

PROPERTY MAINTENANCE

11 Attachment 1

APPENDIX A - STATE HOUSING CODE

STATE HOUSING CODE AS SUPPLEMENTED AND AMENDED

(See § 11-2d) [Ord. No. 2020-1845]

NJ State Housing Code Standards to Apply. [Added 8-10-2020 by Ord. No. 2020-1845]

a. With respect to residential structures and premises, and pursuant to the provisions of N.J.S.A. 40:49-5.1 et seq. the New Jersey State Housing Code (1980 Revision), as approved by the Department of Community Affairs and filed in the Secretary of State's Office, is hereby accepted, adopted and established as a standard to be used in determining whether residential structures, premises or dwellings in this municipality are safe, sanitary and fit for human habitation.

b. For good reasons, the Governing Body may adopt revisions to the State Housing Code using a model code or standard of some other nationally recognized organization or based on a recommendation of the Borough Housing Advisory Committee, as long as such revision promotes the purposes of this chapter, is legally reasonable and is adopted for health and safety reasons and not for some other purpose.

c. A copy of the State Housing Code (1980 revision) (as revised pursuant to the preceding paragraph b.) may be found below.

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New Jersey State Housing Code.

(As adopted and amended by Ord. No. 2020-1845.)

1. Scope. (N.J.A.C. 5:28-1.1 Scope)

The provisions of this subchapter shall constitute the standards to guide the Public Officer or his agents in determining the fitness of a building for human habitation, use, or occupancy.

2. Definitions. (N.J.A.C. 5:28-1.2 Definitions)

The words, terms or phrases listed below for the purpose of this chapter shall be defined and interpreted as follows.

"Administrative Authority" shall mean the department, branch or agency of this municipality which is authorized by the adopting ordinance to administer the provisions of this chapter.

"Building" shall mean any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenance belonging thereto or usually enjoyed therewith.

"Dwelling" shall mean a building or structure or part thereof containing one or more dwelling units or lodging units.

"Dwelling unit" shall mean any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating.

"Garbage" shall mean the animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

"Habitable room" shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

"Infestations" shall mean the presence, within or around a building, of any insects, rodents, or other pests.

"Local health agency" shall mean any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health officer program pursuant to law.

"Lodging house" shall mean any building, or that part of any building containing one or more lodging units, each of which is rented by one or more persons not related to the owner.

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"Lodging unit" shall mean a rented room or group of rooms, containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

"Occupant" shall mean any person or persons in actual possession of, and living in the building or dwelling unit, including the owner.

"Owner" shall mean any person properly authorized to exercise powers of, or for an owner of property for purposes of its purchase, sale, use, occupancy, or maintenance.

"Person" shall be given the same meaning as defined in R.S. 1:1-2 of the Revised Statutes of New Jersey.

"Plumbing fixtures" shall mean and include all installed receptacles or devices which are supplied with water or which receive or discharge liquid waste or sewage into the drainage system with which they are directly or indirectly connected.

"Public Officer" shall mean the officer or officers who are authorized by the adopting Ordinance to exercise the powers prescribed by this chapter.

"Rubbish" shall mean and include all combustible and noncombustible waste material, except garbage.

"Utilities" shall mean and include electric, gas, heating, water and sewerage services, and equipment therefor.

3. Water Supply. (N.J.A.C. 5:28-1.3 Water supply)

(a) Every dwelling unit and lodging house shall be provided with a safe supply of potable water meeting the standards as set forth in the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-1 et seq.) published by the New Jersey Department of Environmental Protection.

(b) The source of such water supply shall be approved by the New Jersey Department of Environmental Protection and/or the local health agency.

(c) The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall not be less than one gallon per minute.

4. Facilities. (N.J.A.C. 5:28-1.4 Facilities)

(a) Every dwelling unit shall contain a kitchen sink of nonabsorbent impervious material, at least one flush type water closet, a lavatory, and a bathtub or shower, available only for the use of occupants of that dwelling unit.

(b) Every lodging house shall be provided with a minimum of one flush type water closet, lavatory, and a bathtub or shower for every eight persons or part thereof.

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- (c) Every water closet, lavatory, and bathtub or shower for each dwelling unit or lodging house shall be accessible from within the building without passing through any part of any other dwelling unit or lodging unit and in a lodging house shall be located no farther than one floor above or below the lodging units served. Such water closet, lavatory and bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors, or partitions that afford privacy.
- (d) Every plumbing fixture shall be connected to water and sewer systems approved by the New Jersey Department of Environmental Protection and/or the local health agency and shall be maintained in good working condition.
- (e) Every kitchen sink, lavatory, and bathtub or shower required by this chapter shall be connected to both hot and cold water lines.
- (f) Every dwelling shall have water heating facilities which are installed and maintained in good and safe working condition, connected with the hot water lines required under the provisions of (e) above, and capable of delivering water at a minimum temperature of not less than 120 degrees Fahrenheit and at a maximum temperature of not more than 140 degrees Fahrenheit at all times in accordance with anticipated need.

5. Garbage and Rubbish Storage. (N.J.A.C. 5:28-1.5 Garbage and rubbish storage)

- (a) Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight fitting covers. At least one approved type garbage receptacle shall be provided for each dwelling unit, in accordance with N.J.A.C. 5:28-1.12(I).
- (b) Rubbish shall be stored in receptacles of metal or other approved material. At least one rubbish receptacle shall be provided for each dwelling unit, in accordance with N.J.A.C. 5:28-1.12(I).
- (c) Rubbish that does not include materials determined by local ordinance to be recyclable may be stored together with garbage in an approved type garbage receptacle, unless otherwise provided by ordinance. Recyclable materials shall be stored separately from non-recyclable materials.
- (d) The owners of all rental residential properties shall provide tenants with at least twice-weekly trash pickup. (Paragraph "d" was added by Ordinance No. 2006-1435 as recommended by the Housing Advisory Committee.)

