

- 4. Burlington;
 - 5. Camden;
 - 6. Gloucester;
 - 7. Salem;
 - 8. Somerset
 - 9. Morris;
 - 10. Monmouth;
 - 11. Middlesex;
 - 12. Essex; and
 - 13. Union.]
- (b) (No change.)

COMMUNITY AFFAIRS

(a)

**DIVISION OF CODES AND STANDARDS
Maintenance of Hotels and Multiple Dwellings
Proposed Amendment: N.J.A.C. 5:10-23.2
Proposed New Rule: N.J.A.C. 5:10-15.5**

Authorized By: Lieutenant Governor Sheila Y. Oliver,
Commissioner, Department of Community Affairs.
Authority: N.J.S.A. 55:13A-1 et seq.; and P.L. 2020, c. 37.
Calendar Reference: See Summary below for explanation of
exception to calendar requirement.
Proposal Number: PRN 2022-132.

Submit written comments by December 2, 2022, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696
Geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The proposed amendment and new rule at N.J.A.C. 5:10 implement two statutory requirements related to the maintenance of hotels and multiple dwellings. Specifically, P.L. 2020, c. 37 (N.J.S.A. 55:13A-29 et seq.), which requires the Department of Community Affairs (Department) to ensure that hotels comply with the sanitation protocols set forth by the Department of Health and N.J.S.A. 55:13A-7.18, which requires posting of drinking water test reports in multiple dwellings.

P.L. 2020, c. 37, was signed into law on June 11, 2020, and created protocols for hotel sanitation in the wake of the COVID-19 public health emergency. The law requires the Department of Health (DOH) to issue protocols for the sanitation of each hotel and provides an outline of the minimum sanitation requirements. DOH is charged with developing guidelines and adopting rules pursuant to this law that are to be enforced through the Department of Community Affairs, Bureau of Housing Inspection (Bureau). As the Bureau performs inspections on all hotels throughout the State on a cyclical basis, the Department is amending its rules to require hotel owners to maintain a sanitation log available for review upon inspection.

N.J.S.A. 55:13A-7.18 requires owners of multiple dwellings who are required to prepare a Consumer Confidence Report, pursuant to the Safe Drinking Water Act (42 U.S.C. § 300) or who receive a Consumer Confidence Report from the owner of a public community water system to post the Consumer Confidence Report in each common area. Owners who are not required to prepare a Consumer Confidence report but are required to conduct drinking water tests by the Department of Environmental Protection are required to post a chart showing the results of the water test in each common area.

A section-by-section summary of proposed amendment and new rule follows:

1. New N.J.A.C. 5:10-15.5 incorporates the requirements for multiple dwelling owners to post drinking water test results in a common area.

2. At N.J.A.C. 5:10-23.2(b), the proposed amendments incorporate the requirements for hotel sanitization, in accordance with DOH protocols, by requiring hotel owners to maintain a sanitization log. In addition, proposed amendments update the existing language at N.J.A.C. 5:10-23.2(a) to reflect the requirements at P.L. 2020, c. 37, indicating that linens and towels shall be supplied daily, unless the occupant declines.

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

Social Impact

The Department anticipates that the proposed amendment and new rule will have a positive social impact. Incorporating the requirements for hotel sanitization ensures that hotel owners are remaining in compliance with the protocols established by DOH to protect the health and safety of hotel guests. Additionally, providing drinking water test results in multiple dwellings ensures residents that their drinking water is safe. This rulemaking aligns with the current Hotel and Multiple Dwellings Act, which also ensures clarity amongst all code users.

Economic Impact

This proposed amendment and new rule incorporate a number of provisions from the Hotel and Multiple Dwellings Act into the chapter. This rulemaking requires the maintenance of a logbook in hotels and posting of information in common areas of multiple dwellings; it is not anticipated this will have a significant economic impact on owners of hotels and multiple dwellings or on hotel guests or multiple dwelling residents in the State. P.L. 2020, c. 37 and the proposed amendment and new rule require daily cleaning of occupied rooms and daily linen changes, which may result in the need for additional cleaning staff.

Federal Standards Statement

No Federal standards analysis is required for the proposed amendment and new rule because the proposed amendment and new rule are not being proposed in order to implement, comply with, or participate in any program established pursuant to Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The proposed amendment and new rule are not expected to have any impact on the creation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendment and new rule will impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendment and new rule to incorporate hotel sanitization protocols and the posting of drinking water test results, would impose new recordkeeping or reporting requirements (as set forth in the Summary above) on “small businesses,” as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., because many hotel and multiple dwelling owners would be considered small businesses. However, these reporting requirements are vital, because they ensure that hotels are properly sanitized and residents of multiple dwellings are informed of their drinking water results. The proposed amendment and new rule are not expected to cause small businesses to need any professional services not already required in order to comply with the Regulations for the Maintenance of Hotels and Multiple Dwellings. There is no basis for differential treatment of small businesses in the application of this rulemaking.

Housing Affordability Impact Analysis

The proposed amendment and new rule are not expected to have an impact on housing affordability or any impact on the average costs associated with housing. The proposed amendment and new rule implement various recordkeeping and posting requirements within the Hotel and Multiple Dwelling Act.

