

CHAPTER 10

REGULATIONS FOR THE MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS

Authority

N.J.S.A. 55:13A-6(e), 55:13A-7 et seq. and 55:13A-13.

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Subchapter 25, Fire Protection, was repealed by R.1988 d.572, effective December 19, 1988, operative June 16, 1989.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 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.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. ADMINISTRATION AND ENFORCEMENT

- 5:10-1.1 Title
- 5:10-1.2 Purpose
- 5:10-1.3 Administration and enforcement
- 5:10-1.4 Scope
- 5:10-1.5 Interpretation
- 5:10-1.6 Maintenance requirements
- 5:10-1.7 Force and effect of regulations
- 5:10-1.8 Matters covered
- 5:10-1.9 Continuation of lawful existing use

- 5:10-1.10 Bureau inspections
- 5:10-1.11 Certificate of registration
- 5:10-1.12 Certificate of inspection
- 5:10-1.13 Unsafe building notice and order
- 5:10-1.14 Delegation of powers
- 5:10-1.15 Applications for exceptions
- 5:10-1.16 Separability clause
- 5:10-1.17 through 5:10-1.34 (Reserved)

SUBCHAPTER 1A. LOCAL ENFORCING AGENCIES

- 5:10-1A.1 Local enforcing agencies; establishment and organization
- 5:10-1A.2 County enforcement; establishment and organization
- 5:10-1A.3 Joint local enforcing agencies; establishment and organization
- 5:10-1A.4 Local enforcing agencies; administration
- 5:10-1A.5 Departmental monitoring
- 5:10-1A.6 Appointment

SUBCHAPTER 1B. INSPECTOR LICENSING

- 5:10-1B.1 Authority; hearings
- 5:10-1B.2 Types of licenses
- 5:10-1B.3 Standards for educational programs
- 5:10-1B.4 Procedure for approving educational programs
- 5:10-1B.5 Duties
- 5:10-1B.6 Renewal of license
- 5:10-1B.7 Revocation of licensure and alternative sanctions
- 5:10-1B.8 Fees

SUBCHAPTER 2. DEFINITIONS

- 5:10-2.1 Tense, gender and number
- 5:10-2.2 Definitions

SUBCHAPTER 3. HOTEL AND MULTIPLE DWELLING HEALTH AND SAFETY BOARD

- 5:10-3.1 Organizational meetings; officers
- 5:10-3.2 Special meetings
- 5:10-3.3 Rules of procedure
- 5:10-3.4 Transmittal and consideration of proposed regulations

SUBCHAPTER 4. DUTIES OF OWNERS AND OCCUPANTS

- 5:10-4.1 Concurrent responsibilities
- 5:10-4.2 Discontinuation of services

SUBCHAPTER 5. DUTIES OF OCCUPANTS

- 5:10-5.1 Responsibility of occupants
- 5:10-5.2 Reporting of violations
- 5:10-5.3 Prohibited acts
- 5:10-5.4 Unsafe and unsanitary conditions
- 5:10-5.5 Willful damage
- 5:10-5.6 Heating by occupant
- 5:10-5.7 Occupancy violations
- 5:10-5.8 Storage

SUBCHAPTER 6. GENERAL MAINTENANCE

- 5:10-6.1 Elimination of hazards
- 5:10-6.2 Nuisances
- 5:10-6.3 Maintenance of dwelling units
- 5:10-6.4 Maintenance of exterior
- 5:10-6.5 Outdoor pools
- 5:10-6.6 Lead-safe maintenance requirements for multiple dwellings

APPENDIX 6-A

APPENDIX 6-B

SUBCHAPTER 7. STRUCTURAL MAINTENANCE

- 5:10-7.1 Bearing of loads
- 5:10-7.2 Foundations
- 5:10-7.3 Exterior surfaces
- 5:10-7.4 Leakage, drafts and infestation
- 5:10-7.5 Leaders and drainpipes
- 5:10-7.6 (Reserved)
- 5:10-7.7 Railings

SUBCHAPTER 8. MAINTENANCE OF INTERIOR

- 5:10-8.1 Basements, cellars and crawl spaces
- 5:10-8.2 Interior surfaces
- 5:10-8.3 Stairways and common areas
- 5:10-8.4 Doors

