

# SENATE, No. 2069

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED NOVEMBER 14, 2002

**Sponsored by:**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Co-Sponsored by:**

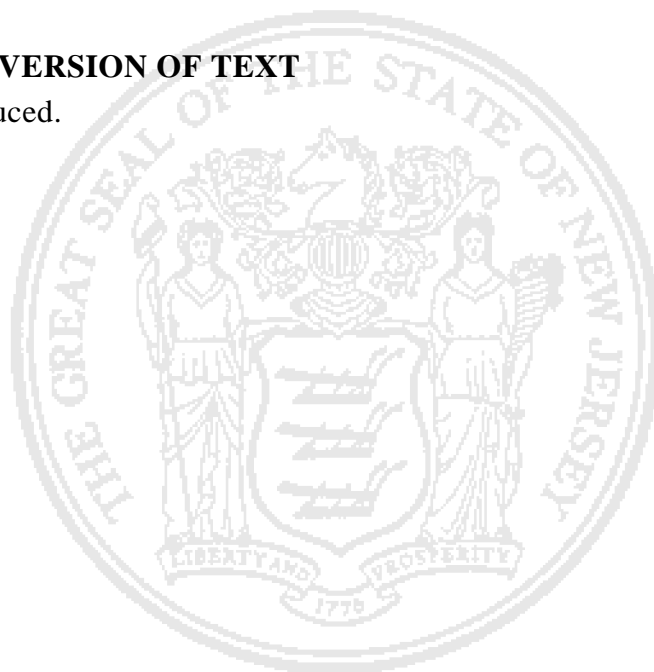
**Senators Matheussen, Bucco, Allen, Singer, McNamara, Kavanaugh,  
Cardinale, Lance, Connors and Cafiero**

**SYNOPSIS**

Requires installation of carbon monoxide detectors in single and two-family homes upon initial occupancy or change of occupancy.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning carbon monoxide detectors in certain single-  
2 family and two-family homes, amending P.L.1975, c.217 and  
3 amending and supplementing P.L.1999, c.15.

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

7  
8 1. Section 1 of P.L.1999, c.15 (C.52:27D-133.3) is amended to  
9 read as follows:

10 1. a. In any case in which a change of occupancy of any dwelling  
11 unit in a building with fewer than three dwelling units is subject to a  
12 municipal ordinance requiring the issuance of a certificate of  
13 occupancy, certificate of inspection or other documentary certification  
14 of compliance with laws and regulations relating to the safety,  
15 healthfulness and upkeep of the premises, no such certificate shall  
16 issue until the officer or agency responsible for its issuance has  
17 determined that: (1) the dwelling unit is equipped with one or more  
18 carbon monoxide sensor devices, or (2) that there is no potential  
19 carbon monoxide hazard in the dwelling unit. Any such determination  
20 shall be made in accordance with rules adopted by the Commissioner  
21 of Community Affairs.

22 b. In the case of an initial occupancy or a change of occupancy of  
23 any dwelling unit in a building with fewer than three dwelling units to  
24 which the provisions of subsection a. of this section do not apply, no  
25 owner shall sell, lease or otherwise permit occupancy for residential  
26 purposes of that dwelling unit without first obtaining from the relevant  
27 enforcing agency under the "Uniform Fire Safety Act," P.L.1983,  
28 c.383 (C.52:27D-192 et seq.) a certificate indicating: (1) that the  
29 dwelling unit is equipped with one or more carbon monoxide sensor  
30 devices, or (2) that there is no potential carbon monoxide hazard in the  
31 dwelling unit. Any such determination shall be made in accordance  
32 with rules adopted by the Commissioner of Community Affairs.

33 c. The local governing body having jurisdiction over the enforcing  
34 agency or, where the Division of Fire Safety is the enforcing agency,  
35 the Commissioner of Community Affairs, may establish a fee which  
36 covers the cost of inspection and of issuance of the certificate;  
37 however, if an inspection is being made and a certificate is being issued  
38 evidencing compliance with section 2 of P.L.1991, c.92  
39 (C.52:27D-198.2), the fee authorized therein shall cover the costs of  
40 complying with this section.

