

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, reinspections, 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 sanitary inspector 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 to 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) 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 issued by the Department of Health and Senior Services, or holding permanent classified civil service status as administrator of an agency performing inspections of multiple dwelling 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.

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 properly. 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 education 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. 5:10-1.22 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.

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;

5:10-17.3 Limitations on storage space

(a) Storage in common areas shall not cover more than 80 percent of the overall floor area and not more than 60 percent of the cubic content of the storage area and shall be arranged so that there will be maintained at all times aisles at least three feet in width.

(b) Storage shall not be permitted in attic spaces in garden apartments unless such spaces are designed for such purposes.

5:10-17.4 Refrigerators and similar equipment

The owner shall first remove the doors of any refrigerators or other such equipment with exterior closing devices likely to be hazardous to children, if stored on the premises.

5:10-17.5 (Reserved)

Repealed by R.1993 d.464, effective September 20, 1993.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

Section was "Closets under stairs".

SUBCHAPTER 18. MAILBOXES AND IDENTIFICATION SIGNS**5:10-18.1 Mailboxes and directories**

(a) The owner shall provide and maintain mail receptacles for all occupants, conforming to all Federal postal laws and regulations.

(b) In multiple dwellings, there shall be identification by name and unit of dwelling space for each designated occupant, maintained by the person in charge of the premises or posted at or near the main entrance of the premises or in the lobby, lounge or mailroom area. Nothing herein shall be construed as requiring a directory for transient guests, provided there is a responsible person on the premises designated by the owner, known to postal authorities, who shall on behalf of the owner receive and distribute or make available for pickup mail for transient guests.

5:10-18.2 Identification signs

(a) Every unit of dwelling space in hotels and multiple dwellings shall have some permanent and legible identification by letter, number or other symbol at or near the front entrance thereof.

(b) Floor signs designating the number of the floor shall be posted prominently and maintained permanently near to and visible from the entrance to the elevators and stairwells serving each floor.

(c) The street number of the premises shall be posted prominently at the front entrance of the premises and be

visible day and night from the public right-of-way adjoining the main front entrances of the premises.

SUBCHAPTER 19. BUILDING SECURITY**5:10-19.1 Hotels**

(a) The following provisions apply to hotels.

1. Entrance doors to dwelling units shall be equipped with a medium duty dead latching lockset (series 160, FF-H-106a, minimum, with a minimum 11/16 inch by 1/2 inch with 1/2 inch minimum throw latch bolt with automatic deadlocking plunger) or with a dead bolt separate from the latch set.

2. Such entrance doors shall also be equipped with either a viewing device installed on the designated main entrance door to the dwelling unit located so as to enable a person on the inside of the entrance door to view a person immediately outside, or with a chain door guard so installed as to permit partial opening of the door.

3. All openable windows, sliding doors, basement windows and windows opening onto exterior stairways, fire escapes, porches, terraces, balconies or other areas affording easy access to the premises shall be equipped with a locking device of some kind.

4. Grilles lockable from the inside only may be placed on the inside or outside of windows only if the windows do not serve to provide access to exits.

5:10-19.2 Multiple dwellings

(a) The following provisions apply to multiple dwellings.

1. Every building entrance door or other exterior door permitting access to two or more units of dwelling space shall be equipped with heavy duty dead latching locksets (series 161, FF-H-106a, minimum, with a minimum 7/8 inch by 5/8 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger). Outside cylinders of main entrance door locks shall be operated by the tenant's key, which shall not be keyed to also open the tenant's dwelling unit entrance door.

2. All exit and exitway doors shall be freely openable from the inside at all times.

3. All exterior entrance doors to common basement, cellar or storage areas shall be self-closing and lockable.

4. All entrance doors to dwelling units shall be equipped with a medium duty dead latching lockset (series 160, FF-H-106a, minimum, with a minimum 11/16 inch by 1/2 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger) or with a dead bolt lock separate from the latch set.

5. All entrance doors to each dwelling unit shall be equipped with a chain door guard so as to permit partial opening of the door, and a viewing device installed on the designated main entrance door to the dwelling unit, located so to enable a person on the inside of the entrance door to view a person immediately outside.

6. All openable windows, sliding doors, basement windows and windows opening onto exterior stairways, fire escapes, porches, terraces, balconies or other areas affording easy access to the premises shall be equipped with a locking device of some kind.

