

SENATE, No. 477

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1996

By Senator PALAIA

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).

17
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 before
31 the Legislature as this bill) to which the provisions of subsection a. of
32 this section do not apply, no owner shall sell, lease or otherwise permit
33 occupancy for residential purposes of that dwelling unit without first
34 obtaining from the relevant enforcing agency under the "State Uniform
35 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) a
36 certificate indicating compliance with the requirements of P.L. , c.
37 (C.)(pending before the Legislature as this bill). The local

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

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

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

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

25 26 27 STATEMENT

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

45 The bill would direct the Commissioner of Community Affairs to
46 promulgate rules and regulations necessary to effectuate this act.

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

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