

ASSEMBLY, No. 669

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

Assemblywoman Tucker

SYNOPSIS

Authorizes prohibition or regulation of rental of certain space for accommodation of transient guests.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the prohibition or regulation of space for
2 accommodation of transient guests, amending R.S.40:48-1 and
3 R.S.40:52-1, and supplementing Title 40 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. R.S.40:48-1 is amended to read as follows:

9 40:48-1. Ordinances; general purpose. The governing body of
10 every municipality may make, amend, repeal and enforce
11 ordinances to:

12 Finances and property. 1. Manage, regulate and control the
13 finances and property, real and personal, of the municipality;

14 Contracts and contractor's bonds. 2. Prescribe the form and
15 manner of execution and approval of all contracts to be executed by
16 the municipality and of all bonds to be given to it;

17 Officers and employees; duties, terms and salaries. 3. Prescribe
18 and define, except as otherwise provided by law, the duties and
19 terms of office or employment, of all officers and employees; and to
20 provide for the employment and compensation of such officials and
21 employees, in addition to those provided for by statute, as may be
22 deemed necessary for the efficient conduct of the affairs of the
23 municipality;

24 Fees. 4. Fix the fees of any officer or employee of the
25 municipality for any service rendered in connection with his office
26 or position, for which no specific fee or compensation is provided.
27 In the case of salaried officers or employees, such fee shall be paid
28 into the municipal treasury;

29 Salaries instead of fees; disposition of fees. 5. Provide that any
30 officer or employee receiving compensation for his services, in
31 whole or in part by fees, whether paid by the municipality or
32 otherwise, shall be paid a salary to be fixed in the ordinance, and
33 thereafter all fees received by such officer or employee shall be
34 paid into the municipal treasury;

35 Maintain order. 6. Prevent vice, drunkenness and immorality; to
36 preserve the public peace and order; to prevent and quell riots,
37 disturbances and disorderly assemblages; to prohibit the
38 consumption of alcoholic beverages by underage persons on private
39 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

40 Punish beggars; prevention of loitering. 7. Restrain and punish
41 drunkards, vagrants, mendicants and street beggars; to prevent
42 loitering, lounging or sleeping in the streets, parks or public places;

43 Auctions and noises. 8. Regulate the ringing of bells and the
44 crying of goods and other commodities for sale at auction or
45 otherwise, and to prevent disturbing noises;

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 Swimming; bathing costume; prohibition of public nudity. 9.
2 Regulate or prohibit swimming or bathing in the waters of, in, or
3 bounding the municipality, and to regulate or prohibit persons from
4 appearing upon the public streets, parks and places clad in bathing
5 costumes or robes, or costumes of a similar character; regulate or
6 prohibit persons from appearing in a state of nudity upon all lands
7 within its borders which are under the jurisdiction of the State
8 including, without limitation, all lands owned by, controlled by,
9 managed by or leased by the State;
- 10 Prohibit annoyance of persons or animals. 10. Regulate or
11 prohibit any practice tending to frighten animals, or to annoy or
12 injure persons in the public streets;
- 13 Animals; pounds; establishment and regulation. 11. Establish
14 and regulate one or more pounds, and to prohibit or regulate the
15 running at large of horses, cattle, dogs, swine, goats and other
16 animals, and to authorize their impounding and sale for the penalty
17 incurred, and the costs of impounding, keeping and sale; to regulate
18 or prohibit the keeping of cattle, goats or swine in any part of the
19 municipality; to authorize the destruction of dogs running at large
20 therein;
- 21 Hucksters. 12. Prescribe and regulate the place of vending or
22 exposing for sale articles of merchandise from vehicles;
- 23 Building regulations; wooden structures. 13. Regulate and
24 control the construction, erection, alteration and repair of buildings
25 and structures of every kind within the municipality; and to
26 prohibit, within certain limits, the construction, erection or
27 alteration of buildings or structures of wood or other combustible
28 material;
- 29 Inflammable materials; inspect docks and buildings. 14.
30 Regulate the use, storage, sale and disposal of inflammable or
31 combustible materials, and to provide for the protection of life and
32 property from fire, explosions and other dangers; to provide for
33 inspections of buildings, docks, wharves, warehouses and other
34 places, and of goods and materials contained therein, to secure the
35 proper enforcement of such ordinance;
- 36 Dangerous structures; removal or destruction; procedure. 15.
37 Provide for the removal or destruction of any building, wall or
38 structure which is or may become dangerous to life or health, or
39 might tend to extend a conflagration; and to assess the cost thereof
40 as a municipal lien against the premises;
- 41 Chimneys and boilers. 16. Regulate the construction and setting
42 up of chimneys, furnaces, stoves, boilers, ovens and other
43 contrivances in which fire is used;
- 44 Explosives. 17. Regulate, in conformity with the statutes of this
45 State, the manufacture, storage, sale, keeping or conveying of
46 gunpowder, nitroglycerine, dynamite and other explosives;
- 47 Firearms and fireworks. 18. Regulate and prohibit the sale and
48 use of guns, pistols, firearms, and fireworks of all descriptions;

