

Borough of Oakland Fire Prevention Bureau

Change of Occupancy for Rentals

Fire Certificate Application Packet For Single and Two Family homes Includes:

- Step by Step Process to get the Fire Certificate.
- Board of Health review and approval.
- Lead-Based Paint Inspection (N.J.A.C. 5:28A) information and guide.
- **Application** - This portion is the only part that must be filled out and complete and returned to the Fire Prevention Office.

Fees due at time of submission of application:

- Rental Fire Certificate: **\$85.00**
- Residential Certificate of Approval for Occupancy: **\$115.00**
(Includes relator sign fee and Board of Health review fee.)
- Rental Lead Based Paint Certificate and Inspection: **\$20.00**
(If the inspection is done by a municipal employee.)
 - Residential Fire Certificate Expedite Fee: **\$50**
 - Residential Fire Certificate Reinspection Fee = **\$50**
(This fee is collected only when applicable.)

We currently only accept check or exact cash. *Checks can be made out to 'Oakland Borough'.*

Borough of Oakland

Change of Occupancy for Rentals: Step by Step Process For Single and Two Family homes

Below is a step by step process to obtain a **Fire Certificate and Certificate of Approval for Occupancy** for the Borough of Oakland for renting out a Single Family or Two family home. The purpose of a **Fire Certificate** is to ensure that the property meets basic safety requirements.

Should you have any questions regarding any of the below, please reach out to fireassistant@oakland-nj.org or call 201-337-8111 x2025 for clarification and/or help.

1. Submit a Fire Certificate and Certificate of Approval for Occupancy application form & fee to the Fire Prevention office.

The Fire Certificate application can be found on the Borough website www.oakland-nj.org by going to *Departments > Fire Prevention > Certificate of Approval for Occupancy and Fire Certificate > Fire Certificate Application for Rentals - Residential*. The application should be submitted **at least 30 days prior to closing** and can be done as soon as the house has a renter. The application should be submitted by the owner of the home.

2. Board of Health – Approval Process

Board of Health will need to review and approve the applications once received. If the building is on *well water* you will need to provide a report to the Board of Health at time of submission. For more information please visit, https://www.state.nj.us/dep/watersupply/pw_pwta.html .

3. Open Building Permits and Property Maintenance Violations

Once the Fire Prevention Department has the application they will check for any open building permits or property maintenance violations and will reach out to the property owners to get the permits and/or violations closed out.

4. Fire Certificate and what is looked for during Fire Inspection

The Fire Certificate is for **SETTLEMENT PURPOSES ONLY** and does not allow occupancy of the premise. The complete Certificate of Approval for Occupancy will be needed to occupy the premise. Please see pages 3 through 6 for more details.

Below is what is looked at during a fire inspection:

SMOKE DETECTORS –

Smoke detectors must be installed on each level of the dwelling, including the basement, and within ten (10) feet of each separate sleeping area. The detectors must be hardwired in or ten-year sealed battery-powered. More detail on page 5-6.

CARBON MONOXIDE DETECTORS –

Carbon Monoxide detectors must be installed within ten (10) feet of each separate sleeping area. For example if you have 1 bedroom in a basement and 3 on a second floor, then you would need 2 carbon monoxide detectors. Carbon Monoxide Detectors can be battery, hardwire or plug in operated. More detail on page 5-6.

FIRE EXTINGUISHER –

One (1) fire extinguisher, UL listed, labeled, charged and operable, rated for residential use, size no smaller than 2A:10B:C and no more than 10 lbs. The extinguisher must be visible and in a readily accessible location, typically the kitchen. The extinguisher must be near an exit or travel path that provides an escape route to the exterior of the dwelling. More details on page 7.

HOUSE NUMBERS –

House numbers must be in a contrasting color, (3) inches high, permanently affixed, CLEARLY VISABLE near front door and light.

5. Building Inspection

While the Fire Inspector is conducting the fire inspection, if they see something that is a concern, regarding UCC rules and regulations, they will contact the Construction Official to conduct a building inspection on the property. A building inspection will only be necessary if one is called in, otherwise no building inspection will be necessary. (Examples: Water heater and boiler blow off pipe must be within 6" from floor, holes in the ceiling of the garage, no extension cords are to be used as a permanent form of wiring, etc).

