

**ASSEMBLY, No. 5821**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED NOVEMBER 14, 2019

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Co-Sponsored by:**

**Assemblyman Giblin, Assemblywomen Reynolds-Jackson, Carter,  
McKnight and Timberlake**

**SYNOPSIS**

Prohibits certain demolitions without inspection for pest infestation.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/17/2019)**

1 AN ACT requiring pest inspections prior to certain demolitions, and  
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

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7 1. a. As used in this section:

8 “Closely-situated building” means any building that is both  
9 located within 10 feet of the building to be demolished and located  
10 on a different property.

11 “Demolition” means the act of forcing down all of a building  
12 pursuant to the standards of the “State Uniform Construction Code  
13 Act,” P.L.1975, c.217 (C.52:27D-119 et seq.), or forcing down part  
14 of a building when inspection and certification is required in  
15 accordance with rules and regulations adopted pursuant to  
16 subsection c. of this section.

17 “Infestation” means a significant presence of pests within or on  
18 the perimeter of a building, or both.

19 “Pest” means rat, mouse, roach, or any other animal designated  
20 by the Commissioner of Environmental Protection as posing a  
21 significant risk of infesting adjacent properties following a  
22 demolition.

23 “Severe pest presence” means the existence of pests within or on  
24 the perimeter of a building, or both, at levels substantial enough to  
25 place any closely-situated building at risk for pest infestation as a  
26 result of demolition.

27 b. (1) In addition to requirements under the “State Uniform  
28 Construction Code Act,” P.L.1975, c.217 (C.52:27D-119 et seq.),  
29 P.L.1942, c.112 (C.40:48-2.3 et seq.), and any other statutory,  
30 regulatory, or local requirements, a building shall not be  
31 demolished without a certification by either a health officer licensed  
32 by the State Department of Health pursuant to the “Local Health  
33 Services Act,” P.L.1975, c.329 (C.26:3A2-1 et seq.), or a  
34 commercial pesticide applicator certified by the Department of  
35 Environmental Protection for general and household pest control  
36 pursuant to the “Pesticide Control Act of 1971,” P.L.1971, c.176  
37 (C.13:1F-1 et seq.). The certification shall indicate that the building  
38 does not contain a severe pest presence. Before issuing such  
39 certification, the health officer or another local health agency  
40 employee, or pesticide applicator, shall inspect the building for a  
41 pest presence. If a severe pest presence does exist, then the health  
42 officer or another local health agency employee, or pesticide  
43 applicator, shall take the steps necessary to mitigate the pest  
44 presence down to acceptable levels. Certification shall not be  
45 required prior to the demolition of a building for which no closely-  
46 situated building exists.

47 (2) The inspection shall occur no earlier than two months prior  
48 to the issuance of a construction permit for demolition. The

1 certification shall be filed with the construction official prior to the  
2 issuance of a construction permit. Any certification that is issued  
3 by a pesticide applicator, and not by a health officer, shall be filed  
4 with the health officer, in addition to the construction official, no  
5 later than five days prior to construction permit issuance. At any  
6 time prior to construction permit issuance, the health officer shall  
7 have authority to disapprove of the pesticide applicator's  
8 certification, and require a new inspection and new pest mitigation  
9 steps to be taken prior to construction permit issuance.

10 (3) The certification, and associated inspection and  
11 extermination, shall not be required if the construction official  
12 determines that an immediate danger is posed by the potential  
13 collapse of a structurally unsafe building.

14 (4) The construction permit applicant shall be responsible for  
15 the cost of any pest inspection, extermination, and certification  
16 required under this section.

17 c. On or before the first day of the sixth month next following  
18 enactment, the Commissioner of Environmental Protection, in  
19 accordance with the "Administrative Procedure Act," P.L.1968,  
20 c.410 (C.52:14B-1 et seq.), and in consultation with the  
21 Commissioner of Health, and the Director of the Division of Codes  
22 and Standards in the Department of Community Affairs, shall adopt  
23 any rules and regulations necessary for the implementation of this  
24 section, including, but not limited to, standards for the types of  
25 animals to be designated as pests, standards for the level of a pest  
26 presence that shall require extermination, acceptable methods of  
27 extermination, and the types of partial building demolitions that  
28 shall require inspection and certification. The Commissioner of  
29 Health, and the Director of the Division of Codes and Standards in  
30 the Department of Community Affairs, shall also adopt any  
31 necessary rules and regulations.

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33 2. This act shall take effect immediately, but subsections a. and  
34 b. of section 1 shall remain inoperative until the first day of the  
35 eighth month next following enactment.

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#### STATEMENT

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40 This bill requires pest inspections prior to certain building  
41 demolitions in order to prevent pest infestations from migrating to  
42 adjacent buildings.

43 This bill requires either a health officer or another local health  
44 agency employee, certified by the State Department of Health, or a  
45 commercial pesticide applicator, certified by the State Department  
46 of Environmental Protection for general and household pest control,  
47 to inspect certain buildings for mice, rats, roaches, and other pests  
48 before the demolition, and issue a certification indicating that pests

1 are not present within or on the perimeter of the building at levels  
2 that place any nearby building at risk for infestation. If a severe pest  
3 presence does exist in the building to be demolished, then the  
4 pesticide applicator or local health agency shall be required to  
5 ensure that extermination takes place in the building prior to issuing  
6 the certification.

7 No certification shall be required prior to demolition if no other  
8 building exists that is both located within 10 feet of the building to  
9 be demolished, and is on a different property.

10 The inspection shall occur within two months of the construction  
11 permit issuance for demolition, and the certification shall be filed  
12 with the construction official before the issuance of the permit. Any  
13 certification that is issued by a pesticide applicator shall be filed  
14 with the health officer, in addition to the construction official, no  
15 later than five days before the construction permit issuance. At any  
16 time before construction permit issuance, the health officer may  
17 disapprove of the pesticide applicator's certification, and require a  
18 new inspection and new extermination be conducted before  
19 construction permit issuance.

20 Certification shall not be required before demolition if the  
21 construction official determines that an immediate danger is posed  
22 by a structurally unsafe building. The construction permit applicant  
23 shall be responsible for the cost of any pest inspection and  
24 extermination required by this bill. The requirements of this bill  
25 would become operational on the first day of the eighth month next  
26 following enactment.