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SYNOPSIS
Requires periodic inspection of exterior walls of certain buildings.

CURRENT VERSION OF TEXT
As amended by the General Assembly on December 5, 2011.

(Sponsorship Updated As Of: 12/16/2011)
AN ACT requiring the periodic inspection of certain buildings \textsuperscript{1}, \textsuperscript{2}
amending P.L.1976, c.76\textsuperscript{1} and supplementing chapter 27D of Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. (New section) As used in this act:
   “Affected building” means a building, whether residential or commercial, that is six or more stories in height \textsuperscript{2} or 75 feet, whichever is less\textsuperscript{2}; or has an item affixed to an exterior building wall that is in excess of 60 feet in height.
   “Building exterior” means all of the exterior walls of a building, or any part thereof, and shall also include, but shall not be limited to, any balcony, fire escape, chimney, hanging air conditioner, marquee, canopy, sign, flagpole, fire escape and window washing and exterior maintenance system which may be attached to any portion of the exterior walls of the building.
   “Building wall” means an exterior wall of an affected building and any item affixed thereto.
   “Commissioner” means the Commissioner of Community Affairs.
   “Department” means the Department of Community Affairs.
   “Enforcing agency” means the municipal construction official and subcode officials defined in section 3 of P.L.1975, c.217 (C.52:27d-121)\textsuperscript{2}.
   “Professional” means a licensed professional engineer experienced in the practice of structural engineering or a licensed registered architect knowledgeable in the design, construction, and inspection of building facades.
   “Safe” means the condition of a building exterior, or any part thereof, that does not require repair or maintenance to sustain the structural integrity of the exterior of the building.
   “Safe with a repair and maintenance program” means the condition of a building wall, or any part thereof, that the professional performing an inspection does not consider unsafe at the time of inspection, but requires repairs or maintenance within a time frame designated by the professional in order to prevent its deterioration into an unsafe condition.
   “Unsafe” means the condition of a building wall, or any part thereof, that has no visible means of structural support and that is dangerous to persons or property and requires immediate remedial action to protect the public health, safety and welfare. In addition,

EXPLANATION – Matter enclosed in bold-faced brackets \textbf{[thus]} in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
\textsuperscript{1}Senate SCU committee amendments adopted May 12, 2011.
\textsuperscript{2}Assembly floor amendments adopted December 5, 2011.
any condition of a building wall that was reported as “safe with a
repair and maintenance program” in a previous report and that has
not been corrected by the time of the current inspection, shall be
deemed an unsafe condition.

2. (New section) a. The Department of Community Affairs
shall establish a program for the maintenance and inspection of
building exteriors by professionals, which program shall require
that enforcing agencies shall oversee the maintenance and
inspection of building exteriors, and shall maintain any required
reports concerning the maintenance and inspection of building
exteriors sufficient to implement the provisions of
P.L. , c. ( ) (pending before the Legislature as this bill).
The commissioner shall, pursuant to the “Administrative Procedure
Act,” P.L. 1968, c.410 (C.52:14B-1 et seq.), promulgate rules and
regulations to effectuate the provisions of this bill not later
than the first day of the third month next following the enactment of
P.L. , c. ( ) (pending before the Legislature as this bill),
and shall model those rules and regulations pertaining to the
maintenance of building exteriors and the inspection required in
subsection b. of this section after the provisions set forth in the
standards promulgated by ASTM International designated as
“E2270-05 Standard Practice for Periodic Inspection of Building
Facades for Unsafe Conditions.”

b. Every owner of an affected building shall maintain the
building’s exterior walls, and any appurtenances thereto, in a safe
condition. The owner of an affected building shall provide for the
inspection of the building exterior by a professional, and for the
professional’s preparation and filing of an inspection report with the
Department of Community Affairs enforcing agency, on the
owner’s behalf as provided in P.L. , c. ( ) (pending before
the Legislature as this bill), and in rules and regulations adopted
pursuant thereto.

c. The initial inspection of an affected building shall be
conducted under the following schedule:

<table>
<thead>
<tr>
<th>Construction date</th>
<th>Report to be completed by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undetermined</td>
<td>2[June 30, 2012] January 1, 20132</td>
</tr>
<tr>
<td>Prior to, and including, 1950</td>
<td>2[June 30, 2012] January 1, 20132</td>
</tr>
</tbody>
</table>

37 d. The owner of an affected building shall provide for the
inspection of the building and the filing of an inspection report
with the enforcing agency at least once during every subsequent five-year period.

e. The commissioner shall establish a procedure that allows an owner of an affected building to request, and the enforcing agency to grant, a waiver from an inspection requirement whenever a building wall of an affected building is substantially restored. The owner shall submit with the waiver application such information as the commissioner has determined shall be necessary to enable the enforcing agency to evaluate the request. The commissioner shall grant the waiver if the evidence provided by the owner of the affected building demonstrates that the recent facade restoration obviates the need to do an inspection until the next inspection cycle.

