

ASSEMBLY, No. 1695

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Prohibits enforcement, for a period of 12 months, of homeowners' association bylaws prohibiting domesticated animals if owner is FEMA designated displaced individual following emergency declaration by President or Governor.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning homeowners' association bylaws with respect
2 to domesticated animals under certain circumstances and
3 supplementing various parts of the statutory law.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. A condominium association with a deed restriction, or that
9 has adopted a bylaw, rule, or regulation, prohibiting domesticated
10 animals from residing in the condominium shall not enforce that
11 provision against an eligible temporary occupant, for a period of 12
12 months commencing on the date the eligible temporary occupant
13 first resides in a unit in the condominium.

14 For the purposes of this section, "eligible temporary occupant"
15 means a person who has been designated by the Federal Emergency
16 Management Agency in the United States Department of Homeland
17 Security (FEMA) as a displaced individual following the
18 declaration of an emergency by the President of the United States or
19 the Governor, and who is residing in a unit within the
20 condominium, that is owned by a relative, as a temporary residence
21 following that declared emergency.

22 Subject to the provisions of this section, an eligible temporary
23 occupant shall be allowed to have a maximum of four domesticated
24 animals reside with them in the condominium unit. As used in this
25 section, "domesticated animal" means a dog, cat, bird, or other
26 animal which does not constitute a health or safety hazard.
27

28 2. A homeowners' association of a mobile home park with a
29 deed restriction, or that has adopted a bylaw, rule, or regulation,
30 prohibiting domesticated animals from residing in the mobile home
31 park shall not enforce that provision against an eligible temporary
32 occupant, for a period of 12 months commencing on the date the
33 eligible temporary occupant first resides in a mobile home in the
34 mobile home park.

35 For the purposes of this section, "eligible temporary occupant"
36 means a person who has been designated by the Federal Emergency
37 Management Agency in the United States Department of Homeland
38 Security (FEMA) as a displaced individual following the
39 declaration of an emergency by the President of the United States or
40 the Governor, and who is residing in a mobile home within the
41 mobile home park, that is owned by a relative, as a temporary
42 residence following that declared emergency.

43 Subject to the provisions of this section, an eligible temporary
44 occupant shall be allowed to have a maximum of four domesticated
45 animals reside with them in a mobile home in the mobile home
46 park. As used in this section, "domesticated animal" means a dog,
47 cat, bird, or other animal which does not constitute a health or
48 safety hazard.

1 3. A council of coowners of a horizontal property regime with
2 a deed restriction, or that has adopted a bylaw, rule, or regulation,
3 prohibiting domesticated animals from residing in the horizontal
4 property regime shall not enforce that provision against an eligible
5 temporary occupant, for a period of 12 months commencing on the
6 date the eligible temporary occupant first resides in a unit in the
7 horizontal property regime.

8 As used in this section, “eligible temporary occupant” means a
9 person who has been designated by the Federal Emergency
10 Management Agency in the United States Department of Homeland
11 Security (FEMA) as a displaced individual following the
12 declaration of an emergency by the President of the United States or
13 the Governor, and who is residing in a unit within the horizontal
14 property regime, that is owned by a relative, as a temporary
15 residence following that declared emergency.

16 Subject to the provisions of this section, an eligible temporary
17 occupant shall be allowed to have a maximum of four domesticated
18 animals reside with them in a unit in the horizontal property regime.
19 As used in this section, “domesticated animal” means a dog, cat,
20 bird, or other animal which does not constitute a health or safety
21 hazard.

22
23 4. An association formed for the management of commonly-
24 owned elements and facilities of a planned real estate development
25 which is subject to a deed restriction, or to a bylaw, rule, or
26 regulation, prohibiting domesticated animals from residing in the
27 planned real estate development, shall not enforce that provision
28 against an eligible temporary occupant, for a period of 12 months
29 commencing on the date the eligible temporary occupant first
30 resides in a unit in the planned real estate development.

31 As used in this section, “eligible temporary occupant” means a
32 person who has been designated by the Federal Emergency
33 Management Agency in the United States Department of Homeland
34 Security (FEMA) as a displaced individual following the
35 declaration of an emergency by the President of the United States or
36 the Governor, and who is residing in a unit in the planned real estate
37 development, that is owned by a relative, as a temporary residence
38 following that declared emergency.

39 Subject to the provisions of this section, an eligible temporary
40 occupant shall be allowed to have a maximum of four domesticated
41 animals reside with them in a unit in the planned real estate
42 development. As used in this section, “domesticated animal” means
43 a dog, cat, bird, or other animal which does not constitute a health
44 or safety hazard.

45
46 5. This act shall take effect immediately.

STATEMENT

This bill would prohibit the enforcement of a deed restriction, or a bylaw, rule, or regulation by a homeowners association of a condominium, horizontal property regime, mobile home park, or planned real estate development, which prohibits domesticated animals from residing therein, against an eligible temporary occupant for a period of 12 months commencing on the date the eligible temporary occupant first resides therein. The bill defines an “eligible temporary occupant as a person who has been designated by the Federal Emergency Management Agency of the United States Department of Homeland Security (FEMA) as a displaced individual following the declaration of an emergency by the President of the United States or the Governor, who is residing in such a real property, owned by a relative, as a temporary residence following that declared emergency.

Under the provisions of the bill, an eligible temporary occupant shall be allowed to have a maximum of four domesticated animals reside with the eligible temporary occupant during the 12-month period. “Domesticated animal” is defined in the bill as a dog, cat, bird, or other animal which does not constitute a health or safety hazard.

The provisions of this bill are intended to address circumstances such as the aftermath of Super Storm Sandy, which devastated many regions of the State on October 29, 2012 and left countless State residents, and their pets, homeless due to the damage wrought by the gale force winds and terrible flooding which damaged, or destroyed, thousands of homes. These residents needed to find emergent, temporary housing, and many of the displaced individuals, and their pets, moved in with relatives on a temporary basis. Some of the State’s newspapers have reported that some residents, who were living temporarily in housing owned by relatives where homeowner association bylaws prohibited pets, were charged a daily fee per pet for the violation of those bylaws, which simply placed additional financial stress on these displaced individuals. The provisions of this bill are intended to allow State residents displaced as the result of an emergency declared by the President of the United States or by the Governor to keep their pets with them during their temporary occupancy in a unit of housing controlled by a homeowners association and its bylaws or deed restrictions.