Fire Prevention Information for Fire Certificate

Below is more information regarding Smoke detectors, Carbon Monoxide detectors, fire extinguishers, regarding placement and types.

SMOKE DETECTORS

The State of New Jersey requires, by Sections N.J.A.C. 5:70-2.3 and 4.9 of the New Jersey State Uniform Fire Code, a Smoke Detector Certification.

ANY DETECTOR THAT IS OLDER THAN 10 YEARS MUST BE REPLACED UNDER THIS REQUIREMENT AND IN ACCORDANCE WITH NFPA 72 (14.4.5.4.1 AND 14.4.5.5)

Smoke detector requirements vary because of code changes adopted over the past years. At a minimum, homes were not altered or made larger and built prior to January 1977 require battery detectors to level and outside of each sleeping area usually with 10 feet of any bedroom doors. The use of a be installed. One on each combination Smoke and CO detector is allowed to fulfill the requirements.

AS OF JANUARY 1, 2019, 10-YEAR SEALED BATTERY ONLY POWERED ALARMS SHALL BE INSTALLED IN ACCORDANCE WITH ANSI/UL 217 AND ALL BATTERY-OPERATED SMOKE DETECTORS THAT USE REMOVABLE BATTERIES MUST BE REPLACED WITH THE SEALED BATTERY REQUIREMENT MENTIONED ABOVE.

Any building constructed after January 1977 needs to meet the requirements of the code at the time the building was constructed. If the code only required hard wired smoke detectors on one or two floors, hardwired detectors need to be installed on each floor. However, A/C-powered single or multiple-station smoke alarms installed as part of the original construction or rehabilitation project **SHALL NOT** be replaced with **BATTERY ONLY** powered smoke alarms (Hardwired stays hardwired).

Where to Locate Detectors:

Detectors are to be located on every level of a residence, (basement, first floor, second floor, etc) (excluding crawl spaces and unfinished attics) and in every separate sleeping area, between sleeping areas and living areas such as the kitchen, garage, basement or utility room. Depending on the year the structure was built, locations vary, some have just hallway or corridor detectors and others have them hardwired in the bedroom along with the other locations. If they are multi-level, you should have one on every level in the locations noted below. Please see below diagrams for more information about placement in multi level and single level homes.

Where NOT to locate Detector:

To avoid false alarms and/or improper operation, avoid installing smoke detectors in the following areas:

- Kitchens – Smoke from cooking may cause nuisance alarms.
- Bathrooms – Excessive steam from a shower may cause nuisance alarms.
- Near forced air ducts – Used for heating or ai conditioning – air movement may prevent smoke from reaching detector
- Near furnaces of any type – Air and dust movement and normal combustion products may cause a nuisance alarm.



ALL INSTALLED SYSTEMS MUST BE MAINTAINED AT ALL TIMES (IFC 907.1.11.2)

CARBON MONOXIDE DETECTORS

Carbon Monoxide Alarms should be installed with 10 feet of any sleeping areas so they will be audible in each bedroom. Multiple Carbon Monoxide Alarms may be necessary to accomplish this requirement. The use of a combination Smoke and CO detector are allowed to fulfill the requirement.

Carbon Monoxide Alarms may be battery type, AC plug-in type and shall be listed and labeled in accordance with UL-2034 and installed in accordance with NFPA-720

Examples of where smoke detectors and carbon monoxide detectors should be placed



RED= SMOKE DETECTOR ON EACH LEVEL WITHIN 10 FEET OF THE BEDROOM

BLUE = CO DETECTOR OUTSIDE THE SLEEPING AREA IN THE SAME LOCATION AS THE SMOKE DETECTOR

HARDWIRED DETECTORS MUST BE REPLACED WITH SAME. YOU CANNOT SUBSTITUTE A BATTERY ONLY DETECTOR FOR A HARDWIRED/ELECTRIC DETECTOR THAT WAS ORIGINALLY INSTALLED DURING CONSTRUCTION. ALL DETECTORS MUST BE LESS THAN 10 YEARS OLD

IF THE HOME WAS BUILT PRIOR TO 1977 WITHOUT HARDWIRED DETECTORS, 10-YEAR BATTERY SMOKE DETECTORS MUST BE INSTALLED ON EACH LEVEL AND IN THE SAME LOCATIONS AS MENTIONED.