- 1 Soft coal. 19. Regulate the use of soft coal in locomotives,
2 factories, power houses and other places;
- 3 Theaters, schools, churches and public places. 20. Regulate the
4 use of theaters, cinema houses, public halls, schools, churches, and
5 other places where numbers of people assemble, and the exits
6 therefrom, so that escape therefrom may be easily and safely made
7 in case of fire or panic; and to regulate any machinery, scenery,
8 lights, wires and other apparatus, equipment or appliances used in
9 all places of public amusement;
- 10 Excavations. 21. Regulate excavations below the established
11 grade or curb line of any street, not greater than eight feet, which
12 the owner of any land may make, in the erection of any building
13 upon his own property; and to provide for the giving of notice, in
14 writing, of such intended excavation to any adjoining owner or
15 owners, and that they will be required to protect and care for their
16 several foundation walls that may be endangered by such
17 excavation; and to provide that in case of the neglect or refusal, for
18 10 days, of such adjoining owner or owners to take proper action to
19 secure and protect the foundations of any adjacent building or other
20 structure, that the party or parties giving such notice, or their
21 agents, contractors or employees, may enter into and upon such
22 adjoining property and do all necessary work to make such
23 foundations secure, and may recover the cost of such work and
24 labor in so protecting such adjacent property; and to make such
25 further and other provisions in relation to the proper conduct and
26 performance of said work as the governing body or board of the
27 municipality may deem necessary and proper;
- 28 Sample medicines. 22. Regulate and prohibit the distribution,
29 depositing or leaving on the public streets or highways, public
30 places or private property, or at any private place or places within
31 any such municipality, any medicine, medicinal preparation or
32 preparations represented to cure ailments or diseases of the body or
33 mind, or any samples thereof, or any advertisements or circulars
34 relating thereto, but no ordinance shall prohibit a delivery of any
35 such article to any person above the age of 12 years willing to
36 receive the same;
- 37 Boating. 23. Regulate the use of motor and other boats upon
38 waters within or bounding the municipality;
- 39 Fire escapes. 24. Provide for the erection of fire escapes on
40 buildings in the municipality, and to provide rules and regulations
41 concerning the construction and maintenance of the same, and for
42 the prevention of any obstruction thereof or thereon;
- 43 Care of injured employees. 25. Provide for the payment of
44 compensation and for medical attendance to any officer or
45 employee of the municipality injured in the performance of his
46 duty;
- 47 Bulkheads and other structures. 26. Fix and determine the lines
48 of bulkheads or other works or structures to be erected, constructed

1 or maintained by the owners of lands facing upon any navigable
2 water in front of their lands, and in front of or along any highway or
3 public lands of said municipality, and to designate the materials to
4 be used, and the type, height and dimensions thereof;

5 Lifeguard. 27. Establish, maintain, regulate and control a
6 lifeguard upon any beach within or bordering on the municipality;

