

SENATE, No. 1451

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Requires explosive gas detectors to be installed in certain residential properties.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning explosive gas detectors in residential structures
2 and amending P.L.1975, c.217 and P.L.1999, c.15.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1999, c.15 (C.52:27D-133.3) is amended to
8 read as follows:

9 1. a. In any case in which a change of occupancy of any
10 dwelling unit in a building with fewer than three dwelling units is
11 subject to a municipal ordinance requiring the issuance of a
12 certificate of occupancy, certificate of inspection or other
13 documentary certification of compliance with laws and regulations
14 relating to the safety, healthfulness and upkeep of the premises, no
15 such certificate shall issue until the officer or agency responsible
16 for its issuance has determined that:

17 (1) the dwelling unit is equipped with one or more carbon
18 monoxide sensor devices and one or more explosive gas sensor
19 devices, or one or more devices that serve both functions, or

20 (2) that there is no need to equip the dwelling unit with either a
21 carbon monoxide sensor device or an explosive gas sensor device,
22 because there is no potential carbon monoxide hazard or explosive
23 gas hazard in the dwelling unit.

24 (3) Any **【such】** determination under paragraph (1) or (2) of this
25 subsection shall be made in accordance with rules adopted by the
26 Commissioner of Community Affairs.

27 b. In the case of an initial occupancy or a change of occupancy
28 of any dwelling unit in a building with fewer than three dwelling
29 units to which the provisions of subsection a. of this section do not
30 apply, no owner shall sell, lease or otherwise permit occupancy for
31 residential purposes of that dwelling unit without first obtaining
32 from the relevant enforcing agency under the "Uniform Fire Safety
33 Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate
34 indicating:

35 (1) that the dwelling unit is equipped with one or more carbon
36 monoxide sensor devices and one or more explosive gas sensor
37 devices, or one or more devices that serve both functions, or

38 (2) that there is no need to equip the dwelling unit with either a
39 carbon monoxide sensor device or an explosive gas sensor device,
40 because there is no potential carbon monoxide hazard or explosive
41 gas hazard in the dwelling unit.

42 (3) Any **【such】** determination under paragraph (1) or (2) of this
43 subsection shall be made in accordance with rules adopted by the
44 Commissioner of Community Affairs.

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 thus is new matter.

1 c. The local governing body having jurisdiction over the
2 enforcing agency or, where the Division of Fire Safety is the
3 enforcing agency, the Commissioner of Community Affairs, may
4 establish a fee which covers the cost of inspection and of issuance
5 of the certificate; however, if an inspection is being made and a
6 certificate is being issued evidencing compliance with section 2 of
7 P.L.1991, c.92 (C.52:27D-198.2), the fee authorized therein shall
8 cover the costs of complying with this section.

9 d. For the purposes of this section:

10 "Carbon monoxide sensor device" means a carbon monoxide
11 alarm or detector that bears the label of a nationally recognized
12 testing laboratory, and has been tested and listed as complying with
13 the most recent Underwriters Laboratories standard 2034 or its
14 equivalent.

15 "Dwelling unit" means a structure, or a room or group of rooms
16 within a structure, used or intended for use, in whole or in part, for
17 residential purposes.

18 "Explosive gas sensor device" means an alarm device that
19 complies with the applicable standards of the American National
20 Standards Institute, or its successor, for residential devices for the
21 detection of explosive quantities of methane and propane gases,
22 unless such standards are superseded by rules adopted by the
23 Commissioner of Community Affairs.

24 e. An owner who sells, leases or otherwise permits occupancy
25 of a dwelling unit without complying with the provisions of this
26 section shall be subject to a fine of not more than \$100, which may
27 be collected and enforced by the local enforcing agency by
28 summary proceedings pursuant to **["The Penalty"]** the "Penalty
29 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

30 f. This section shall become operative on the 61st day after
31 enactment of P.L.2003, c.44 (C.52:27D-133.5 et al.).

32 (cf: P.L.2003, c.44, s.1)

33
34 2. Section 2 of P.L.1999, c.15 (C.55:13A-7.17) is amended to
35 read as follows:

36 2. a. Every unit of dwelling space in a hotel and multiple
37 dwelling shall be equipped with one or more carbon monoxide
38 sensor devices that bear the label of a nationally recognized testing
39 laboratory and have been tested and listed as complying with the
40 most recent Underwriters Laboratories standard 2034, or its
41 equivalent, unless it is determined that no potential carbon
42 monoxide hazard exists for that unit. Any such installation or
43 determination shall be made in accordance with the rules
44 promulgated by the Commissioner of Community Affairs.

