

"Self-closing", as applied to an opening protective, means a door, window, damper, or other device and its assembly that is normally kept in a closed position and that is equipped with an approved device to insure immediate closing after having been opened for use.

"Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

"Shaft" means a vertical, inclined or offset passage, duct or hoistway, penetrating through two or more floors of a building or through a floor and roof, for the transmission of light, air, materials or persons, or the passage of pipes or other mechanical facilities.

"Shall", as used in this chapter, is always to be construed as mandatory.

"Sink" means a plumbing fixture located in a kitchen area and used exclusively for food preparation operations.

"Story" means that portion of a building that is between a floor level and the next higher level or roof above.

"Street" means a thoroughfare dedicated or devoted to public use by legal mapping or other lawful means.

"Structure" means an assembly of materials forming a construction for occupancy or use, including among others: buildings, stadia, tents, reviewing stands, platforms, stagings, observation towers, radio towers, tanks, trestles, open sheds, coal pockets, shelters, fences and display signs.

"Surface" means an area such as an interior or exterior wall, ceiling, floor, door, door frame, window sill, window frame, porch, stair, handrail and spindle, or other abradable surface, soil, furniture, a carpet, a radiator or a water pipe.

"Transient," as applied to occupancy, means occupancy for not more than 90 days by a person having a principal residence elsewhere.

"Unemancipated minor" means any person under the age of 18 who is not an "emancipated minor" as defined herein.

"Unit of dwelling space", see "Dwelling unit" of this section. (See N.J.S.A. 55:13A-3(h).)

"Use (used)" means the purpose for which a building, structure, or space is occupied or utilized, unless otherwise indicated by the text. Use (used) shall be construed as if followed by the words "or is intended, arranged, or designed to be used".

"Useable floor area" means that part of the floor area within a unit of dwelling space that can be considered useable for general living purposes, excluding areas devoted to built-in equipment, such as, wardrobes, cabinets, closets, kitchen units, and equipment or fixtures which are not readily available for use as floor area.

"Ventilation" means the supply and removal of air to and from any space by natural or mechanical means. (See also N.J.A.C. 5:10-2.2, definitions of "Mechanical ventilation" and "Natural ventilation".)

"Water distribution piping" means the pipes in a building or premises that convey water from the water service pipe to the plumbing fixtures and other water outlets.

"Water service pipe" means the pipe from the water (street) main or other source of water supply to the building served.

"Water (street) main" means a water supply pipe for public or community use controlled by public authority.

"Water supply system" means the water service pipe, the water distribution piping, and all of the necessary connecting pipes, fittings, control valves, and appurtenances used for conveying water in the plumbing system.

"Window guard" see "Child-protection window guard."

Amended by R.1971 d.101, effective June 29, 1971.

See: 1 N.J.R. 28(a), 3 N.J.R. 147(e).

Amended by R.1973 d.310, effective October 26, 1973.

See: 5 N.J.R. 259(c), 5 N.J.R. 369(a).

Amended by R.1973 d.357, effective December 18, 1973.

See: 5 N.J.R. 217(a), 6 N.J.R. 5(b).

Amended by R.1976 d.160, effective July 1, 1976.

See: 8 N.J.R. 9(d), 8 N.J.R. 272(a).

Amended by R.1977 d.305, effective September 1, 1977.

See: 9 N.J.R. 257(a), 9 N.J.R. 414(a).

Amended by R.1978 d.289, effective August 17, 1978.

See: 10 N.J.R. 222(a), 10 N.J.R. 378(b).

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

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

"Common area" and "Fire wall" redefined.

Amended by R.1982 d.253, effective August 16, 1982.

See: 14 N.J.R. 119(a), 14 N.J.R. 910(a).

Added definition of "attic" and "crawl space". Amended definition of "common area", "occupiable room" and "tag".

Amended by R.1990 d.230, effective May 7, 1990.

See: 22 N.J.R. 275(b), 22 N.J.R. 1354(a).

Definition of retreat lodging facility added.

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.586, effective November 20, 1995.

See: 27 N.J.R. 3149(a), 27 N.J.R. 4695(b).

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

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

Added definition of "Fuel-burning appliance".

Amended by R.2000 d.325, effective August 7, 2000.

See: 32 N.J.R. 1891(a), 32 N.J.R. 2863(a).

In "Owner", added a second sentence.

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).

Inserted "Local enforcing agency".

Amended by R.2005 d.144, effective May 16, 2005.

See: 36 N.J.R. 2106(a), 37 N.J.R. 1754(c).

Added "Interim controls", "Lead hazard control work", "Lead-based paint", "Lead-based paint hazard", "Surface".

Amended by R.2006 d.177, effective May 15, 2006.

See: 37 N.J.R. 1698(a), 37 N.J.R. 1931(a), 38 N.J.R. 2115(b).

Inserted the definitions "Expected to reside" and "Housing for the elderly".

Case Notes

Structure containing eight apartments was "multiple dwelling" with three or more units, over which Bureau of Housing Inspection retained regulatory jurisdiction, even after property was subdivided into separate lots, which were held in ownership under different deeds. *Department Of Community Affairs, Bureau Of Housing Inspection v. 39-45 Fourth Street, City Of Passaic, New Jersey (John L. Lira), 2003 WL 722267 (N.J. Adm.), NO. CAF 3939-99.*

Guests who resided at hotel for three years with no present intention of seeking other accommodations were "tenants"; protection from lockout by Anti-Eviction Act, even though motel was not registered or regulated by state as rooming or boarding house. *McNeill v. Estate of Lachmann, 285 N.J.Super. 212, 666 A.2d 996 (A.D.1995).*

Citation to building definition. *Bunting v. Sheehan, 156 N.J.Super. 14, 383 A.2d 429 (App.Div.1976).*

Premises a multiple dwelling despite lack of kitchen facilities and former tax assessment as two buildings. *Bunting v. Sheehan, 156 N.J.Super. 14, 383 A.2d 429 (App.Div.1976).*

School dormitories subject to registry and inspection under former definition of hotel. *Blair Academy v. Sheehan, 149 N.J.Super. 113, 373 A.2d 418 (App.Div.1977).*

Clubhouse with dwelling units is multiple dwelling. *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.*

Citation to building and structure definitions. 43-45 Forrest Street, North Arlington v. Dept. of Community Affairs, 3 N.J.A.R. 291 (1981).

SUBCHAPTER 3. HOTEL AND MULTIPLE DWELLING HEALTH AND SAFETY BOARD

5:10-3.1 Organizational meetings; officers

(a) The organizational meeting of the Board shall be held on the second Tuesday of June in each year at 10:00 A.M. in the building in which the office of the Director is located.

(b) A majority of the members of the Board shall constitute a quorum. However, even in the absence of a quorum, a majority of the members of the Board who are present, shall have the power to adjourn the meeting until a specified future time.

(c) The Board shall, at its organizational meeting, elect a Chairman, a Vice-Chairman, a Secretary and such other officers as it may deem appropriate. All officers shall serve until the next organizational meeting or until their successors shall have qualified.

(d) All officers other than the Secretary shall be elected from among the members of the Board. The Secretary may be either a member of the Board or an employee of the Division. If an employee of the Division, he shall not enter upon the office of Secretary without the consent of the Director and shall serve at the pleasure of the Director.

(e) A vacancy in any office shall be filled by the Board for the remaining unexpired term. If any member of the Board

who is an officer ceases to be a member of the Board, his office shall forthwith be deemed vacant.

Case Notes

Multiple dwelling building penalized for failure to register as rooming house. *DeGrazia v. Department of Community Affairs, Bureau of Rooming and Boarding House Standards, 97 N.J.A.R.2d (CAF) 66.*

Denial of rooming and boarding house licensure due to code violations affirmed. *Vignanelli v. Kearsburg Borough, 97 N.J.A.R.2d (CAF) 63.*

Denial of rooming house licensure for failure to complete application modified. *Tuli v. Township of Weehawken, 97 N.J.A.R.2d (CAF) 60.*

Reasonable penalty for failure to correct code violations found appropriate. *Bureau of Housing Inspection v. Murnick, 97 N.J.A.R.2d (CAF) 50.*

5:10-3.2 Special meetings

(a) A special meeting of the Board may be called at any time by the Commissioner, the Director, the Chairman of the Board or by petition of any three members of the Board.

(b) The person or persons calling the special meeting shall give written notice to the Secretary stating the purpose of the meeting and the time and place at which it is to be held. No meeting shall be held in any place other than the building in which the office of the Director is located without the consent of either the Commissioner or the Director.

(c) The Secretary shall give written notice of the time and place of the special meeting to all members of the Board, the Commissioner, the Director and the Chief of the Bureau at least 10 days prior to such a meeting.

5:10-3.3 Rules of procedure

All business of the Board shall be conducted in accordance with the current edition of Robert's Rules of Order (Revised), except insofar as such rules may conflict with provisions of the Act or of this chapter. Officers shall have the duties prescribed in said rules.

5:10-3.4 Transmittal and consideration of proposed regulations

(a) Proposed regulations required pursuant to the Act to be transmitted to the Board shall be transmitted by the Director to all members of the Board.

(b) The Director may call a special meeting of the Board to consider proposed regulations transmitted to the Board but shall have discretion not to do so.

(c) In the event that the Director transmits any proposed regulations to the Board without calling a special meeting, either the Chairman of the Board or any three members of the Board may call a special meeting pursuant to N.J.A.C. 5:10-3.2.