7 Appropriation for life-saving apparatus. 28. Appropriate
8 moneys to safeguard people from drowning within its borders, by
9 location of apparatus or conduct of educational work in harmony
10 with the plans of the United States volunteer life-saving corps in
11 this State;

12 Fences. 29. Regulate the size, height and dimensions of any
13 fences between the lands of adjoining owners, whether built or
14 erected as division or partition fences between such lands, and
15 whether the same exist or be erected entirely or only partly upon the
16 lands of any such adjoining owners, or along or immediately
17 adjacent to any division or partition line of such lands. To provide,
18 in such ordinance, the manner of securing, fastening or shoring such
19 fences, and for surveying the land when required by statute, and to
20 prohibit in any such ordinance the use at a height of under 10 feet
21 from the ground, of any device, such as wire or cable, that would be
22 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
23 the-road vehicles, unless that device is clearly visible to pedestrians,
24 equestrians, bicyclists or drivers of off-the-road vehicles. In the
25 case of fences thereafter erected contrary to the provisions thereof,
26 the governing body may provide for a penalty for the violation of
27 such ordinance, and in the case of such fence or fences erected or
28 existing at the time of the passage of any such ordinance, may
29 provide therein for the removal, change or alteration thereof, so as
30 to make such fence or fences comply with the provisions of any
31 such ordinance;

32 Advertise municipality. 30. Appropriate funds for advertising
33 the advantages of the municipality;

34 Government Energy Aggregation Programs. 31. Establish
35 programs and procedures pursuant to which the municipality may
36 act as a government aggregator pursuant to sections 40 through 43
37 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of
38 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,
39 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the
40 provisions of any other law, rule or regulation to the contrary, a
41 municipality acting as a government aggregator pursuant to
42 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public
43 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
44 to be operating any form of public utility service pursuant to
45 R.S.40:62-1 et seq., to the extent such municipality is solely
46 engaged in the provision of such aggregation service and not
47 otherwise owning or operating any plant or facility for the

1 production or distribution of gas, electricity, steam or other product
2 as provided in R.S.40:62-12;

3 Joint municipal action on consent for the provision of cable
4 television service. 32. Establish programs and procedures pursuant
5 to which a municipality may act together with one or more
6 municipalities in granting municipal consent for the provision of
7 cable television service pursuant to the provisions of the "Cable
8 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
9 and supplemented. Notwithstanding the provisions of any other
10 law, rule or regulation to the contrary, two or more municipalities
11 acting jointly pursuant to the provisions of P.L.1972, c.186
12 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to
13 R.S.48:1-1 et seq., to the extent those municipalities are solely
14 engaged in granting municipal consent jointly and are not otherwise
15 owning or operating any facility for the provision of cable
16 television service as provided in P.L.1972, c.186 (C.48:5A-1 et
17 seq.);

18 Private cable television service aggregation programs. 33.
19 Establish programs and procedures pursuant to which a
20 municipality may employ the services of a private aggregator for
21 the purpose of facilitating the joint action of two or more
22 municipalities in granting municipal consent for the provision of
23 cable television service provided that any such municipality shall
24 adhere to the provisions of the "Cable Television Act," P.L.1972,
25 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the
26 provisions of the "Local Public Contracts Law," P.L.1971, c.198
27 (C.40A:11-1 et seq.) as amended and supplemented.
28 Notwithstanding the provisions of any other law, rule or regulation
29 to the contrary, a municipality that employs the services of a private
30 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-
31 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-
32 1 et seq., to the extent that the municipality is solely engaged in
33 employing the services of a private aggregator for the purpose of
34 facilitating the joint action of two or more municipalities in
35 granting municipal consent and is not otherwise owning or
36 operating any facility for the provision of cable television service as
37 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

38 Protective Custody. 34. Provide protective custody to persons
39 arrested for operating a motor vehicle under the influence of
40 alcoholic beverages, any chemical substance, or any controlled
41 dangerous substance in violation of R.S.39:4-50 as provided in
42 section 1 of P.L.2003, c.164 (C.40:48-1.3);

43 Private Outdoor Video Surveillance Camera Registry. 35.
44 Establish a private outdoor video surveillance camera registry and
45 allow voluntary registration of private outdoor video surveillance
46 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.);