SUBCHAPTER 9. WASTE DISPOSAL

- 5:10-9.1 Receptacles
- 5:10-9.2 Materials requiring separate disposal
- 5:10-9.3 Dumbwaiters

SUBCHAPTER 10. SCREENS AND INFESTATION

- 5:10-10.1 Screens
- 5:10-10.2 Elimination of infestation

SUBCHAPTER 11. MANAGERIAL AND MAINTENANCE PERSONNEL

- 5:10-11.1 Duties of owner
- 5:10-11.2 Duties of manager and superintendent
- 5:10-11.3 Janitorial services required

SUBCHAPTER 12. ELEVATORS

- 5:10-12.1 Standard of maintenance
- 5:10-12.2 Preventive maintenance
- 5:10-12.3 Suspension of service
- 5:10-12.4 Mirrors

SUBCHAPTER 13. ELECTRICAL SERVICE AND LIGHTING

- 5:10-13.1 Electrical service
- 5:10-13.2 Exterior lighting
- 5:10-13.3 Artificial lighting
- 5:10-13.4 Electrical hazards near swimming pools
- 5:10-13.5 (Reserved)

SUBCHAPTER 14. HEATING

- 5:10-14.1 Standard of performance
- 5:10-14.2 Corrective measures
- 5:10-14.3 Standards of maintenance
- 5:10-14.4 Minimum temperature
- 5:10-14.5 Space heaters
- 5:10-14.6 (Reserved)
- 5:10-14.7 Annual inspection

SUBCHAPTER 15. WATER SUPPLY

- 5:10-15.1 Sufficiency of source and system
- 5:10-15.2 Connection of fixtures
- 5:10-15.3 Hot water
- 5:10-15.4 Flow of water

SUBCHAPTER 16. NATURAL LIGHT, VENTILATION AND REPLACEMENT GLAZING

- 5:10-16.1 Natural light
- 5:10-16.2 Natural ventilation
- 5:10-16.3 Mechanical ventilation

- 5:10-16.4 Replacement glazing

SUBCHAPTER 17. STORAGE AND CLOSET FACILITIES

- 5:10-17.1 Storage of occupants' property
- 5:10-17.2 No smoking signs
- 5:10-17.3 Limitations on storage space
- 5:10-17.4 Refrigerators and similar equipment
- 5:10-17.5 (Reserved)

SUBCHAPTER 18. MAILBOXES AND IDENTIFICATION SIGNS

- 5:10-18.1 Mailboxes and directories
- 5:10-18.2 Identification signs

SUBCHAPTER 19. BUILDING SECURITY

- 5:10-19.1 Hotels
- 5:10-19.2 Multiple dwellings

SUBCHAPTER 20. COOKING FACILITIES

- 5:10-20.1 Required facilities

SUBCHAPTER 21. SANITARY FACILITIES

- 5:10-21.1 Required facilities
- 5:10-21.2 Rooming units
- 5:10-21.3 Dormitories

SUBCHAPTER 22. OCCUPANCY STANDARDS

- 5:10-22.1 Basements and cellars
- 5:10-22.2 Unemancipated minors
- 5:10-22.3 Floor area
- 5:10-22.4 Prohibited sleeping areas
- 5:10-22.5 Required ceiling height

SUBCHAPTER 23. SPECIAL PROVISIONS FOR HOTELS AND MULTIPLE DWELLINGS WITH ROOMING UNITS

- 5:10-23.1 Registry and rate-posting
- 5:10-23.2 Linen, towels and housekeeping services

SUBCHAPTER 24. PARKING AREAS AND DRIVEWAYS

- 5:10-24.1 Design requirements
- 5:10-24.2 Maintenance requirements
- 5:10-24.3 Parking in approach drives
- 5:10-24.4 Parking for handicapped residents

SUBCHAPTER 25. METHODS, DEVICES AND SYSTEMS FOR INDIRECT APPORTIONMENT OF HEATING COSTS IN MULTIPLE DWELLINGS

- 5:10-25.1 Scope
- 5:10-25.2 Application to the Department
- 5:10-25.3 Criteria for acceptance
- 5:10-25.4 Approval of methods, devices and systems
- 5:10-25.5 Maintenance requirements

SUBCHAPTER 26. VACANT BUILDINGS

- 5:10-26.1 Prevention of access
- 5:10-26.2 Buildings ordered vacated

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

Authority

P.L. 1999, c.15, section 6; and N.J.S.A. 52:27D-133.4.