SMOKE AND CO COMBINATION DETECTORS CAN BE USED IN ALL CONFIGURATIONS

IF YOU HAVE A CENTRAL OR LOW VOLTAGE SYSTEM, AN ALARM TEST OF THE SYSTEM WILL BE NEEDED TO PASS AND SYSTEM MONITORING NEEDS TO BE MAINTAINED FOR THE TEST. IF MONITORING WAS CANCELLED, IT MUST BE RE-ESTABLISHED TO HAVE A TEST PERFORMED.

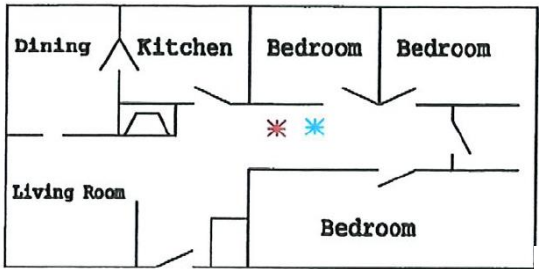


Figure 1

* Smoke Detector and
* Carbon Monoxide
Detector needed

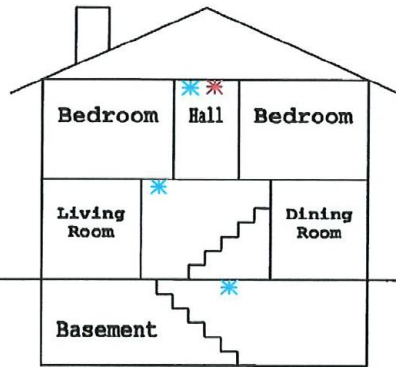


Figure 3

* Smoke Detector
* Carbon Monoxide
Detector

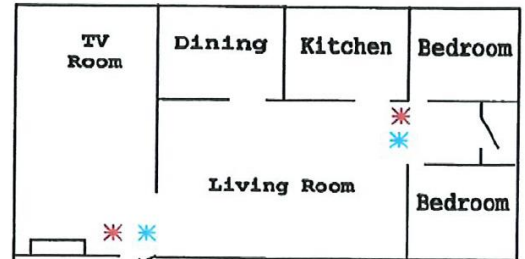
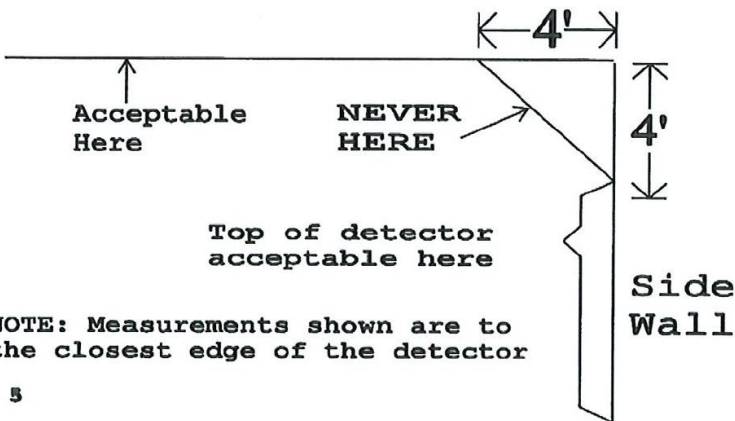


Figure 2

* Smoke Detector and
* Carbon Monoxide
Detector needed



NOTE: Measurements shown are to the closest edge of the detector

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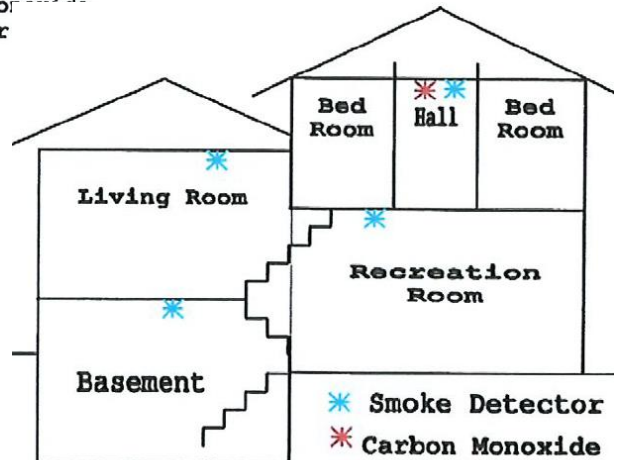


