

[First Reprint]  
**SENATE, No. 306**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

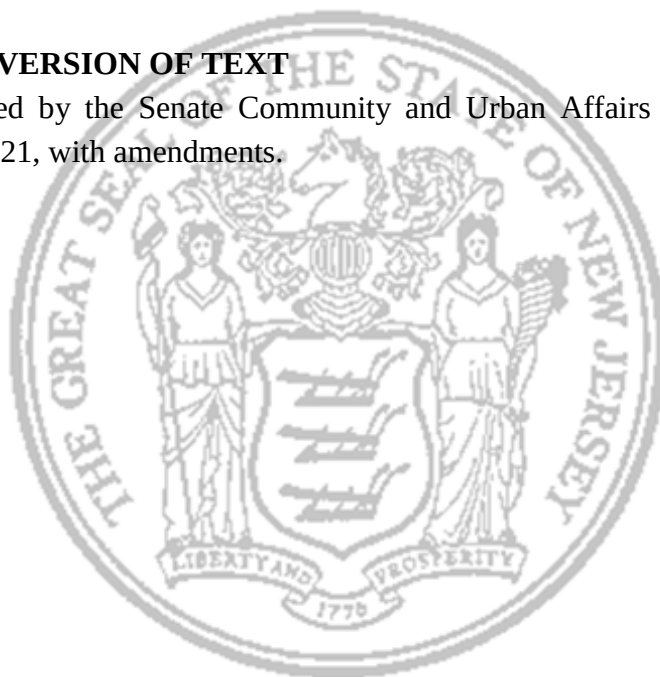
**Senator Gopal**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Community and Urban Affairs Committee on March 11, 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  
9 as follows:

10 1. **【**The term "landlord," as used in this act, shall mean the  
11 person or persons who own or purport to own, or exercise control of  
12 any building or project in which there is rented or offered for rent  
13 housing space for living or dwelling purposes under either a written  
14 or oral lease, provided that this definition shall not include owner-  
15 occupied two unit premises. This definition shall include but not be  
16 limited to any multiple dwelling subject to the "Hotel and Multiple  
17 Dwelling 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  
20 owner of a unit in a condominium as defined in P.L.1969, c.257  
21 (C.46:8B-1 et seq.), an owner of a unit in a fee simple community  
22 as defined in section 1 of P.L.1989, c.299 (C.40:67-23.2) or an  
23 owner in a cooperative entity as defined in section 3 of  
24 P.L.1987, c.381 (C.46:8D-3) leases an apartment or unit to a tenant,  
25 that owner shall be deemed the landlord for the purposes of filing  
26 the certificate of registration as required by section 2 of  
27 P.L.1974, c.50 (C.46:8-28). Nothing in P.L.1974, c.50 shall be  
28 construed as requiring a council of co-owners of a horizontal  
29 property regime, a condominium association, an association  
30 managing the common or shared elements or interests in a fee  
31 simple community or a cooperative association to comply with the  
32 certificate of registration requirement unless the council or  
33 association is the owner or lessor of the apartment or unit. Nothing  
34 in P.L.1974, c.50 shall be construed to require a cooperative  
35 corporation to comply with the certificate of registration  
36 requirement unless the corporation leases a unit to a person other  
37 than a proprietary shareholder of the cooperative. The foregoing  
38 provisions notwithstanding, the council, association or cooperative  
39 corporation having jurisdiction over a "multiple dwelling," as  
40 defined in section 3 of P.L.1967, c.76 (C.55:13A-3), shall comply  
41 with the registration requirements of section 12 of P.L.1967, c.76  
42 (C.55:13A-12) with respect to the multiple dwelling as a whole. The  
43 term "project" as used in this act shall mean a group of buildings  
44 which are or are represented to be under common or substantially  
45 common ownership and which stand on a single parcel of land or

**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:**

**<sup>1</sup>Senate SCU committee amendments adopted March 11, 2021.**

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

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

6 <sup>1</sup>【“Common ownership association” means an association  
7 managing the common or shared elements or interests of owners,  
8 including, but not limited to: a council of co-owners of a horizontal  
9 property regime, as defined in section 2 of P.L.1963, c.168  
10 (C.46:8A-2 et seq.); an association of condominiums, as defined in  
11 section 3 of P.L.1969, c.257 (C.46:8B-3 an association managing  
12 the common or shared elements or interests in a fee simple  
13 community, as defined in section 1 of P.L.1989, c.299 (C.40:67-  
14 23.2); or an association of a cooperative, as defined in section 3 of  
15 P.L.1987, c.381 (C.46:8D-3).】<sup>1</sup>

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

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

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

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

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

44 “Primary residence” means the residence where the owner  
45 resides a majority of the time.

