be treated only if there is evidence that a child of less than six years of age has chewed on the painted surface, and lead-based paint is known or presumed to be present on the surface.

(2) Interim control treatments for chewable surfaces shall make the lead-based paint inaccessible for chewing by children of less than six years of age. Examples include enclosures or coatings that cannot be penetrated by the teeth of such children.

(e) Dust-lead hazard control

(1) Interim control treatments used to control dust-lead hazards shall be performed in accordance with the requirements of this section. Additional information on dust removal is found in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, particularly Chapter 11.

(2) Dust control shall involve a thorough cleaning of all horizontal surfaces, such as interior window sills, window troughs, floors, and stairs, but excluding ceilings. All horizontal surfaces, such as floors, stairs, window sills and window troughs, that are rough, pitted, or porous shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum.

(3) If a carpet is to remain, wipe samples shall be collected from the carpeted surfaces. For test results that indicate lead levels above the clearance levels specified in *N.J.A.C. 5:17*, the carpet shall be removed.

(f) Bare soil shall be treated in accordance with *N.J.A.C. 5:10-6.6(j)*, Lead-safe maintenance requirements for multiple dwellings.

APPENDIX 6-B

OCCUPANT PROTECTION AND WORKSITE PREPARATION

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(New Jersey Requirements Added in Italics)

U.S. Department of Housing and Urban Development

*24 CFR 35.1345*, Occupant protection and worksite preparation

*24 CFR 35.1345* Occupant protection and worksite preparation

This section establishes procedures for protecting dwelling unit occupants and the environment from contamination from lead-contaminated or lead-containing materials during hazard reduction activities.

(a) Occupant protection

(1) Occupants shall not be permitted to enter the worksite during hazard reduction activities until after hazard reduction work has been completed and clearance, if required, has been achieved.

(2) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, except if:

(i) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead hazards:

(ii) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided;

(iii) Treatment of the interior will be completed within one period of 8 daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or

(iv) Treatment of the interior entails work such that, at the conclusion of each workday, the worksite can be contained and cleaned to remove any visible dust or debris, and safe access to the bathroom and sleeping areas can be provided.

(3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

(b) Worksite preparation

(1) The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.

(2) A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated; or, for an exterior hazard reduction activity, where it is easily read 20 feet (6 meters) from the edge of the hazard reduction activity worksite. Each warning sign shall be provided in the occupants' primary language, to the extent practicable.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-7.1 Bearing of loads

Buildings and parts thereof shall be maintained so as to be capable of sustaining safely their own weight and the loads to which they may be subject so that loads are transmitted to the soil without undue differential settlement, unsafe deformation or movement of the building or any structural part thereof.

§ 5:10-7.2 Foundations

Foundations of all structures shall be kept, maintained and repaired to eliminate all exposed holes, cracks and other defects so that the foundation shall be at all times capable of resisting the penetration of liquids into the building and be weathertight and serve to protect the building against infestation. They shall also be maintained to prevent or correct erosion around footings.

§ 5:10-7.3 Exterior surfaces

(a) The exterior of every structure or accessory structure, fence or other improvement on the premises shall be kept in good repair and all exposed surfaces thereof subject to deterioration shall be protected against weathering or deterioration by a protective coating appropriate for the particular material involved as needed.

(b) All exterior windows and window frames shall be painted with at least one coat of suitable exterior paint or other preservative as needed except where constructed of an approved atmospheric corrosion-resistant metal or other equivalent material.

(c) The exterior surfaces shall be maintained to eliminate conditions reflective of deterioration or inadequate maintenance, such as broken glass, loose shingles, crumbling stone or brick or excessive peeling of paint.

(d) The exterior of the building shall be free of loose material that may create a hazard by falling on persons utilizing the premises.

(e) Exterior surfaces of multiple dwellings that have not been certified as lead-free in accordance with *N.J.A.C. 5:17* shall be maintained in accordance with the applicable provisions of *N.J.A.C. 5:10-6.6*.

§ 5:10-7.4 Leakage, drafts and infestation

All exterior walls, roofs, windows, window frames, doors, door frames, skylights, foundations and other parts of the structure shall be maintained as to keep water from entering the structure, to prevent excessive drafts or heat loss during cold or inclement weather and to provide a barrier against infestation. Damaged or badly worn material shall be repaired or replaced, and places showing signs of rot, leakage, deterioration or corrosion shall be treated or restored to prevent weathering or seepage.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-7.5 Leaders and drainpipes

Leaders and drainpipes shall be securely fastened to the building and maintained in good condition, free of leaks, kept clean and free of obstructions and shall direct storm waters into draining systems and away from the foundation walls of the structure.

§ 5:10-7.6 (Reserved)

§ 5:10-7.7 Railings

(a) Handrails: All interior stairways having three or more risers, and all exterior steps having a drop of at least 24 inches to ground level or having at least four risers, shall have handrails which are to be securely fastened to walls or guard rails, and, unless continuous, shall be returned to the enclosure walls or posts at the end of the stairs.

1. All stairways 44 inches or more in width shall have continuous handrails on both sides; stairs less than 44 inches wide may have a handrail on one side only. In assembly occupancies, when the stairway width exceeds 88 inches, the stairways shall be provided with intermediate handrails dividing the stairway in approximately equal widths with a maximum lateral spacing of 66 inches.

2. The height of the handrail shall not be less than 30 inches and shall not project more than 34 inches above the nosing of treads.

3. Handrails shall provide a finger clearance of 1 1/2 inches and shall not project more than 3 1/2 inches into the required stair width.

(b) Guard rails shall be provided on exterior corridors, balconies, landings or porches having more than a three-foot drop to the adjoining level and on the exposed side of any interior or exterior stairway. The height of the guard rail shall not be less than 30 inches.

1. Exception: In an instance of a rail protecting a level 35 feet or less above exterior grade where a special case can be made that the existing rail is sufficient to protect the safety of persons, the department may permit a rail less than 30 inches in height.

2. Guards shall be constructed so that the area in the plane of the guard, from the top of the tread to the top of the guard, is subdivided or filled in one of the following methods:

i. A sufficient number of intermediate longitudinal rails constructed so that the clear distance between rails (measured at right angles to the rail) does not exceed 16 inches (measured vertically) from the tread nosing; or

ii. Balusters spaced not more than eight inches apart; or

iii. Panels of wire mesh, or expanded metal, or ornamental grills which provide protection equivalent to that provided by the intermediate rails or balusters specified in the two preceding paragraphs; or

iv. Walls; or

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

v. Any combination of the foregoing.

§ 5:10-8.1 Basements, cellars and crawl spaces

(a) Basements, cellars and crawl spaces are to be free of moisture resulting from liquid penetration from the exterior and shall be provided with ventilation as required herein to prevent accumulations of moisture and dampness.

(b) Floors of basements and cellars shall have a permanent surface that is water resistant and capable of being kept broom-clean so as not to create a safety hazard. Subcellars and crawl spaces which are neither usable nor occupiable need not be permanently surfaced.

§ 5:10-8.2 Interior surfaces

(a) All floors, walls, ceilings and other surfaces shall be kept in good repair, that is, free from cracks, breaks, split or splintering boards or woodwork, loose plaster, flaking or peeling paint or other materials. Loose or defective sections shall be removed and replaced so that the joint between the repair and the sound material is made flush and smooth.

(b) Floors, walls, ceilings and other exposed surfaces shall be kept clean, free from visible foreign matter, sanitary and well-maintained at all times. If necessary to accomplish the foregoing, these surfaces shall be kept painted, whitewashed, papered, covered or treated with sealing materials or other protective coatings as needed.

(c) Interior walls, ceilings and other exposed surfaces in units of dwelling space shall be kept smooth, clean, free of flaking, loose or peeling paint, plaster or paper and capable of being maintained free of visible foreign matter and of vermin, and in a sanitary condition. If and when necessary to accomplish the foregoing or any part thereof, such interior surfaces shall be spackled, painted, papered or otherwise provided with a protective coating appropriate for the surface material and this shall be done at least once every three years unless it is clearly unnecessary. Painting or other provision of a protective coating shall be the responsibility of the occupant and not of the owner when required more frequently than once every three years as a result of the acts or omissions of the occupant, a member of his family or household or his guest.

(d) Owners shall maintain records indicating the date on which any dwelling unit or part thereof was painted or otherwise provided with a protective coating for six years. Said records shall also indicate the name and address of the person who did the work, the nature of the work done and the cost. Said records shall be made available upon request to the Bureau or to any inspector performing an inspection of the premises on behalf of the Bureau.

(e) Except where housekeeping services are provided, normal housekeeping as required for the maintenance of cleanliness and sanitation within individual units of dwelling space of multiple dwellings shall be the responsibility of the occupants and shall not, unless a hazard to the health, safety or welfare of persons other than the occupants of the dwelling unit is thereby created, be the responsibility of the owner.

(f) Interior surfaces of multiple dwellings that have not been certified as lead-free in accordance with *N.J.A.C. 5:17* shall be maintained in accordance with the applicable provisions of *N.J.A.C. 5:10-6.6*.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-8.3 Stairways and common areas

(a) Stairways shall be maintained to support a live load of 100 pounds per square foot and walking surfaces shall be maintained free of hazards, such as loose steps, loose or uneven treads, torn carpeting, raised strips and nonuniform risers.