7. Grilles lockable from the inside only may be placed on the inside or outside of windows only if the windows do not serve to provide access to exits.

8. Every exterior entrance door leading to interior common areas which provide access to two or more interior dwelling unit entrance doors shall be a self-closing and self-locking door, shall be kept closed at all times except when in actual use and shall be equipped with a viewing device if it would not otherwise be possible to see a person seeking to enter without opening the door. In addition, the main entrance door shall be either attended at all times by a doorman or equipped with an electrically operated buzzer and latch-release system, individual exterior door bells connected to each dwelling unit, or an approved alternative security and entrance system. However, no building shall be equipped with an electrically operated latch-release system if such building is not also equipped with an intercommunication system allowing effective communication between a person in any dwelling unit and a person standing outside of the main entrance door.

9. When the main entrance to a building contains a vestibule with doors at both ends, only the inside set of doors must conform to the security requirements.

10. Buildings with fewer than six dwelling units shall not be required to have bells in every dwelling unit provided there is at least one exterior door bell connected so as to ring at least one bell in the common areas which will be audible in all dwelling units.

11. Exposed hinges on building entrance doors and entrance doors to dwelling units are either to be removed and replaced with hinges which have nonremovable hinge pins, or altered so that the door would be protected against being lifted from its hinges by pulling the hinge pin. (An acceptable alteration method to an existing door would be to remove two screws, opposite each other, from both leaves of the hinge, insert screw, steel pin or equivalent into jamb leaf, protruding $\frac{1}{2}$ inch, drill out the opposite screw hole in the door. Do this in the top and bottom hinge of the door. When closed, the hinge pins may be removed, but the door will remain firmly in place.)

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

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

Case Notes

Ordinance requiring apartment complex security guards valid under municipal police power; not preempted by statute or regulation (citing former N.J.A.C. 5:10-19.6). *Sunrise Village Associates v. Roselle Park*, 181 N.J.Super. 567, 438 A.2d 944 (Law Div.1980) affirmed per curiam 181 N.J.Super. 565, 438 A.2d 944 (App.Div.1981) certification denied 89 N.J. 413, 446 A.2d 144.

Violation of door lock regulation evidence of negligence in action against landlord (citing former N.J.A.C. 5:10-19.6). *Trentacost v. Brussel*, 82 N.J. 214, 412 A.2d 436 (1980).

Citation to former N.J.A.C. 5:10-6.6; landlord liable for damages for failure to repair door lock. *Braitman v. Overlook Terrace Corp.*, 68 N.J. 368, 346 A.2d 76 (1975).

Condominium association was exempt from required security door locks and doorbells where owners demonstrated that compliance would cause undue financial hardship. *Twin Rivers Lake Condominium v. Department of Community Affairs*, 97 N.J.A.R.2d (CAF) 5.

Violations of Hotel and Multiple Dwelling Law obliged owners to install self-locking, self-closing doors, and exterior doorbells. *Bureau of Housing Inspection v. Bistricher*, 95 N.J.A.R.2d (CAF) 99.

Unabated fire-safety and other violations warranted imposition of \$6,750 in penalties against landlord. *804 Ocean v. Community Affairs*, 95 N.J.A.R.2d (CAF) 17.

SUBCHAPTER 20. COOKING FACILITIES

5:10-20.1 Required facilities

(a) No cooking shall be permitted in any unit of dwelling space unless there is provision for the following minimum cooking and sanitary facilities:

1. A kitchen sink of nonabsorbent impervious material and drainboard of appropriate materials, connected to and having available at all times a supply of hot and cold water under sufficient pressure as required under N.J.A.C. 5:10-15. The kitchen sink shall be connected to a sanitary disposal or sewer system;
2. Cooking and preparation of food shall be undertaken only in areas designated therefor;
3. Means of natural ventilation or mechanical ventilation sufficient to remove promptly cooking odors to the exterior of the premises without first circulating them within the interior habitable space of the unit;
4. Place for storage of food free from infestation;
5. Facilities for refrigeration in good operating condition for protection of food from spoilage permitting maintenance of temperatures for storage above 32 degrees and below 50 degrees without regard to outside temperature;

- 6. A cooking facility which, if electrical, is connected with safety to an electrical system of sufficient capacity, or if gas, connected by permanent fixtures and tubing to avoid leakage of gas. The use of gasoline stoves or other similar fuel-burning appliances using highly flammable liquids and the use of portable kerosene stoves or other similar fuel-burning portable appliances for cooking is prohibited;
- 7. Cabinets or drawers or other storage areas for utensils, dishes and other cooking and eating equipment;
- 8. Two floor or wall electrical outlets for electrical appliances.

