Sponsored by:
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SYNOPSIS
Requires installation of low-flow toilets and low-flow showerheads in multiple dwellings having 3 or more units.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
AN ACT requiring the installation of low-flow toilets and low-flow showerheads in certain multiple dwellings and supplementing chapter 27D of Title 52 of the Revised Statutes.

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

1. As used in this act:
   “Commissioner” means the Commissioner of Community Affairs;
   “Low-flow showerhead” means a water saving showerhead that uses 2.5 gallons per minute or less;
   “Low-flow toilet” means a water saving toilet that uses 1.6 gallons per flush or less, meets the Uniform North American Requirements (UNAR) for toilet fixtures, and has a MaP Flush Performance of 500 grams or higher to insure that the toilet will work properly and reliably with a single flush.
   “Multiple dwelling” means a rental property which contains three or more rental units

2. Not later than the last day of the twelfth month next following the effective date of P.L. , c. (pending before the Legislature as this bill), the owner of a multiple dwelling as defined in section 1 of P.L. , c. (pending before the Legislature as this bill) shall replace every toilet and every showerhead that is not a low-flow toilet or low-flow showerhead in every property owned by the owner with a toilet and a showerhead that meets the definition of a low-flow toilet or low-flow showerhead, respectively, in section 1 of P.L. , c. (pending before the Legislature as this bill).

3. The cost borne by the owner of a multiple dwelling to replace a non low-flow toilet or non low-flow showerhead with a low-flow toilet or low-flow showerhead shall not be passed on to or charged to the tenant of any rental unit in any multiple dwelling owned by the owner, and shall not be used as the basis for a rent increase or surcharge to any tenant of any rental unit in any multiple dwelling owned by the owner.

4. The owner of a multiple dwelling who does not fulfill the replacement requirements set forth in section 2 of P.L. , c. (pending before the Legislature as this bill) shall be subject to a fine of $1,000 per toilet that is not properly replaced and a fine of $500 per showerhead that is not properly replaced. A fine imposed pursuant to this section shall be collected in a civil action by a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).
5. a. Every rental unit in a multiple dwelling as defined in section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill) shall be inspected by the Department of Community Affairs to ensure that the installation of low-flow toilets and showerheads required under section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill) has been completed and that such installation meets all requirements of the “State Uniform Construction Code Act,” P.L.1975, c.217 (C.52:27D-119 et seq.). The commissioner, by regulation promulgated pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall establish a reasonable inspection fee, not to exceed $20 per rental unit, to cover the cost of the inspections required herein. The owner of a multiple dwelling shall not seek reimbursement of the inspection fee through a rent increase, a rent surcharge or the imposition of any other charge or fee, from the tenant or tenants of any unit of a multiple dwelling.

During the first 12 months next following the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), rental units shall be inspected at the request of owners who have installed low-flow toilets or low-flow showerheads during that 12-month time period. All other rental units shall be inspected during the subsequent 12-month time period. In the event that a rental unit is scheduled for an inspection required under the “Hotel and Multiple Dwelling Law,” P.L.1967, c.76 (C.55:13A-1 et seq.) during the time period specified in this section, the inspection required by this section may be performed at the same time by the same inspector, as long as the inspector is qualified therefor.

Any inspection required under this section shall be conducted by the Department of Community Affairs except as provided in subsection b. of this section.

b. In any municipality which maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances and regulations concerning buildings and structures within the municipality, and such agency is supervised by, and has all hotel and multiple dwelling inspections performed by persons licensed by the commissioner under this act, the municipal governing body may by ordinance designate that agency to conduct the inspections and enforce the regulations prescribed by P.L. , c. (C. ) (pending before the Legislature as this bill).

c. Any person affected by the determinations made pursuant to any inspection conducted under P.L. , c. (C. ) (pending before the Legislature as this bill) may appeal those determinations to the Office of Administrative Law with the final decision to be issued by the commissioner; provided, however, that the cost of any such hearing to the department shall be borne by the local agency in any case where the inspection fee is required to be paid to a local
agency or in which the notice, order or decision being contested
was issued by a local agency.

6. The Commissioner of Community Affairs, not later than the
first day of the fourth month next following the effective date of
P.L. , c. (C. ) (pending before the Legislature as this
bill) and by regulations promulgated pursuant to the
seq.), shall establish: minimum specifications for low-flow toilets
and low-flow showerheads; a comprehensive list of toilet and
showerhead models meeting the definitions of low-flow toilets and
low-flow showerheads as defined in section 1 of P.L. ,
c. (C. ) (pending before the Legislature as this bill) as well
as the minimum specifications set by regulation pursuant to this
section; and an efficient procedure for adding toilet and showerhead
models to the list as new and more efficient low-flow technology
becomes available.

7. This act shall take effect immediately.

STATEMENT

This bill would require the installation of low-flow toilets and
low-flow showerheads in multiple dwellings having three or more
units within the 12 month period next following the enactment of
the bill. The owner of a multiple dwelling who does not make the
installations required by the bill would subject to a fine of $1,000
per toilet that is not properly replaced and a fine of $500 per
showerhead that is not properly replaced.

The bill defines “low-flow showerhead” as a water saving
showerhead that uses 2.5 gallons per minute or less. The bill
defines “low-flow toilet” as a water saving toilet that uses 1.6
gallons per flush or less, meets the Uniform North American
Requirements (UNAR) for toilet fixtures, and has a MaP
Flush Performance of 500 grams or higher to insure that the toilet
will work properly and reliably with a single flush.

It is the intent of the sponsor that the requirements of this bill
will cause substantial conservation of water throughout the State,
and will significantly lower the water and waste water cost for
multiple dwelling owners. It should, in consequence, protect
tenants from the threat of rent increases or surcharges by a multiple
dwelling owner to cover the owner’s water and sewerage bills, since
those bills will likely be considerably lower, and will render
unnecessary any attempt by an owner to pass water charges on to a
building’s tenants by installing individual water meters for each
unit of housing that is part of the multiple dwelling.