(b) Hallways, fire escapes, stairs, landings and passages and other common areas shall be kept open for unrestricted passage.

(c) There shall be a railing to provide support and protect persons from falling off the stairways or landings. Such railings shall meet the requirement of *N.J.A.C. 5:10-7.7*.

§ 5:10-8.4 Doors

All doors shall be so maintained that they can be readily opened and closed.

§ 5:10-9.1 Receptacles

(a) Except where an alternative method providing equivalent health and safety methods is utilized, such as incineration or compaction, there shall be provided for each multiple dwelling noncorrosive, impervious and noncombustible receptacles sufficient in size and number to contain waste accumulated in each separate building, pending collection, either in conformance with the municipal collection schedule or in the absence thereof, twice weekly. The receptacles shall be so constructed as to hold their contents without leakage and shall be provided with tight-fitting covers and handles.

(b) Receptacles for the collection of garbage shall be located so as not to constitute a hazard and located so as to be accessible to the collecting agency.

(c) Garbage collection receptacles shall be kept covered, shall be maintained in good repair and shall be kept in the area designated for storage of such receptacles. All such receptacles shall be cleaned and disinfected at least once a week.

§ 5:10-9.2 Materials requiring separate disposal

(a) Disposal of materials not fitting into or appropriate for receptacles, such as newspapers, wrapping paper and other inorganic wastes which are likely to be blown or scattered about the streets, shall be secured to prevent littering.

(b) Other objects and material, which because of bulk or size do not fit into receptacles, shall be placed out for collection only at such places as are designated for that purpose and at such times as shall assure their prompt removal by the collection service available to the building.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-9.3 Dumbwaiters

(a) Dumbwaiters where existing shall be kept operable and available as part of the garbage disposal system which would be rendered more serviceable by their use.

(b) Every existing device shall be maintained and inspected in accordance with *N.J.A.C. 5:23-12.1* et seq.

§ 5:10-10.1 Screens

(a) Screens suited to protect the interior of the building against mosquitoes, flies and other undesirable insects shall be provided and kept in good repair for each exterior door (except as otherwise provided in exception 2 below) and each openable window in habitable and occupiable rooms and common areas. Screens shall be installed and maintained by the owner on all such doors and windows at least from May 1 to October 1 of each year. All screens required pursuant hereto shall be affixed either to the window frame or to the upper sash and the window frame. Fixed windows need not be provided with screens.

1. Exception 1: In transient nonresidential hotels in coastal areas where it is demonstrated to the department that screens are not necessary above the ground floor.

2. Exception 2: Exterior doors which do not provide any portion of the minimum ventilation area of at least four percent of the floor area of the room or space ventilated.

3. Exception 3: Screens shall not be required for dwelling units or common areas on the sixth floor and above.

4. Exception 4: Screens are not required on windows or exterior doors in areas and spaces where a central mechanical ventilation system is provided which conforms to applicable construction codes of the New Jersey Uniform Construction Code.

5. Exception 5: In areas used for storage purposes only.

§ 5:10-10.2 Elimination of infestation

(a) Every owner shall be responsible for the eradication of any insects, rats or other pests when the infestation exists in two or more units of dwelling space or in common areas. All buildings subject to this chapter shall be made ratproof and shall be maintained in a condition free from infestation. Such ratproofing and pest extermination shall include but is not limited to the following:

1. Prevention of entrance by blocking off or stopping up at passages by which rats may secure entry from the exterior with rat impervious material;

2. Prevention of interior infestation by elimination of sources of food and access thereto;

3. Prevention of any vertical travel of vermin through pipe chases or other similar methods of travel.

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(b) All hotels and multiple dwellings shall be subject to periodic procedures for the prevention and elimination of infestation by persons qualified to conduct such procedures no less frequently than once annually and more frequently where there is recurring evidence of infestation.

§ 5:10-11.1 Duties of owner

(a) The owner shall have the positive responsibility of providing, either by his own direct efforts or by hiring others qualified to so serve, a person or persons qualified by training or experience to discharge the duties and responsibilities outlined for owners under these regulations.

(b) Any managing agent, in charge of the leasing or renting of space and the general management and operation of the premises, shall be competent to provide supervision of the management and operation of the building in accordance with this chapter.

(c) In a multiple dwelling of nine or more dwelling units, the owner shall either perform the janitorial services himself, if he is a resident owner, or provide a janitor, or provide janitorial services to be performed, on a 24-hour a day basis in a manner approved by the bureau.

(d) Unless either the owner or the janitor resides on the premises, the owner of a multiple dwelling or his managing agent in control shall post and maintain in such dwelling a legible sign, conspicuously displayed, containing the janitor's name, address (including apartment number) and telephone number. A new identification sign shall be posted and maintained within five days following a change of janitor.

(e) The person who performs janitorial services for a multiple dwelling of nine or more dwelling units (other than where janitorial services are performed on a 24-hour a day basis under (c) above) shall reside in or within a distance of one block or 200 feet from the dwelling, whichever is greater, unless the owner resides in the multiple dwelling.

(f) Where necessary to assure compliance with this chapter and other provisions of law affecting multiple dwellings and hotels, there shall be a full-time person or employee responsible for providing janitorial services as defined herein. The owner shall provide additional personnel as may be required to assure proper maintenance and compliance with this chapter.

(g) All personnel responsible for enabling the owner to meet the requirements of this chapter shall be by reason of training or experience competent to perform the duties entrusted to him, familiar with the requirements contained herein and not unable or unwilling to discharge the said duties by reason of any physical or mental incapacity or disability or personal habits inconsistent with such duties.

(h) The following shall serve as a guide to adequacy of personnel for maintenance of a typical multiple dwelling not having any unusual or special labor-saving features:

Units of Dwelling Space	Full-Time Personnel or Equivalent
70-100	one
101-150	two
151-225	three
226-325 (and each additional 100 units)	four, plus one for each 100 additional units of dwelling space over 325

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-11.2 Duties of manager and superintendent

(a) Without relieving the owner of any responsibility placed by these regulations on the owner, any person undertaking for and in behalf of the owner any responsibilities for the operation and maintenance of the premises shall thereby assume concurrently with the owner, responsibilities for the premises and be subject to penalty for failure to comply with any regulation or order relating to any item or matter within the responsibilities so assumed.

(b) Where the owner has vested any other person with active management or control of the property and the owner either by his physical absence or unavailability to the premises has left such person in charge thereof, or by reason of any other arrangement with such person the owner does not actively engage in the day-to-day conduct or operation of the premises, then such person assuming management shall be responsible as the agent of the owner for compliance thereto.

(c) Where there is present on the premises or available to the premises a person whose duties and authority do not comprise overall control of the management of the premises, but such person is designated by the owner as the person responsible for the day-to-day physical upkeep and maintenance of the premises, then such person shall be liable concurrently and jointly with the owner and any managing agent for such matters as shall constitute routine maintenance and upkeep of the premises, for any other matters pertaining to the maintenance of the premises entrusted to such person by the owner or management, and for apprising the owner or managing agent promptly of any other and further matters such as major repairs, structural improvements and capital investments which are beyond such person's authority and competence to undertake, and which, if not done, constitute violations of this chapter or hazards to the health, safety or well-being of occupants.

§ 5:10-11.3 Janitorial services required

(a) The person in regular attendance on the premises and responsible for providing janitorial or maintenance duties as required by this subchapter shall provide the following services:

1. Setting out and returning waste disposal receptacles and avoiding leaving receptacles on days when there is no pickup;
2. Providing regular daily care for all common areas including removal of garbage, litter or other accumulations;
3. Attending to sidewalks, pedestrian walkways, parking areas and driveways and, in case of snow or ice, to permit safe passage in and out of the premises for vehicles and pedestrians;
4. Operating of the equipment designed to provide heat as required under these regulations; and
5. Such other and further routine operational and maintenance service as is required of the owner to comply with this chapter.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-12.1 Standard of maintenance

(a) All elevators shall be so maintained as to meet the standards established and set forth in *N.J.A.C. 5:23-12.1* et seq. The elevator doors, flooring, safety devices and operating mechanisms shall be maintained in good working order and free of hazards.

(b) The owner or the agent of the owner of a building containing one or more elevators shall have, and shall provide for inspection by the Bureau's representative, a current certificate of compliance, issued pursuant to *N.J.A.C. 5:23-2.23(j)*, for each such elevator.

§ 5:10-12.2 Preventive maintenance

All elevators and elevator equipment and accessory devices shall be provided with preventive maintenance and inspections as required by *N.J.A.C. 5:23-12.1* et seq.

§ 5:10-12.3 Suspension of service

Elevator service shall not be suspended except where unavoidable or where necessary to provide servicing or repairs and then only for the minimum period of time necessary to effectuate such servicing or repairs. Where the owner has knowledge in advance of such suspension, he shall post a notice of the same advising all occupants of the time and duration of any such suspension and the reason therefor.

§ 5:10-12.4 Mirrors

In all hotels and multiple dwellings in which there are one or more self-service elevators, there shall be affixed and maintained in each elevator a mirror that will enable persons, prior to entering into such elevator, to view the inside thereof to determine whether any person is in such elevator.