6. Lighting. (N.J.A.C. 5:28-1.6 Lighting)

- (a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be eight percent of the floor area of such room. Whenever walls or other

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portions of structures face a window of any habitable room and are located less than three feet from the window and extended to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimal total window area.

- (b) Every dwelling shall be provided with electric service.
- (c) Every habitable room shall contain at least two separate wall-type electric convenience outlets, or one such convenience outlet and one ceiling or wall type electric light fixture. Every such outlet and fixture shall be maintained in good and safe condition and shall be connected to the source of electric power. No temporary wiring shall be used except extension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie under rugs or other floor coverings nor extend through doorways, transoms, or other openings through structural elements.
- (d) Every portion of each staircase, hall, cellar, basement landing furnace room, utility room, and all similar non-habitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (two foot-candles) in the darkest portions.
- (e) Every portion of any interior or exterior passageway or staircase common to two or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (2 foot-candles) in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two dwelling units such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.
- (f) Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three lumens per square foot (three foot-candles). Such light shall be measured 36 inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.

7. Ventilation. (N.J.A.C. 5:28-1.7 Ventilation)

- (a) Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least two air changes per hour.
- (b) Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least six air changes per hour.

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8. Heating Equipment. (N.J.A.C. 5:28-1.8 Heating equipment)

- (a) Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 68 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room.
- (b) Every space heater, except electrical, shall be properly vented to a chimney or duct leading to outdoors, unless the appliance is labeled as having been tested and approved for unvented operation, in compliance with the State Uniform Construction Code. Unvented portable space heaters that burn solid, liquid, or gaseous fuels shall be prohibited.

9. Egress. (N.J.A.C. 5:28-1.9 Egress)

- (a) Every dwelling, dwelling unit, or lodging unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.
- (b) A room used for sleeping purposes under the provisions of N.J.A.C. 5:28-1.11(d) shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.
- (c) There shall be not fewer than two independent exits remote from each other from every floor of a building greater than two stories in height having more than two dwelling and/or lodging units.

10. Maintenance (N.J.A.C. 5:28-1.10 Maintenance)

- (a) Every foundation, floor, wall, ceiling, door, window, roof, or other part of a building shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted.
- (b) Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly banistered and safely balustraded.
- (c) Every porch, balcony, roof, and/or similar place higher than 30 inches above the ground, used for egress or for use by occupants shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and be not less than three feet in height.
- (d) Every roof, wall, window, exterior door, and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.

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- (e) Every foundation, floor, and wall of a dwelling shall be free from chronic dampness.
- (f) Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the local health agency. Rodent and vermin extermination shall be carried out in accordance with N.J.A.C. 5:28-1.12(k). Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1st until October 1st of each year. Such screens shall have a mesh of not less than No. 16.
- (g) Every building, dwelling, dwelling unit and all other areas of the premises shall be clean and free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.
- (h) The Public Officer may order the owner to clean, repair, paint, whitewash, or paper such walls or ceilings, when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled, or the plaster, wallboard, or other covering has become loose or badly cracked or missing. Nothing in this subsection shall be so construed as to place upon the nonresident owner responsibilities for cleanliness contained in N.J.A.C. 5:28-1.12(f).
- (i) Every water closet compartment floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to water so as to permit such floor to be kept in a clean condition.
- (j) Exterior boards that cover the windows and doorways of a vacant property shall be painted so that they either match or reasonably coordinate with the color of the rest of the structure's exterior. All windows, doors and openings of vacant buildings shall be free of any posters or paper coverings. (Paragraph "j" of Section 5:28-1.10 was added by Ordinance No. 2009-1518 as recommended by the Housing Advisory Committee.)

11. Use and occupancy of space; Overcrowding. (N.J.A.C. 5:28-1.11 Use and occupancy of space) (Paragraph "(a)" of Section 5:28-1.11 is based on Section 404.5 of the International Property Maintenance Code.)

(a) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following Table:

Table

	MINIMUM AREA IN SQUARE FEET		
	1-2	3-5	6 or more occupants
Living room	120	120	150
Dining room	No	80	100
Bedrooms	Shall comply with Paragraph (b) of this section.		

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i. The minimum occupancy area required by the above shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with paragraph "(b)" below.

ii. Combined living room and dining room spaces shall comply with the requirements of the above Table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(b) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

(c) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area in the room for the purpose of determining the maximum permissible occupancy thereof.

(d) A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floors thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Administrative Authority; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

(e) Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

(Exception: Units that contain fewer than two bedrooms.)

(f) Bedrooms shall have a minimum for four (4) square feet of closet space for each occupant. A shelf and clothes-hanging rod shall be provided in each closet with a depth of two (2) feet or more. The closet may be permanent or portable, but the square footage of any portable closet must be deducted from the square footage of the sleeping room for the purpose of calculating minimum net floor area pursuant to Section 13- 43b. (Paragraph "f" was added upon the recommendation of the Borough Housing Advisory Committee.)

(g) Kitchens shall have a minimum clear passageway of 3 feet between counter fronts and appliances or counter fronts and walls.5 5Paragraph "(g)" of Section 5:28-1.11 is based on Section 404.2 of the International Property Maintenance Code.

12. Reserved.

13. Conflict of Ordinances. (N.J.A.C. 5:28-1.13 Conflict of ordinances)

Nothing in this chapter shall be construed to abrogate or impair the powers of any department of this municipality or any agency of the State of New Jersey to enforce any provisions of its charter or its ordinances, codes, regulations or statutory provisions or to prevent or punish violations thereof.