

DOs and DON'Ts:

N.J. Department of Community Affairs (DCA): Hotel and Multiple Dwelling Cyclical Inspections

- DON'T** Ignore the DCA notice of forthcoming inspections. Notify all unit owners of the scheduled inspection date(s) and that they must make their units accessible, either by being home or arranging for access by someone else.
- DO** Notify all unit owners that if a monetary penalty is assessed to the Association because of the inability to gain access to a unit or because of a violation in a unit, that penalty, the re-inspection fee, and any costs incurred will be charged to the unit owner.
- DO** Pay on time the initial inspection fee invoiced by the DCA. The invoice generally will accompany the inspection report, and if it is not paid on time, a penalty will be imposed.
- DON'T** Pay any lead surcharge that is invoiced for any building completed after 1977. No surcharge is required for buildings completed after 1977, but the DCA sometimes mistakenly invoices associations for the lead surcharge.
- DO** Correct any violations reported regarding common elements before the stated deadline, to avoid penalties.
- DO** Notify the owner of each unit that was inaccessible or for which a violation is noted that the unit must be made accessible for the next inspection and that any violation must be corrected. Supply the owner with a copy of the inspection report, and any follow-up violation notices, regarding the unit. Document such notice by personal delivery or certified mail, return receipt requested.
- DON'T** Allow the inspector to inspect the units alone. Management or a staff member should accompany the inspector and take notes, to verify the inspector's report.

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- DO** Carry some extra batteries for CO detectors during the inspections of units so that if an inoperable CO detector is noted, it can be rectified at that moment.
- DON'T** Miss the deadline to appeal any violation notice, late fee or penalty. **If the Association wishes to appeal any violation or charge, it must file its appeal within 15 days after receipt of the report. If it fails to file the appeal within 15 days, it loses the right to appeal.**
- DO** Consult with Association counsel immediately if there are any questions or issues or if the Association wishes to appeal a violation or charge.

For more information, contact Hill Wallack LLP's Community Association Law Practice Group at 609.924.0808.



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