§ 5:10-13.1 Electrical service

(a) There shall be maintained in good operational condition in every multiple dwelling and hotel, electrical service which shall comply with the electrical requirements in effect at the time the structure first became a multiple dwelling or hotel.

(b) The following electrical installations shall be provided and hereafter properly maintained in all hotels and multiple dwellings:

1. All entrances and exits shall be illuminated by exterior lights sufficient to provide safe passage for persons of normal vision. Exterior lighting fixtures shall be controlled by interior wall switches, located for convenient and readily accessible use except if such lights are controlled by an automatic timer or photoelectric control device.

2. Every kitchen shall be provided with a minimum of two duplex receptacle outlets.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

3. Each basement shall be wired for a minimum of one lighting fixture for use as general illumination. All enclosed areas to which occupants of the building have access shall be provided with at least one lighting fixture. Stairwell and laundry area lighting fixtures shall not be counted as part of the required basement lighting fixtures.

4. Laundry areas shall be provided with illumination. The laundry circuit shall be an individual circuit. A wall-mounted grounding type duplex receptacle outlet shall be provided, located near the laundry equipment.

5. Heating equipment requiring electrical energy for operation or control shall be provided with an individual circuit.

6. Service and circuiting shall be adequate for the electrical load being served. If the electrical load in a building is excessive, the load shall be reduced or service shall be increased so as to be adequate.

7. Existing wiring and equipment shall be kept in good repair.

(c) Over-current protection devices shall be provided. Under no circumstances shall the capacity of over-current protection devices exceed the rated capacity of all connected wiring as determined by the National Electrical Code.

(d) No extension lines shall be utilized except in conformity with the following standards:

1. No cords shall be used which are not listed by Underwriters Laboratories, Inc.

2. Maximum length shall not exceed eight feet and minimum wire size shall not be less than No. 18 (AWG).

3. No extension cord shall be used that is rated for a lower current carrying capacity than is required by the appliance(s) to which it is connected.

4. No extension cord shall pass under any rug or carpet or across any path of travel or be used in any other location where it would create a hazardous condition.

5. No frayed, worn or otherwise damaged extension cord shall be used.

(e) There shall be available in each habitable room sufficient electrical outlets to enable occupants to utilize the room for function for which it is designed without use of loose cords or extension lines prohibited in (d)4 above.

§ 5:10-13.2 Exterior lighting

(a) Every garage or other accessory structure utilized by occupants after dark shall be equipped with artificial lighting which shall be maintained and operated so as to render all parts of the garage that are unlocked and accessible, visible to occupants and also to illuminate all areas commonly used by occupants sufficiently to enable persons of normal vision to traverse from such areas safely to the point of egress from the garage.

(b) In garages or structures not kept locked, lighting as required herein shall be kept on continually from one-half hour before sunset to one-half hour after sunrise unless the lighting is connected to a dusk to dawn photoelectric control device.

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(c) In garages or structures which are locked at all entrances, lighting may be provided which is operated manually by individual occupants in lieu of continual night lighting, and in such case the lighting fixtures shall be operable from a switch located near the point of ingress into the interior of the space to be lighted.

(d) Illumination of common areas shall be situated so as not to shine into adjacent dwelling units.

(e) Exterior parking areas, pedestrian walkways or other portions of the premises subject to regular and recurrent use by occupants at night shall be illuminated continually from one-half hour before sunset to one-half hour after sunrise, unless the lighting is connected to a dusk to dawn photoelectric device to enable safe passage of persons of normal vision.

§ 5:10-13.3 Artificial lighting

(a) All interior common areas on the premises utilized by occupants are likely to be used by persons frequenting the premises shall be equipped with lighting so that during periods of darkness, all such parts and areas shall be sufficiently illuminated to enable persons of normal vision to traverse such areas safely and to perform therein the functions for which the parts or areas are designed.

(b) Light switches in exit ways, including corridors, hallways, landings, stairways and vestibules shall be of a type that may not be operated by occupants or persons frequenting the premises.

(c) Lighting fixtures, wall plates and other electrical facilities in bathrooms and toilet rooms shall be of the type or so located and maintained that there will be no danger of short circuiting from splashing of water from any facility therein. No such fixtures shall be located so as to be reached from a bathtub or shower enclosure.

(d) Every habitable or occupiable room shall have light available at all times, with an illumination of at least six foot-candles. Such light shall be measured 30 inches from the floor at the center of the room.

(e) Every bathroom and toilet room shall have light available at all times, with an illumination of at least three foot-candles. Such light shall be measured 30 inches from the floor at the center of the room.

(f) The foregoing provisions notwithstanding, it shall not be the responsibility of a multiple dwelling owner to provide lamps or lighting fixtures in dwelling units other than kitchen and bathroom ceiling or wall fixtures or to supply replacement bulbs.

§ 5:10-13.4 Electrical hazards near swimming pools

No overhead electrical conductors shall be within 15 feet of any swimming pool. All metal fences, enclosures or railings that might become electrically charged as a result of contact with broken overhead conductors or from any other cause near, or adjacent to, a swimming pool shall be grounded in accordance with the provisions of the National Electrical Code.

§ 5:10-13.5 (Reserved)

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-14.1 Standard of performance

Every unit of dwelling space shall contain facilities to provide heat sufficient to maintain a minimum inside temperature 68 degrees Fahrenheit in all habitable rooms, measured at least one foot away from any surface at the coldest portion of the space subject to regular use by occupants of any such room when the outside temperature is at design winter conditions. This provision shall not apply to units of dwelling space which are neither occupied nor intended to be occupied between October 1 and the next succeeding May 1.

§ 5:10-14.2 Corrective measures

Where the bureau determines that the facilities are of inadequate size or capacity to accomplish the foregoing, the owner may be ordered to either increase the capacity of the heating system, provide additional insulation or take such other or further steps as will enable the heating system of the unit to satisfy this requirement; provided, however, nothing herein shall be construed as authorizing loss of habitable space to an extent that would create a violation of this chapter.

§ 5:10-14.3 Standards of maintenance

(a) The heating equipment, facilities and system and all parts thereof shall be kept in good operating condition, free of defects, corrosion and deterioration at all times.

(b) Heating equipment shall be installed and maintained in such a manner as to avoid leakage of or concentration of liquids, gases and solid matters which may constitute hazards or violations of this chapter.

(c) Heating equipment shall not be operated in such a manner as to impair its ability to perform as required hereunder or create a hazard anywhere in the system due to excessive temperature.

(d) The heating system, including such parts as heating risers, ducts and hot water lines, shall be covered with an insulating material or guard to protect occupants and other persons on the premises from receiving burns due to chance contact.

(e) Any pressure relief valve on any type of heating unit shall be connected to a pipe that discharges either vertically toward the floor to a maximum distance of 20 inches from that floor surface or in a manner conforming to the plumbing subcode of the Uniform Construction Code.

§ 5:10-14.4 Minimum temperature

(a) From October 1 of each year to the next succeeding May 1, every unit of dwelling space and every habitable room therein shall be maintained at a temperature of at least 68 degrees Fahrenheit between the hours of 6:00 A.M. and 11:00 P.M. and at least 65 degrees Fahrenheit between the hours of 11:00 P.M. and 6:00 A.M. The heating system shall be capable of maintaining the minimum required temperature in all habitable rooms without the necessity of heating adjoining rooms more than five degrees higher than said minimum required temperature. The design of the heating system shall conform to the ASHRAE Guide and

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

Data Book. The heating standard herein set forth may be modified by the Commissioner by emergency rule.

(b) In meeting the aforesaid standards, the owner shall not be responsible for heat loss and the consequent drop in the interior temperature arising out of action by the occupants in leaving windows or doors open to the exterior of the building.

(c) The owner shall be obligated to supply required fuel or energy and maintain the heating system in good operating condition so that it can supply heat as required herein, notwithstanding any contractual provision seeking to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees in writing to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed.

§ 5:10-14.5 Space heaters

(a) Space heaters shall be so installed, located and maintained so as to exhaust the products of combustion to the outside air (unless the appliance is labeled as having been tested and approved for unvented operation, in compliance with the State Uniform Construction Code), to prevent a fire hazard by being sufficiently removed or insulated from surrounding material, to be permanently affixed so that the heater cannot be moved by occupants, and not to constitute a hazard to persons using the premises in close proximity to the heater by reason of chance contact or by reason of lack of fresh air supply.

(b) Space heaters shall be installed in such a manner that all habitable rooms will be heated to the required temperature, with no room more than five degrees Fahrenheit higher in temperature than the other rooms. If the temperature varies over five degrees Fahrenheit, other heaters must be installed to give uniform heating of all habitable rooms.

(c) Electric and gas space heaters shall be permitted providing they meet standards established by the Underwriters' Laboratories.

§ 5:10-14.6 (Reserved)

§ 5:10-14.7 Annual inspection

(a) The heating system as herein defined shall be inspected annually. Such inspection shall be for the following purposes:

1. To insure that the system is being maintained in accordance with the standards applicable to the system as of the time of installation;
2. To locate and remove hazards or conditions that may, if not corrected, foreseeably develop into hazards or become violations of these regulations;
3. To confirm the ability of the system to fulfill the heating requirements provided hereunder.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-15.1 Sufficiency of source and system

Every multiple dwelling and hotel shall be connected to a source of and system for delivery of potable water sufficient to meet the requirements for hot and cold water at all connected fixtures.

