

[First Reprint]

ASSEMBLY, No. 1742

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 20 (Union)

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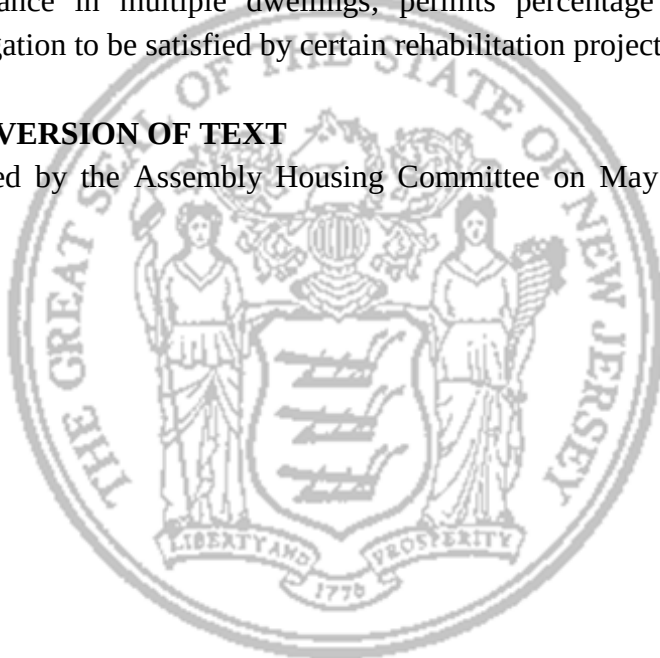
Assemblywomen Reynolds-Jackson and Timberlake

SYNOPSIS

Clarifies and expands landlord registration procedures; creates certain rights for tenants; makes certain changes concerning tenant notifications, inspections, and maintenance in multiple dwellings; permits percentage of affordable housing obligation to be satisfied by certain rehabilitation projects.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing Committee on May 5, 2021, with amendments.



1 **AN ACT** establishing the “Landlord Registration and Tenant
 2 Protection Act” and amending, supplementing, and repealing
 3 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. Section 1 of P.L.1974, c.50 (C.46:8-27) is amended to read as
 9 follows:

10 1. **【**The term "landlord," as used in this act, shall mean the person
 11 or persons who own or purport to own, or exercise control of any
 12 building or project in which there is rented or offered for rent housing
 13 space for living or dwelling purposes under either a written or oral
 14 lease, provided that this definition shall not include owner-occupied
 15 two unit premises. This definition shall include but not be limited to
 16 any multiple dwelling subject to the "Hotel and Multiple Dwelling
 17 Law," P.L.1967, c.76 (C.55:13A-1 et seq.).

18 Whenever: the owner of an apartment in a horizontal property
 19 regime as defined in P.L.1963, c.168 (C.46:8A-1 et seq.), a unit owner
 20 of a unit in a condominium as defined in P.L.1969, c.257 (C.46:8B-1
 21 et seq.), an owner of a unit in a fee simple community as defined in
 22 section 1 of P.L.1989, c.299 (C.40:67-23.2) or an owner in a
 23 cooperative entity as defined in section 3 of P.L.1987, c.381 (C.46:8D-
 24 3) leases an apartment or unit to a tenant, that owner shall be deemed
 25 the landlord for the purposes of filing the certificate of registration as
 26 required by section 2 of P.L.1974, c.50 (C.46:8-28). Nothing in
 27 P.L.1974, c.50 shall be construed as requiring a council of co-owners
 28 of a horizontal property regime, a condominium association, an
 29 association managing the common or shared elements or interests in a
 30 fee simple community or a cooperative association to comply with the
 31 certificate of registration requirement unless the council or association
 32 is the owner or lessor of the apartment or unit. Nothing in P.L.1974,
 33 c.50 shall be construed to require a cooperative corporation to comply
 34 with the certificate of registration requirement unless the corporation
 35 leases a unit to a person other than a proprietary shareholder of the
 36 cooperative. The foregoing provisions notwithstanding, the council,
 37 association or cooperative corporation having jurisdiction over a
 38 "multiple dwelling," as defined in section 3 of P.L.1967, c.76
 39 (C.55:13A-3), shall comply with the registration requirements of
 40 section 12 of P.L.1967, c.76 (C.55:13A-12) with respect to the
 41 multiple dwelling as a whole. The term "project" as used in this act
 42 shall mean a group of buildings which are or are represented to be
 43 under common or substantially common ownership and which stand
 44 on a single parcel of land or parcels of land which are contiguous and

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted May 5, 2021.

