

ASSEMBLY, No. 562

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman TURNER

1 AN ACT concerning carbon monoxide detectors in residential
2 structures and supplementing P.L.1975, c.217. (C.52:27D-119 et
3 seq.).

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

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8 1. A dwelling unit in a structure used or intended for use for
9 residential purposes shall have a carbon monoxide sensor device
10 located inside the unit. The installation of battery operated carbon
11 monoxide sensor devices shall be accepted as meeting the
12 requirements of this section. The carbon monoxide sensor device shall
13 have been tested and listed by a product certification agency
14 recognized by the Division of Codes and Standards. This section shall
15 not be enforced except pursuant to sections 2 and 3 of this act.

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17 2. a. In any case where a change of occupancy of any dwelling unit
18 subject to the requirements of section 1 of this act is subject to a
19 municipal ordinance requiring the issuance of a certificate of
20 occupancy, certificate of inspection or other documentary certification
21 of compliance with laws and regulations relating to the safety,
22 healthfulness and upkeep of the premises, no such certificate shall
23 issue until the municipal officer or agency responsible for its issuance
24 has determined that the unit is equipped with a sensor device or
25 devices as required by section 1 of this act.

26 b. In the case of change of occupancy of any building subject to the
27 requirements of section 1 of this act to which the provisions of
28 subsection a. of this section do not apply, no owner shall sell, lease or
29 otherwise permit occupancy for residential purposes of that building
30 without first obtaining from the relevant enforcement agency under the
31 "State Uniform Construction Code Act," P.L.1975, c.217
32 (C.52:27D-119 et seq.) a certificate indicating compliance with the
33 requirements of this act. The local governing body having jurisdiction
34 over the enforcing agency or, where the Division of Codes and
35 Standards is the enforcing agency, the Commissioner of Community

1 Affairs, shall establish a fee which covers the cost of inspection and of
2 issuance of the certificate.

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4 3. An owner who sells, leases, rents or otherwise permits to be
5 occupied for residential purposes any premises subject to the
6 provisions of this supplementary act when the premises do not comply
7 with the requirements of section 1 hereof, or without complying with
8 the inspection and certification requirements of section 2 hereof, shall
9 be subject to a fine of not more than \$100, which may be collected and
10 enforced by the local enforcing agency by summary proceedings
11 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

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13 4. The Commissioner of Community Affairs shall promulgate
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate
16 this act.

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18 5. This act shall take effect on the first day of the sixth month
19 following enactment, except that section 4 shall take effect
20 immediately.

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STATEMENT

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25 This bill would require the installation of carbon monoxide sensor
26 devices inside all structures used for residential purposes, including
27 multiple-family dwellings and single family homes. The devices would
28 be required to be of the type tested and listed by a product
29 certification agency recognized by the Department of Community
30 Affairs. Local code enforcement officials or the Department of
31 Community Affairs, when acting in that capacity, would be responsible
32 for certifying that the carbon monoxide sensor devices are installed
33 upon the issuance of a certificate of occupancy, certificate of
34 inspection or other documentary certification of compliance with laws
35 and regulations relating to safety, healthfulness and upkeep of the
36 premises. However, sensors would not be required in presently
37 occupied single family homes or units not classified as multiple
38 dwellings until a change in occupancy occurred. Failure to install the
39 device when required could result in the owner of the premises being
40 fined \$100.

41 Carbon monoxide is an odorless, colorless gas which is not detected
42 by most smoke alarms, and can occur from sources other than fires,
43 such as faulty heating devices. Recent reports of tragic deaths
44 involved with the presence of carbon monoxide suggest that lives
45 could have been saved had these devices been installed.

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3 Requires carbon monoxide detectors be installed in all residential
4 properties.