§ 5:10-15.2 Connection of fixtures

Every kitchen sink, bathroom or toilet room, sink, basin, tub or shower shall be connected to both hot and cold water lines and be provided with both hot and cold water.

§ 5:10-15.3 Hot water

(a) Each building shall be served by a hot water heater and hot water distribution system capable of operating even when the heating system itself is not in operation and of providing all units of dwelling space and facilities therein requiring hot water with water at the outlets at a minimum temperature of 120 degrees Fahrenheit and a maximum temperature of 140 degrees Fahrenheit at all times in accordance with anticipated need resulting from the number of fixtures and use of the building.

(b) The use of sidearm water heaters shall be prohibited.

§ 5:10-15.4 Flow of water

All plumbing fixtures and equipment for the supply and drainage of running water shall be maintained so that the rate of flow shall be of sufficient volume and at pressures adequate to enable them to function properly. The pipes conveying the water shall be of sufficient size to provide the water required without undue pressure reduction and without undue noise under all normal conditions of use.

§ 5:10-16.1 Natural light

(a) Every habitable room shall have at least one window or skylight or transparent or translucent panel facing the exterior of the premises directly or through an open porch into the room, equal in area to at least eight percent of the floor area of such room.

(b) Wherever walls or other portions of a structure or other opaque barriers face a window surface and are less than three feet distant from such window surface and where the projected plane of any such wall, surface or barrier shall obscure more than one half of the window surface, then such shall not be included in the calculation as contributing to meet the minimum requirements hereof.

§ 5:10-16.2 Natural ventilation

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(a) Every habitable room, bathroom, toilet room or enclosed kitchenette shall have a means of natural ventilation unless there is supplied some other device affording adequate ventilation and exchange of air. Natural ventilation as required hereunder shall be directly to the exterior through an opening of at least three square feet or through a porch having access and exposure to fresh air from the exterior. The total of openable window or skylight area in each such room shall be equal to at least 50 percent of the minimum window or skylight area required for natural light under *N.J.A.C. 5:10-16.1*.

(b) Every such window or skylight shall be equipped with the necessary hardware or other means so that it can be readily opened and closed by occupants from the interior of the dwelling space.

§ 5:10-16.3 Mechanical ventilation

(a) Where the required natural ventilation is not provided, there shall be ventilation by mechanical means, conforming to the following requirements:

1. Kitchens and kitchenettes shall be ventilated by mechanical means so as to exhaust at least two cubic feet of air per minute per square foot of floor area directly to the outdoors or by means of a properly installed and maintained electrically-powered non-ducted range hood equipped with an activated charcoal filter for the elimination of cooking odors;

2. For commercial kitchens, see *N.J.A.C. 5:70-4.7(g)*;

3. Bathrooms and toilet rooms containing only one water closet or urinal shall be mechanically vented by an exhaust system that exhausts at least 50 cubic feet of air per minute. Means shall be provided for air ingress by louvers in the door, by undercutting the door or by transfer ducts, grilles or other openings.

4. Bathrooms and toilet rooms containing more than one water closet or urinal shall be mechanically vented by an independent exhaust system that exhausts at least 40 cubic feet of air per minute per water closet or urinal.

§ 5:10-16.4 Replacement glazing

All replacement glazing shall conform to the applicable construction codes of the New Jersey Uniform Construction Code for glazing requirements for specific hazardous locations.

§ 5:10-17.1 Storage of occupants' property

(a) Any storage area available to or used by occupants in common areas shall have each space within the area separately designated for each unit of dwelling space and a list identifying each such space shall be retained by the person in charge of the premises or, if the space is used in common by occupants of more than one unit of dwelling space, then all items so stored shall bear the identification of the occupant storing the item or items.



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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(b) The owner shall not permit unmarked items to be stored in a common storage area and shall have a procedure for notifying each tenant, in writing, before removal and disposal of same.

(c) Materials stored in such areas shall be secured against becoming sources of infestation and shall be protected against fire hazards caused by ignition from electrical or heating devices or equipment of similar possible sources of fire.

§ 5:10-17.2 No smoking signs

Common areas available for or utilized for storage purposes and public garages shall contain one sign at least one square foot in area, clearly legible and prominently displayed at or near the entrance to the space, prohibiting smoking in the area.

§ 5:10-17.3 Limitations on storage space

(a) Storage in common areas shall not cover more than 80 percent of the overall floor area and not more than 60 percent of the cubic content of the storage area and shall be arranged so that there will be maintained at all times aisles at least three feet in width.

(b) Storage shall not be permitted in attic spaces in garden apartments unless such spaces are designed for such purposes.

§ 5:10-17.4 Refrigerators and similar equipment

The owner shall first remove the doors of any refrigerators or other such equipment with exterior closing devices likely to be hazardous to children, if stored on the premises.

§ 5:10-17.5 (Reserved)

§ 5:10-18.1 Mailboxes and directories

(a) The owner shall provide and maintain mail receptacles for all occupants, conforming to all Federal postal laws and regulations.

(b) In multiple dwellings, there shall be identification by name and unit of dwelling space for each designated occupant, maintained by the person in charge of the premises or posted at or near the main entrance of the premises or in the lobby, lounge or mailroom area. Nothing herein shall be construed as requiring a directory for transient guests, provided there is a responsible person on the premises designated by the owner, known to postal authorities, who shall on behalf of the owner receive and distribute or make available for pickup mail for transient guests.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

§ 5:10-18.2 Identification signs

(a) Every unit of dwelling space in hotels and multiple dwellings shall have some permanent and legible identification by letter, number or other symbol at or near the front entrance thereof.

(b) Floor signs designating the number of the floor shall be posted prominently and maintained permanently near to and visible from the entrance to the elevators and stairwells serving each floor.

(c) The street number of the premises shall be posted prominently at the front entrance of the premises and be visible day and night from the public right-of-way adjoining the main front entrances of the premises.

§ 5:10-19.1 Hotels

(a) The following provisions apply to hotels:

1. Entrance doors to dwelling units shall be equipped with a medium duty dead latching lockset (series 160, FF-H-106c, minimum, with a minimum 11/16 inch by 1/2 inch with 1/2 inch minimum throw latch bolt with automatic deadlocking plunger) or with a dead bolt separate from the latch set.

2. Such entrance doors shall also be equipped with either a viewing device installed on the designated main entrance door to the dwelling unit located so as to enable a person on the inside of the entrance door to view a person immediately outside, or with a chain door guard so installed as to permit partial opening of the door; provided, however, that chain door guards shall not be installed as an alternative to viewing devices in dormitories.

3. All openable windows, sliding doors, basement windows and windows opening onto exterior stairways, fire escapes, porches, terraces, balconies or other areas affording easy access to the premises shall be equipped with a locking device of some kind.

4. Grilles lockable from the inside only may be placed on the inside or outside of windows only if the windows do not serve to provide access to exits.

§ 5:10-19.2 Multiple dwellings

(a) The following provisions apply to multiple dwellings.

1. Every building entrance door or other exterior door permitting access to two or more units of dwelling space shall be equipped with heavy duty dead latching locksets (series 161, FF-H-106c, minimum, with a minimum 7/8 inch by 5/8 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger). Outside cylinders of main entrance door locks shall be operated by the tenant's key, which shall not be keyed to also open the tenant's dwelling unit entrance door.

2. All exit and exitway doors shall be freely openable from the inside at all times.

3. All exterior entrance doors to common basement, cellar or storage areas shall be self-closing and lockable.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

4. All entrance doors to dwelling units shall be equipped with a medium duty dead latching lockset (series 160, FF-H-106c, minimum, with a minimum 11/16 inch by 1/2 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger) or with a dead bolt lock separate from the latch set.

5. All entrance doors to each dwelling unit shall be equipped with a chain door guard so as to permit partial opening of the door, and a viewing device installed on the designated main entrance door to the dwelling unit, located so to enable a person on the inside of the entrance door to view a person immediately outside.

6. All openable windows, sliding doors, basement windows and windows opening onto exterior stairways, fire escapes, porches, terraces, balconies or other areas affording easy access to the premises shall be equipped with a locking device of some kind.

7. Grilles lockable from the inside only may be placed on the inside or outside of windows only if the windows do not serve to provide access to exits.

8. Every exterior entrance door leading to interior common areas which provide access to two or more interior dwelling unit entrance doors shall be a self-closing and self-locking door, shall be kept closed at all times except when in actual use and shall be equipped with a viewing device if it would not otherwise be possible to see a person seeking to enter without opening the door. In addition, the main entrance door shall be either attended at all times by a doorman or equipped with an electrically operated buzzer and latch-release system, individual exterior door bells connected to each dwelling unit, or an approved alternative security and entrance system. However, no building shall be equipped with an electrically operated latch-release system if such building is not also equipped with an intercommunication system allowing effective communication between a person in any dwelling unit and a person standing outside of the main entrance door.

9. When the main entrance to a building contains a vestibule with doors at both ends, only the inside set of doors must conform to the security requirements.

10. Buildings with fewer than six dwelling units shall not be required to have bells in every dwelling unit provided there is at least one exterior door bell connected so as to ring at least one bell in the common areas which will be audible in all dwelling units.

