

55:13A-7.12

LEGISLATIVE HISTORY CHECKLIST
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(Child protection window guards)

NJSA: 55:13A-7.12

LAWS OF: 1995 **CHAPTER:** 120

BILL NO: S823

SPONSOR(S): Lipman

DATE INTRODUCED: March 10, 1994

COMMITTEE: **ASSEMBLY:** Housing

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** May 1, 1995

SENATE: June 27, 1994

DATE OF APPROVAL: June 8, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[SECOND REPRINT]

SENATE, No. 823

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1994

By Senators LIPMAN and Baer

1 AN ACT concerning the installation of child-protection window
2 guards in certain multiple dwellings, supplementing the "Hotel
3 and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1
4 et seq.).
5

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

8 1. As used in this act, "child-protection window guard" means
9 a bar, screen or grille assembly designed to be installed in a
10 window for the purpose of preventing accidental fall or ejection
11 of a child through the window. It shall be so designed,
12 constructed and installed that no person of the age of 10 years or
13 younger may through accident, ignorance or inadvertence,
14 remove, open or dislodge it so as to permit such fall or ejection.
15 Such window guards shall conform to specifications developed by
16 the commissioner regarding design, construction and installation
17 so as to accomplish the purpose of this act.

18 2. a. Except as provided in subsection b. of this section, the
19 owner, lessor, agent or other person who manages or controls a
20 multiple dwelling shall, upon the written request of a tenant,
21 provide, install and maintain a child-protection window guard on
22 the windows of each dwelling unit in which a child or children 10
23 years of age or under reside ²[;] and² on any windows in the
24 public halls of a multiple dwelling in which any child or children
25 of such age reside ²[;] and on the windows of any dwelling unit of
26 which the tenant makes written request for such installation for
27 child protection purposes]².

28 b. The requirements of subsection a. of this section shall apply
29 to all windows, except those windows which give access to a fire
30 escape or which are on the first floor. In addition, the provisions
31 of this act shall not apply to any window in (1) an owner occupied
32 dwelling unit, (2) a dwelling unit ²which is a part of a
33 condominium or which is² held by a proprietary lessee under a
34 ²[condominium or]² cooperative form of ownership, or (3) a
35 dwelling unit occupied by a shareholder in a mutual housing
36 corporation.

37 c. Any child-protection window guard installed pursuant to
38 this act shall conform to the requirements of the State Uniform
39 Construction Code with respect to means of emergency egress,
40 and a window guard installed on an emergency egress window
41 shall be releasable or removable from the inside without use of a
42 key, tool or excessive force. Window guards installed on all other

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCO committee amendments adopted May 16, 1994.

² Assembly AHO committee amendments adopted October 20, 1994.

1 windows shall be designed, constructed, and installed so that they
2 may not deliberately or through accident, ignorance or
3 inadvertence, be removed, opened, or dislodged without the use
4 of a key or tool.

5 3. a. All leases offered to tenants in multiple dwellings shall
6 contain a notice, conspicuously set forth therein, advising tenants
7 and prospective tenants of the availability of window guards
8 under this act and the need for a tenant to request in writing the
9 installation of window guards.

10 b. The owner, lessor, agent or other person who manages or
11 controls a multiple dwelling shall cause to be delivered to each
12 dwelling unit therein an annual notice, in form and manner
13 prescribed by the commissioner, advising occupants of the
14 obligation of the said owner, lessor, agent or other person to
15 install child-protection window guards pursuant to section 2 of
16 this act.

17 c. ²[The cost for the purchase and ¹and installation¹ of the
18 window guards shall be ¹[charged by] paid by¹ the owner, lessor,
19 agent or other ¹appropriate¹ person ¹[to the tenant]¹, and the
20 tenant shall ¹not¹ be responsible for ¹[the payment of that
21 charge either in a lump sum or through an agreed upon payment
22 schedule] any costs incurred for the purchase or installation of
23 these window guards¹.] Notwithstanding any municipal ordinance
24 to the contrary, expenditures made pursuant to this act shall be
25 deemed to be capital improvement costs, which may be passed on
26 to the tenants of the multiple dwelling.²

27 4. No tenant or occupant of a multiple dwelling unit, or any
28 other person, shall obstruct or interfere with the installation of
29 child-protection window guards required under section 2 of this
30 act, nor shall any person remove or otherwise render ineffective
31 such window guards.

32 5. The commissioner is hereby authorized to make and
33 promulgate, pursuant to the "Administrative Procedure Act,"
34 P.L.1968, c.410 (C.52:14B-1 et seq.), all regulations necessary to
35 carry out this act, including, but not limited to, regulations
36 regarding the design, construction, and installation of window
37 guards.

38 6. This act shall take effect on the 90th day next following its
39 enactment, except that section 5 shall take effect immediately.

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44 _____
45 Requires the installation of window guards, at the request of a
tenant, in multiple dwellings.

1 contain a notice, conspicuously set forth therein, advising tenants
2 and prospective tenants of the availability of window guards
3 under this act and the need for a tenant to request in writing the
4 installation of window guards.

5 b. The owner, lessor, agent or other person who manages or
6 controls a multiple dwelling shall cause to be delivered to each
7 dwelling unit therein an annual notice, in form and manner
8 prescribed by the commissioner, advising occupants of the
9 obligation of the said owner, lessor, agent or other person to
10 install child-protection window guards pursuant to section 2 of
11 this act.

12 c. The cost for the purchase of the window guards shall be
13 charged by the owner, lessor, agent or other person to the tenant,
14 and the tenant shall be responsible for the payment of that
15 charge either in a lump sum or through an agreed upon payment
16 schedule.