3. (New section) The inspection required in section 2 of P.L. , c. (pending before the Legislature as this bill) shall be conducted by, or under the supervision of, the professional and performed to the best of the professional’s knowledge and belief, in accordance with rules and regulations promulgated by the commissioner as required in section 2 of P.L. , c. (pending before the Legislature as this bill).

Upon discovery of any unsafe condition, the professional shall immediately notify the owner of the building by electronic mail or by fax; and shall within 12 hours of discovery, notify the enforcing agency in writing and in an electronic format determined by the department. Any condition of a building wall that was reported as “safe with a repair and maintenance program” in a previous report and that has not been corrected by the time of the current inspection, shall be deemed an unsafe condition.

The professional may order any inspections or additional tests that the professional deems to be necessary in order to support the findings of the inspection and to determine the cause of any defect in the building exterior. Any such inspection or test that requires the removal of any portion of a building’s exterior shall be performed only after any required permit has been obtained by the professional on behalf of the owner.

4. (New section) The professional shall submit to the owner of the affected building a written report about the result of the inspection, certifying that the inspection was performed and completed in accordance with the provisions of P.L. , c. (pending before the Legislature as this bill), and detailing all conditions not classified as safe. The department may impose a processing fee that shall be paid to the enforcing agency by the owner of the affected building upon the submission of the summary of the written report. If the report identifies an
unsafe condition, the professional, not later than 24 hours after
completion of the report, shall file a copy of the report with the
*department** enforcing agency* in writing and in an electronic
format determined by the department.

An inspection report shall include the name and license number
of the professional who performed the inspection and prepared the
report, and shall be signed and dated by the professional. The
report shall include the following information about an affected
building:

a. the address of the affected building, and its location from the
nearest intersection;

b. the name, mailing address, and telephone number of the
owner of the affected building and of the owner’s agent, if any;
c. a description of the building, including number of stories,
height, plan dimensions, usage, age and type of exterior wall
construction, and system of water management;
d. a brief history of any settlements, repairs, or revisions to
exterior enclosures, if available;
e. the date of the start and completion of the inspection, a
detailed description of the procedures used in making the
inspection, and extent and location of all physical inspections
performed;
f. a report of all conditions of the affected building, including
but not limited to significant deterioration and movement observed
as well as a statement concerning the apparent water-tightness of
the exterior surfaces, and the deleterious effect of exterior
appurtenances, including exterior fixtures, flagpoles, signs,
parapets, copings, guard rails, window frames, hardware and lights,
window guards, window air conditioners, flower boxes, and similar
items. The report shall classify each such condition as safe, unsafe,
or safe with a repair and maintenance program;
g. the probable causes of the reported conditions;
h. the status of the exterior maintenance;
i. with respect to any conditions listed in the previously filed
report, whether those conditions have been repaired or maintained
as recommended in that report;
j. recommendations for repairs or maintenance, if appropriate,
to the affected building, including the recommended time frame for
the repairs or maintenance to be performed;
k. the classification of the building as either safe, unsafe, or
safe with a repair and maintenance program;
l. photographs or sketches documenting the location of any
conditions that are either unsafe or safe with a repair and
maintenance program;
m. a statement by the professional indicating which repairs or
maintenance require the obtaining of work permits prior to their
commencement;
n. a statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging any required repairs or maintenance to be performed on the affected building and the recommended time frame for performing such repairs or maintenance;

o. the certification of the professional that the physical inspection was performed in accordance with applicable rules and regulations and within the appropriate professional stand of care.

p. the professional’s seal and signature; and

q. any other matters that the department may require.

The professional may submit an amended report containing additional or revised information concerning the condition of an affected building not later than 30 days following the date of the submission of the report to the department. The amended report shall clearly indicate any change from the initial report and the reasons for the change.

5. (New section) Not later than 24 hours after being notified by a professional of an unsafe condition at an affected building, the owner of the affected building shall take actions necessary and appropriate to protect the public or ensure public safety, including but not limited to erecting sidewalk sheds, fences, or safety netting. Not later than 30 days after the receipt or filing of a report identifying an unsafe condition, the owner of an affected building shall commence work to correct the condition and work shall continue without interruption until the unsafe condition has been corrected, unless there has been an unforeseen delay. Not later than seven days after an unsafe condition at an affected building has been corrected, the professional shall re-inspect the affected building and file with the department enforcing agency an amended report stating the condition of the building.

6. (New section) The owner of an affected building shall ensure that any conditions described in the report as “safe with a repair and maintenance program” are repaired, and the actions identified by the professional are completed within the time frame designated by the professional or by the time necessary to prevent a condition from becoming an unsafe condition, whichever is sooner.