45 b. Every unit of dwelling space in a hotel and multiple
46 dwelling shall be equipped with one or more explosive gas sensor
47 devices that comply with the applicable standards of the American
48 National Standards Institute, or its successor, for residential devices

1 for the detection of explosive quantities of methane and propane
2 gases, unless such standards are superseded by rules adopted by the
3 Commissioner of Community Affairs and unless it is determined
4 that no potential explosive gas hazard exists for that unit. Any such
5 installation or determination shall be made in accordance with rules
6 promulgated by the Commissioner of Community Affairs.

7 c. Any individual device that serves the functions of both a
8 carbon monoxide sensor device and an explosive gas sensor device
9 shall satisfy the purposes of this section.

10 (cf: P.L.1999, c.15, s.2)

11
12 3. Section 3 of P.L.1999, c.15 (C.55:13B-6.1) is amended to
13 read as follows:

14 3. a. Every unit of dwelling space in a rooming or boarding
15 house shall be equipped with one or more carbon monoxide sensor
16 devices that bear the label of a nationally recognized testing
17 laboratory and have been tested and listed as complying with the
18 most recent Underwriters Laboratories standard 2034, or its
19 equivalent, unless it is determined that no potential carbon
20 monoxide hazard exists for that unit. Any such installation or
21 determination shall be made in accordance with the rules
22 promulgated by the Commissioner of Community Affairs.

23 b. Every unit of dwelling space in a rooming or boarding house
24 shall be equipped with one or more explosive gas sensor devices
25 that comply with the applicable standards of the American National
26 Standards Institute, or its successor, for residential devices for the
27 detection of explosive quantities of methane and propane gases,
28 unless such standards are superseded by rules adopted by the
29 Commissioner of Community Affairs and unless it is determined
30 that no potential explosive gas hazard exists for that unit. Any such
31 installation or determination shall be made in accordance with rules
32 promulgated by the Commissioner of Community Affairs.

33 c. Any individual device that serves the functions of both a
34 carbon monoxide sensor device and an explosive gas sensor device
35 shall satisfy the purposes of this section.

36 (cf: P.L.1999, c.15, s.3)

37
38 4. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to
39 read as follows:

40 6. The commissioner shall have all the powers necessary or
41 convenient to effectuate the purposes of this act, including, but not
42 limited to, the following powers in addition to all others granted by
43 this act:

44 a. To adopt, amend and repeal, after consultation with the code
45 advisory board, rules: (1) relating to the administration and
46 enforcement of this act and (2) the qualifications or licensing, or
47 both, of all persons employed by enforcing agencies of the State to
48 enforce this act or the code, except that, plumbing inspectors shall

1 be subject to the rules adopted by the commissioner only insofar as
2 such rules are compatible with such rules and regulations, regarding
3 health and plumbing for public and private buildings, as may be
4 promulgated by the Public Health Council in accordance with Title
5 26 of the Revised Statutes.

6 b. To enter into agreements with federal and State of New
7 Jersey agencies, after consultation with the code advisory board, to
8 provide insofar as practicable (1) single-agency review of
9 construction plans and inspection of construction and (2)
10 intergovernmental acceptance of such review and inspection to
11 avoid unnecessary duplication of effort and fees. The commissioner
12 shall have the power to enter into such agreements although the
13 federal standards are not identical with State standards; provided
14 that the same basic objectives are met. The commissioner shall
15 have the power through such agreements to bind the State of New
16 Jersey and all governmental entities deriving authority therefrom.

17 c. To take testimony and hold hearings relating to any aspect of
18 or matter relating to the administration or enforcement of this act,
19 including but not limited to prospective interpretation of the code so
20 as to resolve inconsistent or conflicting code interpretations, and, in
21 connection therewith, issue subpoena to compel the attendance of
22 witnesses and the production of evidence. The commissioner may
23 designate one or more hearing examiners to hold public hearings
24 and report on such hearings to the commissioner.

25 d. To encourage, support or conduct, after consultation with the
26 code advisory board, educational and training programs for
27 employees, agents and inspectors of enforcing agencies, either
28 through the Department of Community Affairs or in cooperation
29 with other departments of State government, enforcing agencies,
30 educational institutions, or associations of code officials.

31 e. To study the effect of this act and the code to ascertain their
32 effect upon the cost of building construction and maintenance, and
33 the effectiveness of their provisions for insuring the health, safety,
34 and welfare of the people of the State of New Jersey.