47 Municipal-wide ban on rental of residential space for
48 accommodation of transient guests. 36. Prohibit the offering for

1 rental, and the rental, of a residential unit, or any part thereof, by
2 the owner or lessee of the residential unit, for a period of 30
3 consecutive days or less; but shall not include a seasonal rental as
4 that term is defined in section 3 of P.L. , c. (C.) (pending
5 before the Legislature as this bill).
6 (cf: P.L.2015, c.142, s.3)

7
8 2. R.S.40:52-1 is amended to read as follows:

9 40:52-1. The governing body may make, amend, repeal and
10 enforce ordinances to license and regulate:

11 a. All vehicles used for the transportation of passengers,
12 baggage, merchandise, and goods and chattels of every kind, and
13 the owners and drivers of all such vehicles; and the places and
14 premises in which or at which the different kinds of business or
15 occupations mentioned herein are carried on and conducted.
16 Nothing herein contained shall be construed as modifying or
17 repealing any of the provisions of chapter 4 of Title 48 of the
18 Revised Statutes (R.S.48:4-1 et seq.);

19 b. Autobuses, and the owners and drivers of all such vehicles,
20 and to fix the fees for such licenses, which may be imposed for
21 revenue, and to prohibit the operation of all such vehicles in the
22 public streets or places of such municipality, unless such ordinances
23 are complied with, whether such vehicles are operated over routes
24 wholly or partly within the territorial limits of such municipality;
25 the powers conferred by this section shall not be in substitution of
26 but in addition to whatever other right, power and authority any
27 such municipality may at any time have as to licensing, regulating,
28 or control of the operation of such autobuses, commonly called
29 jitneys, and this section shall not be construed as modifying or
30 repealing any of the provisions of chapter 4 (R.S.48:4-1 et seq.) or
31 article 3 of chapter 16 (R.S.48:16-23 et seq.) of Title 48 of the
32 Revised Statutes;

33 c. Cartmen, expressmen, baggagemen, porters, common criers,
34 hawkers, peddlers, employment agencies, pawnbrokers, junk shop-
35 keepers, junk dealers, motor vehicle junk dealers, street sprinklers,
36 bill posters, bill tackers, sweeps, scavengers, itinerant vendors of
37 merchandise, medicines and remedies; and the places and premises
38 in which or at which the different kinds of business or occupations
39 mentioned herein are conducted and carried on; provided, however,
40 no ordinance regulating solicitation for services shall be applicable
41 to solicitations, whether written or oral, for snow shoveling services
42 made within 24 hours of a snowstorm that has been predicted by a
43 commonly recognized commercial or governmental weather
44 reporting entity;

45 d. Hotels, boardinghouses, lodging and rooming houses, trailer
46 camps and camp sites, motels, furnished and unfurnished rented
47 housing or living units and all other places and buildings used for

