



Department of Community Affairs



Division of Fire Safety

Bureau of Fire Code Enforcement

To: Local Enforcing Agencies
From: Lou Kilmer, Chief
Date: March 21, 2020
Subject: COVID – 19 Concerns

I have received many inquiries from local enforcing agency officials as to how we should be handling our day-to-day responsibilities. It is important to remember that this is an ever-changing situation and something that many of us have never encountered. As conditions change, guidance and direction will also change. A successful resolution to this problem, which I am confident that we will have, will require a significant change in the way we do business until the threat has passed. The one positive outcome from this is that we may find new ways of handling our duties, more effective techniques and options that are better suited for the delivery of services to our customers.

First and foremost, we must respect everyone's concerns and fears. It is only natural for individuals to be concerned at this time. If a business owner asks that you not perform an inspection of their facility at this time, please respect that with no questions asked. I would recommend that you note in your inspection report that you were requested to not perform an inspection for this reason, the date and time of the request and the requestor's name, and advise that the local enforcing agency will return to the premises for an inspection at a reasonable time after Governor Murphy's Executive Order 103 has expired. A violation for refusing entry based upon concerns over COVID-19 is not suggested to be issued while Executive Order 103 is in effect.

The State Division of Fire Safety has suspended conducting inspections and reinspections at all health care related facilities during the effective period of Executive Order 103. This includes nursing homes, assisted living facilities, hospitals, clinics, doctors' offices, etc. It is strongly recommended that you do the same in your local jurisdictions.

In the event of a complaint of an emergent situation in a healthcare facility or business that has requested you to delay the annual inspection, only that emergent issue should be investigated. In lieu of physically appearing at a facility to investigate the emergent issue, you may utilize alternative methods of inspection. For example, inspections could be conducted by someone at the business or healthcare facility electronically sending images of the alarm panel or sprinkler panel showing the status of the system. Someone at the business could also provide images or scans of the system test reports. Inspectors may also discuss issues with personnel at the facilities via phone conference to discuss ongoing concerns. These are only a few of the myriad of alternative methods of inspection available to local enforcement agencies. If there are questions as to appropriate methods of inspection, local enforcement personnel are encouraged to contact the Division.

Effective immediately, the Division has suspended performing certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) inspections during the effective period of Executive Order 103. N.J.A.C. 5:70-2.3(b) states that “[t]he enforcing agency, unless it is otherwise required to inspect the structure under a property maintenance or other municipal code, may accept, in lieu of inspection, a certification that one or more smoke alarms and carbon monoxide alarms, as applicable, have been installed and tested in accordance with N.J.A.C. 5:70-4.19. Such certification shall be upon forms provided by the enforcing agency.” While this is not optimal for code enforcement, I believe that the risk far exceeds the benefit to continue in-person inspections.

The Division strongly recommends local enforcing agencies suspend in-person CSACMAPFEC inspections as well. Instead, local enforcing agencies should utilize the affidavit approach as outlined above until Executive Order 103 expires. Local enforcing agencies may direct the requestor to provide a virtual tour and demonstration of the devices. Utilizing something like face time, skype, video or something similar would allow you to verify compliance if further assurance is required. Upon the expiration of Executive Order 103, local enforcing agencies are encouraged to go out and meet the new members of their respective communities and offer to voluntarily check the devices. It would be a great opportunity to spread positive fire prevention ideas and introduce your department and get support for your department.

Routine inspections are continuing for the time being at the Division level. We will be concentrating our inspections on outside facilities such as park facilities and facilities that have limited staff and occupants. Some examples are large warehouses or facilities that are closed to the public, have been sanitized and have staff available for inspection activities.

Ability to continue inspections locally will be based on your own circumstances. Many fire officials and inspectors serve multiple functions within their jurisdictions. It is certainly understandable and appropriate, if needed, to delay inspection functions in order to continue to be able to provide more critical services during the effective period of the Executive Order 103. If there is any question as to the health status of either the business representative or the inspector, the inspection should not be conducted during the effective period of the Executive Order 103.

During the next few weeks the Division will be reviewing code requirements pertaining to quarterly, semi-annual and school inspections to see what modifications to deadlines may be necessary due to the pandemic. Modifications to schedules will be based on the length of time restrictions remain in place. Please do not worry if you are unable to complete a required inspection at this time.

Local Assistance will not routinely be meeting with Local Enforcing Agencies. Routine questions will be handled electronically. Local Assistance staff will be available by both phone and e-mail. Staff will not be attending any county meetings. Local Assistance Supervisor Clark will be providing periodic update reports to all local enforcing agencies.

We are in the process of developing various alternative solutions to continue our core functions. These will include electronic meetings, telephone conferences, etc. This will take time to get set up. In addition to the alternative inspection methods listed in the above paragraphs, I would encourage anyone who has instituted innovative ideas in addition to the above to share them with me so I may share with the larger code enforcement community.

As new or updated information becomes available, we will share it with you. I have no doubt that we will all get through this and be stronger in the end. Please contact me directly if you have any questions. Thank you. Be safe and best wishes to you and your family.