

ASSEMBLY, No. 1798

STATE OF NEW JERSEY

INTRODUCED MARCH 28, 1996

By Assemblyman CORODEMUS

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.).

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

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8 1. Each 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 a carbon monoxide sensor
11 device shall be accepted as meeting the requirement of this section if
12 that device has been tested and listed by a Nationally Recognized
13 Testing Laboratory and has been approved by the Division of Codes
14 and Standards after consultation with the Division of Fire Safety.
15 This section shall not be enforced except pursuant to sections 2 and 3
16 of P.L. , c. (C.)(pending before the Legislature as this bill).

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18 2. a. In any case in which a change of occupancy of any dwelling
19 unit subject to the requirements of section 1 of P.L. , c.
20 (C.)(pending before the Legislature as this bill) is subject to a
21 municipal ordinance requiring the issuance of a certificate of
22 occupancy, certificate of inspection or other documentary certification
23 of compliance with laws and regulations relating to the safety,
24 healthfulness and upkeep of the premises, no such certificate shall
25 issue until the municipal officer or agency responsible for its issuance
26 has determined that the unit is equipped with a sensor device as
27 required by section 1 of P.L. , c. (C.)(pending before the
28 Legislature as this bill).

29 b. In the case of change of occupancy of any dwelling unit subject
30 to the requirements of section 1 of P.L. , c. (C.)(pending
31 before the Legislature as this bill) to which the provisions of
32 subsection a. of this section do not apply, no owner shall sell, lease or
33 otherwise permit occupancy for residential purposes of that dwelling
34 unit without first obtaining from the relevant enforcing agency under
35 the "State Uniform Construction Code Act," P.L.1975, c.217
36 (C.52:27D-119 et seq.) a certificate indicating compliance with the
37 requirements of P.L. , c. (C.)(pending before the Legislature

1 as this bill). The local governing body having jurisdiction over the
2 enforcing agency or, where the Division of Codes and Standards is the
3 enforcing agency, the Commissioner of Community Affairs, shall
4 establish a fee which covers the cost of inspection and of issuance of
5 the certificate.

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7 3. An owner who sells, leases, rents or otherwise permits to be
8 occupied for residential purposes any dwelling unit subject to the
9 provisions of this act when the premises do not comply with the
10 requirements of section 1 of P.L. , c. (C.)(pending before the
11 Legislature as this bill), or without complying with the inspection and
12 certification requirements of section 2 of P.L. , c. (C.)(pending
13 before the Legislature as this bill), shall be subject to a fine of not
14 more than \$100, which may be collected and enforced by the local
15 enforcing agency by summary proceedings pursuant to "the penalty
16 enforcement law," N.J.S.2A:58-1 et seq.

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

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23 5. This act shall take effect on the first day of the sixth month
24 following enactment, except that section 4 shall take effect
25 immediately.

26 27 28 STATEMENT

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30 This bill would require the installation of a carbon monoxide sensor
31 device inside a dwelling unit in a structure used or intended for use
32 for residential purposes upon a change of occupancy of the dwelling
33 unit. A carbon monoxide sensor device shall be accepted as meeting
34 the requirement of this section if the device has been tested and listed
35 by a Nationally Recognized Testing Laboratory and has been approved
36 by the Division of Codes and Standards in the Department of
37 Community Affairs after consultation with the Division of Fire Safety.
38 Local code enforcement officials or the Department of Community
39 Affairs, when acting as the local enforcing agency, would be
40 responsible for certifying that the carbon monoxide sensor devices are
41 installed upon the issuance of a certificate of occupancy, certificate of
42 inspection or other documentary certification of compliance with laws
43 and regulations relating to safety, healthfulness and upkeep of the
44 premises. Failure to install the device when required could result in
45 the owner of the premises being fined \$100.

46 The bill would direct the Commissioner of Community Affairs to

1 promulgate rules and regulations necessary to effectuate this act.

2 A number of New Jersey municipalities are considering or have
3 adopted local ordinances requiring the installation of carbon monoxide
4 sensor devices. Adoption of this bill would establish a uniform State
5 standard.

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10 Requires carbon monoxide detectors be installed in all residential
11 properties.