

ASSEMBLY, No. 3725

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 19, 2016

Sponsored by:
Assemblywoman L. GRACE SPENCER
District 29 (Essex)

SYNOPSIS

Requires DCA to issue regulations and conduct inspections for bed bugs; provides loan forgiveness for remediation of bed bug infestations in certain properties.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning bed bug inspections and remediation in
2 multiple dwellings, supplementing P.L.1983, c.530 (C.55:14K-1
3 et seq.), and amending P.L.1967, c.76.

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

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8 1. (New section) The agency shall reduce the principal of an
9 eligible loan made to any nonprofit housing sponsor, which has as
10 one of its purposes the construction, improvement, or rehabilitation
11 of housing projects for persons and families of low- and moderate-
12 income, in an amount equal to any costs incurred for the
13 remediation of a bed bug infestation, as certified by a certified and
14 licensed pesticide applicator pursuant to subsection (c) of section 16
15 of P.L.1967, c.76 (C.55:13A-16), in a housing project financed
16 through the eligible loan. The agency shall utilize moneys from the
17 "General Fund," established pursuant to section 31 of P.L.1983,
18 c.530 (C.55:14K-31), to offset any reduction of the principal of an
19 eligible loan pursuant to this section.

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21 2. Section 7 of P.L.1967, c.76 (C.55:13A-7) is amended to read
22 as follows:

23 7. The commissioner shall issue and promulgate, in the manner
24 specified in section 8 of P.L.1967, c.76 (C.55:13A-8), such
25 regulations as the commissioner may deem necessary to assure that
26 any hotel or multiple dwelling will be maintained in such manner as
27 is consistent with, and will protect, the health, safety and welfare of
28 the occupants or intended occupants thereof, or of the public
29 generally.

30 Any such regulations issued and promulgated by the
31 commissioner pursuant to this section shall provide standards and
32 specifications for such maintenance materials, methods and
33 techniques, fire warning and extinguisher systems, elevator
34 systems, emergency egresses, and such other protective equipment
35 as the commissioner shall deem reasonably necessary to the health,
36 safety and welfare of the occupants or intended occupants of any
37 units of dwelling space in any hotel or multiple dwelling, including
38 but not limited to:

39 (a) Structural adequacy ratings;

40 (b) Methods of egress, including fire escapes, outside fireproof
41 stairways, independent stairways, and handrails, railings, brackets,
42 braces and landing platforms thereon, additional stairways, and
43 treads, winders, and risers thereof, entrances and ramps;

44 (c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

45 (d) Garbage and refuse collection and disposal, cleaning and
46 janitorial services, repairs, and extermination services;

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 (e) Electrical wiring and outlets, and paints and the composition
2 thereof;
- 3 (f) Doors, and the manner of opening thereof;
- 4 (g) Transoms, windows, shafts and beams;
- 5 (h) Chimneys, flues and central heating units;
- 6 (i) Roofing and siding materials;
- 7 (j) Lots, yards, courts and garages, including the size and
8 location thereof;
- 9 (k) Intakes, open ducts, offsets and recesses;
- 10 (l) Windows, including the size and height thereof;
- 11 (m) Rooms, including the area and height thereof, and the
12 permissible number of occupants thereof;
- 13 (n) Stairwells, skylights and alcoves;
- 14 (o) Public halls, including the lighting and ventilation thereof;
- 15 (p) Accessory passages to rooms;
- 16 (q) Cellars, drainage and air space;
- 17 (r) Water-closets, bathrooms and sinks;
- 18 (s) Water connections, including the provision of drinking and
19 hot and cold running water;
- 20 (t) Sewer connections, privies, cesspools, and private sewers;
- 21 (u) Rain water and drainage conductors;
- 22 (v) Entrances and ramps; **【and】**
- 23 (w) Presence of lead-based paint hazards in multiple dwellings
24 and in single-family and two-family dwellings, exclusive of owner-
25 occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-
26 437.1 et al.). In a common interest community, any inspection fee
27 for and violation found within a unit which is solely related to this
28 subsection shall be the responsibility of the unit owner and not the
29 homeowners' association, unless the association is the owner of the
30 unit; and
- 31 (x) Infestation by bed bugs.
32 (cf: P.L.2007, c.251, s.5)

