

i. An inspection is required as part of the procedures authorized by law and implemented by regulations.

ii. There is evidence of or indication of a violation of the law or this chapter requiring an examination to determine whether the violation in fact exists.

iii. The inspection is part of an area wide inspection to upgrade properties in a given area.

iv. The inspection is part of a systematic inspection of buildings falling into a particular class or category composed in order to provide adequate protection to the public health, safety and welfare.

(e) It shall be the duty of every owner or managing agent of a hotel or multiple dwelling, upon receipt of notice from the Bureau that his property is scheduled to be inspected, to notify each occupant, other than a hotel guest having a permanent residence elsewhere, of the time of such scheduled inspection and to request that each such occupant either admit the inspector representing the Bureau to his dwelling unit or authorize the owner or managing agent to do so. Any occupant who has been so notified, has allowed the owner or managing agent to retain a key to his dwelling unit and has not expressed any objection in writing to the inspector's entering his dwelling unit either to the Bureau or its representative or to the owner or managing agent shall be deemed to have consented to the inspection of his dwelling unit by the Bureau. Any occupant consenting to an inspection who is unable to be present or to have a representative present at the time of such inspection shall, upon notice from either the Bureau or the owner, or the representative of either one of them, give a key to the dwelling unit to the owner or managing agent. Such key shall be returned to the occupant within 24 hours after the inspection. It shall be the further duty of the owner and of any managing agent to provide such assistance as may be reasonable and necessary to enable the inspector to gain access to all areas of the property being inspected and, upon request of the Bureau or the inspector, to accompany the inspector during his inspection of the exterior and common areas and of all units the occupants of which are not present at the time of the inspection.

(f) Upon reasonable request of the Bureau, the owner of any hotel or multiple dwelling in which any major structural deficiency constituting a violation of this chapter has been found to exist, and the correction of which would require the issuance of a building permit by the construction official having jurisdiction, shall provide to the Bureau, at the sole cost and expense of such owner, an analysis and report, prepared by a licensed professional engineer or registered architect, which specifies the work necessary to correct such violation and the manner in which it should be accomplished, and certification by a licensed professional engineer or registered architect that such violation has been properly corrected and that any hazard that may have been created by such violation has been eliminated.

(g) If, in the course of inspecting any hotel or multiple dwelling, any inspector performing inspections for the Bureau shall find a condition which is, or appears to be, in violation of the Uniform Fire Code, N.J.A.C. 5:70, the inspector shall give prompt notice of that condition to the Bureau, which shall promptly notify the Division of Fire Safety.

(h) The Bureau shall waive the inspection fee for any unit that has been thoroughly inspected within the previous 12-month period under a municipal ordinance requiring inspection upon change of occupancy in accordance with the maintenance standards established herein if the unit has had a municipal certificate of occupancy issued as a result of that inspection.

1. The owner shall provide the Bureau with a copy of each municipal certificate of occupancy issued within 15 days after the date of the start of the inspection required under this chapter.

2. If requested to do so by the Bureau, the owner shall, within 10 business days of the owner's receipt of the Bureau's request therefor, provide the Bureau with a copy of the municipal maintenance code used for the certificate of occupancy inspection. If the owner does not provide a copy of the municipal maintenance code within this period of time, the fee for the unit for which a municipal certificate of occupancy has been issued shall not be waived.

3. Upon a finding that the requirements of the municipal maintenance code are substantially identical to the requirements of this chapter, and that the inspection occurred within the previous 12 months, the owner shall be notified of the reduced fee.

4. Upon a finding that the requirements of the municipal maintenance code or ordinance are not substantially identical to the requirements of this chapter, the owner shall be so notified, and the fee in the amount originally assessed shall be due and payable.

(i) Upon a finding by the Bureau that a building has been thoroughly inspected prior to resale since the most recent inspection made in accordance with this chapter, that the inspection was conducted by the municipality in accordance with the maintenance standards established in this chapter and that a municipal certificate of occupancy has been issued, the Bureau shall accept that inspection in lieu of a current inspection and shall not conduct another cyclical inspection of the building until five years shall have elapsed since the date of that municipal inspection.

1. The owner shall provide the Bureau with a copy of the municipal certificate of occupancy not less than 90 days prior to the fifth anniversary of the date on which the last cyclical inspection was performed. If the copy of the municipal certificate of occupancy is not submitted, or is submitted later than the date 90 days prior to the fifth anniversary of the date on which the last cyclical inspection

tion was performed, the municipal inspection prior to resale shall not be accepted in lieu of a current inspection.