Source and Effective Date

R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

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.

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.

CHAPTER 13**LIMITED DIVIDEND AND NONPROFIT HOUSING CORPORATIONS AND ASSOCIATIONS****Authority**

N.J.S.A. 40A:20-20.

Source and Effective Date

R.2001 d.282, effective July 19, 2001.
See: 33 N.J.R. 1226(a), 33 N.J.R. 2807(b).

Chapter Expiration Date

Chapter 13, Limited Dividend and Nonprofit Housing Corporations and Associations, expires on July 19, 2006.

Chapter Historical Note

Chapter 13, Limited Dividend and Nonprofit Housing Corporations and Associations, was adopted as R.1971 d.15, January 22, 1971. See: 2 N.J.R. 70(b), 3 N.J.R. 20(a).

Pursuant to Executive Order No. 66(1978), Chapter 13, Limited Dividend and Nonprofit Housing Corporations and Associations, was readopted as R.1988 d.49, effective December 24, 1987. See: 19 N.J.R. 1861(a), 20 N.J.R. 256(a).

Pursuant to Executive Order No. 66(1978), Chapter 13, Limited Dividend and Nonprofit Housing Corporations and Associations, was readopted as R.1992 d.290, effective June 22, 1992. See: 24 N.J.R. 1668(a), 24 N.J.R. 2556(b).

Pursuant to Executive Order No. 66(1978), Chapter 13, Limited Dividend and Nonprofit Housing Corporations and Associations, was readopted as R.1997 d.253, effective May 21, 1997. See: 29 N.J.R. 965(b), 29 N.J.R. 2653(a).

Chapter 13, Limited Dividend and Nonprofit Housing Corporations and Associations, was readopted as R.2001 d.282, effective July 19, 2001. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. GENERAL PROVISIONS**

5:13-1.1	Definitions
5:13-1.2	Scope
5:13-1.3	Operation of corporation or association
5:13-1.4	Meetings of stockholders and directors
5:13-1.5	Tenant application, selection and priorities
5:13-1.6	Tenant priorities
5:13-1.7	Procedures for priority applications
5:13-1.8	Public notice to applicants on rights
5:13-1.9	Applications for dwelling leases and rentals
5:13-1.10	List of nonapplicants
5:13-1.11	Leases
5:13-1.12	Rents and charges
5:13-1.13	General reports
5:13-1.14	Nondiscrimination
5:13-1.15	Administrative remedies and procedures
5:13-1.16	Administrative orders on complaints
5:13-1.17	Rights to hearing
5:13-1.18	Request for a hearing
5:13-1.19	Stay of action
5:13-1.20	Declaratory rulings
5:13-1.21	Informal disposition
5:13-1.22	through 5:13-1.28 (Reserved)

SUBCHAPTER 2. LIMITED DIVIDEND HOUSING CORPORATIONS AS COOPERATIVES

5:13-2.1	Scope
5:13-2.2	Management, operation and maintenance of cooperative projects
5:13-2.3	Stock transfer

SUBCHAPTER 1. GENERAL PROVISIONS**5:13-1.1 Definitions**

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

“Act” means the statute under which a housing sponsor was organized. In the case of a housing sponsor created on or before April 17, 1992, “act” means the Limited Dividend Nonprofit Housing Corporations or Associations Law, P.L. 1949, c.184, which was repealed by P.L. 1991, c.431, but the requirements of which continue to be applicable to housing projects organized and operating under it. In the case of a housing sponsor created after April 17, 1992, “act” means the Long Term Tax Exemption Law, P.L. 1991, c.431.

“Affordable” means capable of being afforded without undue burden by a household at any given level of income. A rental unit shall be considered to be affordable if the monthly rent, together with any utility charges paid by the tenant, does not exceed 30 percent of monthly household income.

“Authority” means the Public Housing and Development Authority within the Department of Community Affairs.

“Blighted area” means any area or part of any area, together with building or buildings thereon, which is blighted, as defined by any law of the State of New Jersey.

