

**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.

Amended by 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).

In (a), inserted “, as well as to provide effective administrative structures for enforcement”; in (b), inserted references to local enforcing agency following “Bureau” throughout.

**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.

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 viola-

tions 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.

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

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.

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.

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.

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.

1. Persons employed by a municipality or county on July 1, 2002 to perform inspections under the Act and these rules need not meet the experience requirement of N.J.A.C. 5:10-1B.2(b)1i, 2i or 3i in order to be licensed, but shall be required to successfully complete both the approved course required for the position and the State Uniform Test Module.

(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).

(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.

Amended by R.1981 d.95, effective March 11, 1981.

See: 12 N.J.R. 383(d), 13 N.J.R. 189(d).

Amended by R.1981 d.363, effective October 8, 1981.

See: 13 N.J.R. 387(b), 13 N.J.R. 704(a).

(b) "Any such authorization . . ." added; (b)(1-2) added.

(d) added.

Amended by R.1983 d.389, effective September 19, 1983.

See: 15 N.J.R. 1054(a), 15 N.J.R. 1575(c).

Added 28 to (b).

Amended 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).

Subsection (d) substantially amended.

Notice of Correction, effective May 4, 1992.

See: 24 N.J.R. 1791(b).

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

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

Administrative change.

See: 31 N.J.R. 35(a).

Amended by R.1999 d.104, effective April 5, 1999.

See: 31 N.J.R. 121(a), 31 N.J.R. 851(b).

In (b), rewrote 5 and 6, and substituted a reference to the Division of Codes and Standards for a reference to the Division of Housing in 27.

Amended by 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).

Rewrote (a); inserted new (c) and (d), and recodified existing (c) and (d) as (e) and (f).

#### Case Notes

Standards for denial of exception from two exit requirement (citing former N.J.A.C. 5:10-19.4). *Renan Realty Corp. v. Dept. of Community Affairs*, 182 N.J.Super. 415, 442 A.2d 614 (App.Div.1981).

Authority to promulgate regulations; regulations reasonably necessary and appropriate. *Rumson Country Club v. Commissioner of Community Affairs*, 134 N.J.Super. 54 (App.Div.1975) certification denied 68 N.J. 482, 338 A.2d 219.

Penalty assessment compromise accepted for corrections of violations. *Paganelli v. Bureau of Housing Inspection, Department of Community Affairs*, 97 N.J.A.R.2d (CAF) 86.

Numerous unabated safety violations in apartment building, including unrepaired stairways, ceilings, walls and window screens, defective smoke detectors and roach infestations, warranted penalty assessment. *Bureau of Housing Inspection v. Scott*, 96 N.J.A.R.2d (CAF) 119.

Owner of multiple dwelling who failed to prove correction of past fire safety violations was subject to penalty assessment. *Bureau of Housing Inspection v. Taylor*, 96 N.J.A.R.2d (CAF) 80.

Condominium association qualifies as owner subject to Hotel and Multiple Dwelling Law. *Three Hundred Twenty Five Saw Mill Road v. Bureau of Housing Inspection*, 96 N.J.A.R.2d (CAF) 69.

Reinspection of defective premises was required to establish continuing violations for possible penalties. *20 President Street v. Department of Community Affairs*, 95 N.J.A.R.2d (CAF) 101.

Failure to abate all outstanding building violations as agreed rendered owner liable for higher penalty assessment. *Gertner v. Department of Community Affairs*, 95 N.J.A.R.2d (CAF) 65.

Failure to pay reinspection fee once building violations were abated warranted imposition of minimum \$50 penalty. *Department of Community Affairs v. 19 Bruen Avenue*, 95 N.J.A.R.2d (CAF) 54.

Building owner required to pay penalty for violations of building code was not entitled to a reduction in the fine. *Radzik v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 26.

Multiple dwelling owner with address and phone number in another state is not in compliance with the statute which requires an "in-county agent". In the Matter of 1151 Washington Street, 93 N.J.A.R.2d (CAF) 62.

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

(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, re-inspections, 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 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;

iv. Participation in a program of continuing education by taking two courses within the three-year renewal cycle, at least one of which is technical; and

v. 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 hotels and multiple dwelling licensure may apply for and shall be licensed under this category subject to compliance with the following requirements:

i. At least four years of full-time experience in the construction industry performing engineering, architectural or inspection work, or working as a fire inspector, carpenter, plumber, electrician, etc; or two years of technical experience in housing management or code enforcement or two years as a licensed inspector of multiple dwellings;

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

iii. Participation in an approved continuing education program for housing code official by taking two courses within the three-year cycle, one of which must be administrative and one technical; and

iv. 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 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;

(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;
  - (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;
    - (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;
  - (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.

Amended by R.2002 d.341, effective November 4, 2002.

See: 34 N.J.R. 2371(a), 34 N.J.R. 3771(a).

In (b)4, substituted "registered environmental health specialist" for "sanitary inspector", substituted "by" for "to" following "information submitted" and inserted "(continuing education)" following "(license revocation) and (e)" in i, and inserted "or as a registered environmental health specialist" following "health officer" in ii.

### 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 prop-

erly. 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 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.

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.

Administrative correction.  
See: 36 N.J.R. 2206(a).

#### **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 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, bulletin 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;
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 license 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 of \$20.00 per year, or fraction thereof. Additionally, the licensee must make up or meet the appropriate continuing education training requirement for each active and expired year as specified in these rules. Where the license has lapsed for a period exceeding three years, 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.

(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 (CEU's) shall be subject to approval by the Department. One CEU equals 10 contact hours. CEUs will be awarded both for technical and for administrative licenses.

- i. Inspector of Hotels and Multiple Dwellings, only: 1.0 CEU's of which at least 0.5 CEU's must be technical in nature.

ii. Inspector of Hotels and Multiple Dwellings and Housing Code Official: 2.0 CEU's, of which at least 0.5 CEU's must be technical and at least 0.5 CEU's must be administrative.

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.

#### 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;
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 as follows:

1. The initial application fee shall be \$20.00; and
2. The three-year renewal application fee shall be \$20.00.

## SUBCHAPTER 2. DEFINITIONS

### 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.

“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).)

“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.