Figure 4

* Smoke Detector
* Carbon Monoxide
Detector

FIRE EXTINGUISHERS

Within 10 feet of the kitchen and located in the exit or travel path; and is visible and in a readily accessible location. The top of the fire extinguisher is not more than 5 feet above the floor and is mounted using a manufacturer's hanger or brackets. Minimum size of 2A:10B:C and weigh no more than 10 pounds, is accompanied with the owner's manual or with the proper written instructions. The extinguishers is listed, labeled, charged and operable. The extinguisher must have been serviced and tagged by a contractor certified by the New Jersey Division of Fire Safety within the past 12 months or seller must provide a recent proof of purchasing receipt.

The requirements for extinguisher type and placement are as follows N.J.A.C 5:70- 4.19(e):

1. At least one portable fire extinguisher shall be installed in all one- and two-family dwellings upon change of occupancy.
2. The extinguisher shall be listed, labeled, charged and operable.
3. The size shall be no smaller than 2A-10B:C, rated for residential use and weighs no more than 10lbs.
4. The hangers or brackets supplied by the manufacturer must be used.
5. The extinguisher must be within 10 feet of the kitchen and located in the path of egress.
6. The top of the extinguisher must be no more than 5 feet above the floor.
7. The extinguisher must be readily accessible location and not obstructed from view.
8. The owner's manual or written information regarding the operation shall be provided during the inspection
9. The extinguisher shall be serviced and tagged within the past 12 months or the seller must have a receipt for a recently purchased extinguisher.

Pictures of Fire Extinguisher is for reference only, we **DO NOT** recommend any specific brand:



Please see below for some helpful Questions and Answers:

1. **CAN I INSTALL BATTERY DETECTORS INSTEAD OF HARDWIRED ONES?** *Answer. NO.* Building codes since 1977, require all detectors that were originally installed at the time of construction be maintained and up to date. If the home has hardwired detectors, then they must stay hardwired and be 10 years old or less. Homes built prior to 1977 did not have detectors installed and they can have battery only devices, one outside the bedroom and on each level of the home. See questions 4 and 13.
2. **HOW LONG DO DETECTORS LAST?** *Answer.* Detectors made today are made to last 10 years. Any detector that is close to the age limit are advised to be replaced even though they may be within the timeframe. You need to replace them the new 10-year battery backup devices going forward. Recently, we have seen detector and the batteries being removed from the device and not replaced or replaced in a non-working order.
3. **I HAVE A LOW VOLTAGE SYSTEM, DO I NEED TO HAVE IT TESTED?** *A. YES.* All low voltage system that are not part of the original construction must be tested annually by a qualified service. At the time of a sale, the system must have been tested and still be monitored within the same year of the sale with no errors or faults per the NFPA 72. The NFPA 72 form is the guideline the tester must use and the NFPA 72 report is what we need to see.
4. **DO I NEED TO HAVE MY BUILDING PERMITS CLOSED BEFORE A FIRE INSPECTION IS DONE?** *A. YES.* All building permits and property maintenance violations must be closed before a fire inspection can be set up. If you have a building permit or property maintenance violation open the fire prevention clerk will advise you before setting up any inspection.
5. **DO FIRE EXTINGUISHERS GO BAD?** *A. YES.* Fire extinguishers do have expiration dates. For residential they should have been purchased within the year of selling the home. It is suggested that the receipt is kept with the extinguisher for proof of purchase.
6. **WHEN DO I NEED TO SUBMIT THE PAPERWORK FOR THE CAO AND FIRE CERTIFICATION?** *A.* The application for the CAO and Fire Certification should be submitted **30 DAYS** prior to the closing date. This also allows time for any and all inspections needed and review of the paperwork.
7. **DO I NEED TO COMPLETE A CAO AND FIRE CERT FOR A SINGLE-FAMILY RENTAL PROPERTY?** *A. YES.* For a single-family rental property, a Fire Cert and CAO is needed. If the property is on a well, a well report will be needed by the Board of Health. Also a Lead-Based Paint Safe Certificate will be needed as of July 2022 for all rental properties that were constructed prior to 1978. For more information regarding the Lead-Based Paint inspection contact our office and/or review page 7 and 8 of this packet.

