

ASSEMBLY, No. 1080

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman CORODEMUS

1 AN ACT concerning hotel and multiple dwelling inspections, amending
2 P.L.1987, c.30 and supplementing P.L.1967, c.76 (C.55:13A-1 et
3 seq.).

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

7
8 1. Section 3 of P.L.1987, c.30 (C.55:13A-13a) is amended to read
9 as follows:

10 3. a. Any inspection required under P.L.1967, c.76 (C.55:13A-1
11 et seq.) shall be conducted by the commissioner except as provided in
12 subsection b. of this section or where a municipality has a cooperative
13 arrangement, with the bureau to perform these inspections in which
14 case the inspection shall be conducted by the municipality; provided,
15 however, that nothing in this section shall preclude the bureau from
16 conducting inspections in any municipality for the purpose of
17 monitoring or auditing the performance of local agencies, as provided
18 hereinafter, or inspectors, or for the purpose of dealing with imminent
19 hazards.

20 b. (1) Local agency inspection and enforcement: In any
21 municipality which maintains a permanent local agency for the purpose
22 of conducting inspections and enforcing laws, ordinances and
23 regulations concerning buildings and structures within the
24 municipality, and such agency is supervised by, and has all hotel and
25 multiple dwelling inspections performed by persons licensed by, the
26 commissioner under this act, the municipal governing body may by
27 ordinance designate that agency to conduct the inspections and
28 enforce the regulations prescribed by or pursuant to P.L.1967, c.76
29 (C.55:13A-1 et seq.). Where an ordinance is in effect all inspections
30 required pursuant to P.L.1967, c.76 within the territorial limits of the
31 municipality shall be conducted by the agency so designated, subject
32 to the supervision and control of the commissioner; and all

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 applications otherwise directed by law to be filed with the
2 commissioner, and all fees and penalties otherwise to be imposed or
3 collected by the commissioner, shall in such a municipality be filed
4 with, or imposed or collected by, the local agency designated by
5 ordinance pursuant to this [subsection] paragraph; provided, that in no
6 case shall the local agency collect or impose a penalty in excess of the
7 minimum amount which the commissioner is authorized by law to
8 collect or impose for the same violation, or to assess a continuing
9 penalty, without the written prior approval of the bureau.

10 (2) Private agency inspection and enforcement: The governing
11 body of any municipality may contract with a qualified private agency
12 to conduct any of the inspections required under and enforce any of
13 the regulations prescribed by or pursuant to P.L.1967, c.76
14 (C.55:13A-1 et seq.). Any such contract shall be in accordance with
15 the provisions of section 2 of P.L. , c. (C.)(now pending
16 before the Legislature as this bill).

17 The commissioner shall have the power to order corrective action
18 as may be necessary where a local or private agency is found to be
19 failing to carry out its responsibilities under this act and to suspend the
20 authority of the local or private agency under this subsection where
21 the local or private agency repeatedly or habitually fails to enforce the
22 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et
23 seq.) and the regulations adopted pursuant thereto.

24 c. Any person affected by the determinations made pursuant to any
25 inspection conducted under P.L.1967, c.76 (C.55:13A-1 et seq.) may
26 appeal those determinations to the Office of Administrative Law with
27 the final decision to be issued by the commissioner; provided,
28 however, that the cost of any such hearing to the department shall be
29 borne by (1) the local agency in any case where the inspection fee is
30 required to be paid to a local agency or in which the notice, order or
31 decision being contested was issued by a local agency or (2) the
32 private agency in any case where the notice, order or decision being
33 contested was issued by, or was based upon the findings of, that
34 private agency.

35 (cf: P.L.1987, c.30, s.3.)

36
37 2. (New section) a. The governing body of any municipality, by
38 ordinance, may contract with a qualified private agency to conduct the
39 inspections required under and enforce the regulations prescribed by
40 the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.).

