ASSEMBLY, No. 3806

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblywoman BRITNEE N. TIMBERLAKE
District 34 (Essex and Passaic)
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)
Assemblywoman MILA M. JASEY
District 27 (Essex and Morris)

Co-Sponsored by:
Assemblymen Spearman and Calabrese

SYNOPSIS

Requires inspection for pest infestation prior to certain demolitions.

CURRENT VERSION OF TEXT

As introduced.

AN ACT requiring pest inspections prior to certain demolitions, and supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

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

1. a. As used in this section:

"Closely-situated building" means any building that is both located within 10 feet of the building to be demolished and located on a different property.

"Demolition" means the act of forcing down all of a building pursuant to the standards of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or forcing down part of a building when inspection and certification is required in accordance with rules and regulations adopted pursuant to subsection c. of this section.

"Infestation" means a significant presence of pests within or on the perimeter of a building, or both.

"Pest" means rat, mouse, roach, or any other animal designated by the Commissioner of Environmental Protection as posing a significant risk of infesting adjacent properties following a demolition.

"Severe pest presence" means the existence of pests within or on the perimeter of a building, or both, at levels substantial enough to place any closely-situated building at risk for pest infestation as a result of demolition.

b. (1) In addition to requirements under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), P.L.1942, c.112 (C.40:48-2.3 et seq.), and any other statutory, regulatory, or local requirements, a building shall not be demolished without a certification by either a health officer licensed by the State Department of Health pursuant to the "Local Health Services Act," P.L.1975, c.329 (C.26:3A2-1 et seq.), or a commercial pesticide applicator certified by the Department of Environmental Protection for general and household pest control pursuant to the "Pesticide Control Act of 1971," P.L.1971, c.176 (C.13:1F-1 et seq.). The certification shall indicate that the building does not contain a severe pest presence. Before issuing such certification, the health officer or another local health agency employee, or pesticide applicator, shall inspect the building for a pest presence. If a severe pest presence does exist, then the health officer or another local health agency employee, or pesticide applicator, shall take the steps necessary to mitigate the pest presence down to acceptable levels. Certification shall not be required prior to the demolition of a building for which no closely-situated building exists.

(2) The inspection shall occur no earlier than two months prior to the issuance of a construction permit for demolition. The

certification shall be filed with the construction official prior to the issuance of a construction permit. Any certification that is issued by a pesticide applicator, and not by a health officer, shall be filed with the health officer, in addition to the construction official, no later than five days prior to construction permit issuance. At any time prior to construction permit issuance, the health officer shall have authority to disapprove of the pesticide applicator's certification, and require a new inspection and new pest mitigation steps to be taken prior to construction permit issuance.

(3) The certification, and associated inspection and extermination, shall not be required if the construction official determines that an immediate danger is posed by the potential collapse of a structurally unsafe building.

(4) The construction permit applicant shall be responsible for the cost of any pest inspection, extermination, and certification required under this section.

c. On or before the first day of the sixth month next following enactment, the Commissioner of Environmental Protection, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in consultation with the Commissioner of Health, and the Director of the Division of Codes and Standards in the Department of Community Affairs, shall adopt any rules and regulations necessary for the implementation of this section, including, but not limited to, standards for the types of animals to be designated as pests, standards for the level of a pest presence that shall require extermination, acceptable methods of extermination, and the types of partial building demolitions that shall require inspection and certification. The Commissioner of Health, and the Director of the Division of Codes and Standards in the Department of Community Affairs, shall also adopt any necessary rules and regulations.

2. This act shall take effect immediately, but subsections a. and b. of section 1 shall remain inoperative until the first day of the sixth month next following enactment.

STATEMENT

This bill requires pest inspections prior to certain building demolitions in order to prevent pest infestations from migrating to adjacent buildings.

The bill requires either a health officer or another local health agency employee, certified by the State Department of Health, or a commercial pesticide applicator, certified by the State Department of Environmental Protection for general and household pest control, to inspect certain buildings for mice, rats, roaches, and other pests before the demolition, and to issue a certification indicating that

pests are not present within or on the perimeter of the building at levels that place any nearby building at risk for infestation. If a severe pest presence does exist in the building to be demolished, then the pesticide applicator or local health agency shall be required to ensure that extermination takes place in the building prior to issuing the certification.

Under the bill, no certification shall be required prior to demolition if no other building exists that is both located within 10 feet of the building to be demolished, and is on a different property.

The inspection shall occur within two months of the construction permit issuance for demolition, and the certification shall be filed with the construction official before the issuance of the permit. Any certification that is issued by a pesticide applicator shall be filed with the health officer, in addition to the construction official, no later than five days before the construction permit issuance. At any time before construction permit issuance, the health officer may disapprove of the pesticide applicator's certification, and require a new inspection and new extermination be conducted before construction permit issuance.

Certification shall not be required before demolition if the construction official determines that an immediate danger is posed by a structurally unsafe building. The construction permit applicant shall be responsible for the cost of any pest inspection and extermination required by this bill. The requirements of this bill would become operational on the first day of the sixth month next following enactment.