

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 4183

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2024

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 4183.

As amended and reported, this bill enhances notice requirements and occupancy restrictions for hotels and multiple dwellings following a determination of a potentially hazardous condition, as defined in the bill, through an inspection conducted pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) (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 is to 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 is to 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 is to be required to address the violation. The bill requires the owner or operator of multiple dwellings to provide a hard copy of the notice to each existing resident

of the 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 multiple dwelling to post notice of the violation in a conspicuous location in the lobby or common area of the 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 multiple dwelling, or, if the 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 authorizes a municipal official to verify that the owner or operator of a multiple dwelling has posted notifications for residents 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.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 5755 (2R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 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 multiple dwelling to notify residents 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 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 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.