

COMMUNITY AFFAIRS

Division Of Codes And Standards Hotels and Multiple Dwellings Proposed Readoption: N.J.A.C. 5:10

Authorized By: Joseph V. Doria, Jr., Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 55:13A-6(e), 55:13A-7.1 *et seq.* and 55:13A-13a.

Calendar: Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2008-

A **public hearing** on this proposal will be held on Monday, August 25, 2008 at 10:00 A.M., at the Department of Community Affairs, 101 South Broad Street, Trenton, NJ. Persons wishing to testify at this hearing are requested to call Cynthia Cordero at (609) 292-7899 in order to facilitate scheduling. Persons with disabilities who require special accommodations are requested to contact Ms. Cordero at that number or by mail at least two weeks prior to the hearing date. Mailing address: PO Box 802, Trenton, NJ 08625-0802.

JOSEPH V. DORIA, JR., Commissioner

Submit written comments by Sept 15, 2008 to:

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The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the Regulations for the Maintenance of Hotels and Multiple Dwellings, N.J.A.C. 5:10, are scheduled to expire on July 9, 2009. The Department has reviewed these rules and finds that they continue to be necessary for the

purpose for which they were promulgated and is therefore proposing that they be readopted without change.

Under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 *et seq.*, all hotels and multiple dwellings in the State are inspected at least once every five years to ensure compliance with the standards set forth in N.J.A.C. 5:10. These standards cover such matters as general and structural maintenance, interior maintenance, waste disposal, screens and infestation, managerial and maintenance personnel, electrical service and lighting, heating, water supply, light and ventilation, storage and closet facilities, mailbox and identification signs, building security, cooking and sanitary facilities, special provisions for rooming units, occupancy standards, parking areas and driveways, systems for indirect apportionment of heating costs in multiple dwellings, window guards and carbon monoxide alarms. The chapter also includes rules concerning administration and enforcement, local enforcing agencies and inspector training and licensing, as well as requiring compliance with applicable provisions of the Uniform Fire Code, N.J.A.C. 5:70-1 *et seq.*

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a) 5.

Social Impact

Readoption of these rules would ensure continuity of inspection of, and code enforcement in, existing hotels and multiple dwellings throughout the State. Failure to readopt these rules would result in incalculable harm to occupants of these buildings and to the general public, since there would no longer be any uniform standards for the maintenance of these buildings, nor would there be any effective enforcement mechanism to deal with violations.

Economic Impact

There would be no economic impact as a result of readoption, since the proposal includes neither new or increased fees nor new compliance requirements. Failure to readopt the rules might provide short-term benefits to owners who might be disinclined to maintain their buildings properly, though this benefit might well be tempered by any incurred as a result of litigation resulting from someone being injured as a result of improper maintenance. It has been the experience of the Department, however, that responsible owners are mainly concerned that standards and requirements be clear, so that it will be possible to determine if a building is in compliance.

Federal Standards Statement

No Federal standards analysis is required because the rules proposed for readoption are not being proposed under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State statute that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not anticipate any net creation or loss of jobs as a result of the readoption of this chapter. To the extent that failure to readopt this chapter would result in reduced maintenance of hotels and multiple dwellings, readoption is necessary in order to preserve existing jobs for people involved in building maintenance.

Agricultural Industry Impact

The Department does not anticipate that the rules proposed for readoption would have any effect on the agricultural industry.

Regulatory Flexibility Statement

The majority of hotels and multiple dwellings are owned by "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules implement the statute by establishing reporting, recordkeeping and compliance requirements that all owners must comply with in order to protect the health, safety and welfare of residents and of the general public. No differential requirements are therefore appropriate. No professional services that would not otherwise be required by a properly operated hotel or multifamily housing business would be required as a result of the readoption of these rules.

Smart Growth Impact

Since these rules implement a statute that is intended to facilitate proper maintenance of the existing hotel and multifamily housing stock, their readoption would be consistent with the concept and principles of smart growth and the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:10.