

SENATE, No. 68

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Co-Sponsored by:

Senators Weinberg and Greenstein

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



1 AN ACT requiring the installation of low-flow toilets and low-flow
2 showerheads in certain multiple dwellings and supplementing
3 chapter27D of Title 52 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 "Commissioner" means the Commissioner of Community
10 Affairs;

11 "Low-flow showerhead" means a water saving showerhead that
12 uses 2.5 gallons per minute or less;

13 "Low-flow toilet" means a water saving toilet that uses 1.6
14 gallons per flush or less, meets the Uniform North American
15 Requirements (UNAR) for toilet fixtures, and has a MaP
16 Flush Performance of 500 grams or higher to insure that the toilet
17 will work properly and reliably with a single flush.

18 "Multiple dwelling" "Multiple dwelling" means a rental property
19 which contains three or more rental units

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

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

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40 4. The owner of a multiple dwelling who does not fulfill the
41 replacement requirements set forth in section 2 of P.L. ,
42 c. (C.) (pending before the Legislature as this bill) shall be
43 subject to a fine of \$1,000 per toilet that is not properly replaced
44 and a fine of \$500 per showerhead that is not properly replaced. A
45 fine imposed pursuant to this section shall be collected in a civil
46 action by a summary proceeding pursuant to the "Penalty
47 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

1 5. a. Every rental unit in a multiple dwelling as defined in
2 section 1 of P.L. , c. (C.) (pending before the
3 Legislature as this bill) shall be inspected by the Department of
4 Community Affairs to ensure that the installation of low-flow
5 toilets and showerheads required under section 2 of P.L. ,
6 c. (C.) (pending before the Legislature as this bill) has
7 been completed and that such installation meets all requirements of
8 the "State Uniform Construction Code Act," P.L.1975, c.217
9 (C.52:27D-119 et seq.). The commissioner, by regulation
10 promulgated pursuant to the "Administrative Procedure Act,"
11 P.L.1968, c.410 (C.52:14B-1 et seq.), shall establish a reasonable
12 inspection fee, not to exceed \$20 per rental unit, to cover the cost of
13 the inspections required herein. The owner of a multiple dwelling
14 shall not seek reimbursement of the inspection fee through a rent
15 increase, a rent surcharge or the imposition of any other charge or
16 fee, from the tenant or tenants of any unit of a multiple dwelling.

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

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

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

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

1 agency or in which the notice, order or decision being contested
2 was issued by a local agency.

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4 6. The Commissioner of Community Affairs, not later than the
5 first day of the fourth month next following the effective date of
6 P.L. , c. (C.) (pending before the Legislature as this
7 bill) and by regulations promulgated pursuant to the
8 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
9 seq.), shall establish: minimum specifications for low-flow toilets
10 and low-flow showerheads; a comprehensive list of toilet and
11 showerhead models meeting the definitions of low-flow toilets and
12 low-flow showerheads as defined in section 1 of P.L. ,
13 c. (C.) (pending before the Legislature as this bill) as well
14 as the minimum specifications set by regulation pursuant to this
15 section; and an efficient procedure for adding toilet and showerhead
16 models to the list as new and more efficient low-flow technology
17 becomes available.

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19 7. This act shall take effect immediately.

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22 STATEMENT

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

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

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