

[First Reprint]
ASSEMBLY, No. 1080

STATE OF NEW JERSEY

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:

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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**[(1) Local agency inspection and enforcement:]**¹ 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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHO committee amendments adopted June 10, 1996.

1 to the supervision and control of the commissioner; and all
2 applications otherwise directed by law to be filed with the
3 commissioner, and all fees and penalties otherwise to be imposed or
4 collected by the commissioner, shall in such a municipality be filed
5 with, or imposed or collected by, the local agency designated by
6 ordinance pursuant to this [subsection] ¹[paragraph] subsection¹;
7 provided, that in no case shall the local agency collect or impose a
8 penalty in excess of the minimum amount which the commissioner is
9 authorized by law to collect or impose for the same violation, or to
10 assess a continuing penalty, without the written prior approval of the
11 bureau.

12 ¹[(2) Private agency inspection and enforcement:]¹ The governing
13 body of ¹[any] such a¹ municipality may contract with a qualified
14 private agency to conduct any of the inspections required under ¹[and
15 enforce any of the regulations prescribed by or pursuant to]¹
16 P.L.1967, c.76 (C.55:13A-1 et seq.). Any such contract shall be in
17 accordance with the provisions of section 2 of P.L. _____, c. _____
18 (C. _____)(now pending before the Legislature as this bill).

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

26 c. Any person affected by the determinations made pursuant to any
27 inspection conducted under P.L.1967, c.76 (C.55:13A-1 et seq.) may
28 appeal those determinations to the Office of Administrative Law with
29 the final decision to be issued by the commissioner; provided,
30 however, that the cost of any such hearing to the department shall be
31 borne by ¹[(1)]¹ the local agency in any case where the inspection fee
32 is required to be paid to a local agency or in which the notice, order
33 or decision being contested was issued by a local agency ¹[or (2) the
34 private agency in any case where the notice, order or decision being
35 contested was issued by, or was based upon the findings of, that
36 private agency]¹.
37 (cf: P.L.1987, c.30, s.3.)

38
39 2. (New section) a. The governing body of any municipality ¹that
40 has¹, by ordinance, ¹designated its housing code enforcement agency
41 to conduct inspections and enforce the regulations in accordance with
42 section 3 of P.L.1987, c.30 (C.55:13A-13a¹ may contract with a
43 qualified private agency to conduct ¹[the] such¹ inspections ¹[required
44 under and enforce the regulations prescribed by the provisions of
45 P.L.1967, c.76 (C.55:13A-1 et seq.)]¹.

46 b. A private agency shall not be deemed eligible to contract under

1 this section unless:

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

5 (2) The agency, after application and review, is approved by the
6 commissioner and is registered with the department as a private
7 agency qualified to perform the inspections required under the
8 provisions of P.L.1967, c.76 (C.55:13A-1 et seq.); and

9 (3) The agency, its officers, agents and inspectors meet such other
10 standards or requirements as the commissioner shall deem appropriate
11 to assure the effective inspection of hotels and multiple dwellings in
12 accordance with the provisions of ¹[P.L.1967, c.76 (C.55:13A-1 et
13 seq.)] subsection b. of section 3 of P.L.1987, c.30 (C.55:13A-13a)¹.

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

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

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

30 (4) The agency has supplied in writing a certification to both the
31 commissioner and the contracting municipality that there is no known
32 conflict of interest for the agency, including its officers, agents or
33 inspectors, in performing the inspection.¹

34 ¹[d.] c.¹ The commissioner shall have the power to order
35 corrective action as may be necessary where a private agency has
36 failed to carry out its responsibilities under this section and to suspend
37 or revoke the certification and registration of the agency.

38 ¹[e.] d.¹ The commissioner, in accordance with the provisions of
39 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
40 seq.), shall promulgate rules and regulations to effectuate the purposes
41 of this act. The rules and regulations shall include, but not be limited
42 to:

43 (1) The certification requirements for private agencies and their
44 officers and employees under this act; provided, however, that these
45 requirements for private agencies shall not exceed or be more stringent
46 than those required of State and local officials performing the same

1 inspections;

2 (2) The fees for the certifying and registering of private agencies;
3 provided, however, that these fees shall not exceed the actual costs the
4 department shall incur in administering the provisions of this act
5 relating to private agencies¹;

6 (3) The manner of executing a contract between a municipality and
7 a private agency;

8 (4) The substance and form of a contract between a municipality
9 and a private agency;

10 (5) The procedures governing enforcement practices and the
11 imposition of penalties for violations by private agencies; and

12 (6) The reporting and recording requirements for private agencies.
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14 3. This act shall take effect on the first day of the fourth month
15 following enactment, but the Commissioner of Community Affairs may
16 take such anticipatory administrative action in advance as shall be
17 necessary for the implementation of the act.
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23 Permits municipalities to hire private agencies to conduct inspections
under the "Hotel and Multiple Dwelling Law."

WITHDRAWN