41 d. For the purposes of this section:

42 "Carbon monoxide sensor device" means a carbon monoxide alarm  
43 or detector that bears the label of a nationally recognized testing

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

**Matter underlined thus is new matter.**

1 laboratory, and has been tested and listed as complying with the most  
2 recent Underwriters Laboratories standard 2034 or its equivalent.

3 "Dwelling unit" means a structure, or a room or group of rooms  
4 within a structure, used or intended for use, in whole or in part, for  
5 residential purposes.

6 e An owner who sells, leases or otherwise permits occupancy of  
7 a dwelling unit without complying with the provisions of this section  
8 shall be subject to a fine of not more than \$100, which may be  
9 collected and enforced by the local enforcing agency by summary  
10 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1  
11 et seq.

12 f. This section shall [be inoperative until such time as the  
13 Commissioner of Community Affairs determines that this section, or  
14 any part thereof, shall] become operative [consistent with section 5  
15 of P.L.1999, c.15] on the 61st day after enactment of P.L. \_\_\_\_\_, c.  
16 (C. \_\_\_\_\_) (pending before the Legislature as this bill).  
17 (cf: P.L.1999, c.15, s.1)

18  
19 2. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to  
20 read as follows:

21 6. The commissioner shall have all the powers necessary or  
22 convenient to effectuate the purposes of this act, including, but not  
23 limited to, the following powers in addition to all others granted by  
24 this act:

25 a. To adopt, amend and repeal, after consultation with the code  
26 advisory board, rules: (1) relating to the administration and  
27 enforcement of this act and (2) the qualifications or licensing, or both,  
28 of all persons employed by enforcing agencies of the State to enforce  
29 this act or the code, except that, plumbing inspectors shall be subject  
30 to the rules adopted by the commissioner only insofar as such rules are  
31 compatible with such rules and regulations, regarding health and  
32 plumbing for public and private buildings, as may be promulgated by  
33 the Public Health Council in accordance with Title 26 of the Revised  
34 Statutes.

35 b. To enter into agreements with federal and State of New Jersey  
36 agencies, after consultation with the code advisory board, to provide  
37 insofar as practicable (1) single-agency review of construction plans  
38 and inspection of construction and (2) intergovernmental acceptance  
39 of such review and inspection to avoid unnecessary duplication of  
40 effort and fees. The commissioner shall have the power to enter into  
41 such agreements although the federal standards are not identical with  
42 State standards; provided that the same basic objectives are met. The  
43 commissioner shall have the power through such agreements to bind  
44 the State of New Jersey and all governmental entities deriving  
45 authority therefrom.

46 c. To take testimony and hold hearings relating to any aspect of or

1 matter relating to the administration or enforcement of this act,  
2 including but not limited to prospective interpretation of the code so  
3 as to resolve inconsistent or conflicting code interpretations, and, in  
4 connection therewith, issue subpoena to compel the attendance of  
5 witnesses and the production of evidence. The commissioner may  
6 designate one or more hearing examiners to hold public hearings and  
7 report on such hearings to the commissioner.

8 d. To encourage, support or conduct, after consultation with the  
9 code advisory board, educational and training programs for employees,  
10 agents and inspectors of enforcing agencies, either through the  
11 Department of Community Affairs or in cooperation with other  
12 departments of State government, enforcing agencies, educational  
13 institutions, or associations of code officials.

14 e. To study the effect of this act and the code to ascertain their  
15 effect upon the cost of building construction and maintenance, and the  
16 effectiveness of their provisions for insuring the health, safety, and  
17 welfare of the people of the State of New Jersey.

18 f. To make, establish and amend, after consultation with the code  
19 advisory board, such rules as may be necessary, desirable or proper to  
20 carry out his powers and duties under this act.