- 1 sleeping and lodging purposes, and the occupancy thereof,
2 restaurants and all other eating places, and the keepers thereof;
- 3 e. Automobile garages, dealers in second-hand motor vehicles
4 and parts thereof, bathhouses, swimming pools, and the keepers
5 thereof;
- 6 f. Theatres, cinema and show houses, opera houses, concert
7 halls, dance halls, pool or billiard parlors, bowling alleys, exhibition
8 grounds, and all other places of public amusement, circuses and
9 traveling or other shows, plays, dances, exhibitions, concerts,
10 theatrical performances, and all street parades in connection
11 therewith;
- 12 g. Lumber and coal yards, stores for the sale of meats,
13 groceries and provisions, dry goods and merchandise, and goods
14 and chattels of every kind, and all other kinds of business conducted
15 in the municipality other than herein mentioned, and the places and
16 premises in or at which the business is conducted and carried on;
17 street stands for the sale or distribution of newspapers, magazines,
18 periodicals, books, and goods and merchandise or other articles;
- 19 h. Street signs and other objects projecting beyond the building
20 line, into or over any public street or highway;
- 21 i. Auctioneers and their business, whether the auctioneers be
22 real estate brokers engaged in selling at auction or real estate
23 auctioneers licensed by the New Jersey Real Estate Commission;
24 fix their fees, and license and regulate public auctions; make such
25 regulations as the governing body of the municipality shall deem
26 necessary, to protect the public against fraud at public auction sales,
27 and for the safety and protection of the property of the municipality
28 and its inhabitants, including the power to require from auctioneers
29 a bond to the municipality, not exceeding the penal sum of
30 \$5,000.00, conditioned as the governing body shall require;
- 31 j. Sales of goods, wares and merchandise to be advertised, held
32 out or represented, or which are advertised, held out or represented,
33 to the public, by any means, directly or by implication, as forced
34 sales at reduced prices or as insurance, bankruptcy, mortgage
35 foreclosure, insolvency, removal, loss or expiration of lease or
36 closing out sales, or as assignees', receivers' or trustees' sales or as
37 sales of goods distrained or as sales of goods damaged by fire,
38 smoke or water, except any sale which is to be held under a judicial
39 order, judgment or decree or a writ issuing out of any court or to
40 enforce any lawful lien or power of sale whether by judicial process
41 or not or by a licensed auctioneer; to make such regulations
42 governing the advertisement, holding out or representing to the
43 public of such sales, and the conduct thereof, as the governing body
44 of the municipality shall deem necessary to protect the public
45 against fraud; to prohibit the advertising, holding out or
46 representing to the public of any sale as being of the character
47 above described which is not of such character and to fix license

1 fees for the conduct of such sales and to impose penalties for the
2 violation of any such ordinance;

3 k. (Deleted by amendment, P.L.1997, c.320.)

4 l. (Deleted by amendment, P.L.1984, c.205.)

5 m. The rental of real property for commercial purposes wherein
6 the lease is for a term less than 175 consecutive days. No ordinance
7 adopted pursuant to this subsection shall apply to any lease or
8 occupancy which results from a tenant holding over at the
9 expiration or early termination of a lease with an original term in
10 excess of 175 consecutive days, regardless of whether the holdover
11 is month-to-month or for some other term of less than 175
12 consecutive days; **[and]**

13 n. The rental of real property for a term less than 175
14 consecutive days for residential purposes by a person having a
15 permanent place of residence elsewhere; and

16 o. The short-term rental of a residential unit, or any part
17 thereof, by the owner or lessee, as appropriate, to a transient guest
18 through a transient space marketplace for a period of 30 consecutive
19 days or less, pursuant to the provisions of section 3 of P.L. ,
20 c. (C.) (pending before the Legislature as this bill), but shall
21 not include a seasonal rental as that term is defined in that section.

22 Nothing in this chapter contained shall be construed to authorize
23 or empower the governing body of any municipality to license or
24 regulate any person holding a license or certificate issued by any
25 department, board, commission, or other agency of the State;
26 provided, however, that the governing body of a municipality may
27 make, amend, repeal and enforce ordinances to license and regulate
28 real estate auctioneers or real estate brokers engaged in selling at
29 auction and their business as provided in this section despite the
30 fact that such real estate auctioneers or brokers may be licensed by
31 the New Jersey Real Estate Commission and notwithstanding the
32 provisions of this act or any other act.

33 (cf: P.L.2015, c.240, s.1)

34
35 3. (New section) a. As used in this section:

36 “Multiple dwelling” means a multiple dwelling subject to the
37 requirements of the “Hotel and Multiple Dwelling Law,” P.L.1967,
38 c.76 (C.55:13A-1 et seq.).

39 “Registered host” means an owner or lessee of a residential unit
40 registered, pursuant to this section, to rent a residential unit or part
41 thereof and to offer the unit or space for accommodation to the
42 public as a business activity through the placement of an
43 advertisement, or the listing of the space for accommodation, with a
44 transient space marketplace.

45 “Residential unit” means a house, condominium, or other
46 residential dwelling unit in a building or structure or part of a
47 building or structure, that is designed, constructed, leased, rented,
48 let or hired out, or otherwise made available for use as a residence.