Lead-Based Paint Inspections and Guide

As of July 2022, the Lead-Based Paint Inspections in Rental Dwellings requires periodic inspections for certain rental dwellings that were constructed prior to 1978 for the purpose of identifying lead-based paint hazards, one of the biggest sources of lead exposure for children. Lead-based paint is usually not a hazard if it is in good condition, and the paint is not on an impact or friction surface, such as a window. Deteriorating lead-based paint (peeling, chipping, chalking, cracking, or damaged paint) is a hazard and needs attention. Lead dust can form when lead-based paint is scraped, sanded, or heated. Dust also forms when painted surfaces bump or rub together. Lead chips and dust can reside on surfaces and objects that people touch. The owner of the property can have a certified inspector come in to test the property prior to submits for a change of occupancy. If a certificate is not provided with the application the town will perform or hire a certified lead evaluation contractor to perform the inspection, which will be needed every three years or upon tenant turnover.

All single-family, two-family, and multiple rental dwellings must be inspected. The following dwellings are exempt:

1. Dwellings that were constructed during or after 1978.
2. Single-family and two-family seasonal rental dwellings which are rented for less than six-months duration each year by tenants that do not have consecutive lease renewals.
3. Dwellings that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17-3.6(b).
4. Multiple rental dwellings that have been registered with the Department of Community Affairs for at least ten years and have no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law" (N.J.S.A. 55:13A-1).
 1. This means that all multiple dwellings constructed prior to 1978 and registered with the Department for at least ten years that have a certificate of inspection issued by the Department of Community Affairs, Bureau of Housing Inspection, are exempt from this requirement.
 2. A multiple dwelling that has been registered with the Department for at least ten years with an open inspection that has no violations for paint is also exempt from this requirement.

Dwellings with a valid lead-safe certificate issued pursuant to this law, P.L.2021, c.182. Lead-safe certificates are valid for two years from the date of issuance.

Periodic Inspection Procedure

For dwellings located in a municipality in which less than three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five micrograms per deciliter, the inspection may be carried out through visual inspection.

For dwellings located in a municipality in which at least three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five micrograms per deciliter, the inspection must be carried out through dust wipe sampling.

All rental dwelling units required to be inspected must be inspected for lead-based paint within two years of the effective date of the law, July 22, 2022, or upon tenant turnover, whichever is earlier. This means that the first inspection must take place no later than July 22, 2024.

After the initial inspection, all units shall be inspected for lead-based paint hazards every three years, or upon tenant turnover, whichever is earlier. An inspection upon tenant turnover is not required if the owner has a valid

lead-safe certificate. Lead-safe certificates are valid for two years. If the lead-safe certificate has expired, and there will be a tenant turnover, an inspection will be necessary before the three-year inspection.

In all scenarios, the next inspection should be scheduled three years from the date of issuance of the most recent valid lead-safe certification.

What is a visual assessment?

A visual assessment is an examination of all painted building components for deteriorated paint or visible surface dust, debris, or residue. The inspector should also look for paint chips or dust from painting activities that were not cleaned up and paint residue on floors.

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What are dust wipe samplings?

Dust wipe sampling is collected by wiping a representative surface, including floors (both carpeted and uncarpeted), interior windowsills, and other similar surfaces, and testing in accordance with a method approved by the United States Department of Housing and Urban Development (HUD). These samples must be undertaken properly to ensure that results are accurate.

What are the penalties for failure to comply with the Act?

If the dwelling owner has not cured the violation within 30 days, the owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

For more in depth information regarding the above requirements, please visit

<https://www.nj.gov/dca/divisions/codes/resources/leadpaint.html> .

For more information about the Borough Ordinance please visit the borough website at www.oakland-nj.org .