

CHAPTER 10

REGULATIONS FOR THE MAINTENANCE OF
HOTELS AND MULTIPLE DWELLINGS

Authority

N.J.S.A. 52:27D-133.4, 55:13A-6(e), 55:13A-7 et seq.,
55:13A-13 and P.L. 1999, c.15, section 6.

Source and Effective Date

R.2004 d.58, effective January 9, 2004.
See: 35 N.J.R. 1175(a), 36 N.J.R. 648(a).

Chapter Expiration Date

Chapter 10, Regulations for the Maintenance of Hotels and Multiple Dwellings, expires on January 9, 2009.

Chapter Historical Note

Chapter 10, Maintenance of Hotels and Multiple Dwellings, became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance of Hotels and Multiple Dwellings, was readopted as R.1983 d.629, effective December 23, 1983. See: 15 N.J.R. 727(a), 16 N.J.R. 128(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance of Hotels and Multiple Dwellings, was readopted as R.1988 d.572, effective November 17, 1988. See: 20 N.J.R. 2126(a), 20 N.J.R. 3122(a).

Subchapter 25, Fire Protection, was repealed by R.1988 d.572, effective December 19, 1988, operative June 16, 1989. See: 20 N.J.R. 2126(a), 20 N.J.R. 3122(a).

Subchapter 25, Methods, Devices and Systems for Indirect Apportionment of Heating Costs in Multiple Dwellings, was adopted as R.1992 d.390, effective October 5, 1992. See: 24 N.J.R. 1844(a), 24 N.J.R. 3515(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance of Hotels and Multiple Dwellings, was readopted as R.1993 d.464, effective August 26, 1993. See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Maintenance of Hotels and Multiple Dwellings, was readopted as R.1998 d.425, effective July 24, 1998. See: 30 N.J.R. 1462(b), 30 N.J.R. 3068(a).

Subchapter 28, Carbon Monoxide Alarms, was adopted by R.1999 d.259, effective August 16, 1999. See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Subchapter 1A, Local Enforcing Agencies and Subchapter 1B, Inspector Licensing, were adopted as R.2001 d.468, effective December 17, 2001 (operative July 1, 2002). See: 33 N.J.R. 1983(a), 33 N.J.R. 4311(a).

Chapter 10, Maintenance of Hotels and Multiple Dwellings, was readopted as R.2004 d.58, effective January 9, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT

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".

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 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.

(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, 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.

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.

Amended by R.2006 d.110, effective March 20, 2006.

See: 37 N.J.R. 4497(a), 38 N.J.R. 1430(a).

In (b), added "or shall meet the performance tests of ASTM F2006-00 or ASTM F2090-01a, incorporated herein by reference"; in (c), added "and shall allow for the passage of natural light and ventilation, as required by N.J.A.C. 5:10-16" and deleted the requirement that window guards have a dimension of one-half inch; in (k), added ", ASTM F2006-00 or ASTM F2090-01a,".

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.

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

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

Added “; 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” at the end of the 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).

Provisions of R.2005, d.318, adopted without change.

SUBCHAPTER 28. CARBON MONOXIDE ALARMS

5:10-28.1 Carbon monoxide alarms

(a) Carbon monoxide alarms shall be installed and maintained in full operating condition in the following locations:

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.

Amended by R.2005 d.173, effective June 6, 2005.

See: 37 N.J.R. 379(a), 37 N.J.R. 2012(b).

In (a), rewrote 2.

Amended by R.2006 d.74, effective February 21, 2006.

See: 37 N.J.R. 3877(a), 38 N.J.R. 1182(a).

Added (c).