

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5755

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2023

The Assembly Housing Committee reports favorably and with committee amendments Assembly Bill No. 5755.

As amended, this bill would enhance notice requirements and occupancy restrictions for hotels and multiple dwellings following a determination of a potentially hazardous condition through an inspection conducted pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) (HMDL). As used in the bill, potentially hazardous conditions would consist of imminent hazards to health, safety or welfare, or a deteriorating structural, sanitary, or other condition that, if unaddressed, may result in an imminent hazard prior to the next scheduled inspection conducted pursuant to the HMDL.

The bill provides that, if the Commissioner of Community Affairs (commissioner) determines that a violation of the HMDL is a potentially hazardous violation, then the commissioner would be required to immediately send, by certified or ordinary mail, and by electronic mail, a written notice, stating the manner in which the hotel or multiple dwelling is out of compliance, and setting a date by which the owner would be required to address the violation. The bill requires the notice to be sent, to:

- The mayor of the municipality;
- The administrator, business administrator, city manager, township manager, municipal manager, or other municipal official with executive authority not vested in the mayor of the municipality;
- All members of the governing body of the municipality in which the hotel or multiple dwelling is located;
- The clerk, public information officer, or other municipal official responsible for the distribution of communications to the residents of the municipality; and
- The owner and operator of the hotel or multiple dwelling, including, if applicable, to the property owner's last known address.

Concerning a potentially hazardous violation, the bill requires the commissioner to include the notice in a mailing with large, easily readable text, presented on paper that is easily distinguishable from

other notices or communications. The bill requires the owner or operator of the hotel or multiple dwelling to provide a hard copy of the notice to each existing resident or guest of the hotel or multiple dwelling. The bill also requires the owner or operator of the hotel or multiple dwelling to additionally post a copy of the notice in a conspicuous location in the lobby or common area of the hotel or multiple dwelling, in which the information is most likely to be viewed by residents or guests, and within ten feet of the elevator on each floor of the hotel or multiple dwelling, or, if the hotel or multiple dwelling does not have an elevator, within ten feet of, or in, the main stairwell of each floor. The bill permits a notice posted in a common area pursuant to this bill to be removed only after the commissioner issues the owner and operator a certificate of inspection. For a hotel room or dwelling unit impacted by a potentially hazardous violation, the bill restricts the owner or operator of any hotel or multiple dwelling from entering a new lease for non-owner occupancy, or making available for a new lease, for such time as the hotel or multiple dwelling is made to comply with the HMDL.

The bill would take effect on the first day of the third month next following enactment to provide time for the Commissioner of Community Affairs to adopt rules and regulations to implement the provisions of this bill.

COMMITTEE AMENDMENTS:

The committee amended the bill to require the notice that the bill requires to be sent, concerning the manner in which a hotel or multiple dwelling is out of compliance with the requirements of the HMDL, also set a date by which the owner would be required to address the violation.

The committee amendments also expressly permit a municipal official to verify that the owner or operator of the hotel or multiple dwelling has posted the violation notification in compliance with the bill.