“Cooperative” means any corporation herein defined, the projects of which have been financed under Section 213 of the National Housing Act or any other Federal law, or under any State law or any incorporated or unincorporated association of three or more persons, not for pecuniary profit, organized pursuant to any law of the State or the Federal government for the primary purpose of providing housing accommodations for its members, stockholders and others, and for the operation, management and maintenance of same.

“Equity,” when used with reference to the return payable to an investor in a limited dividend housing corporation or association, means the value of the cash and/or property, including without limitation intangible property such as services, contributed by or on behalf of the investor in

exchange for a proprietary interest in the corporation or association.

“Family” means the definition of family determining eligibility for occupancy in a housing project as prescribed by a Federal or State agency or any other public source, which is primarily responsible for financing, or insurance of the financing of such project.

“Federal Administrator” means the Administrator of Federal Housing Administration, his successors, officials, employees or agents.

“FHA” means the Federal Housing Administration in the United States Department of Housing and Urban Development.

“Gross shelter rent” means the gross rent or carrying charges less the cost of utilities furnished by the project; utilities shall include gas and electricity if supplied by the project; cost of heating fuel, cost of water supplied and sewage charges, if any.

“HMFA” means the New Jersey Housing and Mortgage Finance Agency in, but not of the Department of Community Affairs.

“Housing association” means any limited distribution or non-profit partnership, limited partnership, limited partnership association, trust, single proprietorship or other unincorporated association organized in accordance with the provisions of the Act.

“Housing corporation” means any private, limited-dividend or nonprofit housing corporation organized in accordance with the provisions of the Act.

“Housing sponsor” means any housing corporation or association as defined in this Section.

“Income limits” means the income limits determining eligibility for occupancy in a housing project as prescribed by a Federal or State agency or any other public source which is primarily responsible for the financing or the insurance of the financing of the project.

“Lease” means any agreement made by and between a corporation or association formed under the Act and any person or persons in connection with the right of occupancy to any unit in a project of such corporation or association and shall include for the purpose hereof any occupancy agreement between a member or stockholder of a corporation formed under the Act as a cooperative, entitling such member or stockholder to the right to occupy a particular unit in a project constructed by such corporation.

“Mortgage” shall include “Deed of Trust”.

“Mortgaged property” includes all property, real or personal, covered by a mortgage and all personal property belonging to the project and used in connection with the furnishing of a project constructed under Section 202 of the Housing Act of 1959.

“Principal wage earner” means only the actual family head and for the purpose hereof shall include, in addition to said actual family head, his or her husband or wife, if any; provided however, this definition shall apply only to cooperative type projects financed under an FHA insured (Section 213) mortgage.

“Project” means any work or undertaking whether new construction or rehabilitation to provide decent; safe and sanitary dwelling units for families in need of housing; including any buildings, land (including demolition, clearance or removal of buildings from land), equipment, facilities or other real or personal properties which are necessary, convenient or desirable appurtenances, such as, but not limited to, streets, sewers, water, utilities, parks, site preparation, landscaping and administrative, community health, recreational, educational, welfare, commercial or other facilities, or to provide any part or combination of the foregoing.

“Range of affordability” means the household income, expressed as a percentage of the median income as adjusted by geographical region and family size in accordance with HUD Section 8 Income Guidelines or N.J.A.C. 5:92, at which a given unit is affordable. The lower the percentage of median income, the greater is the range of affordability.

“Regulatory agreement” means any agreement entered into by a housing sponsor and the Authority, or with any State or Federal agency with the approval of the Authority, setting forth terms and conditions under which the development and operation of a project may function, which terms and conditions may expressly supersede provisions of this chapter that would otherwise be applicable.

“Rent” means the amount paid under a lease or occupancy agreement by a tenant for the purpose of entitling such tenant to occupy a particular unit in a project and shall include, for the purposes hereof, the carrying charges assessed by a corporation as a cooperative against any member or stockholder thereof for occupancy of a particular unit in the project.

“Service charge” means moneys paid by a housing corporation or housing association to a municipality in which the project of such housing corporation or housing association is located, in lieu of taxes, where the housing corporation or housing association is entitled to tax exemption under Section 18 of the Act.

“State” means the State of New Jersey.