

**36. WINDOW GUARD NOTIFICATION:**

**IN THE EVENT TENANT RESIDES IN A MULTIPLE DWELLING IN AN APARTMENT UNIT ABOVE THE FIRST FLOOR (AS DEFINED BELOW), AND THE UNIT IS OCCUPIED BY A CHILD OR CHILDREN 10 YEARS OF AGE OR UNDER, OR A CHILD OR CHILDREN 10 YEARS OF AGE OR UNDER ARE REGULARLY PRESENT FOR A SUBSTANTIAL PERIOD OF TIME IN THE UNIT AS AND TO THE EXTENT PROVIDED IN N.J.S.A. 55:13A-7.12 AND/OR N.J.A.C. 5:10-27, TENANT MAY REQUIRE OWNER, LESSOR OR THE AGENT OR OTHER PERSON WHO MANAGES THE MULTIPLE DWELLING TO FURNISH, INSTALL AND MAINTAIN APPROVED CHILD PROTECTION WINDOW GUARDS ON WINDOWS IN SUCH UNIT AND ON ANY WINDOWS IN THE PUBLIC HALLWAYS TO WHICH SUCH CHILD OR CHILDREN HAVE ACCESS WITHOUT HAVING TO GO OUT OF THE BUILDING BY MAKING A WRITTEN REQUEST FOR SUCH WINDOW GUARDS TO THE OWNER, LESSOR OR AGENT OR OTHER PERSON WHO MANAGES OR CONTROLS THE MULTIPLE DWELLING.**

**THIS LAW DOES NOT APPLY TO (1) ANY WINDOW THAT (a) GIVES ACCESS TO A FIRE ESCAPE, (b) IS NOT DESIGNED TO OPEN, OR (c) IS ON THE FIRST FLOOR, EXCEPT IN SUCH CIRCUMSTANCES AS THE COMMISSIONER MAY PROVIDE BY RULE OR (2) SEASONAL RENTAL UNITS, WHICH INCLUDE DWELLING UNITS RENTED FOR A TERM OF NOT MORE THAN 125 CONSECUTIVE DAYS FOR RESIDENTIAL PURPOSES BY A PERSON HAVING A PERMANENT RESIDENCE ELSEWHERE BUT SHALL NOT INCLUDE USE OR RENTAL OF LIVING QUARTERS BY MIGRANT, TEMPORARY OR SEASONAL WORKERS IN CONNECTION WITH ANY WORK OR PLACE WHERE WORK IS BEING PERFORMED. A WINDOW IN A ROOM OR HALLWAY SHALL NOT BE CONSIDERED TO BE ON THE FIRST FLOOR IF THE FINISHED SURFACE OF THE FLOOR OF THAT ROOM OR HALLWAY IS MORE THAN SIX FEET ABOVE GRADE AS MEASURED AT THE LOCATION OF THE WINDOW. IN THE EVENT TENANT RESIDES IN AN APARTMENT UNIT ON THE FIRST FLOOR AND SUCH UNIT WILL ALSO BE OCCUPIED BY A CHILD OR CHILDREN 10 YEARS OF AGE OR UNDER, OR A CHILD OR CHILDREN 10 YEARS OF AGE OR UNDER ARE REGULARLY PRESENT FOR A SUBSTANTIAL PERIOD OF TIME IN THE UNIT AS AND TO THE EXTENT PROVIDED IN N.J.S.A. 55:13A-7.12 AND/OR N.J.A.C. 5:10-27, TENANT MAY HAVE CHILD PROTECTION WINDOW GUARDS INSTALLED IN THE PUBLIC HALLWAYS ABOVE THE FIRST FLOOR TO WHICH SUCH CHILD OR CHILDREN HAVE ACCESS WITHOUT HAVING TO GO OUT OF THE BUILDING BY MAKING A WRITTEN REQUEST FOR SUCH WINDOW GUARDS TO THE OWNER, LESSOR OR AGENT OR OTHER PERSON WHO MANAGES OR CONTROLS THE DWELLING. NOTWITHSTANDING ANY MUNICIPAL ORDINANCE TO THE CONTRARY, EXPENDITURES MADE PURSUANT TO N.J.S.A 55:13A-7.13 SHALL BE DEEMED TO BE CAPITAL IMPROVEMENT COSTS, WHICH MAY BE PASSED ON TO THE TENANTS OF THE MULTIPLE DWELLING.**