

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Maintenance of Hotels and Multiple Dwellings

Adopted Amendments: N.J.A.C. 5:10-1.3, 1.4, 1.10, 1.11, 1.12, 1.15, 1A.4, 1B.1, 2.1, 2.2, 4.2, 5.2, 7.7, 14.1, 14.4, 14.7, 19.1, 19.2, 27.1, 27.4, and 28.1

Proposed: July 5, 2022, at 54 N.J.R. 1225(a).

Adopted: May 16, 2023, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Filed: June 28, 2023, as R.2023 d.089, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 55:13A-1 et seq.

Effective Date: August 7, 2023.

Expiration Date: January 30, 2030.

Summary of Public Comments and Agency Responses:

Comments were received from Nicholas Kikis, Vice President of Legislative and Regulatory Affairs of the New Jersey Apartment Association (NJAA) and Mitchell Malec, retired former employee of the Department of Community Affairs (Department).

Comments Received from Nicholas Kikis, Vice President of Legislative and Regulatory Affairs of the New Jersey Apartment Association

1. COMMENT: The commenter notes that the proposed changes would increase the registration fees and impose a new annual recertification fee. The commenter accepts the increase in costs of

registration fees due to the fee not being adjusted since 1967, however, they believe the income from fees should equal the costs of the Department supporting these services. The commenter questions how much revenue the fees bring to the Department under the current schedule and how much revenue the Department anticipates receiving when the new fee schedule is implemented. Additionally, the commenter requests to know how much the Department spent in Fiscal Year 2022 on administering the registration program and how much the Department expects annual recertification to impact its expenditures in the future.

RESPONSE: The Department developed these fees pursuant to inflation rates since 1967; this also took into account the requirements established pursuant to P.L. 2019, c. 202, which authorized the Department to establish a fee for recertification. These fees were established to appropriately cover the cost of the Department's administration of the rules. Revenue comes not only from the registration of buildings, but also from the cyclical inspections, and the recertification fee is a new fee established pursuant to the tiered inspections law this rulemaking seeks to implement. The Department is unable to project fees to match program costs as the Department does not know prospectively the inspection cycles each multiple dwelling will fall within, which will change the way the Bureau of Housing Inspection receives its revenue. Furthermore, the costs to operate the program fluctuate yearly based upon variances in program staffing.

2. COMMENT: The commenter notes the Department proposes extending the heating season from October 1st through May 1st to October 1st through June 1st, thus including the entire month of May in the heating season. The commenter understands that cold weather may occur during May, however, they note that by extending the heating season, the Department is

shortening the air conditioning season and due to the timeframe needed to switch over heating and air conditioning systems, residents will experience delays in properly air-conditioned units. The commenter states that temperatures vary considerably in the month of May but during the last half of the month there is a greater need for air conditioning, as climate data shows higher temperatures in late May. The commenter suggests making mid-May the end of heating season, as this would be a greater benefit for residents and ensures air conditioning systems are in place in time for the higher degree days in late May and in the beginning of June.

RESPONSE: The Department thanks the commenter for the recommendation. Upon adoption, a change is made to only require heating through May 15th.

Comments Received from Mitchell Malec

3. COMMENT: The commenter notes a few grammatical errors regarding a referenced standard and asks if the Department could include the edition of the ANSI/BHMA standard used for this rulemaking.

RESPONSE: The Department agrees that the reference to ANSI A156.2 should be updated to appropriately cite the title standard. However, the Department respectfully disagrees that a year should be included. This is because any lock built using any edition of ANSI/BHMA A156.2 is acceptable; there is no reason to require owners to update their locks any time a new edition of the standard is issued.

Federal Standards Statement

No Federal standards analysis is required for the adopted amendments because the amendments are not being adopted in order to implement, comply with, or participate in any

program established under Federal law or under a State law that incorporates, or refers to Federal law, standards, or requirements.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 14. HEATING

5:10-14.1 Standard of performance

Every unit of dwelling space shall contain facilities to provide heat sufficient to maintain a minimum inside temperature of at least 68 degrees Fahrenheit in all habitable rooms, measured at least one foot away from any surface at the coldest portion of the space subject to regular use by occupants of any such room when the outside temperature is at design winter conditions. This provision shall not apply to units of dwelling space which are neither occupied nor intended to be occupied between October 1 and the next succeeding ***[June 1]* *May 15***.

5:10-14.4 Minimum temperature

(a) From October 1 of each year to the next succeeding ***[June 1]* *May 15***, every unit of dwelling space and every habitable room therein shall be maintained at a temperature of at least 68 degrees Fahrenheit between the hours of 6:00 A.M. and 11:00 P.M. and at least 65 degrees Fahrenheit between the hours of 11:00 P.M. and 6:00 A.M. The heating system shall be capable of maintaining the minimum required temperature in all habitable rooms without the necessity of heating adjoining rooms more than five degrees higher than said minimum required temperature. The design of the heating system shall conform to the ASHRAE Guide and Data Book. The

heating standard herein set forth may be modified by the Commissioner by emergency rule.

(b)–(c) (No change from proposal.)

SUBCHAPTER 19. BUILDING SECURITY

5:10-19.1 Hotels

(a) The following provisions apply to hotels:

1. Entrance doors to dwelling units shall be equipped with a medium duty dead latching lockset (series 160, FF-H-106c, minimum, with a minimum 11/16 inch by 1/2 inch with 1/2 inch minimum throw latch bolt with automatic deadlocking plunger, or ANSI/BHMA

*[156.2]****A156.2*** Grade 2 also amended below) or with a dead bolt separate from the latch set.

2.-4. (No change.)

5:10-19.2 Multiple dwellings

(a) The following provisions apply to multiple dwellings.

1. Every building entrance door or other exterior door permitting access to two or more units of dwelling space shall be equipped with heavy duty dead latching locksets (series 161, FF-H-106c, minimum, with a minimum 7/8 inch by 5/8 inch with 1/2 inch minimum throw latch bolt with automatic dead-locking plunger, or ANSI/BHMA *[156.2]* **A156.2*** Grade 1). Outside cylinders of main entrance door locks shall be operated by the tenant's key, which shall not be keyed to also open the tenant's dwelling unit entrance door.

2.–3. (No change from proposal.)

4. All entrance doors to dwelling units shall be equipped with a medium duty dead latching lockset (series 160, FF-H-106c, minimum, with a minimum 11/16 inch by 1/2 inch with

1/2 inch minimum throw latch bolt with automatic dead-locking plunger, or ANSI/BHMA
[156.2] *A156.2* Grade 2) or with a dead bolt lock separate from the latch set.

5.-11. (No change from proposal.)