1 which group of buildings is named, designated or advertised as a
2 common entity. The contiguity of such parcels shall not be adversely
3 affected by public rights-of-way incidental to such buildings.】

4 As used in P.L.1974, c.50 (C.46:8-27 et seq.):

5 ¹“Common ownership association” means an association
6 managing the common or shared elements or interests of owners,
7 including, but not limited to: a council of co-owners of a horizontal
8 property regime, as defined in section 2 of P.L.1963, c.168 (C.46:8A-2
9 et seq.); an association of condominiums, as defined in section 3 of
10 P.L.1969, c.257 (C.46:8B-3 an association managing the common or
11 shared elements or interests in a fee simple community, as defined in
12 section 1 of P.L.1989, c.299 (C.40:67-23.2); or an association of a
13 cooperative, as defined in section 3 of P.L.1987, c.381 (C.46:8D-3).】¹

14 “Landlord” means an owner of a building or project, or a unit
15 thereof, in which there are residential rental premises, including, but
16 not limited to: a multiple dwelling; an apartment in a horizontal
17 property regime as defined in section 2 of P.L.1963, c.168 (C.46:8A-1
18 et seq.); an owner of a dwelling unit in a condominium as defined in
19 P.L.1969, c.257 (C.46:8B-1 et seq.); a dwelling unit in a fee simple
20 community as defined in section 1 of P.L.1989, c.299 (40:67-23.2); a
21 cooperative association as defined in section 3 of P.L.1987, c.381
22 (C.46:8D-3); or any other planned real estate development of a kind
23 now existing or yet to be developed, but the term shall not include a
24 cooperative corporation unless the corporation rents a dwelling unit to
25 a person other than a proprietary shareholder of the
26 cooperative. Nothing in P.L.1974, c.50 (C.46:8-27 et seq.) shall be
27 construed as creating an exemption to the registration requirements of
28 section 12 of P.L.1967, c.76 (C.55:13A-12) with respect to any
29 multiple dwelling as a whole.

30 “Mailing address” means the street address, and if applicable, the
31 dwelling unit or room number, of the home or actual place of business
32 of the person or entity being registered. A post office box may be
33 included in addition to, but not in lieu of, a street address.

34 “Multiple dwelling” shall have the same definition as set forth in
35 subsection (k) of section 3 of P.L.1967, c.76 (C.55:13A-3).

36 “Owner” means the person who holds record title to a building,
37 project, or dwelling unit.

38 “Owner-occupied” means personally and lawfully occupied as the
39 primary residence of the owner or a member of the owner’s household
40 if the owner has temporarily taken lodging elsewhere.

41 “Primary residence” means the residence where the owner resides
42 a majority of the time.

43 “Project” means a group of buildings under common or
44 substantially common ownership that stand on a single parcel or more
45 than one contiguous parcel of land, and is named, designated or
46 advertised as a common entity. The contiguity of such parcels shall not
47 be adversely affected by public rights-of-way incidental to such
48 buildings.

1 “Temporarily” means for a period lasting no more than 90 days
2 when the owner either already maintains a primary residence or
3 intends to establish a primary residence and does so within 90 days
4 after taking lodging elsewhere.

5 “Unit of dwelling space” or “dwelling unit” means a room or
6 rooms, floor or floors of rooms, suite, or apartment, whether furnished
7 or unfurnished, occupied or intended or designed to be occupied for
8 sleeping or dwelling purposes by one person, including but not limited
9 to the owner, or by one household, including but not limited to the
10 household of the owner.

11
12 2. Section 2 of P.L.1974, c.50 (C.46:8-28) is amended to read
13 as follows:

14 2. Every landlord shall **【**, within 30 days following the
15 effective date of this act, or at the time of the creation of the first
16 tenancy in any newly constructed or reconstructed building, **】** file a
17 certificate of registration on the form prescribed by the
18 Commissioner of Community Affairs, within seven days of
19 becoming a landlord of a rental premises. The certificate of
20 registration shall be filed with the clerk of the municipality, or
21 **【**with such other municipal official as is designated by the clerk**】**
22 the clerk’s designee, in which the residential property is situated, in
23 the case of a one-dwelling unit rental or a two-dwelling unit non-
24 owner occupied premises, or with the Bureau of Housing Inspection
25 in the Department of Community Affairs in the case of a multiple
26 dwelling **【**as defined in section 3 of P.L.1976 the "Hotel and
27 Multiple Dwelling Law" (C.55:13A-3), a certificate of registration
28 on forms prescribed by the Commissioner of Community Affairs,
29 **which】** . The certificate of registration shall contain the following
30 information:

31 a. The name **【and】** , mailing address 【of the record owner or
32 owners of the premises and the record owner or owners of the rental
33 business if not the same persons. In the case of a partnership the
34 names of all general partners shall be provided】 , e-mail address,
35 and telephone number of each owner of the rental premises and the
36 rental business, if not the same persons;

37 b. If the **【record】** owner **【**is a corporation, the name and
38 address of the registered agent and corporate officers of said
39 corporation**】** of the rental premises or the rental business is:

40 (1) a general partnership or a limited liability partnership, the
41 name and mailing address of the managing partner or agent who has
42 the authority to act on behalf of the partnership;

43 (2) a corporation, the names and mailing addresses of the
44 registered agent and corporate officers of the corporation; or

45 (3) a limited liability company, the names and mailing addresses
46 of the managing members of the limited liability company;

1 c. If **the** address of any record owner is not located in the
2 county in which the premises are located, the name and address of
3 a person who resides in the county in which the premises are
4 located and is authorized to accept notices from a tenant and to
5 issue receipts therefor and to accept service of process on behalf of
6 the record owner **an owner is not located in the county in which**
7 the rental premises are located, the name, mailing address, e-mail
8 address, and telephone number of a person who resides in the
9 county in which the rental premises are located and is authorized to
10 accept notices from a tenant and to issue receipts therefor, and to
11 accept service of process on behalf of the owner;

