ASSEMBLY, No. 1730

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires lobby security for certain senior citizen high-rise buildings in areas with high violent crime rates.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning senior citizen security in certain high rise buildings and amending P.L.1967, c.76 and P.L.1983, c.154.

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

1. Section 7 of P.L.1967, 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;

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

Matter underlined <u>thus</u> is new matter.

(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; and

(x) Security of residents in lobbies and interior common areas.

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

2. Section 2 of P.L.1983, c.154 (C.55:13A-13.1) is amended to read as follows:

2. a. Any retirement community as defined in the "Retirement Community Full Disclosure Act," P.L.1969, c.215 (C.45:22A-1 et seq.) shall be exempt from inclusion in the definition of multiple dwellings contained in paragraph (k) of section 3 of P.L.1967, c.76 (C.55:13A-3), provided that the retirement community complies with the basic standards relating directly to resident physical safety and to fire safety which are established for its buildings by subsection d. of this section and by rule or regulation of the commissioner and provided further, that the retirement community files with the commissioner, at least once every five years, as evidence of a satisfactory self-inspection, a completed checklist, which shall be provided by the commissioner, of items established under the fire safety regulations. The retirement community shall also file a certification, from the municipal fire protection subcode official or an equally competent person selected and paid by the municipality in which the retirement community is located, that the self-inspection has been properly carried out. A fee schedule for certification may be established by the municipality providing for a charge of up to $8.00 per dwelling unit for each of the first 100 units inspected and up to $5.00 per unit for each unit inspected thereafter.

b. The commissioner may require common area smoke detectors in buildings, and the retirement community may utilize detector units which are either (1) of the alternating current (AC) constantly active electric circuit type, which cannot be deactivated by the operation of any interconnected switching device and which

comply with the latest NJPA-70 (National Electrical Code) requirements or (2) of the battery-powered single station type. The owners of each unit utilizing any common area shall be jointly responsible for inspecting the detector unit in the common area and for ensuring that its battery is inspected periodically and replaced at least annually.

c. If the municipality determines, as a result of the most recent self-inspection of any building or unit as required by this amendatory and supplementary act, that any building or unit does not comply with the provisions of this amendatory and supplementary act and regulations promulgated thereunder, then the municipality shall issue to the nonprofit corporation a written notice stating the manner in which a building or unit does not comply with this amendatory and supplementary act or regulations promulgated thereunder. The notice shall fix a date, not less than 60 days nor more ⟦then⟧ than 180 days, upon which a building or unit shall comply with the provisions of this amendatory and supplementary act and regulations promulgated, thereunder. If building or unit does not comply with the provisions of this amendatory and supplementary act and regulations promulgated, on or before the date fixed in the notice, the municipality shall notify the commissioner, who shall enforce the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) against the nonprofit corporation or the unit owner thereof, based on their respective liabilities as contained in the nonprofit corporation's master deed, bylaws, and rules and regulations.

d. (1) In every municipality for which the violent crime rate exceeds six per 1,000 persons according to the average of the three most recent Uniform Crime Reports issued by the New Jersey State Police, the lobby of a retirement community that is a multiple dwelling consisting of at least 50 dwelling units shall have 24-hour security monitoring. In municipalities for which the violent crime rate is six or less per 1,000 persons according to the average of the three most recent Uniform Crime Reports issued by the New Jersey State Police, the commissioner may require lobby or interior common area security monitoring upon evidence of persistent criminal activity against residents in the building. The security monitoring required by this subsection shall be accomplished through the use of video surveillance cameras operated 24 hours a day, trained on and recording all building exits and entrances, as well as any common areas, including parking lots, where criminal incidents have occurred within the past 12 months. If the multiple dwelling consists of 75 dwelling units or more, then the building shall also be monitored 24 hours a day by the on-site security guard or guards. The recordings of the video surveillance cameras shall be maintained for at least 60 days. A licensed security guard shall be a uniformed employee of a licensed security officer company or a uniformed special police officer of the municipality, and shall

comply with the requirements as set forth in the "Security Officer Registration Act," P.L.2004, c.134 (C.45:19A-1 et seq.) when applicable.

The security standards set forth in this subsection are minimum standards, and shall not prevent any municipality from enacting greater security standards.

(2) The Commissioner of Community Affairs, in consultation with the Attorney General, shall annually notify each retirement community that is a multiple dwelling and is located in a municipality for which the violent crime rate exceeds six per 1,000 persons according to the three most recent Uniform Crime Reports issued by the New Jersey State Police, of its lobby security requirement pursuant to this subsection.

(cf: P.L.1983, c.154, s.2)

3. This act shall take effect immediately, but, except for the promulgation of rules, regulations, and notices, shall remain inoperative until the first day of the seventh month next following enactment.

STATEMENT

This bill requires the owners of senior citizen high-rise buildings having 50 units or more to provide 24-hour security if the building is located in a municipality with a violent crime rate exceeding six per 1,000 persons, according to the average of the three most recent Uniform Crime Reports issued by the New Jersey State Police.

The Commissioner of Community Affairs, in consultation with the Attorney General, would be responsible for annually notifying the owners of those buildings of their security obligations under the law. The bill requires buildings consisting of 75 dwelling units or more to meet their security obligation through 24-hour monitoring by on-site security guards. If the building consists of at least 50, but fewer than 75 dwelling units, then the security obligation may be satisfied through the use of video surveillance cameras operated 24 hours a day, recording all building exits and entrances, as well as any common areas, including parking lots, where criminal incidents have occurred within the past 12 months. The bill enables the Commissioner of Community Affairs to order a building owner in a municipality with a violent crime rate of six or less per 1,000 persons to provide security in the lobby or other common area upon evidence of persistent criminal activity against residents in the building.

The bill also gives the commissioner the authority to issue regulations concerning the security of residents in lobbies and interior common areas of hotels and multiple dwellings in general. The bill contains a delayed operative date of approximately six months to allow time for the promulgation of rules, regulations, and notices.