

(d) Every portion of each staircase, hall, cellar, basement landing furnace room, utility room, and all similar non-habitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (two foot-candles) in the darkest portions.

(e) Every portion of any interior or exterior passageway or staircase common to two or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (2 foot-candles) in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two dwelling units such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.

(f) Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three lumens per square foot (three foot-candles). Such light shall be measured 36 inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.

5:28-1.7 Ventilation

(a) Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least two air changes per hour.

(b) Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least six air changes per hour.

5:28-1.8 Heating equipment

(a) Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room.

(b) Every space heater, except electrical, shall be properly vented to a chimney or duct leading to outdoors. Unvented

portable space heaters, burning solid, liquid, or gaseous fuels, shall be prohibited.

5:28-1.9 Egress

(a) Every dwelling, dwelling unit, or lodging unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.

(b) A room used for sleeping purposes under the provisions of N.J.A.C. 5:28-1.11(d) shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.

(c) There shall be not fewer than two independent exits remote from each other from every floor of a building greater than two stories in height having more than two dwelling and/or lodging units.

5:28-1.10 Maintenance

(a) Every foundation, floor, wall, ceiling, door, window, roof, or other part of a building shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted.

(b) Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly banistered and safely balustraded.

(c) Every porch, balcony, roof, and/or similar place higher than 30 inches above the ground, used for egress or for use by occupants shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and be not less than three feet in height.

(d) Every roof, wall, window, exterior door, and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.

(e) Every foundation, floor, and wall of a dwelling shall be free from chronic dampness.

(f) Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the local health agency. Rodent and vermin extermination shall be carried out in accordance with N.J.A.C. 5:28-1.12(k). Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in

good repair from May 1st until October 1st of each year. Such screens shall have a mesh of not less than No. 16.

(g) Every building, dwelling, dwelling unit and all other areas of the premises shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.

(h) The Public Officer may order the owner to clean, repair, paint, whitewash, or paper such walls or ceilings, when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled, or the plaster, wallboard, or other covering has become loose or badly cracked or missing. Nothing in this subsection shall be so construed as to place upon the nonresident owner responsibilities for cleanliness contained in N.J.A.C. 5:28-1.12(f).

(i) Every water closet compartment floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to water so as to permit such floor to be kept in a clean condition.

Case Notes

Civil administrative penalty properly issued after homeowners failed to complete painting. *Marino v. Bureau of Housing Inspection*, 94 N.J.A.R.2d (CAF) 1.

5:28-1.11 Use and occupancy of space

(a) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the base of total habitable room area.

(b) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

(c) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area in the room for the purpose of determining the maximum permissible occupancy thereof.

(d) A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floors thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Administrative Authority; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

5:28-1.12 Responsibilities of owners and occupants

(a) No owner or occupant shall cause any services, facilities, equipment, or utilities which are required under this chapter to be removed from, shut off, or discontinued in any occupied dwelling let or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is authorized by the Public Officer. In the event that any service or utility which the owner has agreed to supply is discontinued, the owner shall take immediate steps to cause the restoration of such service or utility.

(b) The owner of a dwelling located in an area found by the Public Officer to be infested by rats, insects, or other vermin shall carry out such rat stoppage, vermin proofing, or other means of preventing infestations of said dwellings as may be required by the local health agency.

(c) No owner shall occupy or let to an occupant any vacant dwelling unit or lodging unit unless it is clean and sanitary.

(d) Every owner of a dwelling containing two or more units or lodging units shall be responsible for maintaining in a clean and sanitary condition the common areas of the dwellings and premises thereof.

(e) It shall be the responsibility of the owner, unless otherwise provided for under lease agreement, to provide for the orderly maintenance of the premises. The storage of objects or materials not covered in (g) and (h) below, or not otherwise prohibited by municipal ordinance shall be done in an orderly manner so as to not constitute a health, safety, or fire hazard.

(f) Every occupant of a dwelling shall keep in a clean and sanitary condition every part of the dwelling which he or she occupies and controls.

(g) Every occupant of a dwelling unit shall dispose of all of his or her garbage, and any other organic waste which might provide food for rodents, by placing it in the garbage disposal facilities or garbage storage receptacles required by N.J.A.C. 5:28-1.5(a).

(h) Every occupant of a dwelling unit shall dispose of all of his or her rubbish in a clean and sanitary manner, by placing it in the rubbish containers required by N.J.A.C. 5:28-1.5(b) and (c).

(i) In dwellings containing no more than three dwelling units, it shall be the responsibility of the occupant of each dwelling unit to furnish the receptacles outside the dwelling unit as are needed for the storage of garbage and rubbish until removal from the premises. In lodging houses, and in dwellings containing four or more dwelling units, it shall be the responsibility of the owner to furnish such receptacles outside the lodging units or dwelling units as are needed for the storage of garbage and rubbish until removed from the premises.