2. If requested to do so by the Bureau, the owner shall, within 10 business days of the owner's receipt of the Bureau's request therefor, provide the Bureau with a copy of the municipal maintenance code used for the certificate of occupancy inspection. If a copy of the municipal maintenance code is not provided within this period of time, the resale inspection shall not be accepted in lieu of a current inspection.

3. Upon a finding that the requirements of the municipal maintenance code are substantially identical to the requirements of this chapter, the inspection prior to sale shall be accepted in lieu of the current inspection.

(j) In order to facilitate administration of subsections (h) and (i) above, the Bureau shall maintain a current file of municipal ordinances establishing certificate of occupancy and maintenance code requirements applicable to hotels and/or multiple dwellings and shall review all such ordinances and maintain a list of ordinances reviewed, indicating whether each maintenance code is or is not substantially identical in its requirements to the maintenance standards set forth in this chapter. The Bureau shall request those municipalities that have adopted codes substantially identical to the maintenance standards of this chapter to notify the Bureau whenever those codes are amended or are no longer in effect. Copies of this list shall be made available upon request, without charge, to owners of hotels and multiple dwellings and other interested persons.

(k) Upon reasonable request of the Bureau, the owner of any multiple dwelling in which any violation of N.J.A.C. 5:10-6.6 is found or suspected shall provide to the Bureau, at the sole cost and expense of such owner, a risk assessment prepared by a certified lead evaluation firm pursuant to N.J.A.C. 5:17 which identifies lead-based paint hazards and specifies corrective action to eliminate or control such hazards. The Bureau may also request, and the owner shall provide, a certification that the multiple dwelling is free of lead-based paint hazards issued pursuant to N.J.A.C. 5:17.

Amended by R.1971 d.60, effective April 23, 1971.
See: 3 N.J.R. 77(a).
Amended by R.1978 d.289, effective August 17, 1978.
See: 10 N.J.R. 222(a), 10 N.J.R. 378(b).
Recodified April 9, 1981 from N.J.A.C. 5:10-1.26.
Amended by R.1988 d.572, effective December 19, 1988.
See: 20 N.J.R. 2126(a), 20 N.J.R. 3122(a).
Added (g).
Administrative Correction to (d)1.
See: 22 N.J.R. 921(a).
Amended by R.1993 d.464, effective September 20, 1993.
See: 25 N.J.R. 2627(a), 25 N.J.R. 4482(a).
Amended by R.1995 d.279, effective June 5, 1995.
See: 27 N.J.R. 1345(a), 27 N.J.R. 2181(a).
Added (h) to (j).
Administrative change.
See: 31 N.J.R. 35(a).
Amended by R.2005 d.144, effective May 16, 2005.
See: 36 N.J.R. 2106(a), 37 N.J.R. 1754(c).
Added (k).

Case Notes

Bureau of Housing Inspection unable to waive statutory reinspection fee. *New Jersey Department of Community Affairs, Bureau of Housing Inspection v. D'Agostino*, 97 N.J.A.R.2d (CAF) 56.

Building superintendent's receipt of building inspection notice legally sufficient. *Ten-Forty-Six Ellington v. Bureau of Housing Inspection*, 97 N.J.A.R.2d (CAF) 11.

Out of 47 original violations, failure to correct three of the violations justified the imposition of fine of \$8,200, including penalty for life-threatening violations. *Bonafield v. Department of Community Affairs*, 93 N.J.A.R.2d (CAF) 31.

Fine imposed by the Bureau of Housing Inspection was reduced to \$750 after the property owner corrected the violations. *Bajjnath v. Department of Community Affairs*, 93 N.J.A.R.2d (CAF) 30.

5:10-1.11 Certificate of registration

(a) The owner of each hotel, retreat lodging facility or multiple dwelling shall file with the Bureau of Housing Inspection, upon forms provided by the Bureau, a certificate of registration.

(b) Each such certificate shall be accompanied by a fee of \$10.00.

(c) Each certificate of registration shall state:

1. The name, address and telephone number of said owner;
2. Such description of each hotel, retreat lodging facility or multiple dwelling, by street number or otherwise, as will enable the Bureau easily to locate the same;
3. The name, address and telephone number of the agent appointed by said owner pursuant to (f) below for the purpose of receiving service of process and other orders or notices;
4. The name, address and telephone number of the person, association or corporation, if any, which manages or operates such hotel, retreat lodging facility or multiple dwelling for or on behalf of said owner;
5. The name and address of any mortgage holder of record;
6. Whether or not the property is being registered for the first time and, if not, the date of transfer to the present owner;
7. Whether the owner is a corporation, partnership, individual(s), or some other entity;
8. Whether the building is a hotel, a retreat lodging facility or a multiple dwelling;
9. The construction class;
10. The number of dwelling units in the building;
11. The number of stories;
12. The year, or approximate year, of construction;