41 b. A private agency shall not be deemed eligible to contract under
42 this section unless:

43 (1) The officers, agents and inspectors employed by that agency
44 are certified to perform hotel and multiple dwelling inspections by the
45 commissioner;

46 (2) The agency, after application and review, is approved by the

1 commissioner and is registered with the department as a private
2 agency qualified to perform the inspections required under the
3 provisions of P.L.1967, c.76 (C.55:13A-1 et seq.); and

4 (3) The agency, its officers, agents and inspectors meet such other
5 standards or requirements as the commissioner shall deem appropriate
6 to assure the effective inspection of hotels and multiple dwellings in
7 accordance with the provisions of P.L.1967, c.76 (C.55:13A-1 et
8 seq.).

9 c. Every inspection by a private agency shall be conducted in
10 accordance with the maintenance standards established by the
11 commissioner under P.L.1967, c.76 (C.55:13A-1 et seq.).

12 (1) If, after inspection, a private agency determines that the hotel
13 or multiple dwelling is in compliance with the maintenance standards
14 established pursuant to P.L.1967, c.76 (C.55:13A-1 et seq.), the
15 agency shall so notify the commissioner, and the commissioner shall
16 issue a certificate of inspection to the owner of that hotel or multiple
17 dwelling.

18 (2) If, after inspection, a private agency determines that the hotel
19 or multiple dwelling is not in compliance with the maintenance
20 standards established pursuant to P.L.1967, c.76 (C.55:13A-1 et seq.),
21 the agency shall so notify the commissioner, and a certificate of
22 inspection shall not be issued by the commissioner. A hotel or
23 multiple dwelling that is found not to be in compliance shall be subject
24 to reinspection.

25 d. The commissioner shall have the power to order corrective
26 action as may be necessary where a private agency has failed to carry
27 out its responsibilities under this section and to suspend or revoke the
28 certification and registration of the agency.

29 e. The commissioner, in accordance with the provisions of the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.), shall promulgate rules and regulations to effectuate the purposes
32 of this act. The rules and regulations shall include, but not be limited
33 to:

34 (1) The certification requirements for private agencies and their
35 officers and employees under this act; provided, however, that these
36 requirements for private agencies shall not exceed or be more stringent
37 than those required of State and local officials performing the same
38 inspections;

39 (2) The fees for the certifying and registering of private agencies;
40 provided, however, that these fees shall not exceed the actual costs the
41 department shall incur in administering the provisions of this act;

42 (3) The manner of executing a contract between a municipality and
43 a private agency;

44 (4) The substance and form of a contract between a municipality
45 and a private agency;

46 (5) The procedures governing enforcement practices and the

1 imposition of penalties for violations by private agencies; and
2 (6) The reporting and recording requirements for private agencies.

3
4 3. This act shall take effect on the first day of the fourth month
5 following enactment, but the Commissioner of Community Affairs may
6 take such anticipatory administrative action in advance as shall be
7 necessary for the implementation of the act.

8

9

10

STATEMENT

11

12 This bill would permit municipalities to hire private contractors to
13 serve as the enforcing agencies responsible for performing and
14 enforcing the code inspections of hotels and multiple dwellings
15 required under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76
16 (C.55:13A-1 et seq.).

17 Currently, these inspections usually are conducted by the Bureau of
18 Housing Inspection in the Division of Housing in the Department of
19 Community Affairs. However, municipalities which have code officials
20 who have been licensed by the State to inspect hotels and multiple
21 dwellings may assume those inspection and enforcement
22 responsibilities.

23 By permitting the hiring of private contractors to perform and
24 enforce hotel and multiple dwelling code inspections, this bill would
25 give municipalities, which do not have the appropriate State licensed
26 inspectors in their local code enforcing agencies, an alternative to a
27 reliance on State inspections conducted by the Bureau of Housing
28 Inspection. A reduction in the demand for State inspection services
29 could result in cost savings.

30 Under current law, municipalities may contract with qualified
31 private entities to perform and enforce certain subcode inspections
32 under the "State Uniform Construction Code Act," P.L.1975, c.217
33 (C.52:27D-199 et seq.).

34

35

36

37

38 Permits municipalities to hire private agencies to conduct inspections
39 under the "Hotel and Multiple Dwelling Law."