12 d. The name **and** , mailing address **of the managing agent of**
13 the premises, if any , e-mail address, and telephone number of the
14 property manager or managing agent of the rental premises, if any;

15 e. The name **and** , mailing address, including the **dwelling**
16 unit, apartment or room number of the superintendent, janitor,
17 custodian or other individual employed by the record owner or
18 managing agent to provide regular maintenance service, if any **unit**
19 number, email address, and telephone number of the superintendent,
20 janitor, custodian, or other individual employed by the owner or
21 managing agent to provide regular maintenance service at the rental
22 premises, if any;

23 f. The name, mailing address **and** telephone number of a
24 representative of the record owner or managing agent who may be
25 reached or contacted at any time in the event of an emergency
26 affecting the premises or any unit of dwelling space therein,
27 including such emergencies as the failure of any essential service or
28 system, and who has the authority to make emergency decisions
29 concerning the building and any repair thereto or expenditure in
30 connection therewith and shall, at all times, have access to a current
31 list of building tenants that shall be made available to emergency
32 personnel as required in the event of an emergency **,** e-mail
33 address, and telephone number of an individual who: (1) has the
34 authority to make emergency decisions concerning repairs or
35 expenditures related to repairs to the rental premises; (2) may be
36 reached at any time in the event of any emergency affecting the
37 rental premises or any unit therein; and (3) shall, at all times, have
38 access to a current list of tenants residing in the rental premises that
39 shall be made available to emergency personnel as required in the
40 event of an emergency;

41 g. The name and mailing address of the mortgage service
42 provider, and every holder of a recorded mortgage on the rental
43 premises, if known ;

44 h. If fuel oil is **used to heat the building and** provided by the
45 landlord **furnishes the** to heat in the building, the name **and** ,
46 mailing address , and telephone number of the fuel oil dealer
47 servicing the building and the grade of fuel oil used ; and

1 i. The date of preparation of the certificate of registration.
2 (cf: P.L.2003, c.56, s.2)

3
4 3. Section 3 of P.L.1981, c.442 (C.46:8-28.1) is amended to
5 read as follows:

6 3. **【**In the case of a filing under section 2 of P.L.1974, c.50
7 (C.46:8-28) with the municipal clerk, or with such other municipal
8 official as is designated by the clerk, the clerk or designated official
9 shall index and file the certificate and make it reasonably available
10 for public inspection.

11 In the case of a filing with the Bureau of Housing Inspection
12 shall be accompanied by the filing fee required pursuant to section
13 12 of P.L.1967, c.76 (C.55:13A-12). The bureau shall review the
14 certificate and, if it is found to be in conformity with this law and
15 any regulations promulgated hereunder, validate the certificate and
16 issue a validated copy to the landlord and a validated copy to the
17 clerk of the municipality in which the building or project is located.
18 The clerk shall index the validated certificates, or forward them to
19 the designated official for indexing, and the certificates shall be
20 made available as with the certificates required of one and two
21 dwelling unit nonowner occupied premises**】** a. All certificates of
22 registration filed with the Bureau of Housing Inspection shall be
23 reviewed, and if determined to be in compliance with the certificate
24 of registration requirements set forth in P.L.1974, c.50 (C.46:8-27
25 et seq.) and any regulation promulgated thereunder, validated by the
26 bureau. The bureau then shall issue a copy of the validated
27 certificate of registration to the record owner, or the person who
28 filed the original, if different than the record owner, and to the clerk
29 of the municipality in which the building or project is located.

30 b. All certificates of registration filed with the clerk of a
31 municipality and all validated certificates of registration issued to
32 the clerk by the bureau shall be indexed and recorded by the clerk
33 and made reasonably available for public inspection. The clerk may
34 disclose to any person making inquiry whether a validated
35 certificate of registration has been filed for any designated property.
36 (cf: P.L.2001, c.264, s.2)

37
38 4. Section 4 of P.L.1981, c.442 (C.46:8-28.2) is amended to
39 read as follows:

40 4. Every landlord required to file a certificate of registration as
41 described in section 2 of P.L.1974, c.50 (C.46:8-28) shall file an
42 amended certificate of registration within **【20】** 10 business days
43 after any change in the information required to be included thereon.
44 **【No】** A fee shall not be required for the filing of an amendment
45 except where the ownership of the premises is changed. The
46 amended certificate of registration shall contain the date of its
47 preparation.

48 (cf: P.L.1981, c.442, s.4)

1 5. Section 8 of P.L.1981, c.442 (C.46:8-28.3) is amended to
2 read as follows:

3 8. **【Nothing herein shall require a】** A landlord who has
4 **【heretofore】** complied with 【all】 the provisions of P.L.1974, c.50
5 (C.46:8-27 et seq.) or the "Hotel and Multiple Dwelling Law"
6 (P.L.1967, c.76, C. 55:13A-1 et seq.), or both, 【applicable to any
7 building or project to register the building or project again pursuant
8 to this amendatory and supplementary act. Whenever, after the
9 effective date of this amendatory and supplementary act, any owner
10 or landlord shall be required to file an amended certificate of
11 registration pursuant to the provisions of this amendatory and
12 supplementary act, the "Hotel and Multiple Dwelling Law," or
13 P.L.1974, c. 50, then that filing shall be in accordance with this
14 amendatory and supplementary act】 shall not be required to register
15 the building or project again pursuant to P.L. , c. (C.)
16 (pending before the Legislature as this bill). On and after the
17 effective date of P.L. , c. (C.) (pending before the Legislature
18 as this bill), a landlord who is required to file an amended
19 certificate of registration shall do so in accordance with the
20 provisions set forth in section 4 of P.L.1981, c.442 (C.46:8-28.2).
21 (cf: P.L.1981, c.442, s.8)
22

23 6. Section 3 of P.L.1974, c.50 (C.46:8-29) is amended to read
24 as follows:

25 3. **【Within 30 days following the effective date hereof, and at**
26 **the time】** a. Unless a tenancy is governed by a written lease that
27 includes or attaches, in a prominent manner, the information that is
28 required by section 2 of P.L.1974, c.50 (C.46:8-28) to be contained
29 in the certificate of registration, within seven days of the creation of
30 a new tenancy, 【every】 a landlord shall provide each 【occupant or】
31 tenant 【in his building or project】 with a copy of the certificate of
32 registration required by section 2 of 【this act】 P.L.1974, c.50
33 (C.46:8-28). 【If】

34 b. In the case of an amended certificate 【is】 filed in accordance
35 with section 4 of P.L.1981, c.442 (C.46:8-28.2), the landlord shall
36 furnish each 【occupant or】 tenant with a copy of the amended
37 certificate within seven days after the amended certificate is filed
38 with the municipal clerk, or with such other municipal official as is
39 designated by the clerk, in the case of a tenant occupied one family
40 dwelling or a non-owner occupied two family dwelling and within
41 seven days of receipt of a validated certificate from the Bureau of
42 Housing Inspection in the case of a 【building or project】 multiple
43 dwelling subject to the "Hotel and Multiple Dwelling Law,"
44 P.L.1967, c.76 (C.55:13A-1 et seq.).

45 c. (1) In the case of a tenant-occupied one family dwelling or a
46 non-owner occupied two family dwelling, a landlord shall post a
47 copy of the current filed or validated certificate of registration in

1 one or more locations at the rental premises so that the statement is
2 prominent and accessible to all tenants and public officials.

3 (2) In the case of a tenant-occupied multiple dwelling, a
4 landlord shall post in a least one conspicuous area, where the
5 information is most likely to be viewed by tenants, and on the
6 Internet website of any management company that manages a
7 tenant-occupied multiple dwelling:

8 (a) emergency contact instructions and the name, mailing
9 address, email address, and telephone number of the individual who
10 may be reached or contacted at any time in the event of an
11 emergency affecting the rental premises or any unit of dwelling
12 space, in accordance with the landlord registration requirements set
13 forth in subsection f. of section 2 of P.L.1974, c.50 (C.46:8-28); and

14 (b) instructions on how to access the comprehensive social
15 services information toll-free telephone hotline service, established
16 pursuant to section 1 of P.L.1991, c.524 (C.30:1-1.1).

17 d. The following information shall be contained in a printed
18 notice, conspicuously set forth in prominent boldface type, in every
19 lease offered to a tenant in a multiple dwelling:

20 (1) the Internet website address of the management company
21 that manages the multiple dwelling, if any; and

22 (2) instructions on how to access the comprehensive social
23 services information toll-free telephone hotline service, established
24 pursuant to section 1 of P.L.1991, c.524 (C.30:1-1.1).

25 e. The information provided to tenants in accordance with
26 subsection a., b., c., and d. of this section shall be made available in
27 English and Spanish.

28 (cf: P.L.2001, c.264, s.3)

29
30 7. Section 5 of P.L.1974, c.50 (C.46:8-31) is amended to read as
31 follows:

32 5. **'[a.]'** In any action in the Superior Court, Law Division,
33 Special Civil Part or municipal court by an occupant or tenant or to
34 recover penalties against a landlord who has not complied with **[this**
35 **act]** P.L.1974, c.50 (C.46:8-27 et seq.) and who cannot be served
36 within the county or municipality, the summons and complaint may be
37 served by certified and regular mail upon the record owner at the last
38 address listed in the tax records of either the municipality or county ,
39 or, if the owner has not changed since the last certificate of registration
40 filing or validation, at the mailing address listed in the most current or
41 validated certification of registration. If the owner is a limited liability
42 company or a corporation, the summons and complaint may be served
43 by certified and regular mail upon the company or corporation's
44 registered agent. Service [of such summons and complaint by
45 certified and regular mail shall be effective to bring] in accordance
46 with this section shall be deemed proper service on the landlord
47 **[before the Superior Court, Law Division, Special Civil Part or**

1 municipal court] even if [it were] the landlord is not served within the
2 county or municipality in which the court issuing the summons is
3 located.

4 (cf: P.L.1991, c.91, s.455)

5

6 8. Section 6 of P.L.1974, c.50 (C.46:8-32) is amended to read
7 as follows:

8 6. **[Service]** If service of process, as provided in section 5
9 P.L.1974, c.50 (46:8-31), cannot be made, service of process on the
10 clerk of the Superior Court, Law Division, Special Civil Part or
11 municipal court having jurisdiction over the municipality in which
12 the property is located shall be deemed service on the landlord upon
13 submission to the court of the following:

14 a. **[A certification of the tenant stating that he]** The tenant's
15 certification that the tenant does not know the landlord's
16 whereabouts after having made a diligent effort, satisfactory to the
17 court, to determine the same; and

18 b. Proof of failure of service by certified mail as provided in
19 section 5 **[of this act]** of P.L.1974, c.50 (46:8-31).

20 (cf: P.L.1991, c.91, s.456)

21

22 9. Section 7 of P.L.1974, c.50 (C.46:8-33) is amended to read
23 as follows:

24 7. **[In any action for possession instituted by a landlord who**
25 **has failed to comply with the provisions of this act, no judgment for**
26 **possession shall be entered until there has been compliance. The**
27 **court shall continue such case for up to 90 days and if there has not**
28 **been compliance within such period, the action shall be dismissed]**
29 A judgment of possession shall not be entered in favor of a landlord
30 who has failed to comply with sections 2 and 3 of P.L.1974, c.50
31 (C.46:8-28 et seq.). The court shall defer the entry of a judgment for
32 possession for up to 60 days, at which time the action shall be
33 dismissed unless the landlord submits to the court proof of the
34 certificate of registration and service thereof on the tenant, within
35 30 days.

36 (cf: P.L.1974, c.50, s.7)

37

38 10. Section 9 of P.L.1974, c.50 (C.46:8-35) is amended to read
39 as follows:

40 9. **[Any]** A landlord who [shall violate] violates any provision
41 of P.L.1974, c.50 (C.46:8-27 et seq.) or sections 3, 4, and 8 of
42 P.L.1981, c.442 (C.46:8-28.1 through C.46-8-28.3) shall be liable
43 [to] for a penalty of not more than [\$500.00 for each] \$100 for a
44 first offense, \$500 for a second offense, and \$1,000 for a third or
45 subsequent offense, recoverable by a summary proceeding under
46 ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)] the
47 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10

1 et seq.). The Superior Court, Law Division, Special Civil Part in the
2 county or the municipal court of the municipality in which the
3 premises are located shall have jurisdiction to enforce **【said】** the
4 penalty.

5 The Attorney General, the municipality in which the premises
6 are located, or any other person may institute the proceeding; where
7 the municipality or any other person other than the Attorney
8 General institutes the proceeding, a recovered penalty should be
9 remitted by the court to the municipality in which the premises
10 subject to the proceeding are located.

11 (cf: P.L.1991, c.91, s.458)

12
13 ¹**【11.** Section 13 of P.L.1967, c.76 (C.55:13A-13) is
14 amended to read as follows:

15 13. (a) Each multiple dwelling and each hotel shall be
16 inspected **【at least once in every five years】** for the purpose of
17 determining the extent to which each hotel or multiple dwelling
18 complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.)
19 and regulations promulgated hereunder. The commissioner shall
20 establish by regulation the frequency of inspections, which shall be
21 conducted as follows:

22 (1) Each hotel shall be inspected at least once every five years;
23 and

24 (2) Each multiple dwelling shall be tiered based upon the
25 number of reinspections required to correct the violations that were
26 served upon the owner in the initial inspection. The commissioner
27 shall determine the highest performing 20 percent and lowest
28 performing 20 percent of multiple dwellings Statewide and shall
29 require that inspections be conducted as follows:

30 (a) a multiple dwelling scored in the lowest performing 20
31 percent, as determined by the commissioner, shall be placed in the
32 highest tier and shall next be inspected in seven years, and the
33 inspection fee shall be due at that time;

34 (b) a multiple dwelling scored in the highest performing 20
35 percent, as determined by the commissioner, shall be placed in the
36 lowest tier and shall next be inspected in two years, and the
37 inspection fee shall be due at that time; and

38 (c) all other multiple dwellings shall be placed in the middle tier
39 and shall next be inspected in five years, and the inspection fee
40 shall be due at that time.

41 (b) Within 90 days of the most recent inspection, the owner of
42 each hotel shall file with the commissioner, upon forms provided by
43 the commissioner, an application for a certificate of inspection.
44 **【Said】** The application shall include such information as the
45 commissioner shall prescribe to enforce the provisions of this law.
46 **【Said】** The application shall be accompanied by a fee as follows:
47 \$15 per unit of dwelling space for the first 20 units of dwelling

1 space in any building or project, \$12 per unit of dwelling space for
2 the 21st through 100th unit in any building or project, \$8 per unit of
3 dwelling space for the 101st through 250th unit in any building or
4 project, and \$5 per unit of dwelling space for all units over 250 in
5 any building or project, except that in the case of hotels open and
6 operating less than six months in each year the fee shall be one-half
7 that which would otherwise be required. A certificate of inspection
8 and the fees therefor shall **[not]** be required **[more often than once**
9 **every five years]** based upon the frequency of inspections as
10 determined in accordance with subsection a. of this section.

11 Additionally, there shall be reinspection fees for hotels in the
12 amount of \$10 for each dwelling unit reinspected.

13 Within 90 days of the most recent inspection of any multiple
14 dwelling occupied or intended to be occupied by three or more
15 persons living independently of each other, the owner of each such
16 multiple dwelling shall file with the commissioner, upon forms
17 provided by the commissioner, an application for a certificate of
18 inspection. Said application shall include such information as the
19 commissioner shall prescribe to enforce the provisions of this law.
20 Said application shall be accompanied by a fee of \$33 per unit of
21 dwelling space for the first 7 units in any building or project, \$21
22 per unit of dwelling space for the 8th through the 24th unit in any
23 building or project, \$18 per unit for the 25th through the 48th unit
24 in any building or project, and \$12 per unit of dwelling space for all
25 units of dwelling space over 48 in any building or project, provided
26 that the maximum total fee for owner-occupied three-unit multiple
27 dwellings shall be limited to \$65 for owners having a household
28 income that is less than 80 percent of the median income for
29 households of similar size in the county in which the multiple
30 dwelling is located, and the maximum total fee for owner-occupied
31 four-unit multiple dwellings shall be limited to \$80 for owners
32 having a household income that is less than 80 percent of the
33 median income for households of similar size in the county in
34 which the multiple dwelling is located. A certificate of inspection
35 and the fees therefor shall not be required more often than once
36 every five years

37 Additionally, there shall be reinspection fees for multiple
38 dwellings in the amount of \$40 for each dwelling unit reinspected,
39 but only after the first reinspection.

40 The commissioner may waive the inspection fee for any unit
41 upon a finding that the unit has been thoroughly inspected within
42 the previous 12-month period under a municipal ordinance
43 requiring inspection upon change of occupancy in accordance with
44 the maintenance standards established by the commissioner under
45 P.L.1967, c.76 (C.55:13A-1 et seq.), and has received a municipal
46 certificate of occupancy as a result of that inspection.

47 A multiple dwelling which is located in a municipality that does
48 not have a municipal ordinance requiring inspection upon change of

1 occupancy may be inspected by the Bureau of Housing Inspection
2 upon change of occupancy, at the request of the municipality. If the
3 commissioner adopts a change of occupancy inspection program in
4 a municipality, following the municipality's request, a landlord of a
5 multiple dwelling subject to such inspection by the bureau shall
6 provide the bureau with at least seven days' notice of the pending
7 change of occupancy of a unit and the bureau shall inspect the
8 premises within seven days of receiving such notice. The fee for an
9 inspection upon change of occupancy shall not exceed the fee
10 established for the inspection of multiple dwellings established
11 pursuant to subsection (e) of this section.

12 If the commissioner finds that (1) a building has been thoroughly
13 inspected prior to resale since the most recent inspection in
14 accordance with this section, (2) the inspection prior to resale was
15 conducted by the municipality in accordance with the maintenance
16 standards established by the commissioner under P.L.1967, c.76
17 (C.55:13A-1 et seq.), and (3) a municipal certificate of occupancy
18 was issued as a result of that inspection, the commissioner may
19 accept the inspection done prior to resale in lieu of a current
20 inspection under this section. If the commissioner accepts an
21 inspection prior to resale in lieu of a current inspection, no fee shall
22 be charged for any inspection done by the commissioner within five
23 years after the date of the inspection so accepted.

24 (c) If the commissioner determines, as a result of the most
25 recent inspection of any hotel or multiple dwelling as required by
26 subsection (a) of this section, that any hotel or multiple dwelling
27 complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.)
28 and regulations promulgated hereunder, then the commissioner shall
29 issue to the owner thereof, upon receipt of the application and fee as
30 required by subsection (b) of this section, a certificate of inspection.
31 Any owner to whom a certificate of inspection is issued shall keep
32 said certificate posted in a conspicuous location in the hotel or
33 multiple dwelling to which the certificate applies. The certificate of
34 inspection shall be in such form as may be prescribed by the
35 commissioner.

36 The commissioner may, upon finding a consistent pattern of
37 compliance with the maintenance standards established under
38 P.L.1967, c.76 (C.55:13A-1 et seq.) in at least 20 percent of the
39 units in a building or project, issue a certificate of inspection for the
40 building or project, in which case the inspection fee shall be
41 charged on the basis of the number of units inspected.

42 The commissioner may by rule establish standards for self-
43 inspection by condominium associations exercising control over
44 buildings of not more than three stories, constructed after 1976, and
45 certified by the local enforcing agency having jurisdiction as being
46 in compliance with the Uniform Fire Code promulgated pursuant to
47 P.L.1983, c.383 (C.52:27D-192 et seq.), in which at least 80 percent
48 of the dwelling units are occupied by the unit owners. The

1 commissioner shall issue a certificate of acceptance, which shall be
2 in lieu of a certificate of inspection, upon acceptance of any such
3 self-inspection and upon payment of a fee of \$25.

4 (d) If the commissioner determines, as a result of the most
5 recent inspection of any hotel or multiple dwelling as required by
6 subsection (a) of this section, that any hotel or multiple dwelling
7 does not comply with the provisions of P.L.1967, c.76 (C.55:13A-1
8 et seq.) and regulations promulgated thereunder, then the
9 commissioner shall issue to the owner thereof a written notice
10 stating the manner in which any such hotel or multiple dwelling
11 does not comply with P.L.1967, c.76 (C.55:13A-1 et seq.) or
12 regulations promulgated thereunder. Said notice shall fix such date,
13 not less than 60 days nor more than 180 days, on or before which
14 any such hotel or multiple dwelling must comply with the
15 provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations
16 promulgated thereunder. If any such hotel or multiple dwelling is
17 made to comply with the provisions of P.L.1967, c.76 (C.55:13A-1
18 et seq.) and regulations promulgated thereunder on or before the
19 date fixed in said notice, then the commissioner shall issue to the
20 owner thereof a certificate of inspection as described in subsection
21 (c) of this section. If any such hotel or multiple dwelling is not
22 made to comply with the provisions of P.L.1967, c.76 (C.55:13A-1
23 et seq.) and regulations promulgated thereunder on or before the
24 date fixed in said notice, then the commissioner shall not issue to
25 the owner thereof a certificate of inspection as described in
26 subsection (c) of this section, and shall enforce the provisions of
27 P.L.1967, c.76 (C.55:13A-1 et seq.) against the owner thereof.

28 (e) The commissioner shall annually review the cost of
29 implementing and enforcing P.L.1967, c.76 (C.55:13A-1 et seq.),
30 including the cost to municipalities of carrying out inspections
31 pursuant to section 21 of P.L.1967, c.76 (C.55:13A-21), and shall
32 establish by rule, not more frequently than once every three years,
33 such fees as may be necessary to cover the costs of such
34 implementation and enforcement; provided, however, that any
35 increase or decrease shall be applied as a uniform percentage to
36 each category of fee established herein, and provided, further, that
37 the percentage amount of any increase shall not exceed the
38 percentage increase in salaries paid to State employees since the
39 then current fee schedule was established. The commissioner shall
40 provide by rule to owners the option of paying inspection fees in
41 installments in the form of an annual fee. The commissioner shall
42 annually prepare and file with the presiding officers of the Senate
43 and General Assembly and the legislative committees having
44 jurisdiction in housing matters a report setting forth the amounts of
45 fees and penalties received by the Bureau of Housing Inspection,
46 the cost to the bureau of enforcing this act, and information
47 concerning the productivity of the bureau. Copies of the report
48 shall also be submitted to the Office of Administrative Law for

1 publication in the New Jersey Register. If in any State fiscal year
2 the fee revenue received by the bureau exceeds the cost of
3 enforcement of P.L.1967, c.76 (C.55:13A-1 et seq.), the excess
4 revenue shall be distributed pro rata to persons who paid inspection
5 fees during that fiscal year. Such distribution shall be made within
6 three months after the end of the fiscal year.

7 (f) Except as otherwise provided in section 2 of P.L.1991, c.179
8 (C.55:13A-26.1), the fees established by or pursuant to the
9 provisions of this section are dedicated to meeting the costs of
10 implementing and enforcing P.L.1967, c.76 (C.55:13A-1 et seq.)
11 and shall not be used for any other purpose. All receipts in excess
12 of \$2,200,000 are hereby appropriated for the purposes of P.L.1967,
13 c.76 (C.55:13A-1 et seq.).

14 (cf: P.L.2013, c.253, s.56)]¹

15
16 ¹ **['12.] 11.** Section 16 of P.L.1967, c.76 (C.55:13A-16) is
17 amended to read as follows:

18 16. (a) If the commissioner shall discover any violation of the
19 provisions of this act or any rules and regulations promulgated
20 thereunder upon any inspection of any hotel or multiple dwelling,
21 then the commissioner shall issue and cause to be served on the
22 owner thereof a written order requiring said owner to terminate, or
23 cause to be terminated, any such violation. Such written order shall
24 state the nature of any such violation and a reasonable specified
25 time within which any such violation must be terminated. Such
26 written order shall also require and direct the owner to whom it is
27 issued to take, or cause to be taken, such affirmative action as may
28 be necessary to correct any such violation.

29 (b) The commissioner may petition the Superior Court of this
30 State for mandatory injunctive relief enforcing any order issued by
31 the commissioner pursuant to subsection (a) of this section. In any
32 such proceeding the Superior Court may proceed in a summary
33 manner or otherwise, and shall have power to grant such temporary
34 relief or restraining order as it may deem just and proper, and to
35 make and enter a decree enforcing, modifying, and enforcing as so
36 modified, or setting aside in whole or in part any order issued by the
37 commissioner pursuant to subsection (a) of this section.

38 (c) If a significant violation is discovered upon an inspection or
39 reinspection:

40 (1) the commissioner shall serve written notice upon the owner
41 within 48 hours of completing the inspection that identifies a
42 significant violation; and

43 (2) the written notice shall identify all such violations and the
44 time period that the owner shall be afforded to correct the
45 violations.

46 (d) If an application for a hearing is filed pursuant to section 18
47 of P.L.1967, c.76 (C.55:13A-18) for a significant violation as
48 provided in subsection (c) of this section, the hearing shall be held

1 within no more than 30 days and a final decision shall be rendered
2 by the commissioner within 60 days from the date of the hearing.

3 (e) For the purposes of this section, “significant violation”
4 means conditions that are a threat to the health or safety of the
5 tenants, which remain unaddressed, including but not limited to:
6 failure to provide heat, running water, or adequate sewage disposal
7 facilities; structural deficiency; or an infestation of rats, mice,
8 roaches, termites, or other vermin.

9 (cf: P.L.1967, c.76, s.16)

10
11 ¹**【13.】 12.**¹ (New section) The information to be provided to
12 tenants, as set forth in subsection c. of section 3 of P.L.1974, c.50
13 (C.46:8-29) shall be posted in each multiple dwelling in the manner
14 provided in that subsection.

15
16 ¹**【14. (New section) a.** Each multiple dwelling shall be
17 adequately staffed to meet the maintenance requirements
18 established by the commissioner under P.L.1967, c.76 (C.55:13A-1
19 et seq.). A multiple dwelling that meets the following staffing
20 levels, either through employees or contractors, shall be deemed by
21 the commissioner to be in compliance with this section:

22 (1) 70 to 100 units - One full-time maintenance worker or other
23 full-time equivalent;

24 (2) 101 to 150 units - Two full-time maintenance workers or
25 other full-time equivalent;

26 (3) 151 to 225 units - Three full-time maintenance workers or
27 other full-time equivalent;

28 (4) 226 to 325 units - Four full-time maintenance workers or
29 other full-time equivalent;

30 (5) 326 or more units – Four full-time maintenance workers or
31 other full-time equivalent, with one additional full-time
32 maintenance worker or other full-time equivalent for each
33 additional 100 units above 325 units.

34 b. The owner of a multiple-dwelling of nine or more units who
35 does not reside on the property either shall provide a superintendent
36 who lives within a two-block radius of the property, or provide
37 emergency services in the following manner:

38 (1) The owner shall provide tenants with the ability to submit
39 emergency maintenance requests to management on a 24-hour
40 basis;

41 (2) Maintenance staff or contractors shall be available to
42 respond to emergency maintenance requests as soon as is
43 reasonably practicable given the nature of the request;

44 (3) Maintenance staff or contractors shall be capable of arriving
45 at the property within 15 minutes of being dispatched; and

46 (4) Nonemergency requests given outside of normal business
47 hours shall be responded to in accordance with the property’s
48 standard maintenance practices.

1 c. The owner of a multiple-dwelling shall provide the following
2 minimum maintenance services:

3 (1) Setting out and returning waste disposal receptacles,
4 including storing away receptacles on days when there is no waste
5 pickup;

6 (2) Providing regular daily care for all common areas, including
7 the removal of garbage, litter, or other accumulations;

8 (3) Attending to sidewalks, pedestrian walkways, parking areas,
9 and driveways;

10 (4) Operating the equipment designed to provide heat; and

11 (5) Any other routine operational and maintenance service
12 required of the owner pursuant to the "Hotel and Multiple Dwelling
13 Law," P.L.1967, c.76 (C.55:13A-1 et seq.).¹

14

15 ¹**[15.] 13.**¹ (New section) If a tenant successfully defends
16 against eviction by asserting a breach of the implied warranty of
17 habitability, the court shall make such a finding on the record and
18 mark the case as "Dismissed for Reasons Concerning Habitability"
19 in any record disclosed to the public.

20

21 ¹**[16.] 14.**¹ (New section) Notwithstanding any provision of
22 law, rule, or regulation to the contrary, a municipality may satisfy
23 up to ten percent of its obligation to provide a fair share of the
24 region's present and prospective need for affordable housing by
25 establishing a program encouraging the rehabilitation of
26 substandard dwelling units and the dedication of rehabilitated units
27 for rental as low income housing for periods of at least 30 years. A
28 municipality may accept funds from any source, including a
29 municipal affordable housing trust fund, the "New Jersey
30 Affordable Housing Trust Fund," established pursuant to section 20
31 of P.L.1985, c.222 (C.52:27D-320), any other State entity, and the
32 federal government, for the purpose of awarding or granting
33 payments to property owners as incentives for the rehabilitation of
34 substandard dwelling units and the dedication of those units for
35 rental as low income housing for periods of at least 30 years.

36

37 ¹**[17.] 15.**¹ The following sections are repealed:

38 Section 4 of P.L. 1974, c.50 (C.46:8-30); and

39 Section 1 of P.L.1974, c.48 (C.46:8-38).

40

41 ¹**[18.] 16.**¹ This act shall take effect on first day of the seventh
42 month next following the date of enactment, except that the
43 Commissioner of Community Affairs may take any anticipatory
44 action in advance as shall be necessary for the implementation of
45 this act.