1 “Seasonal rental” means a "timeshare estate" as that term is
2 defined by section 2 of P.L.2006, c.63 (C.45:15-16.51), or a
3 dwelling unit rented for a term of not more than 125 consecutive
4 days for residential purposes by a person having a permanent
5 residence elsewhere.

6 “Space for accommodation” means a room, group of rooms, or
7 other living or sleeping space within a residential unit that is
8 designated for the overnight accommodation of a transient guest
9 and for which the keys thereto are not kept by a real estate agent.

10 “Transient guest” means a person who, for consideration uses,
11 possesses, or has the right to use or possess any space for
12 accommodation for a period of 30 consecutive days or less under a
13 lease, concession, permit, right of access, license to use, or other
14 agreement.

15 “Transient space marketplace” means a digital platform through
16 which a person offering space for accommodation to transient
17 guests may offer the space for accommodation in exchange for
18 monetary or other compensation. A “transient space marketplace”
19 allows a person offering space for accommodation to advertise or
20 list the space for accommodation through a hosted Internet website
21 and provides a means for a transient guest to arrange for the use of
22 the space for accommodation in exchange for monetary or other
23 consideration.

24 b. (1) The governing body of a municipality, by ordinance,
25 may regulate the rental of a residential unit, or part thereof, through
26 a transient space marketplace, when a portion, or the entirety, of the
27 residential unit is used or offered for use as a space for
28 accommodation of a transient guest. A municipality regulating the
29 rental of residential units pursuant to this section shall designate a
30 municipal employee to oversee the registration program.

31 (2) A municipality regulating the rental of residential units
32 pursuant to this section shall require each registered host to
33 maintain, for not less than four years following the end of the
34 calendar year in which each transaction occurred, the following data
35 for those transactions consummated through a transient space
36 marketplace:

37 (a) The name of the transient guest;

38 (b) The address, including the unit designation, of the space for
39 accommodation;

40 (c) The dates and nightly rates for which the transient guest
41 procured occupancy of the space for accommodation;

42 (d) The municipal transient accommodation registration number,
43 if applicable;

44 (e) A statement as to whether the booking services are provided
45 in connection with: (i) short-term rental of the entirety of the spaces
46 for accommodation located within the residential unit; (ii) short-
47 term rental of a part of the spaces for accommodation located within
48 the residential unit, but not the entirety of the spaces for

1 accommodation; or (iii) short-term rental of the entirety, or a part
2 thereof, of the spaces for accommodation located within a
3 residential unit, in which a non-short-term occupant continues to
4 occupy the residential unit for the duration of the short-term rental;

5 (f) The individualized name or number of each advertisement or
6 listing connected to the space for accommodation and the uniform
7 resource locator (URL) for each listing or advertisement, where
8 applicable; and

9 (g) Other information as the governing body of the municipality
10 may require.

11 (3) The governing body of a municipality may prohibit the
12 owner or lessee of a residential unit from offering the unit, or a part
13 thereof, as a space for accommodation through a transient space
14 marketplace for a period of 30 consecutive days or less.

15 c. (1) When a municipality regulates the rental of residential
16 units pursuant to this section, an owner or lessee shall not offer a
17 residential unit, or space for accommodation therein through a
18 transient space marketplace unless the owner or lessee is registered
19 by the municipality. A registered host may rent a portion of a
20 residential unit to transient guests while the host is present for an
21 unlimited number of days per year, and may rent the entire
22 residential unit to transient guests while the host is not present for
23 an unlimited number of days per year, unless the ordinance adopted
24 by the municipality pursuant to subsection b. of this section limits
25 the number of days per year that the entire residential unit may be
26 rented while the host is not present.