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34 3. Section 16 of P.L.1967, c.76 (C.55:13A-16) is amended to
35 read as follows:

36 16. (a) If the commissioner shall discover any violation of the
37 provisions of this act or any rules and regulations promulgated
38 thereunder upon any inspection of any hotel or multiple dwelling,
39 then the commissioner shall issue and cause to be served on the
40 owner thereof a written order requiring said owner to terminate, or
41 cause to be terminated, any such violation. Such written order shall
42 state the nature of any such violation and a reasonable specified
43 time within which any such violation must be terminated. Such
44 written order shall also require and direct the owner to whom it is
45 issued to take, or cause to be taken, such affirmative action as may
46 be necessary to correct any such violation.

47 (b) The commissioner may petition the Superior Court of this
48 State for mandatory injunctive relief enforcing any order issued by

1 the commissioner pursuant to subsection (a) of this section. In any
2 such proceeding the Superior Court may proceed in a summary
3 manner or otherwise, and shall have power to grant such temporary
4 relief or restraining order as it may deem just and proper, and to
5 make and enter a decree enforcing, modifying, and enforcing as so
6 modified, or setting aside in whole or in part any order issued by the
7 commissioner pursuant to subsection (a) of this section.

8 (c) In addition to issuing an order pursuant to subsection (a) of
9 this section, if the commissioner discovers a violation of any
10 regulations promulgated pursuant to subsection (x) of section 7 of
11 P.L.1967, c.76 (C.55:13A-7), then the owner shall hire a pesticide
12 applicator, certified and licensed pursuant to the "Pesticide Control
13 Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.), and any
14 regulations adopted pursuant thereto, to correct the violation. The
15 certified and licensed pesticide applicator shall certify to the
16 department that the owner has corrected the violation and shall also
17 certify the costs incurred by the owner in correcting the violation on
18 a form prescribed by the department.

19 (cf: P.L.1967, c.76, s.16)

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21 4. This act shall take effect immediately.

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24 STATEMENT

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26 This bill would require the Commissioner of Community Affairs
27 to adopt regulations concerning the inspection for and remediation
28 of bed bug infestations in hotels and multiple dwellings. The bill
29 also directs the New Jersey Housing and Mortgage Finance Agency
30 (HMFA) to reduce the principal of an HMFA loan made to a
31 nonprofit provider of affordable housing in an amount equal to any
32 costs incurred for the remediation of a bed bug infestation in
33 housing financed through the HMFA loan.

34 The bill would require the Department of Community Affairs to
35 inspect hotels and multiple dwellings for the presence of bed bugs.
36 If the department discovers bed bugs, then the department would
37 issue a written order requiring the owner of the hotel or multiple
38 dwelling to eliminate the bed bug infestation. The bill would
39 require the owner of the hotel or multiple dwellings to hire a
40 pesticide applicator, certified and licensed pursuant to the "Pesticide
41 Control Act of 1971," and any regulations adopted pursuant to that
42 act, to correct the violation. The certified and licensed pesticide
43 applicator would certify to the department that the owner has
44 corrected the violation. The certified and licensed pesticide
45 applicator would also certify the costs incurred by the owner in
46 correcting the violation.

47 Additionally, the recipient of an HMFA loan who has a bed bug
48 infestation remediated in one of its properties that was financed

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1 through the HMFA loan could reduce the principal of the loan in an
2 amount equal to the cost of the remediation. The loan recipient
3 would have to submit to the HMFA the pesticide applicator's
4 certification of the price of the remediation. In order to receive a
5 loan reduction under this bill, the loan recipient must be a nonprofit
6 organization, which has as one of its purposes the construction,
7 improvement, or rehabilitation of housing projects for persons and
8 families of low- and moderate-income.