

APPENDIX 27B

TENANT'S GUIDE TO WINDOW GUARD SAFETY

What are window guards and why are they used?

Window guards are metal grilles that are installed in windows in order to keep young children from climbing out and being killed or injured. Young children may not understand the danger of an open window and may fall to their death at a moment when no older person is watching them.

When does a landlord have to install window guards?

A landlord must install window guards when asked to do so, in writing, by a tenant who has a child 10 years of age or younger either living in the apartment or regularly spending a lot of time there. Window guards only have to be installed in a first floor window when the bottom of the window is more than six feet above the grade outside the window or there is some other dangerous condition. Window guards are not required on windows that serve as fire exits or that are not designed to be opened. In a condominium, cooperative or mutual housing building, the association must install window guards in hallway windows when asked to do so in writing by a tenant who has a child 10 years of age or younger either living in the tenant's apartment or regularly spending a lot of time there and who has access to the hallway from the apartment without going outside.

What if the window already has window stops?

Window stops cannot be used as window guards. Window guards must be installed that protect the entire openable area of the lower window. Window stops can prevent windows from being opened enough to allow circulation of fresh air. Window stops must be removed if they obstruct full opening of the lower window. There have been tragic cases where tenants have removed window stops in order to have enough fresh air, windows have been left unprotected and children have fallen from them.

What should a tenant do if there is a problem with a window guard or if the owner will not provide and install a window guard?

If there is a problem with a window guard, the tenant should notify in writing the owner of the building or of the apartment or the person who is in charge of maintenance. If the apartment is in a condominium, cooperative or mutual housing corporation building, the tenant should notify in writing the owner of the apartment or the person in charge of maintenance of the apartment or, if the problem is with a window in a common area, the tenant should notify in writing the condominium association or cooperative or mutual housing corporation or the person who is in charge of the association's maintenance.

A tenant should never remove or tamper with a window guard. A tenant should regularly check window guards to make sure that they have not become loose or damaged in any way. If there is a problem that the owner or maintenance person fails or refuses to fix within a reasonable time after being told about it, the tenant can contact the municipal housing or building department or the Bureau of Housing Inspection of the New Jersey Department of Community Affairs at 609-633-6216 or BHIcodeAdmin@dca.nj.gov. The tenant should contact the Bureau of Housing Inspection if the owner fails or refuses to provide and install a window guard after receiving a written request from the tenant.

How much can a tenant be required to pay for installation of a window guard?

By law, the owner of an apartment can charge a tenant no more than twenty dollars (\$ 20.00) for each window guard that the tenant asks in writing to have installed in the tenant's apartment.

How can a tenant get window guards removed?

The owner of an apartment must remove a window guard when requested to do so by the tenant in writing. The tenant should be sure that window guards are no longer needed before asking that they be removed. Window guards should not be removed by tenants.

Who is responsible for providing and maintaining window guards in a building that is a condominium, a cooperative or mutual housing?

In a condominium, cooperative or mutual housing multiple dwelling, the owner of the apartment is responsible for providing and maintaining window guards in the apartment. The association is responsible for providing and maintaining window guards on windows in the hallways. A tenant who wants to have window guards installed both in the apartment and in the hallways must make written requests both to the apartment owner and to the association.

Who can answer additional questions about the window guard law and rules?

Any tenant or owner who has questions about the law and rules concerning window guards can call the Bureau of Housing Inspection of the New Jersey Department of Community Affairs at 609-633-6216 or BHICodeAdmin@dca.nj.gov.