

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;

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 transferor 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 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.

Amended by R.1971 d.60, effective April 23, 1971.

See: 3 N.J.R. 77(a).

Amended by R.1978 d.289, effective August 17, 1978.

See: 10 N.J.R. 222(a), 10 N.J.R. 378(b).
 Amended by R.1981 d.95, effective March 11, 1981.
 See: 12 N.J.R. 383(d), 13 N.J.R. 189(d).
 Recodified April 9, 1981 from N.J.A.C. 5:10-1.28.
 Administrative Correction to (g).
 See: 22 N.J.R. 921(a).
 Amended by R.1990 d.230, effective May 7, 1990.
 See: 22 N.J.R. 275(b), 22 N.J.R. 1354(a).

Application of rule extended to cover retreat lodging facilities; references to application deleted.

Amended by R.1993 d.464, effective September 20, 1993.

See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

Amended by R.2005 d.144, effective May 16, 2005.

See: 36 N.J.R. 2106(a), 37 N.J.R. 1754(c).

In (c), inserted "of registration" following "certificate" in the introductory paragraph, added i in 12, and added 21.

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.

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.

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.

(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.

SUBCHAPTER 11. MANAGERIAL AND MAINTENANCE PERSONNEL

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

Correction: The word "basis" added to the phrase ... 24-hour a day basis ... at (c).
See: 21 N.J.R. 1123(a).

Case Notes

Tenants' safety code violations subject property owner to inspection penalties. Bureau of Housing Inspection, Department of Community Affairs v. Scardelli, 97 N.J.A.R.2d (CAF) 47.

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.

Case Notes

Owner failing to permit access to building for reinspection liable for second reinspection fee. *Bureau of Housing Inspection v. Fishman*, 97 N.J.A.R.2d (CAF) 23.

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.

Case Notes

Violation of former N.J.A.C. 5:10-9.4 is jury question in negligence action; regulation valid. *Terrey v. Sheridan Gardens, Inc.*, 163 N.J.Super. 404, 394 A.2d 1247 (App.Div.1978).

SUBCHAPTER 12. ELEVATORS

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.

Amended by R.1993 d.464, effective September 20, 1993.
See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

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.

Amended by R.1993 d.464, effective September 20, 1993.
See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

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.

Case Notes

Statute governing injuries from unsafe condition of improvement to real property applied to installation of real property. *Hall v. Luby Corp.*, 232 N.J.Super. 337, 556 A.2d 1317 (L.1989).

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.

Amended by R.1993 d.464, effective September 20, 1993.
See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

SUBCHAPTER 13. ELECTRICAL SERVICE AND LIGHTING

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: