

P.L. 2003, CHAPTER 44, *approved April 16, 2003*
Senate Committee Substitute for
Senate, Nos. 2069 and 2048

1 **AN ACT** concerning carbon monoxide detectors in certain single-
2 family and two-family homes, amending P.L.1975, c.217 and
3 amending and supplementing P.L.1999, c.15.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 1 of P.L.1999, c.15 (C.52:27D-133.3) is amended to
9 read as follows:

10 1. a. In any case in which a change of occupancy of any dwelling
11 unit in a building with fewer than three dwelling units is subject to a
12 municipal ordinance requiring the issuance of a certificate of
13 occupancy, certificate of inspection or other documentary certification
14 of compliance with laws and regulations relating to the safety,
15 healthfulness and upkeep of the premises, no such certificate shall
16 issue until the officer or agency responsible for its issuance has
17 determined that: (1) the dwelling unit is equipped with one or more
18 carbon monoxide sensor devices, or (2) that there is no potential
19 carbon monoxide hazard in the dwelling unit. Any such determination
20 shall be made in accordance with rules adopted by the Commissioner
21 of Community Affairs.

22 b. In the case of an initial occupancy or a change of occupancy of
23 any dwelling unit in a building with fewer than three dwelling units to
24 which the provisions of subsection a. of this section do not apply, no
25 owner shall sell, lease or otherwise permit occupancy for residential
26 purposes of that dwelling unit without first obtaining from the relevant
27 enforcing agency under the "Uniform Fire Safety Act," P.L.1983,
28 c.383 (C.52:27D-192 et seq.) a certificate indicating: (1) that the
29 dwelling unit is equipped with one or more carbon monoxide sensor
30 devices, or (2) that there is no potential carbon monoxide hazard in the
31 dwelling unit. Any such determination shall be made in accordance
32 with rules adopted by the Commissioner of Community Affairs.

33 c. The local governing body having jurisdiction over the enforcing
34 agency or, where the Division of Fire Safety is the enforcing agency,
35 the Commissioner of Community Affairs, may establish a fee which
36 covers the cost of inspection and of issuance of the certificate;
37 however, if an inspection is being made and a certificate is being issued
38 evidencing compliance with section 2 of P.L.1991, c.92
39 (C.52:27D-198.2), the fee authorized therein shall cover the costs of
40 complying with this section.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. For the purposes of this section:

2 "Carbon monoxide sensor device" means a carbon monoxide alarm
3 or detector that bears the label of a nationally recognized testing
4 laboratory, and has been tested and listed as complying with the most
5 recent Underwriters Laboratories standard 2034 or its equivalent.

6 "Dwelling unit" means a structure, or a room or group of rooms
7 within a structure, used or intended for use, in whole or in part, for
8 residential purposes.

9 e An owner who sells, leases or otherwise permits occupancy of
10 a dwelling unit without complying with the provisions of this section
11 shall be subject to a fine of not more than \$100, which may be
12 collected and enforced by the local enforcing agency by summary
13 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1
14 et seq.

15 f. This section shall [be inoperative until such time as the
16 Commissioner of Community Affairs determines that this section, or
17 any part thereof, shall] become operative [consistent with section 5
18 of P.L.1999, c.15] on the 61st day after enactment of P.L. _____, c.
19 (C. _____) (pending before the Legislature as this bill).
20 (cf: P.L.1999, c.15, s.1)

21
22 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to
23 read as follows:

24 6. The commissioner shall have all the powers necessary or
25 convenient to effectuate the purposes of this act, including, but not
26 limited to, the following powers in addition to all others granted by
27 this act:

28 a. To adopt, amend and repeal, after consultation with the code
29 advisory board, rules: (1) relating to the administration and
30 enforcement of this act and (2) the qualifications or licensing, or both,
31 of all persons employed by enforcing agencies of the State to enforce
32 this act or the code, except that, plumbing inspectors shall be subject
33 to the rules adopted by the commissioner only insofar as such rules are
34 compatible with such rules and regulations, regarding health and
35 plumbing for public and private buildings, as may be promulgated by
36 the Public Health Council in accordance with Title 26 of the Revised
37 Statutes.

38 b. To enter into agreements with federal and State of New Jersey
39 agencies, after consultation with the code advisory board, to provide
40 insofar as practicable (1) single-agency review of construction plans
41 and inspection of construction and (2) intergovernmental acceptance
42 of such review and inspection to avoid unnecessary duplication of
43 effort and fees. The commissioner shall have the power to enter into
44 such agreements although the federal standards are not identical with
45 State standards; provided that the same basic objectives are met. The
46 commissioner shall have the power through such agreements to bind

1 the State of New Jersey and all governmental entities deriving
2 authority therefrom.