11. Exposed hinges on building entrance doors and entrance doors to dwelling units are either to be removed and replaced with hinges which have nonremovable hinge pins, or altered so that the door would be protected against being lifted from its hinges by pulling the hinge pin. (An acceptable alteration method to an existing door would be to remove two screws, opposite each other, from both leaves of the hinge, insert screw, steel pin or equivalent into jamb leaf, protruding 1/2 inch, drill out the opposite screw hole in the door. Do this in the top and bottom hinge of the door. When closed, the hinge pins may be removed, but the door will remain firmly in place.)

§ 5:10-20.1 Required facilities

(a) No cooking shall be permitted in any unit of dwelling space unless there is provision for the following minimum cooking and sanitary facilities:

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

1. A kitchen sink of nonabsorbent impervious material and drainboard of appropriate materials, connected to and having available at all times a supply of hot and cold water under sufficient pressure as required under N.J.A.C. 5:10-15. The kitchen sink shall be connected to a sanitary disposal or sewer system;
2. Cooking and preparation of food shall be undertaken only in areas designated therefor;
3. Means of natural ventilation or mechanical ventilation sufficient to remove promptly cooking odors to the exterior of the premises without first circulating them within the interior habitable space of the unit;
4. Place for storage of food free from infestation;
5. Facilities for refrigeration in good operating condition for protection of food from spoilage permitting maintenance of temperatures for storage above 32 degrees and below 50 degrees without regard to outside temperature;
6. A cooking facility which, if electrical, is connected with safety to an electrical system of sufficient capacity, or if gas, connected by permanent fixtures and tubing to avoid leakage of gas. The use of gasoline stoves or other similar fuel-burning appliances using highly flammable liquids and the use of portable kerosene stoves or other similar fuel-burning portable appliances for cooking is prohibited;
7. Cabinets or drawers or other storage areas for utensils, dishes and other cooking and eating equipment;
8. Two floor or wall electrical outlets for electrical appliances.
  - (b) Notwithstanding (a) above, microwave ovens may be used in rooming units.

§ 5:10-21.1 Required facilities

- (a) Every unit of dwelling space shall contain the following minimum sanitary facilities:
  1. A toilet equipped with a flushing mechanism;
  2. A bathtub or shower or other complete bathing facility;
  3. A wash basin in the toilet room or within close proximity thereto;
  4. In dwelling units having more than one room available or used for sleeping purposes, each such room shall have accessible to it, sanitary facilities directly from the room itself or through any common portion of the dwelling unit without requiring passage through the bedroom.
- (b) A complete second set of sanitary facilities shall be required for any unit of dwelling space with permissible occupancy of eight or more persons.
- (c) Each toilet and bathing facility shall be located in a separate room or rooms completely enclosed sides and top and shall provide privacy to the occupant thereof. Any such room shall be provided with:
  1. One or more doors, each of which can be locked from the interior;
  2. Floor, walls and ceiling surfaces made of or protected by durable materials capable of being exposed regularly to moisture without damage or deterioration.

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 \*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
 CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

(d) Every bathroom and toilet room shall be of sufficient dimension to provide 1 1/2 foot clearance in front of each fixture including (but not limited to) toilet, lavatory, bathtub or shower;

(e) Every toilet including the toilet seat, wash basin, shower, bath and other plumbing or sanitary facility forming part of any toilet room or bathroom shall be maintained in good operating condition at all times and shall be kept clean and free of material that might clog the same or impair its operation and shall drain into a sanitary sewer or other approved sanitary disposal system.

§ 5:10-21.2 Rooming units

(a) Occupants of rooming units shall either have the sanitary facilities required hereunder within the rooming unit or accessible to the rooming unit dwelling directly or by passage through a common hallway or passageway into which such rooming unit opens. Any such facility shall be located either on the same level or no more than one level below or above the rooming unit accessible through a stairway.

(b) There shall be available at least one of each kind of sanitary facility located as provided herein for each group of rooming units with a permissible capacity of six persons and an additional set of each kind of sanitary facility for each additional multiple group of rooming units with a permissible capacity of eight persons or fraction thereof. For dwellings or structures utilized exclusively by male occupants, urinals flushed by running water may be substituted for no more than one-half of the required number of toilet facilities.

(c) Any additional toilets over and above the initial toilet shall be located or partitioned separately from any other toilet required hereunder and any additional bathing facility required hereunder shall be located separate from any other required bathing facility. There shall be no more than one of the required toilet facilities in the same room as any required bathing facility.

§ 5:10-21.3 Dormitories

Rules on dormitories are outlined in the following table:

Persons	Water closets		Urinals		Lavatories		Bathtubs or showers		
	Closets	Male	Male	Urinals	Persons	Lavatories		Persons	Bathtubs or showers
						Male	Female		
1-15	1	1	1-30	1	1-15	1	2	1-7	1
16-30	2	2	31-60	2	16-30	2	3	8-15	2
31-50	3	4	61-100	3	31-50	4	3	16-25	3
51-75	4	6	101-150	4	51-75	4	5	26-35	4
76-100	6	8			76-100	6	7	36-45	5
100-150	8	10			101-125	7	9	45-55	6
Over 150, add 1 additional closet			Over 150, add 1 for each		Over 125, add 1 lavatory for each 20			Over 55 and not over 200, add 1	

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10 (2014)*

Water closets for each 25 males and each 20 additional females	Urinals additional 50 males	Lavatories additional males and each 15 additional females	Bathtubs or showers tub or shower for each 10 persons. Over 200 add 1 tub or shower for each 20 persons
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1 Drinking fountain for each 75 persons

§ 5:10-22.1 Basements and cellars

(a) Basements and cellars may be used for dwelling space provided that:

1. The entire area constituting the dwelling unit must comply with all requirements set forth in this chapter applicable to habitable rooms or areas and to all requirements set forth in *N.J.A.C. 5:70* applicable to dwelling units in basements or stories below grade; and
2. The floors, ceiling and walls of each unit of dwelling space must be free of moisture.

§ 5:10-22.2 Unemancipated minors

No unemancipated minor shall occupy any unit of dwelling space not having as part thereof for the exclusive use of its occupants the sanitary facilities required under *N.J.A.C. 5:10-21*.

§ 5:10-22.3 Floor area

(a) In all dwelling units other than rooming units, there shall be a minimum usable floor area for the initial occupant of 150 square feet and 100 square feet additional space for each additional occupant provided, however, that children under the age of two shall not be considered additional occupants.

(b) In rooming units used or intended to be used solely for transient occupancy, there shall be a minimum usable floor area of 50 square feet for each occupant provided, however, that children under the age of six shall not be considered additional occupants.

(c) In every rooming unit used or intended to be used for non-transient occupancy, there shall be a usable floor area of at least 80 square feet in every room occupied or intended to be occupied for sleeping purposes by one occupant and a usable floor area of at least 60 square feet per occupant in every room occupied or intended to be occupied for sleeping purposes by more than one occupant, provided, however, that children under the age of two shall not be considered to be additional occupants.

(d) In every dwelling unit other than a rooming unit, every room occupied or intended to be occupied for sleeping purposes by one occupant shall have a minimum usable floor area of 70 square feet and every room occupied or intended to be occupied for sleeping purposes by more than one occupant shall have a usable floor area of at least 50 square feet for each such occupant, provided, however, that children under the age of two shall not be considered to be additional occupants.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

§ 5:10-22.4 Prohibited sleeping areas

Kitchens, bathrooms, and toilet rooms shall not be used for sleeping purposes.

§ 5:10-22.5 Required ceiling height

(a) Except as otherwise provided in (a)1 and 2 below, no room or space or portion of a room or space shall be considered habitable unless that room or space or portion of a room or space has a clear ceiling height of at least seven feet, zero inches.

1. Rooms, spaces, and portions of rooms and spaces in hotels that are open and operating less than six months of each year, are located in municipalities bordering on the Atlantic Ocean and are used exclusively for transient occupancy, and were so used prior to November 5, 1990 in conformity with any applicable mercantile license requirement, shall be deemed to be habitable regardless of ceiling height unless there is a clear and present danger to the health or safety of the occupants.

2. Dwelling units and portions of dwelling units in multiple dwellings located in municipalities bordering on the Atlantic Ocean shall be deemed to be habitable with a ceiling height of less than seven feet, zero inches provided that the dwelling unit was occupied prior to the effective date of this amendment and is in conformity with any applicable mercantile license requirement prior to May 27, 1991 and:

i. The ceiling height is less than seven feet, zero inches but at least six feet, four inches and there is no clear and present danger to the health or safety of the occupants;

ii. If the ceiling height is less than six feet, four inches but at least five feet, 10 inches, there is no clear and present danger to the health or safety of the occupants and the volume of the unit, as measured in cubic feet, is at least seven times the minimum square footage required for the number of occupants in the unit; or

iii. If the ceiling height is less than five feet, 10 inches, an exception is granted by the Bureau in accordance with *N.J.S.A. 55:13A-11* and *N.J.A.C. 5:10-1.15*.

(b) Read in context with the definition of habitable room and the occupancy standards found in this subchapter, this section requires an attic apartment to contain at least 150 square feet of floor space having a ceiling height of seven feet, zero inches, and that every attic room have at least 59 square feet of floor area having a ceiling height of at least seven feet, zero inches. While additional floor area having less than seven feet, zero inches ceiling height is permitted, it cannot be counted for purposes of determining habitability.