Case Notes

Apartment owner was entitled to use a range hood in lieu of mechanical venting. Matter of 1100 Edgewood Ave., Trenton, New Jersey, 92 N.J.A.R.2d (CAF) 57.

SUBCHAPTER 21. SANITARY FACILITIES

5:10-21.1 Required facilities

- (a) Every unit of dwelling space shall contain the following minimum sanitary facilities:
 - 1. A toilet equipped with a flushing mechanism;
 - 2. A bathtub or shower or other complete bathing facility;
 - 3. A wash basin in the toilet room or within close proximity thereto;
 - 4. In dwelling units having more than one room available or used for sleeping purposes, each such room shall have accessible to it, sanitary facilities directly from the room itself or through any common portion of the dwelling unit without requiring passage through the bedroom.
- (b) A complete second set of sanitary facilities shall be required for any unit of dwelling space with permissible occupancy of eight or more persons.
- (c) Each toilet and bathing facility shall be located in a separate room or rooms completely enclosed sides and top and shall provide privacy to the occupant thereof. Any such room shall be provided with:
 - 1. One or more doors, each of which can be locked from the interior;

- 2. Floor, walls and ceiling surfaces made of or protected by durable materials capable of being exposed regularly to moisture without damage or deterioration.

- (d) Every bathroom and toilet room shall be of sufficient dimension to provide 1 1/2 foot clearance in front of each fixture including (but not limited to) toilet, lavatory, bathtub or shower;
- (e) Every toilet including the toilet seat, wash basin, shower, bath and other plumbing or sanitary facility forming part of any toilet room or bathroom shall be maintained in good operating condition at all times and shall be kept clean and free of material that might clog the same or impair its operation and shall drain into a sanitary sewer or other approved sanitary disposal system.

5:10-21.2 Rooming units

- (a) Occupants of rooming units shall either have the sanitary facilities required hereunder within the rooming unit or accessible to the rooming unit dwelling directly or by passage through a common hallway or passageway into which such rooming unit opens. Any such facility shall be located either on the same level or no more than one level below or above the rooming unit accessible through a stairway.
- (b) There shall be available at least one of each kind of sanitary facility located as provided herein for each group of rooming units with a permissible capacity of six persons and an additional set of each kind of sanitary facility for each additional multiple group of rooming units with a permissible capacity of eight persons or fraction thereof. For dwellings or structures utilized exclusively by male occupants, urinals flushed by running water may be substituted for no more than one-half of the required number of toilet facilities.

- (c) Any additional toilets over and above the initial toilet shall be located or partitioned separately from any other toilet required hereunder and any additional bathing facility required hereunder shall be located separate from any other required bathing facility. There shall be no more than one of the required toilet facilities in the same room as any required bathing facility.

5:10-21.3 Dormitories

Rules on dormitories are outlined in the following table:

Persons	Water closets		Male	Urinals	Urinals	Persons	Lavatories		Persons	Bathtubs or showers		
	Closets						Male	Female			Male	Female
	Male	Female										
1-15	1	1	1-30	1	1-15	1	2	1-7	1			
16-30	2	2	31-60	2	16-30	2	3	8-15	2			
31-50	3	4	61-100	3	31-50	4	3	16-25	3			
51-75	4	6	101-150	4	51-75	4	5	26-35	4			
76-100	6	8			76-100	6	7	36-45	5			
100-150	8	10			101-125	8	9	45-55	6			

Water closets		Urinals		Lavatories			Bathtubs or showers	
Persons	Closets	Male	Urinals	Persons	Male	Female	Persons	Bathtubs or showers
	Male	Female						
Over 150, add 1 additional closet for each 25 males and each 20 additional females			Over 150, add 1 for each additional 50 males	Over 125, add 1 lavatory for each 20 additional males and each 15 additional females			Over 55 and not over 200, add 1 tub or shower for each 10 persons. Over 200 add 1 tub or shower for each 20 persons	
1 Drinking fountain for each 75 persons								

SUBCHAPTER 22. OCCUPANCY STANDARDS

5:10-22.1 Basements and cellars

(a) Basements and cellars may be used for dwelling space provided that:

1. The entire area constituting the dwelling unit must comply with all requirements set forth in this chapter applicable to habitable rooms or areas and to all requirements set forth in N.J.A.C. 5:70 applicable to dwelling units in basements or stories below grade; and
2. The floors, ceiling and walls of each unit of dwelling space must be free of moisture.