27 (2) A notice shall be displayed prominently on the
28 municipality's Internet website stating that owners or tenants
29 seeking to offer their residential units for rent on a transient space
30 marketplace are required to become registered hosts by registering
31 with the municipality prior to listing a residential unit, or space for
32 accommodation for rent on a transient space marketplace, and
33 should review any restrictions on coverage under a homeowners' or
34 renters' insurance policy related to transient space marketplace
35 rental activities to ensure that there is appropriate insurance
36 coverage in the event that a person sustains an injury or loss for
37 which the owner or tenant may be responsible, a person damages or
38 causes loss to personal or real property, or a claim or lawsuit is
39 made against the owner or tenant or otherwise arises out of transient
40 space marketplace rental activities.

41 The municipality shall make available a list to any public safety
42 agency, as defined in section 1 of P.L.1989, c.3 (C.52:17C-1), of
43 each registered host and the address of every residential unit owned
44 or leased by each registered host that is offered for rent on a
45 transient space marketplace located within the jurisdiction of the
46 public safety agency and a telephone number at which the registered
47 host can be reached in case of an emergency. The list shall be
48 updated by the municipality at least once every business day and

1 shall be accessible to any public safety agency 24 hours per day. In
2 the event that a public safety agency is called to a residential unit
3 that appears on the list and the registered host is not present at the
4 time, the public safety agency shall immediately notify the
5 registered host using the emergency contact telephone number
6 provided to the municipality by the registered host.

7 (3) Registration as a registered host shall be for a duration of
8 one year, and the fee for the registration shall be not more than
9 \$250, as determined by the governing body of the municipality, of
10 which half of the proceeds shall be retained by the municipality,
11 and half shall be deposited into the "New Jersey Affordable
12 Housing Trust Fund," established pursuant to section 20 of
13 P.L.1985, c.222 (C.52:27D-320).

14 (4) An ordinance adopted pursuant to this section shall establish
15 conditions in order to conduct a short-term residential rental
16 pursuant to this section, which shall include the following:

17 (a) the registered host shall be the owner or lessee of the
18 residential unit that the registered host offers for rent on a transient
19 space marketplace;

20 (b) the municipality may limit the number of residential units
21 within a multiple dwelling or other building that a registered host
22 may offer for rent on a transient space marketplace;

23 (c) the registered host's residential unit shall not have any
24 outstanding planning, building, housing, fire, health, or other
25 applicable municipal code violations;

26 (d) a lessee seeking to become a registered host shall have a
27 valid lease for the residential unit at the time the lessee submits an
28 application to the municipality to become a registered host; and

29 (e) the registration form shall require an affirmative
30 acknowledgement by the registered host that the host has read the
31 notice on the municipality's Internet website to review any
32 restrictions on coverage under any homeowners' or renters'
33 insurance policy related to transient space marketplace rental
34 activities.

35 (5) The registration of a registered host's primary residence
36 shall not supersede any lease agreements, homeowners' association
37 bylaws, covenants, conditions and restrictions, or any other
38 agreement, law, or regulation that prohibits the subletting or use of
39 that residential unit as a space for accommodation.

40 d. A person offering a space for accommodation on a transient
41 space marketplace, who has not become a registered host pursuant
42 to this section, shall be subject to a penalty for each day that the
43 space for accommodation is offered for rental, payable to the
44 municipal code official for support of code enforcement activities.
45 The amount of the penalty shall be determined by the governing
46 body of the municipality.

47 e. The provisions of this section shall not apply to a seasonal
48 rental.

1 f. The Commissioner of Community Affairs, pursuant to the
2 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
3 1 et seq.), shall promulgate such rules and regulations as may be
4 required to effectuate the provisions of this act.

5
6 4. The governing body of a municipality that, prior to the
7 effective date of P.L. , c. (C.) (pending before the
8 Legislature as this bill), has adopted an ordinance regulating the
9 rental of a residential unit, or part thereof, through a transient space
10 marketplace for use as a space for accommodation of transient
11 guests, shall not be required to meet any of the requirements of
12 section 3 of P.L. , c. (C.) (pending before the Legislature
13 as this bill).

14
15 5. This act shall take effect immediately.