§ 5:10-23.1 Registry and rate-posting

(a) Every hotel and multiple dwelling containing rooming units shall:

1. Maintain at all times a registry identifying the name of each occupant of each rooming unit, together with the principal residence address of each such occupant and the date upon which his occupancy of such rooming unit commenced, which registry shall be signed by the person renting the rooming unit.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

2. Not have posted on any advertising sign, or placed before the public in any advertising matter or information pertaining to such hotel or multiple dwelling, any rates for accommodation in such hotel or multiple dwelling unless there are available therein, when vacant, accommodations for immediate occupancy at the advertised rate.

3. Have posted in a conspicuous place or manner in each rooming unit a statement of the range of rates charged by the hotel or multiple dwelling, including seasonal rates, and a legible printed copy of P.L. 1967, c.95 (*N.J.S.A. 29:4-5 et seq.*).

§ 5:10-23.2 Linen, towels and housekeeping services

(a) The owner or operator of every hotel or dwelling space for which housekeeping services are provided shall:

1. Supply a fresh change of bed linen and towels, all of which shall be in good condition, at least once a week or when there is a change of occupancy of the unit;

2. Provide housekeeping and interior maintenance on a daily basis if a hotel, or weekly basis if a rooming house, but under any circumstances each such unit shall be completely inspected and cleaned where the occupancy thereof is changed.

§ 5:10-24.1 Design requirements

(a) Driveways shall have two traffic lanes for their entire length, in addition to any parking space, except that a single lane may be used for short straight service driveways where two-way traffic is not anticipated.

(b) Buildings, walls, fences, planting and other sight obstructions shall be so located and designed that a driver backing out of a garage, carport or parking space can see approaching traffic speed and volume.

§ 5:10-24.2 Maintenance requirements

Driveways and parking areas shall be maintained free of potholes or other unsafe or unsanitary conditions.

§ 5:10-24.3 Parking in approach drives

No parking will be permitted in approach drives to parking areas where such parking will obstruct ingress of fire-fighting equipment.

§ 5:10-24.4 Parking for handicapped residents

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

(a) Any owner of a multiple dwelling with five or more dwelling units which provides parking to the occupants thereof, and in which a handicapped person resides, shall provide parking spaces for occupants who are handicapped located at the closest possible proximity to the principal accesses of the multiple dwelling.

(b) A minimum of one percent of the total number of parking spaces provided for the occupants of the multiple dwelling, but not less than one parking space, shall be set aside as parking for the handicapped.

1. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following words: "This space reserved for physically handicapped drivers."

2. Each reserved space shall be 12 feet wide to allow room for a person in a wheelchair or on braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking and shall be located so that a person in a wheelchair or using braces or crutches is not compelled to wheel or walk behind parked cars.

3. Where applicable, curb ramps shall be provided to permit a handicapped person access from the parking area to the sidewalk.

(c) For purposes of this section "handicapped" means a physical impairment which confines a person to a wheelchair; causes a person to walk with difficulty or insecurity; affects the sight or hearing to the extent that a person functioning in public areas is insecure or exposed to danger; causes faulty coordination; or reduces mobility, flexibility, coordination and perceptiveness to the extent that facilities are needed to provide for the safety of that person.

§ 5:10-25.1 Scope

(a) This subchapter establishes standards and procedures for the Bureau of Housing Inspection's approval of methods and devices for indirect apportionment of heating costs in multiple dwellings, in accordance with P.L. 1991, c.453.

(b) No method, device or system of devices for apportionment of heating costs in multiple family dwellings shall be used without prior approval of the Bureau pursuant to this subchapter, except that methods or devices in use on April 17, 1992 may continue in use pending application for and issuance of approval by the Bureau, until not later than October 17, 1992, unless an application for approval is filed by January 19, 1993. Any system not approved by the Department by April 19, 1993, or undergoing testing or other procedures required by the Department as part of the approval process as of that date, shall be removed or permanently shut out of service.

(c) This subchapter shall not apply to devices for direct apportionment of heating costs that are approved by the Board of Public Utilities.

(d) This subchapter shall not apply to any charges for the separate heating of domestic hot water, charges for cooking fuel or charges for the heating of common areas in buildings. Charges for any such energy uses are not covered by this subchapter.

(e) This subchapter shall apply to all multiple dwellings, including, without limitation, condominiums, cooperatives and mutual housing corporations that are not excluded from jurisdiction under the act in accordance with *N.J.S.A. 55:13A-3(k)*.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

§ 5:10-25.2 Application to the Department

(a) Any manufacturer, distributor or other person seeking approval for use of a device or system of devices for indirect apportionment of heating costs in a multiple dwelling shall submit two copies of the following information, as well as the appropriate fee, at such time as the fee shall be determined in accordance with *N.J.A.C. 5:23-4.20(d)*, to the Bureau of Construction Project Review, PO Box 817, Trenton, NJ 08625. The Bureau of Construction Project Review will forward one copy of the information document to the Bureau:

1. The name and address and social security or taxpayer identification number of the applicant for approval;
2. The name and address of the general partner(s) or corporate officer(s), if applicable;
3. A description of the device or system of devices, including a narrative description, schematics, and any test certifications or listings of components;
4. A description of the method for computing energy consumption based on measurements recorded by the device or system of devices, using commonly recognized standard American units;
5. A description of any calculations used to convert standard units and any subsequent calculations used to arrive at occupant usage; and
6. A description of any calculations used to arrive at a unit cost charged occupants.

(b) Approved devices and systems shall be placed on a list to be maintained by the Bureau of Construction Project Review. The list shall be made available to any interested party on request.

1. An owner of a multiple dwelling shall not submit an application for use of such a device or system to the Bureau unless the device or system is on the Department's list of approved devices and systems.

(c) An owner of a multiple dwelling who proposes to institute a method or system for indirect apportionment of heating costs shall provide the following information to the Bureau:

1. The make and identifying number of the device or system for indirect apportionment of heating costs that is proposed to be installed;
2. The name, address and social security or taxpayer identification number of the owner of the building;
3. The name and address of the building manager, if applicable;
4. The address and registration number of the multiple dwelling;
5. The number of dwelling units;
6. A copy of all written information related to heating costs that is provided to existing or prospective occupants, including applicable lease terms;
7. A copy of the billing format used or proposed to be used to bill unit occupants for apportioned heating costs, which shall include, but not be limited to, the following:

- i. Billing date;

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

- ii. Billing period;
  - iii. Measurement units and formula used for calculating energy use, the energy usage calculated from that reading, and the charge per unit for energy;
  - iv. A statement that the bill is not from the utility;
  - v. A statement that the total of the bills for the dwelling units shall not exceed the cost for the heating of all dwelling units that is paid to the utility, and the amount of that total charge; and
  - vi. A local or toll-free number of the landlord or the landlord's authorized agent that an occupant can call to obtain information, to request service or maintenance, or to submit complaints.
8. A copy of information concerning indirect apportionment of heating costs, which shall be provided to existing and prospective occupants, including:
- i. A statement of the range of accuracy of the system when it is functioning properly;
  - ii. Average square foot apportioned heating cost for the building over the last heating season, if the apportionment system was already installed, or an estimate based upon manufacturer's data or information from a similar installation;
  - iii. For each occupant, the square footage of that occupant's unit; and
  - iv. A statement of the maintenance schedule for the system;
9. A proposed schedule of inspection and maintenance of the indirect apportionment system.

§ 5:10-25.3 Criteria for acceptance

(a) Before accepting a device or system of devices for indirect apportionment of heating costs for use in multiple dwellings, the Bureau, after consultation with the Bureau of Construction Project Review, shall be satisfied that it is:

- 1. Reliable and accurate;
- 2. Subject to an appropriate inspection and maintenance schedule;
- 3. Capable of equitably measuring distribution of energy to all occupancies based on actual usage;
- 4. Equipped with individual thermostats for each dwelling unit;
- 5. Designed to produce itemized billing statements, or to produce data for itemized billing statements, based on actual use in each dwelling unit; and,
- 6. Not designed so as to include additional costs or usages, whether apportioned or not, in the data or billings for individual dwelling units.

(b) The Bureau, in consultation with the Bureau of Construction Project Review, shall review testing records for all devices and systems, inspection and maintenance records for devices and systems previously in use and proposed schedules for inspection and maintenance.

(c) The following general classes of systems may be approved:

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

1. Gas, oil, or electric-fired furnace systems that monitor time of delivery of gas, or electricity or oil consumed, rate of consumption and accuracy of timer activation;

2. Hydronic heated/cooled systems that monitor changes in water temperature, volume of water, and time period of usage; and

3. Any other type of system that the Department approves in accordance with these rules.

(d) The following general classes of methods, devices and systems shall not be approved because of inherent inaccuracy:

1. Methods that rely on any means of calculation other than the use of approved devices or systems; and

2. Any device or system not meeting the requirements set forth in ASHRAE Guideline 8-1994, "Energy Cost Allocation for Multiple-Occupancy Residential Buildings," incorporated herein by reference, as amended and supplemented, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329-2305.

(e) The Bureau shall not reject, on technical grounds, any device or system that is approved by the Bureau of Construction Project Review.