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).

5:10-22.2 Unemancipated minors

No unemancipated minor shall occupy any unit of dwelling space not having as part thereof for the exclusive use of its occupants the sanitary facilities required under N.J.A.C. 5:10-21.

5:10-22.3 Floor area

(a) In all dwelling units other than rooming units, there shall be a minimum usable floor area for the initial occupant of 150 square feet and 100 square feet additional space for each additional occupant provided, however, that children under the age of two shall not be considered additional occupants.

(b) In rooming units used or intended to be used solely for transient occupancy, there shall be a minimum usable floor area of 50 square feet for each occupant provided, however, that children under the age of six shall not be considered additional occupants.

(c) In every rooming unit used or intended to be used for non-transient occupancy, there shall be a usable floor area of at least 80 square feet in every room occupied or intended to be occupied for sleeping purposes by one occupant and a usable floor area of at least 60 square feet per occupant in every room occupied or intended to be occupied for sleeping purposes by more than one occupant, provided, however, that children under the age of two shall not be considered to be additional occupants.

(d) In every dwelling unit other than a rooming unit, every room occupied or intended to be occupied for sleeping purposes by one occupant shall have a minimum usable floor area of 70 square feet and every room occupied or intended to be occupied for sleeping purposes by more than one occupant shall have a usable floor area of at least 50 square feet for each such occupant, provided, however, that children under the age of two shall not be considered to be additional occupants.

Case Notes

Absence of enforcement by state or local agency of building code provision would not preclude court from awarding relocation assistance benefits directly against landlord if landlord's effort to comply prior to any enforcement action would result in displacement of its tenant. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

If landlord does not provide relocation assistance benefits, demand by landlord that tenant agree to occupancy limit in lease may not satisfy reasonableness requirement of Act authorizing landlord to establish reasonable rules and regulations governing conduct of its tenants. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Landlord could require compliance with occupancy limits imposed by regulations without waiting for enforcement action. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Landlord may not remove tenant to correct illegal occupancy until there has been compliance with provisions of relocation assistance laws. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Landlord may require tenants in violation of occupancy limits to sign leases containing those limits. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Landlord requiring tenant to sign renewal lease containing new occupancy limit which will force tenant or some members of tenant's household to relocate may be liable for relocation assistance. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Landlord seeking to enforce occupancy limits against tenants who are in violation of limits may be liable for same or similar benefits as tenants would be entitled to receive if they were removed as result of building code enforcement proceedings. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Tenant evicted as result of enforcement of occupancy limit regulations may claim relocation assistance benefits unless tenant's own conduct was primary cause of overcrowding. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Tenant responsible for overcrowding of apartment may be required to sign lease containing occupancy limit without being offered relocation assistance benefits. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

Tenants are not to be deprived of relocation assistance by landlord enforcing occupancy limits through renewal leases; Anti-Eviction Act subsection authorizes landlord to establish reasonable rules and regulations governing conduct of its tenants. *M.C. Associates v. Shah*, 226 N.J.Super. 173, 543 A.2d 1006 (A.D.1988).

5:10-22.4 Prohibited sleeping areas

Kitchens, bathrooms, and toilet rooms shall not be used for sleeping purposes.

5:10-22.5 Required ceiling height

(a) Except as otherwise provided in (a)1 and 2 below, no room or space or portion of a room or space shall be considered habitable unless that room or space or portion of a room or space has a clear ceiling height of at least seven feet, zero inches.

1. Rooms, spaces, and portions of rooms and spaces in hotels that are open and operating less than six months of each year, are located in municipalities bordering on

the Atlantic Ocean and are used exclusively for transient occupancy, and were so used prior to November 5, 1990 in conformity with any applicable mercantile license requirement, shall be deemed to be habitable regardless of ceiling height unless there is a clear and present danger to the health or safety of the occupants.

2. Dwelling units and portions of dwelling units in multiple dwellings located in municipalities bordering on the Atlantic Ocean shall be deemed to be habitable with a ceiling height of less than seven feet, zero inches provided that the dwelling unit was occupied prior to the effective date of this amendment and is in conformity with any applicable mercantile license requirement prior to May 27, 1991 and: