

# ASSEMBLY, No. 1740

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Co-Sponsored by:**

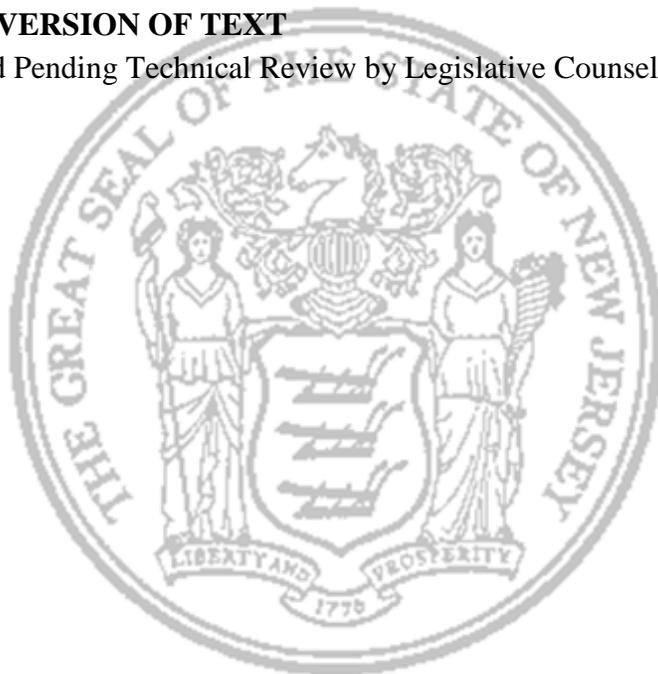
**Assemblywoman Murphy, Assemblyman Benson, Assemblywomen Reynolds-Jackson and Speight**

**SYNOPSIS**

Prohibits late penalties from being made against senior citizen tenants in certain senior citizen rental housing in certain circumstances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning delinquency and other late charges for certain  
2 senior citizen rental housing, and amending and supplementing  
3 P.L.1976, c.100.  
4

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

8 1. (New section) a. As used in this section:

9 "Business day" means any day other than a Saturday, Sunday or  
10 State or federal holiday.

11 "Health care facility" means a health care facility licensed by the  
12 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et  
13 seq.), a psychiatric hospital operated by the Department of Human  
14 Services and listed in R.S.30:1-7, or any similar facility licensed by  
15 and operating in another state.

16 "Senior citizen" means a person 62 years of age or over and shall  
17 include a surviving spouse if that surviving spouse is 55 years of  
18 age or over.

19 "Senior citizen housing project" means any building or structure,  
20 and any land appurtenant thereto, having three or more rental  
21 dwelling units intended for, and solely occupied by, senior citizens;  
22 except that, it shall not include owner-occupied premises having not  
23 more than three dwelling units that are rented or offered for rent, or  
24 any health care facility as defined in the "Health Care Facilities  
25 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

26 b. A delinquency or late charge shall not be imposed upon a  
27 senior citizen residing in a senior citizen housing project during any  
28 time period in which the senior citizen was unable to make a rent  
29 payment due to the senior citizen being admitted to a health care  
30 facility, and including the five business day period immediately  
31 following the return of the senior citizen to the rental premises,  
32 except that the senior citizen, or a representative thereof, shall  
33 provide written proof of the admittance to the landlord before the  
34 completion of the fifth business day immediately following the  
35 return of the senior citizen to the rental premises. Upon discharge  
36 from a health care facility, the senior citizen shall have five  
37 business days to remit payment of any rent due. If payment of rent  
38 is not remitted within five business days following discharge, any  
39 delinquency or other late charge permitted under law may be  
40 imposed upon the senior citizen.

41 The grace period of five business days shall not commence  
42 following discharge from a health care facility if the senior citizen  
43 is admitted to a subsequent health care facility and does not return  
44 to the rental premises following discharge from the prior health care  
45 facility.

**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 c. A person violating the provisions of this section shall be a  
2 disorderly person pursuant to section 2 of P.L.1976, c.100  
3 (C.2A:42-6.2).

4  
5 2. Section 2 of P.L.1976, c.100 (C.2A:42-6.2) is amended to  
6 read as follows:

7 2. Any person violating the provisions of **[this act]** section 1 of  
8 P.L.1976, c.100 (C.2A:42-6.1) or section 1 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill) shall be a disorderly  
10 person.

11 (cf: P.L.1976, c.100, s.2)

12  
13 3. Section 3 of P.L.1976, c.100 (C.2A:42-6.3) is amended to  
14 read as follows:

15 3. The provisions of **[this act]** section 1 of P.L.1976, c.100  
16 (C.2A:42-6.1) shall only be applicable to premises rented or leased  
17 by senior citizens receiving Social Security Old Age Pensions,  
18 Railroad Retirement Pensions or other governmental pensions in  
19 lieu of Social Security Old Age Pensions, and by recipients of  
20 Social Security Disability Benefits, Supplemental Security Income  
21 or benefits under Work First New Jersey.

22 (cf: P.L.2001, c.142, s.2)

23  
24 4. This act shall take effect immediately.

25  
26  
27 STATEMENT

28  
29 This bill prohibits the landlord of a senior citizen housing project  
30 from imposing certain late charges upon senior citizen tenants who are  
31 unable to make timely rent payments due to their admittance to a  
32 health care facility.

33 Under current law, a landlord is prohibited from imposing late  
34 charges on certain senior citizen tenants, including those who receive  
35 certain pension benefits or governmental assistance, during the five  
36 business day period following the due date of a rental payment. The  
37 bill would expand these provisions to include certain senior citizen  
38 tenants who have been admitted to a health care facility.

39 Specifically, the bill provides that no late charge may be imposed  
40 on a senior citizen tenant who resides in a senior citizen housing  
41 project during: (1) any time period in which the senior citizen was  
42 unable to make a timely rent payment due to the person's admittance  
43 to a health care facility, and (2) the period of five business days  
44 following the senior citizen's return to the rental premises. The senior  
45 citizen, or a representative thereof, would be required to provide  
46 written proof of the admittance, within the period of five business days  
47 following the return to the rental premises, in order to qualify for the  
48 grace period.

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1 Under the bill, a senior citizen tenant would have to remit any  
2 outstanding rent within five business days of discharge from the health  
3 care facility. If the full rent payment is not remitted within that period,  
4 the landlord may thereafter impose late charges. However, the grace  
5 period would not begin if following discharge from the health care  
6 facility, the senior citizen is immediately admitted to a subsequent  
7 health care facility without returning to the rental premises. A  
8 landlord who violates the provisions of the bill would be guilty of a  
9 disorderly persons offense.

10 Under the bill, a “senior citizen” includes a person 62 years of age  
11 or over and a surviving spouse if that person is 55 years of age or over.  
12 The bill defines a “senior citizen housing project” as any building or  
13 structure, and any land appurtenant thereto, having three or more rental  
14 dwelling units intended for, and solely occupied by, senior citizens;  
15 except that, it shall not include owner-occupied premises having not  
16 more than three dwelling units that are rented or offered for rent, or  
17 any health care facility.