§ 5:10-25.4 Approval of methods, devices and systems

(a) When the Bureau of Construction Project Review is satisfied that a device or system proposed to be used complies with *N.J.A.C. 5:10-25.3*, it shall issue a letter of technical adequacy to the Bureau and shall place such device or system on the list that it maintains. When the Bureau has determined that all requirements of P.L. 1991, c.453 and of this subchapter are met, it shall issue to the applicant a notice of approval of the method, device or system; provided, however, that any such notice of approval shall be subject to, and contingent upon, receipt by the Bureau of a copy of the certificate of approval issued by the local construction official for the installation of the device or system.

(b) The Bureau, with the assistance of the Bureau of Construction Project Review or of local construction officials, may make such inquiries and inspections regarding the use and installation of methods, devices and systems for indirect apportionment of heating costs in multiple dwellings as it may deem necessary in order to properly enforce P.L. 1991, c.453 and this subchapter.

(c) The Bureau shall revoke any notice of approval of a method, device or system for the indirect apportionment of heating costs if the use, installation or operation of such method, device or system is in violation of P.L. 1991, c.453 or of this subchapter.

§ 5:10-25.5 Maintenance requirements

(a) The owner of a multiple dwelling in which a device or system for indirect apportionment of heating costs has been installed shall maintain the device or system, and cause it to be inspected, in accordance with the inspection and maintenance schedule filed as part of the application for approval and approved by the Bureau.

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\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

(b) The owner shall at all times have available for examination by the Bureau's representatives documentation evidencing the maintenance and inspection of the device or system in accordance with the approved schedule.

(c) Complaints concerning methods, devices or systems for indirect apportionment of heating costs in multiple dwellings may be filed with the Bureau. Any such complaint shall include all available relevant information.

§ 5:10-26.1 Prevention of access

(a) In buildings where all dwelling units have been unoccupied for a period of 60 days or more, it shall be the duty of the owner to close all windows, doors and other openings with plywood or by other suitable means so that access into the buildings is prevented.

(b) The provisions of (a) above shall not apply to:

1. Any building which is unoccupied because of a current alteration being performed under application and plan approved by the construction official having jurisdiction;
2. Any building which is unoccupied because of being used exclusively as a seasonal resort building;
3. Dormitories which are not normally in use during a portion of the calendar year.

§ 5:10-26.2 Buildings ordered vacated

In any building which has become unoccupied by reason of having been ordered vacated by the Bureau pursuant to *N.J.S.A. 55:13A-17*, it shall be unlawful for the owner thereof to cause or permit such building to be used in whole or in part for living purposes, other than by a janitor, superintendent or resident caretaker, until the violation(s) upon which the order to vacate was based shall have been abated.

§ 5:10-27.1. Child-protection window guards; when required

(a) Except as provided in (b) below, the owner or other person responsible for the management or control of a multiple dwelling shall, upon the written request of a tenant of a unit in which a child or children 10 years of age or under reside or are regularly present for a substantial period of time, provide, install and maintain approved child-protection window guards on the windows of the dwelling unit and on any windows in the public halls of the multiple dwelling.

(b) The requirements of this subchapter shall not apply to any window which either gives access to a fire escape or is not designed to open or, except as otherwise provided in (b)1 below which is on the first floor, or to any unit that is owner-occupied. The requirements of this subchapter shall be inapplicable to seasonal rental units.

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

1. The requirements of this subchapter shall apply to any window in a room or hallway on the first floor if the sill of such window is more than six feet above grade as measured at the location of the window or if there is any other hazardous condition at that location that would necessitate installation of a window guard.

(c) All leases offered to tenants in multiple dwellings shall contain a clear, legible and conspicuous notice, in prominent boldface type, advising tenants and prospective tenants that the owner is required by law to provide, install and maintain window guards in the unit of any tenant who has a child or children 10 years of age or younger living in the unit or regularly present there for a substantial period of time and makes a written request to the owner or the owner's representative that the window guards be installed, and that the owner is also required, upon the written request of any such tenant, to provide, install and maintain window guards in the building hallways to which persons in the tenant's unit have access without having to go out of the building, other than hallways on the first floor in which there is no window having a sill more than six feet above grade at the location of the window or having any other condition at that location necessitating installation of a window guard. A lease offered to a tenant of a first floor unit shall state that window guards are not required to be installed in the unit or in hallways on the first floor unless the sill of any window in the unit is more than six feet above grade at the location of the window or there is any other hazardous condition at that location necessitating installation of a window guard. A model lease and notice provision containing the required information is set forth at Appendix 27A of this subchapter, incorporated herein by reference. Owners, or organizations representing owners, seeking approval of alternative language as meeting the requirements of the act and of this subchapter may submit such alternative language to the Bureau for its review and approval.

1. At the time of lease signing, the owner, or the agent of the owner, shall verbally inform the tenant of the tenant's right to request installation of window guards under this subchapter. Verification that this verbal notice was provided and understood shall be set forth in a written document separate from the lease that shall be signed by the tenant and by the owner or agent and shall be made available by the owner upon request of any representative of the bureau.

(d) At least twice in each calendar year, the owner or other person who manages or controls a multiple dwelling shall deliver to each tenant a clear and legible notice containing the information required by (c) above. This notice shall be hand-delivered to the tenant or sent to the tenant, at the unit, by ordinary or certified mail. However, only one additional notice shall be required in any year in which a tenant receives a copy of a lease or a lease renewal that is in conformity with (c) above. A notice given to a tenant of a first floor unit shall state that window guards are not required to be installed in the unit or in hallways on the first floor unless the sill of any window in the unit or hallway is more than six feet above grade at the window or there is any other hazardous condition at that location necessitating installation of window guards. The model lease and notice provision set forth in Appendix 27A of this subchapter may be used to satisfy the biannual notice requirements. The owner shall maintain records of compliance with this subsection that shall be made available by the owner upon request to any representative of the Bureau.

(e) Semi-annually, between March 1 and May 1 and between September 1 and December 1, the owner, or other person responsible for the management or control, of a multiple dwelling or apartment, as the case may be, in which child-protection window guards have been installed by the owner, shall inspect each such window guard to ensure that it remains sound and in conformance with the provisions of this subchapter, and shall enter a record of such inspection in a log, which shall be maintained as a permanent record as long as the window guard remains installed, and for five years thereafter, and which shall be available upon request to the Bureau or its duly-authorized representative. The log shall indicate the date of inspection, the unit(s)

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\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 21, November 3, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

inspected, the results of the inspection, and the name and title of the person performing the inspection, who shall sign the log.

(f) The owner shall cause to be conspicuously posted and prominently displayed in the common areas a notice advising tenants of the obligation of the owner to install window guards and advising tenants to check their window guards on a regular basis and report any problems to the owner or agent of the owner.

(g) In January or February of each year, the owner of each multiple dwelling that is over three stories in height and built with public funds or assistance, or financed in whole, or in part by a loan guaranteed or insured by the Federal government or any agency thereof, or allocated any low income tax credits or have any residents who are recipients of State or Federal rental assistance, shall offer a window guard orientation program to educate tenants about the safe use and manipulation of window guards and their rights with regard to the installation of window guards. All such orientation programs shall include distribution and reading aloud of the brochure promulgated as Appendix 27B of this subchapter, incorporated herein by reference. A record indicating the date, time and place at which the orientation program was offered, copies of all written information presented and the names of all presenters and attendees, shall be maintained by the owner and be available for inspection by any representative of the bureau. Notice of the orientation program shall be posted in appropriate common areas of the building at least two weeks prior to the date of the program.

(h) The owner of the building or of the apartment, as the case may be, shall provide a window guard orientation, as required by (g) above, to educate each tenant at the time that window guards are installed in such tenant's unit.

§ 5:10-27.2 General installation requirements

(a) Window guards shall be installed in accordance with all applicable requirements of the State Uniform Construction Code, *N.J.A.C. 5:23*, and with manufacturer's instructions.

(b) Any window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool or excessive force. For purposes of this subchapter, an "emergency egress window" is any window in a sleeping room located on the second or third floor, other than a window providing access to a fire escape.

(c) Any window guard installed on a window that is not an emergency egress window, including any window in a unit located above the third floor and any window in a room on the second or third floor that is not a sleeping room, shall be designed, constructed and installed so that it cannot be removed, opened or dislodged without the use of a key or tool; provided, however, that no window guard shall be installed on any window giving access to a fire escape.

§ 5:10-27.3 Common interest communities

(a) For purposes of this subchapter:

1. "Common interest community" means a horizontal property regime, condominium, cooperative or mutual housing corporation, in which some of the property, known as "common elements," is owned by all of the unit owners as tenants-in-common; and

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

2. "Unit owners' association" means the association organized for the purpose of management of the common elements and facilities of a common interest community.

(b) In a common interest community, the owner or proprietary leaseholder of each unit in which one or more children 10 years or under reside or will reside or are regularly present for a substantial period of time shall have the duties of an owner under this subchapter with regard to the unit. The unit owners' association shall have the duties of an owner under this subchapter with regard to the common elements and facilities.

(c) The owner or proprietary lessee of a unit in a common interest community shall provide written notice to the unit owners' association of any request by the tenant of a unit in which one or more children 10 years of age or under reside or will reside or are regularly present for a substantial period of time for installation of window guards on windows in the common elements.

