

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 5755

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 18, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5755 (1R).

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, as part of the notice, a mailing notification with large, easily readable text, presented on paper that is easily distinguishable from other notices or communications, and which provides the date by which the owner would be required to address the violation. 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 if the violation is not addressed by the date required by the commissioner. If the violation is not addressed by the date required by the commissioner, the bill also requires the owner or operator of the hotel or multiple dwelling to post notice of the violation 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 10 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 10 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. After the potentially hazardous condition violation is addressed, the bill also requires the owner or operator to post information about the violation, and measures taken to address it in a conspicuous location in the building.

The bill would authorize a municipal official to verify that the owner or operator of a hotel or multiple dwelling has posted notifications for residents and guests concerning potentially hazardous condition violations, and efforts to address those violations, when required.

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 amendments to the bill would:

- Require the commissioner to inform an owner or operator of a hotel and multiple dwelling of the date by which a potentially hazardous violation must be addressed when providing notice of the violation, in a mailing notification included as part of the notice, as specified in the bill;
- Require an owner or operator of a hotel or multiple dwelling to notify residents and guests of a potentially hazardous condition

violation individually, only if the violation is not addressed by the date required by the commissioner;

- Require an owner or operator of a hotel or multiple dwelling, after a potentially hazardous condition violation is addressed, to post information about the violation, and measures taken to address it, in a conspicuous location in the building;
- Authorize a municipal official to verify that the owner or operator of a hotel or multiple dwelling has posted notifications for residents and guests concerning potentially hazardous condition violations, and efforts to address those violations, when required; and
- Make technical changes.

FISCAL IMPACT:

This bill has not been certified for a fiscal note.