16 17 18 STATEMENT

19
20 This bill would permit municipalities to regulate the short-term
21 rental by the owner or lessee of a residential unit to a transient guest
22 through a transient space marketplace, such as Airbnb. The bill
23 would also permit the governing body of a municipality, by
24 ordinance, to prohibit the owner of a property, which is the owner’s
25 primary residence, from offering it as space for accommodation for
26 a period of 30 days or less through a transient space marketplace.

27 The provisions of the bill do not apply to seasonal rentals.

28 Under the bill, an owner or tenant shall not offer their residential
29 property as a short-term residential rental through a transient space
30 marketplace until the owner has applied for and received a short-
31 term residential rental registration number from the municipality,
32 thereby becoming a “registered host.” A registered host may rent a
33 portion of their residential unit while they are also present in the
34 unit for an unlimited number of days per year, and may rent their
35 entire residential unit while they are not present for an unlimited
36 number of days per year, unless an ordinance adopted to regulate
37 the rental of a residential unit through a transient space marketplace
38 limits the number of days per year that the entire unit may be rented
39 while the host is not present.

40 An ordinance adopted pursuant to the bill would be required to
41 establish conditions in order to conduct a short-term residential
42 rental, including the following:

- 43 • The registered host shall be the owner or lessee of the
44 residential unit that the registered host offers for rent on a
45 transient space marketplace;
- 46 • The registered host’s residential unit shall not have any
47 outstanding planning, building, housing, fire, health, or other
48 applicable municipal code violations;

- 1 • A lessee seeking to become a registered host shall have a
2 valid lease for the residential unit at the time the lessee
3 submits an application to become a registered host to the
4 municipality;
- 5 • The municipality may limit the number of residential units
6 within a multiple dwelling or other building that a registered
7 host may offer for rent on a transient space marketplace; and
- 8 • The registration form shall require an affirmative
9 acknowledgment by the registered host that the host has read
10 the notice on the municipality's website to review any
11 restrictions on coverage under any homeowner's or renter's
12 insource policy related to transient space marketplace rental
13 activities.

14 The registration of a registered host's primary residence shall not
15 supersede any lease agreements, homeowners' association bylaws,
16 covenants, conditions and restrictions, or any other agreement, law,
17 or regulation that prohibits the subletting or use of that residential
18 unit as a space for accommodation.

19 A person offering a space for accommodation on a transient
20 space marketplace, who has not become a registered host, will be
21 subject to a penalty for each day that the space for accommodation
22 is offered for rental, payable to the municipal code official for
23 support of code enforcement activities. The amount of the penalty
24 shall be set by municipal ordinance.

25 The bill requires a municipality regulating the rental of residential
26 units under the bill to require each registered host to maintain, for not
27 less than four years the following data for transactions consummated
28 through a transient space marketplace:

- 29 (a) the name of the transient guest;
- 30 (b) the address, including the unit designation, of the space for
31 accommodation;
- 32 (c) the dates and nightly rates for which the transient guest
33 procured occupancy of the space for accommodation;
- 34 (d) the municipal transient accommodation registration number, if
35 applicable;
- 36 (e) a statement as to whether the booking services are provided in
37 connection with: (i) short-term rental of the entirety of the spaces for
38 accommodation located within the residential unit; (ii) short-term
39 rental of a part of the spaces for accommodation located within the
40 residential unit, but not the entirety of the spaces for accommodation;
41 or (iii) short-term rental of the entirety, or a part thereof, of the spaces
42 for accommodation located within a residential unit, in which a non-
43 short-term occupant continues to occupy the residential unit for the
44 duration of the short-term rental;
- 45 (f) the individualized name or number of each advertisement or
46 listing connected to the space for accommodation and the uniform
47 resource locator (URL) for each listing or advertisement, where
48 applicable; and

1 (g) other information as the governing body of the municipality
2 may require.

3 A municipality will make available to any public safety agency a
4 list of each registered host, the address of each residential unit owned
5 or leased by each registered host that is offered for rent on a transient
6 space marketplace, and a telephone number for the registered host.

7 The bill exempts from the provisions of section 3 of the bill any
8 municipality that, prior to the effective date of the bill, adopted an
9 ordinance regulating the rental of a residential unit through a transient
10 space marketplace.