(d) A unit owners' association shall not adopt or seek to enforce any restrictions or architectural controls that would prohibit or impede the installation of window guards required to be installed by this subchapter.

§ 5:10-27.4. Specifications for window guards

(a) Window guards shall be so constructed as to reject the passage of a solid four-inch sphere at every space and interval.

(b) Window guards shall bear a 150 pound load at center span when extended to maximum width or shall meet the performance tests of ASTM F2006-00 or ASTM F2090-01a, incorporated herein by reference.

(c) Window guards shall be constructed of metal or of other material of comparable strength and durability and shall allow for the passage of natural light and ventilation, as required by N.J.A.C. 5:10-16.

(d) Window guards shall be designed, constructed and installed so as to serve their intended protective purpose without any risk of collapse, breakage, spreading of the bars or other malfunction.

(e) Window guards shall protect the full openable area of each lower window.

1. Any existing window guard that does not protect the full openable area or the lower window shall be replaced by a window guard that does protect such full openable area not later than March 15, 2006.

2. Installation of rigid metal stops in the upper tracks of a lower window, or other attempts to limit the ability to raise the lower window, shall not be an acceptable method of satisfying the requirements of this section.

(f) Window guards shall be securely fastened in order to bear the required load.

(g) All window guards shall be so designed and installed as to ensure that any space between the lowest section of the top horizontal bar of the window guard and the bottom of the upper sash is less than four inches.

(h) Screws used to mount window guards shall be:

1. Minimum size No. 10 and long enough to penetrate one inch into a wooden window frame; or
2. Of an adequate type, size and length to be securely fastened to a metal window frame.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

(i) The coating of window guards shall be unleaded.

(j) Window guards shall be installed only in sound (non-rotting) mountings or tracks.

(k) Window guards installed prior to November 20, 1995 shall be accepted as being in conformity with this subchapter if they were designed and installed in accordance with the rules and specifications established by the New York City Department of Health and if such installation is not in violation of (e) or (g) above or of *N.J.A.C. 5:10-27.2*. Window guards installed on or after November 20, 1995 that are so constructed as to reject the passage of a solid four-inch sphere at every space and interval and are otherwise designed and installed in accordance with the rules and specifications established by the New York City Department of Health, ASTM F2006-00 or ASTM F2090-01a, and not in violation of (e) or (g) above or of *N.J.A.C. 5:10-27.2*, shall be accepted as being in conformity with this subchapter.

§ 5:10-27.5 Additional specifications for window guards for other than double hung windows

(a) Window guards intended for casements, sliders and other types or combinations of windows in which the height of the openings is not subject to limitation, shall be of such size as to fill the entire aperture, and shall reject passage of a solid four-inch sphere at every space or interval.

(b) Except as otherwise provided in (c) below, sliding windows and vertical pivoting windows may be equipped with stopping devices in place of window guards as follows:

1. For sliding windows, solid metal blocks, measuring at least one-half the depth of the window track and one-half the width, shall be securely fastened into the bottom and upper window tracks to prevent the window from opening four inches or more.

2. For vertical pivoting windows, metal stopping devices shall be securely fastened to the upper and lower window frames so as to prevent the window from pivoting open four inches or more. The height of the stopping devices shall extend no less than one inch nor more than two inches beyond the window frame as needed to stop the window. The protruding edge of the stopping device shall be smooth and rounded.

(c) Use of such stopping devices in lieu of window guards shall be allowed within dwelling units only where they do not preclude meeting the requirement, as per *N.J.A.C. 5:10-16.2*, that the total openable window and/or openable skylight area in each room be equal to at least four percent of the floor area of the room.

§ 5:10-27.6 Prohibited acts

No person shall obstruct or interfere with the installation of child-protection window guards required under P.L. 1995, c.120 and under this subchapter, nor shall any person remove or otherwise render ineffective such window guards; provided, however, that the owner or the representative of the owner may remove window guards from an unoccupied unit or, with the consent of the tenant, from a unit in which no child 10 years of age or under resides; and provided, further, that the owner or the representative of the owner shall remove window guards when requested to do so by the tenant in writing.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

APPENDIX 27A MODEL LEASE AND NOTICE PROVISION

MODEL LEASE AND NOTICE PROVISION

The owner (landlord) is required by law to provide, install and maintain window guards in the apartment if a child or children 10 years of age or younger is, or will be, living in the apartment or is, or will be, regularly present there for a substantial period of time if the tenant gives the owner (landlord) a written request that the window guards be installed. The owner (landlord) is also required, upon the written request of the tenant, to provide, install and maintain window guards in the hallways to which persons in the tenant's unit have access without having to go out of the building. If the building is a condominium, cooperative or mutual housing building, the owner (landlord) of the apartment is responsible for installing and maintaining window guards in the apartment and the association is responsible for installing and maintaining window guards in hallway windows. Window guards are only required to be provided in first floor windows where the window sill is more than six feet above grade or there are other hazardous conditions that make installation of window guards necessary to protect the safety of children.

APPENDIX 27B TENANT'S GUIDE TO WINDOW GUARD SAFETY

TENANT'S GUIDE TO WINDOW GUARD SAFETY

*What are window guards and why are they used?*

Window guards are metal grilles that are installed in windows in order to keep young children from climbing out and being killed or injured. Young children may not understand the danger of an open window and may fall to their death at a moment when no older person is watching them.

*When does a landlord have to install window guards?*

A landlord must install window guards when asked to do so, in writing, by a tenant who has a child 10 years of age or younger either living in the apartment or regularly spending a lot of time there. Window guards only have to be installed in a first floor window when the bottom of the window is more than six feet above the grade outside the window or there is some other dangerous condition. Window guards are not required on windows that serve as fire exits or that are not designed to be opened. In a condominium, cooperative or mutual housing building, the association must install window guards in hallway windows when asked to do so in writing by a tenant who has a child 10 years of age or younger either living in the tenant's apartment or regularly spending a lot of time there and who has access to the hallway from the apartment without going outside.

*What if the window already has window stops?*

Window stops cannot be used as window guards. Window guards must be installed that protect the entire openable area of the lower window. Window stops can prevent windows from being opened enough to allow circulation of fresh air. Window stops must be removed if they obstruct full opening of the lower window. There have been tragic cases where tenants have removed window stops in order to have enough fresh air, windows have been left unprotected and children have fallen from them.

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

*What should a tenant do if there is a problem with a window guard or if the owner will not provide and install a window guard?*

If there is a problem with a window guard, the tenant should notify in writing the owner of the building or of the apartment or the person who is in charge of maintenance. If the apartment is in a condominium, cooperative or mutual housing corporation building, the tenant should notify in writing the owner of the apartment or the person in charge of maintenance of the apartment or, if the problem is with a window in a common area, the tenant should notify in writing the condominium association or cooperative or mutual housing corporation or the person who is in charge of the association's maintenance.

A tenant should never remove or tamper with a window guard. A tenant should regularly check window guards to make sure that they have not become loose or damaged in any way. If there is a problem that the owner or maintenance person fails or refuses to fix within a reasonable time after being told about it, the tenant can contact the municipal housing or building department or the Bureau of Housing Inspection of the New Jersey Department of Community Affairs (609-633-6210). The tenant should contact the Bureau of Housing Inspection if the owner fails or refuses to provide and install a window guard after receiving a written request from the tenant.

*How much can a tenant be required to pay for installation of a window guard?*

By law, the owner of an apartment can charge a tenant no more than twenty dollars (\$ 20.00) for each window guard that the tenant asks in writing to have installed in the tenant's apartment.

*How can a tenant get window guards removed?*

The owner of an apartment must remove a window guard when requested to do so by the tenant in writing. The tenant should be sure that window guards are no longer needed before asking that they be removed. Window guards should not be removed by tenants.

*Who is responsible for providing and maintaining window guards in a building that is a condominium, a cooperative or mutual housing?*

In a condominium, cooperative or mutual housing multiple dwelling, the owner of the apartment is responsible for providing and maintaining window guards in the apartment. The association is responsible for providing and maintaining window guards on windows in the hallways. A tenant who wants to have window guards installed both in the apartment and in the hallways must make written requests both to the apartment owner and to the association.

*Who can answer additional questions about the window guard law and rules?*

Any tenant or owner who has questions about the law and rules concerning window guards can call the Bureau of Housing Inspection of the New Jersey Department of Community Affairs (609-633-6210).

§ 5:10-28.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 10. MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

*N.J.A.C. 5:10-27.6 (2014)*

1. Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of the sleeping area in every guestroom or dwelling unit in buildings that contain a fuel-burning appliance or that have an attached garage.

2. As an alternative to the requirements in (a)1 above, carbon monoxide alarms may be installed in the locations specified in the Uniform Construction Code (*N.J.A.C. 5:23-3.20*). A copy of the certificate of approval issued by the local construction code enforcing agency shall be provided to the Bureau at the time of installation, at or after the time of inspection, or at any other time, as proof of installation, in accordance with the Uniform Construction Code.

(b) Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this subchapter and NFPA 720. Carbon monoxide alarms shall be battery operated, hard-wired or of the plug-in type.

(c) At the request of a tenant of a multiple dwelling unit in which a person who is deaf or hearing-impaired resides, the owner shall provide and install a visual alarm type carbon monoxide detector for that unit.