21 g. To adopt, amend, and repeal rules and regulations providing for  
22 the charging of and setting the amount of fees for the following code  
23 enforcement services, licenses or approvals performed or issued by the  
24 department, pursuant to the "State Uniform Construction Code Act:"

25 (1) Plan review, construction permits, certificates of occupancy,  
26 demolition permits, moving of building permits, elevator permits and  
27 sign permits; and

28 (2) Review of applications for and the issuance of licenses  
29 certifying an individual's qualifications to act as a construction code  
30 official, subcode official or assistant under this act.

31 (3) (Deleted by amendment, P.L.1983, c.338).

32 h. To adopt, amend and repeal rules and regulations providing for  
33 the charging of and setting the amount of construction permit  
34 surcharge fees to be collected by the enforcing agency and remitted to  
35 the department to support those activities which may be undertaken  
36 with moneys credited to the Uniform Construction Code Revolving  
37 Fund.

38 i. To adopt, amend and repeal rules and regulations providing for:

39 (1) Setting the amount of and the charging of fees to be paid to the  
40 department by a private agency for the review of applications for and  
41 the issuance of approvals authorizing a private agency to act as an  
42 on-site inspection and plan review agency or an in-plant inspection  
43 agency;

44 (2) The setting of the amounts of fees to be charged by a private  
45 agency for inspection and plan review services; provided, however,  
46 that such fees shall not be more than those adopted and charged by the

1 department when it serves as a local enforcement agency pursuant to  
2 section 10 of P.L.1975, c.217 (C.52:27D-128); and

3 (3) The formulation of standards to be observed by a municipality  
4 in the evaluation of a proposal submitted by a private agency to  
5 provide inspection or plan review services within a municipality.

6 j. To enforce and administer the provisions of the "State Uniform  
7 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and  
8 the code promulgated thereunder, and to prosecute or cause to be  
9 prosecuted violators of the provisions of that act or the code  
10 promulgated thereunder in administrative hearings and in civil  
11 proceedings in State and local courts.

12 k. To monitor the compliance of local enforcing agencies with the  
13 provisions of the "State Uniform Construction Code Act," P.L.1975,  
14 c.217 (C.52:27D-119 et seq.), to order corrective action as may be  
15 necessary where a local enforcing agency is found to be failing to carry  
16 out its responsibilities under that act, to supplant or replace the local  
17 enforcing agency for a specific project, and to order it dissolved and  
18 replaced by the department where the local enforcing agency  
19 repeatedly or habitually fails to enforce the provisions of the "State  
20 Uniform Construction Code Act."

21 1. To adopt, amend and repeal rules and regulations implementing  
22 the provisions of P.L.1999, c.15 and P.L. , c. (pending before the  
23 Legislature as this bill concerning the installation and maintenance of  
24 carbon monoxide sensors.

25 (cf: P.L.1999, c.15, s.4)

26

27 3. (New section) Notwithstanding any provision of law, rule or  
28 regulation to the contrary, within two months of the effective date of  
29 P.L. , c. (C. ) (pending before the Legislature as this bill) the  
30 Commissioner of Community Affairs shall promulgate pursuant to the  
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
32 the rules and regulations necessary to effectuate this act.

33

34 4. This act shall take effect immediately.

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36

37

#### STATEMENT

38

39 This bill would make operative section 1 of P.L.1999, c.15,  
40 (C.52:27D-133.3), a provision of law that would require the  
41 installation of carbon monoxide sensor devices in single-family and  
42 two-family homes upon a change of occupancy or the initial occupancy  
43 of such homes. While P.L.1999, c.15 required that every unit of  
44 dwelling space in hotels, multiple dwellings and rooming and boarding  
45 houses which presented a potential carbon monoxide hazard be  
46 equipped with carbon monoxide sensor devices, the provision of law

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1 that would have extended this requirement to single-family and two-  
2 family homes has been held inoperative until such time as the  
3 Commissioner of Community Affairs determines that it should be made  
4 operative.