7. (New section) a. The department enforcing agency may grant to the owner of an affected building an extension of time not to exceed 90 days to begin the repairs required to mitigate an unsafe condition or to repair a “safe with a repair and maintenance program” condition, after the receipt and review of an initial extension application submitted by the professional which includes: proof that the premises have been made safe by means of a shed, fence, or other appropriate measures; a copy of the contract indicating the scope of work necessary to remedy the unsafe
condition; or the estimate by the professional of the length of time
required for repairs, and a notarized affidavit by the owner of the
building or its agent that work will be completed within such time.
b. A further extension of time will be considered by the
department only upon receipt and review of an application for an
additional extension of time which details that one of the following
criteria has been met: the work has been substantially completed,
but there has been an unforeseen delay outside of the control of the
professional or the persons performing the work; unforeseen
circumstances affecting the ability of the contractor to perform the
work, including, but not limited to, a fire at the affected building, or
the collapse of the affected building, have occurred; or the nature of
hazard requires more than 90 days to remove.
c. In the event that the owner does not make required
repairs or does not take corrective actions as required in sections 5
and 6 of P.L. (pending before the Legislature as this bill), the enforcing agency
may enforce the provisions of P.L. (pending before the
Legislature as this bill) through the imposition of fines, stop work
orders, or any other authorized enforcement actions permitted under
the “State Uniform Construction Code Act.” P.L.1975, c. 217
(C.52:27D-119 et seq.). The enforcing agency may impose a fine pursuant to this subsection in the amount of $2,500
for each day that the required repairs have not been made or the
required corrective actions have not been taken.

8. (New section) The owner of the affected building may
appeal in writing the findings set forth in the professional’s initial
or amended report to the county construction board of appeals
within 30 days of the receipt of the report, on such form
or in such manner as may be required by the commissioner, and
shall include as part of the appeal documents a report from another
professional concerning the condition of the affected building’s
facade and appurtenances thereto. The filing of an appeal shall stay
the requirement for making repairs to the affected building, but not
the requirement to take actions necessary to protect the public
safety.

After consideration of an appeal, the county construction board of appeals shall either grant the appeal, deny
the appeal, or grant the appeal with proposed modifications to the
professional’s as the county construction board of appeals deems appropriate.

The department may impose an appeal processing fee that shall be paid by the owner of the affected building to the county
county construction board of appeals upon the submission of the appeal.
9. Section 7 of P.L.1976, c.76 (C.55:13A-7) is amended to read as follows:

7. The commissioner shall issue and promulgate, in the manner specified in section 8 of P.L.1967, c.76 (C.55:13A-8), such regulations as the commissioner may deem necessary to assure that any hotel or multiple dwelling will be maintained in such manner as is consistent with, and will protect, the health, safety and welfare of the occupants or intended occupants thereof, or of the public generally.

Any such regulations issued and promulgated by the commissioner pursuant to this section shall provide standards and specifications for such maintenance materials, methods and techniques, fire warning and extinguisher systems, elevator systems, emergency egresses, and such other protective equipment as the commissioner shall deem reasonably necessary to the health, safety and welfare of the occupants or intended occupants of any units of dwelling space in any hotel or multiple dwelling, including but not limited to:

(a) Structural adequacy ratings;
(b) Methods of egress, including fire escapes, outside fireproof stairways, independent stairways, and handrails, railings, brackets, braces and landing platforms thereon, additional stairways, and treads, winders, and risers thereof, entrances and ramps;
(c) Bulkheads and scuttles, partitions, walls, ceilings and floors;
(d) Garbage and refuse collection and disposal, cleaning and janitorial services, repairs, and extermination services;
(e) Electrical wiring and outlets, and paints and the composition thereof;
(f) Doors, and the manner of opening thereof;
(g) Transoms, windows, shafts and beams;
(h) Chimneys, flues and central heating units;
(i) Roofing and siding materials;
(j) Lots, yards, courts and garages, including the size and location thereof;
(k) Intakes, open ducts, offsets and recesses;
(l) Windows, including the size and height thereof;
(m) Rooms, including the area and height thereof, and the permissible number of occupants thereof;
(n) Stairwells, skylights and alcoves;
(o) Public halls, including the lighting and ventilation thereof;
(p) Accessory passages to rooms;
(q) Cellars, drainage and air space;
(r) Water-closets, bathrooms and sinks;
(s) Water connections, including the provision of drinking and hot and cold running water;
(t) Sewer connections, privies, cesspools, and private sewers;
(u) Rain water and drainage conductors;
(v) Entrances and ramps; and
(w) Presence of lead-based paint hazards in multiple dwellings and in single-family and two-family dwellings, exclusive of owner-occupied dwelling units, subject to P.L.2003, c.311 (C.52:27D-437.1 et al.). In a common interest community, any inspection fee for and violation found within a unit which is solely related to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

Following the effective date of P.L._, c. (c.__) (pending before the Legislature as this bill), no inspection of an exterior building façade shall be conducted pursuant to P.L.1967, c.76 (C.55:13A-1 et seq.), but instead shall be conducted pursuant to section 2 of P.L._, c. (C.__) (pending before the Legislature as this bill).\(^1\)

(cf: P.L.2007, c.251, s.5)

\(^1\)[9.] 10. This act shall take effect on the first day of the fourth month next following enactment, except that subsection a. of section 2 shall take effect immediately.