

## SUBCHAPTER 26. VACANT BUILDINGS

**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.

## SUBCHAPTER 27. CHILD-PROTECTION WINDOW GUARDS

**Authority**

N.J.S.A. 55:13A-7.12.

**Source and Effective Date**

R.1995 d.586, effective November 20, 1995.  
See: 27 N.J.R. 3149(a), 27 N.J.R. 4695(b).

**Subchapter Historical Note**

Subchapter 27, Child-Protection Window Guards, was adopted as new rules by R.1995 d.586, effective November 20, 1995. See: Source and Effective Date.

**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 on the first floor, or to any unit that is owner-occupied, is part of a condominium or is held by a proprietary lessee under a cooperative form of ownership or occupied by a shareholder in a mutual housing corporation.

1. For purposes of this subchapter, a window in a room or hallway shall not be considered to be on the first floor if the finished surface of the floor of that room or hallway is more than six feet above grade as measured at the location of the window.

(c) All leases offered to tenants in multiple dwellings, other than multiple dwellings under a condominium, cooperative or mutual housing form of ownership, shall contain a clear, legible and conspicuous notice advising tenants and prospective tenants that the owner is required by law to provide, install and maintain window guards in the apartment of any tenant who has a child or children 10 years of age or younger living in the apartment 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. A lease offered to a tenant of a first floor apartment shall not be required to refer to window guards in the apartment, but only to window guards in the hallways above the first floor to which persons in the tenant's unit have access without having to go out of the building.

(d) At least once in each calendar year, the owner or other person who manages or controls a multiple dwelling, other than a multiple dwelling exempted by (c) above, 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, no 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 not be required to refer to window guards in the apartment, but only in the hallways above the first floor to which persons in the tenant's unit have access without having to go out of the building.

(e) Within two weeks following receipt of notice from the Bureau, and thereafter at least once annually, between March 15 and May 1 beginning in 2006, the owner, or other person responsible for the management or control, of a multiple dwelling 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 so 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.

Emergency amendment, R.2005 d.318, effective August 24, 2005 (to expire October 23, 2005).

See: 37 N.J.R. 3729(a).

In (a), added "or are regularly present for a substantial period of time" following "under reside"; added (e).

Adopted concurrent amendment, R.2005 d.402, effective October 23, 2005.

See: 37 N.J.R. 3729(a), 37 N.J.R. 4397(b).

In (c), added "or regularly present there for a substantial period of time"; changes upon adoption effective November 21, 2005.

### 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 (Reserved)

### 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 centerspan when extended to maximum width.

(c) Window guards shall be constructed of metal or of other material of comparable strength and durability. In order to avoid obstruction of light and air, the diameter or width of metal rods used in window guards shall not exceed one-half inch.

(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.

(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.

(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 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.

Emergency amendment, R.2005 d.318, effective August 24, 2005 (to expire October 23, 2005).

See: 37 N.J.R. 3729(a).

Rewrote (e) and (g); added (e)1; in (h), deleted "and stopping devices" following "window guards" in the introductory paragraph. Adopted concurrent amendment, R.2005 d.402, effective October 23, 2005.

See: 37 N.J.R. 3729(a), 37 N.J.R. 4397(b).

In (k), added "(e) or (g) above or of" in two places; changes upon adoption effective November 21, 2005.

### 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