35 f. To make, establish and amend, after consultation with the
36 code advisory board, such rules as may be necessary, desirable or
37 proper to carry out his powers and duties under this act.

38 g. To adopt, amend, and repeal rules and regulations providing
39 for the charging of and setting the amount of fees for the following
40 code enforcement services, licenses or approvals performed or
41 issued by the department, pursuant to the "State Uniform
42 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.):

43 (1) Plan review, construction permits, certificates of
44 occupancy, demolition permits, moving of building permits,
45 elevator permits and sign permits; and

46 (2) Review of applications for and the issuance of licenses
47 certifying an individual's qualifications to act as a construction code
48 official, subcode official or assistant under this act.

1 (3) (Deleted by amendment, P.L.1983, c.338).

2 h. To adopt, amend and repeal rules and regulations providing
3 for the charging of and setting the amount of construction permit
4 surcharge fees to be collected by the enforcing agency and remitted
5 to the department to support those activities which may be
6 undertaken with moneys credited to the Uniform Construction Code
7 Revolving Fund.

8 i. To adopt, amend and repeal rules and regulations providing
9 for:

10 (1) Setting the amount of and the charging of fees to be paid to
11 the department by a private agency for the review of applications
12 for and the issuance of approvals authorizing a private agency to act
13 as an on-site inspection and plan review agency or an in-plant
14 inspection agency;

15 (2) (Deleted by amendment, P.L.2005, c.212).

16 (3) (Deleted by amendment, P.L.2005, c.212).

17 j. To enforce and administer the provisions of the "State
18 Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119
19 et seq.) and the code promulgated thereunder, and to prosecute or
20 cause to be prosecuted violators of the provisions of that act or the
21 code promulgated thereunder in administrative hearings and in civil
22 proceedings in State and local courts.

23 k. To monitor the compliance of local enforcing agencies with
24 the provisions of the "State Uniform Construction Code Act,"
25 P.L.1975, c.217 (C.52:27D-119 et seq.), to order corrective action
26 as may be necessary where a local enforcing agency is found to be
27 failing to carry out its responsibilities under that act, to supplant or
28 replace the local enforcing agency for a specific project, and to
29 order it dissolved and replaced by the department where the local
30 enforcing agency repeatedly or habitually fails to enforce the
31 provisions of the "State Uniform Construction Code Act."

32 l. To adopt, amend, and repeal rules and regulations
33 implementing the provisions of P.L.1999, c.15, P.L.2003, c.44, and
34 section 1 of P.L.2015, c.146 (C.52:27D-123f) concerning the
35 installation and maintenance of carbon monoxide and explosive gas
36 sensors.

37 (cf: P.L.2015, c.146, s.2)

38

39 5. On or before the first day of the sixth month next following
40 the effective date of P.L. , c. (pending before the Legislature as
41 this bill), the Commissioner of Community Affairs shall
42 promulgate, pursuant to the "Administrative Procedure Act,"
43 P.L.1968, c.410 (C.52:14B-1 et seq.), the rules and regulations
44 necessary to effectuate sections 1 through 3 of P.L. , c. (pending
45 before the Legislature as this bill).

1 6. This act shall take effect on the first day of the seventh
2 month next following enactment, except that section 5 shall take
3 effect immediately.

4
5
6 STATEMENT
7

8 This bill requires explosive gas sensor devices in certain
9 dwelling units. When certain gases, such as methane and propane,
10 reach high densities in a confined space, an explosion may occur.
11 These events are dangerous and can threaten the lives of anyone in
12 the vicinity.

13 This bill requires the inspection of one and two family housing
14 units for the presence of an explosive gas sensor device prior to
15 initial occupancy, or a change of occupancy. The bill also requires
16 the placement of explosive gas sensor devices in hotel and multiple
17 dwelling units, and in rooming and boarding house units. These
18 requirements would not apply if it is determined, in accordance with
19 rules promulgated by the Commissioner of Community Affairs, that
20 there is no potential explosive gas hazard in the dwelling unit.
21 Similar requirements for one and two family housing, hotel and
22 multiple dwellings, and rooming and boarding houses already exist
23 with regard to carbon monoxide sensor devices.

24 The sensor devices required under this bill shall comply with the
25 applicable standards of the American National Standards Institute
26 for residential devices for the detection of explosive quantities of
27 methane and propane gases, unless superseded by rules adopted by
28 the Commissioner of Community Affairs.