17 4. No tenant or occupant of a multiple dwelling unit, or any
18 other person, shall obstruct or interfere with the installation of
19 child-protection window guards required under section 2 of this
20 act, nor shall any person remove or otherwise render ineffective
21 such window guards.

22 5. The commissioner is hereby authorized to make and
23 promulgate, pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), all regulations necessary to
25 carry out this act, including, but not limited to, regulations
26 regarding the design, construction, and installation of window
27 guards.

28 6. This act shall take effect on the 90th day next following its
29 enactment, except that section 5 shall take effect immediately.

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31

32 STATEMENT

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34 This bill would require, upon the written request of a tenant,
35 the installation of child-protection window guards on windows
36 above the first story of multiple dwellings in which children of 10
37 years old or younger reside, or in any dwelling unit above the first
38 story, when the tenant of the unit so requests for child protection
39 purposes.

40 The requirement would not apply to windows giving access to
41 fire escapes, or to first-story windows. The bill requires that the
42 installation of window guards be initiated by a request from a
43 tenant and to exclude from the bill's requirements (1) an owner
44 occupied dwelling unit, (2) a dwelling unit held by a proprietary
45 lessee under a condominium or cooperative form of ownership, or
46 (3) a dwelling unit occupied by a shareholder in a mutual housing
47 corporation.

48 Window guards must meet the standards of the State Uniform
49 Construction Code for required emergency escape windows, that
50 is window guards installed on such windows must be removable
51 without the use of a key, a tool, or excessive force. Window
52 guards installed on windows, other than emergency egress
53 windows, must be removable only with the use of a key or a tool.

1 The intent of the legislation is to prevent accidental injury or
2 death of children as a result of falls from upper stories of
3 multiple dwellings, while assuring that the window guards will not
4 obstruct the escape of tenants in case of fire or other emergency.

5 This bill is a supplement to the Hotel and Multiple Dwelling
6 Law (P.L.1967, c.76; C.55:13A-1 et seq.) and, therefore, the
7 provisions of this bill would be enforceable through the same
8 means and with the same penalties as are provided for the
9 enforcement of that law generally.

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14 Requires the installation of window guards, at the request of a
15 tenant, in multiple dwellings.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 823

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 20, 1994

The Assembly Housing Committee favorably reports Senate Bill No. 823(1R), with committee amendments.

This bill would require, upon the written request of a tenant, the installation of child-protection window guards on windows, including any windows in public halls, above the first story of multiple dwellings in which children 10 years old or younger reside.

The requirement would not apply to windows giving access to fire escapes or to first floor windows. The following dwellings are excluded from the bill's requirements: (1) an owner occupied dwelling unit; (2) a dwelling unit which is part of a condominium or is held by a proprietary lessee under a cooperative form of ownership; or (3) a dwelling unit occupied by a shareholder in a mutual housing corporation.

The bill provides that window guards must meet the standards of the State Uniform Construction Code for required emergency escape windows; that is, window guards installed on these windows must be removable without the use of a key, a tool, or excessive force. Window guards installed on windows, other than emergency egress windows, must be removable only with the use of a key or a tool.

This bill is a supplement to the "Hotel and Multiple Dwelling Law" (P.L.1967, c.76; C.55:13A-1 et seq.) and, therefore, the provisions of this bill would be enforceable through the same means and with the same penalties as are provided for the enforcement of that law generally.

The committee amended the bill to remove the provision that the tenant not be responsible for the costs of the purchase or installation of the window guards. Landlords would be permitted, therefore, to recoup the costs associated with the bill through increased rents. In rent controlled buildings, landlords would be permitted to apply for recoupment of their capital improvement expenditure through the local rent control board.

The committee also removed language which would have permitted any tenant to request a window guard for child protection purposes. Therefore, installation would only be required in those dwellings in which children age 10 or younger reside, or in the public hallways of the floors where those children reside.

The committee also made a technical correction regarding condominiums. The bill as amended is identical to Assembly Bill No. 1939 Aca, which was also amended and released by the committee.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 823

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 16, 1994

The Senate Community Affairs Committee reports favorably Senate Bill No. 823 with committee amendments.

Senate Bill No. 823 as amended by the committee, would require, upon the written request of a tenant, the installation of child-protection window guards on windows, including any windows in public halls, above the first story of multiple dwellings in which children 10 years old or younger reside, or in any dwelling unit above the first story, when the tenant of the unit so requests for child protection purposes.

The requirement would not apply to windows giving access to fire escapes or to first floor windows. The following dwellings are excluded from the bill's requirements: (1) an owner occupied dwelling unit; (2) a dwelling unit held by a proprietary lessee under a condominium or cooperative form of ownership; or (3) a dwelling unit occupied by a shareholder in a mutual housing corporation.

The amended bill provides that window guards must meet the standards of the State Uniform Construction Code for required emergency escape windows; that is, window guards installed on these windows must be removable without the use of a key, a tool, or excessive force. Window guards installed on windows, other than emergency egress windows, must be removable only with the use of a key or a tool.

The bill, as amended by the committee, further provides that the cost for the purchase of the window guards shall be paid by the owner, lessor, agent or other appropriate person and the tenant shall not be responsible for any costs incurred for the purchase or installation of these window guards.

The intent of the legislation is to prevent accidental injury or death of children as a result of falls from upper stories of multiple dwellings, while assuring that the window guards will not obstruct the escape of tenants in case of fire or other emergency.

This bill is a supplement to the "Hotel and Multiple Dwelling Law" (P.L.1967, c.76; C.55:13A-1 et seq.) and, therefore, the provisions of this bill would be enforceable through the same means and with the same penalties as are provided for the enforcement of that law generally.