3 c. To take testimony and hold hearings relating to any aspect of
4 or matter relating to the administration or enforcement of this act,
5 including but not limited to prospective interpretation of the code so
6 as to resolve inconsistent or conflicting code interpretations, and, in
7 connection therewith, issue subpoena to compel the attendance of
8 witnesses and the production of evidence. The commissioner may
9 designate one or more hearing examiners to hold public hearings and
10 report on such hearings to the commissioner.

11 d. To encourage, support or conduct, after consultation with the
12 code advisory board, educational and training programs for employees,
13 agents and inspectors of enforcing agencies, either through the
14 Department of Community Affairs or in cooperation with other
15 departments of State government, enforcing agencies, educational
16 institutions, or associations of code officials.

17 e. To study the effect of this act and the code to ascertain their
18 effect upon the cost of building construction and maintenance, and the
19 effectiveness of their provisions for insuring the health, safety, and
20 welfare of the people of the State of New Jersey.

21 f. To make, establish and amend, after consultation with the code
22 advisory board, such rules as may be necessary, desirable or proper to
23 carry out his powers and duties under this act.

24 g. To adopt, amend, and repeal rules and regulations providing for
25 the charging of and setting the amount of fees for the following code
26 enforcement services, licenses or approvals performed or issued by the
27 department, pursuant to the "State Uniform Construction Code Act:"

28 (1) Plan review, construction permits, certificates of occupancy,
29 demolition permits, moving of building permits, elevator permits and
30 sign permits; and

31 (2) Review of applications for and the issuance of licenses
32 certifying an individual's qualifications to act as a construction code
33 official, subcode official or assistant under this act.

34 (3) (Deleted by amendment, P.L.1983, c.338).

35 h. To adopt, amend and repeal rules and regulations providing for
36 the charging of and setting the amount of construction permit
37 surcharge fees to be collected by the enforcing agency and remitted to
38 the department to support those activities which may be undertaken
39 with moneys credited to the Uniform Construction Code Revolving
40 Fund.

41 i. To adopt, amend and repeal rules and regulations providing for:

42 (1) Setting the amount of and the charging of fees to be paid to
43 the department by a private agency for the review of applications for
44 and the issuance of approvals authorizing a private agency to act as an
45 on-site inspection and plan review agency or an in-plant inspection
46 agency;

1 (2) The setting of the amounts of fees to be charged by a private
2 agency for inspection and plan review services; provided, however,
3 that such fees shall not be more than those adopted and charged by the
4 department when it serves as a local enforcement agency pursuant to
5 section 10 of P.L.1975, c.217 (C.52:27D-128); and

6 (3) The formulation of standards to be observed by a municipality
7 in the evaluation of a proposal submitted by a private agency to
8 provide inspection or plan review services within a municipality.

9 j. To enforce and administer the provisions of the "State Uniform
10 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and
11 the code promulgated thereunder, and to prosecute or cause to be
12 prosecuted violators of the provisions of that act or the code
13 promulgated thereunder in administrative hearings and in civil
14 proceedings in State and local courts.

15 k. To monitor the compliance of local enforcing agencies with the
16 provisions of the "State Uniform Construction Code Act," P.L.1975,
17 c.217 (C.52:27D-119 et seq.), to order corrective action as may be
18 necessary where a local enforcing agency is found to be failing to carry
19 out its responsibilities under that act, to supplant or replace the local
20 enforcing agency for a specific project, and to order it dissolved and
21 replaced by the department where the local enforcing agency
22 repeatedly or habitually fails to enforce the provisions of the "State
23 Uniform Construction Code Act."

24 l. To adopt, amend and repeal rules and regulations implementing
25 the provisions of P.L.1999, c.15 and P.L. , c. (pending before the
26 Legislature as this bill concerning the installation and maintenance of
27 carbon monoxide sensors.
28 (cf: P.L.1999, c.15, s.4)

29
30 3. (New section) Notwithstanding any provision of law, rule or
31 regulation to the contrary, within two months of the effective date of
32 P.L. , c. (C.) (pending before the Legislature as this bill) the
33 Commissioner of Community Affairs shall promulgate pursuant to the
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
35 the rules and regulations necessary to effectuate this act.

36
37 4. This act shall take effect immediately.
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42 Requires installation of carbon monoxide detectors in single and two-
43 family homes upon initial occupancy or change of occupancy.