Smart Growth Development Impact Analysis

The proposed amendment and new rule are not expected to have any impact upon housing production within Planning Areas 1 and 2, or within

designated centers, under the State Development and Redevelopment Plan. The proposed amendment and new rule implement various recordkeeping and posting requirements within the Hotel and Multiple Dwelling Act.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 15. WATER SUPPLY

5:10-15.5 Drinking water test reporting

(a) The owner of a multiple dwelling who is required to prepare a Consumer Confidence Report, pursuant to the Safe Drinking Water Act Amendments of 1996, 42 U.S.C. §§ 300f et seq., or who receives a Consumer Confidence Report from the owner or operator of a public community water system, as that term is defined at N.J.S.A. 58:12A-41, shall post each Consumer Confidence Report it prepares or receives in each common area routinely used by the tenants living in the multiple dwelling unit.

(b) The owner of a multiple dwelling who is a supplier of water but is not required to prepare a Consumer Confidence Report, pursuant to the Safe Drinking Water Act Amendments of 1996, 42 U.S.C. §§ 300f et seq., and who is required to conduct tests of its drinking water by the Department of Environmental Protection, shall post a chart setting forth the results of the water tests in each common area routinely used by the tenants living in the multiple dwelling unit.

(c) For any water test report, if there is no common area routinely used by the tenants, the owner of the multiple dwelling shall transmit a copy of the report to each dwelling unit.

SUBCHAPTER 23. SPECIAL PROVISIONS FOR HOTELS AND MULTIPLE DWELLINGS WITH ROOMING UNITS

5:10-23.2 Linen, towels, and housekeeping services

(a) The owner or operator of every hotel or dwelling space for which housekeeping services are provided shall:

1. Supply a fresh change of bed linen and towels, all of which shall be in good condition, [at least once a week or when there is a change of occupancy of the unit] **daily unless the occupant declines; and**
2. (No change.)

(b) **Sanitation of all hotels and motels shall be performed in accordance with P.L. 2020, c. 37 (N.J.S.A. 55:13A-29 et seq.), and any protocols or rules adopted pursuant thereto by the Department of Health. This shall include the following directives required pursuant to P.L. 2020, c. 37 (N.J.S.A. 55:13A-29 et seq.):**

1. **Maintain continuous 24-hour, seven day a week coverage of a front desk by at least one employee and by at least one additional employee per every 200 guest rooms;**
2. **Train a front desk employee to respond to a guest’s inquiry related to health and safety including, but not limited to, the location of hospitals in the vicinity of the hotel, emergency telephone numbers, and options for seeking treatment or testing for virus diseases during a public health crisis;**
3. **Ensure that every guest room is cleaned and sanitized and provided with an adequate supply of clean towels, sheets, and pillowcases prior to occupancy by a new guest;**
4. **Ensure that every occupied guest room is cleaned and sanitized every day, and that the room is provided with an adequate supply of clean towels, sheets, and pillowcases and that the towels, sheets, and pillowcases are changed no less frequently than once every day;**
5. **Ensure that all public spaces are cleaned and sanitized at least once every day, and that all guest touch-points are cleaned and sanitized regularly throughout each day;**

6. Provide their employees with anti-microbial cleaning products certified by the United States Environmental Protection Agency that are approved for use against the corona virus disease 2019 (COVID-19), other corona viruses, influenza viruses, or other viral diseases. These products shall be used when cleaning and sanitizing each guest room, guest touch-point, and public space;

7. Train its employees on the proper use of anti-microbial cleaning products and on proper cleaning protocols that maximize the sanitary condition of each guest room, guest touchpoint, and public space; and

8. Any other directives required by Department of Health rules or protocols adopted pursuant to P.L. 2020, c. 37 (N.J.S.A. 55:13A-29 et seq.).

(c) **The owner of the hotel or motel or manager acting as the agent of the owner, pursuant to N.J.A.C. 5:10-11.2, shall maintain a logbook certifying that the requirements at P.L. 2020, c. 37 and listed at (b) above have been met each day. The logbook shall be maintained on-site and shall be available for review during inspection.**

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendments: N.J.A.C. 5:23-5.3, 5.4, 5.20, 5.21, and 5.22

Proposed New Rule: N.J.A.C. 5:23-5.19H

Authorized By: Lieutenant Governor Sheila Y. Oliver,
Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

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

Proposal Number: PRN 2022-131.

Submit written comments by December 2, 2022, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696
geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The Department of Community Affairs (Department) proposes to amend and supplement the licensing provisions of the Uniform Construction Code (UCC) to incorporate certification of technical assistants to the construction official. The Department proposes these amendments to implement changes required pursuant to P.L. 2009, c. 119 (N.J.S.A. 52:27D-126), which requires technical assistants to be certified and subject to continuing education requirements. This proposed rulemaking would create an initial application fee and a triennial renewal fee to offset the administration of these changes. As the Department has issued an informal, non-renewable, and voluntary certification for 20 years, this rulemaking also incorporates a provision that those individuals need to apply for the formal certification, but do not need to repeat the educational component. The requirements for the certification are largely the same as those that existed under the voluntary program.

A section-by-section summary of the proposed amendments follows:

1. Proposed new N.J.A.C. 5:23-5.3(a)5 establishes a category for technical assistant certification and defines the duties of a technical assistant.

2. At N.J.A.C. 5:23-5.4(a), the proposed amendment adds a reference to technical assistants to those assistants who are required to be certified.

3. Proposed new N.J.A.C. 5:23-5.19H establishes the credentials for certification as a technical assistant to the construction official, including the successful completion of an educational program. The proposed new section further states that candidates who were previously certified