46 “Project” means a group of buildings under common or  
47 substantially common ownership that stand on a single parcel or  
48 more than one contiguous parcel of land, and is named, designated

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

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

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

14 (cf: P.L.2003, c.56, s.1)

15  
16 2. Section 2 of P.L.1974, c.50 (C.46:8-28) is amended to read  
17 as follows:

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

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

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

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

- 1     (2) a corporation, the names and mailing addresses of the  
2     registered agent and corporate officers of the corporation; or  
3     (3) a limited liability company, the names and mailing addresses  
4     of the managing members of the limited liability company;
- 5     c. If **the address of any record owner is not located in the**  
6     county in which the premises are located, the name and address of  
7     a person who resides in the county in which the premises are  
8     located and is authorized to accept notices from a tenant and to  
9     issue receipts therefor and to accept service of process on behalf of  
10    the record owner **an owner is not located in the county in which**  
11    the rental premises are located, the name, mailing address, e-mail  
12    address, and telephone number of a person who resides in the  
13    county in which the rental premises are located and is authorized to  
14    accept notices from a tenant and to issue receipts therefor, and to  
15    accept service of process on behalf of the owner;
- 16    d. The name **and** , mailing address **of the managing agent of**  
17    the premises, if any **, e-mail address, and telephone number of the**  
18    property manager or managing agent of the rental premises, if any;
- 19    e. The name **and** , mailing address, including the **dwelling**  
20    unit, apartment or room number of the superintendent, janitor,  
21    custodian or other individual employed by the record owner or  
22    managing agent to provide regular maintenance service, if any **unit**  
23    number, email address, and telephone number of the superintendent,  
24    janitor, custodian, or other individual employed by the owner or  
25    managing agent to provide regular maintenance service at the rental  
26    premises, if any;
- 27    f. The name, mailing address **and telephone number of a**  
28    representative of the record owner or managing agent who may be  
29    reached or contacted at any time in the event of an emergency  
30    affecting the premises or any unit of dwelling space therein,  
31    including such emergencies as the failure of any essential service or  
32    system, and who has the authority to make emergency decisions  
33    concerning the building and any repair thereto or expenditure in  
34    connection therewith and shall, at all times, have access to a current  
35    list of building tenants that shall be made available to emergency  
36    personnel as required in the event of an emergency **, e-mail**  
37    address, and telephone number of an individual who: (1) has the  
38    authority to make emergency decisions concerning repairs or  
39    expenditures related to repairs to the rental premises; (2) may be  
40    reached at any time in the event of any emergency affecting the  
41    rental premises or any unit therein; and (3) shall, at all times, have  
42    access to a current list of tenants residing in the rental premises that  
43    shall be made available to emergency personnel as required in the  
44    event of an emergency;
- 45    g. The name and mailing address of the mortgage service  
46    provider, and every holder of a recorded mortgage on the rental  
47    premises, if known ;

1 h. If fuel oil is **【used to heat the building and】** provided by the  
2 landlord **【furnishes the】** to heat **【in】** the building, the name  
3 **【and】**, mailing address , and telephone number of the fuel oil dealer  
4 servicing the building and the grade of fuel oil used ; and

5 i. The date of preparation of the certificate of registration.  
6 (cf: P.L.2003, c.56, s.2)  
7

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

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

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

34 b. All certificates of registration filed with the clerk of a  
35 municipality and all validated certificates of registration issued to  
36 the clerk by the bureau shall be indexed and recorded by the clerk  
37 and made reasonably available for public inspection. The clerk may  
38 disclose to any person making inquiry whether a validated  
39 certificate of registration has been filed for any designated property.  
40 (cf: P.L.2001, c.264, s.2)  
41

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

44 4. Every landlord required to file a certificate of registration as  
45 described in section 2 of P.L.1974, c.50 (C.46:8-28) shall file an  
46 amended certificate of registration within **【20】** 10 business days  
47 after any change in the information required to be included thereon.

1 **【No】** A fee shall not be required for the filing of an amendment  
2 except where the ownership of the premises is changed. The  
3 amended certificate of registration shall contain the date of its  
4 preparation.

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

6

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

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

28

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

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

40 b. In the case of an amended certificate 【is】 filed in accordance  
41 with section 4 of P.L.1981, c.442 (C.46:8-28.2), the landlord shall  
42 furnish each 【occupant or】 tenant with a copy of the amended  
43 certificate within seven days after the amended certificate is filed  
44 with the municipal clerk, or with such other municipal official as is  
45 designated by the clerk, in the case of a tenant occupied one family  
46 dwelling or a non-owner occupied two family dwelling and within  
47 seven days of receipt of a validated certificate from the Bureau of

1 Housing Inspection in the case of a **【building or project】** multiple  
2 dwelling subject to the "Hotel and Multiple Dwelling Law,"  
3 P.L.1967, c.76 (C.55:13A-1 et seq.).

4 c. (1) In the case of a tenant-occupied one family dwelling  
5 or a non-owner occupied two family dwelling, a landlord shall post  
6 a copy of the current filed or validated certificate of registration in  
7 one or more locations at the rental premises so that the statement is  
8 prominent and accessible to all tenants and public officials.

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

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

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

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

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

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

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

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

35  
36 7. Section 5 of P.L.1974, c.50 (C.46:8-31) is amended to read  
37 as follows:

38 5. In any action in the Superior Court, Law Division, Special  
39 Civil Part or municipal court by an occupant or tenant or to recover  
40 penalties against a landlord who has not complied with **【this act】**  
41 P.L.1974, c.50 (C.46:8-27 et seq.) and who cannot be served within  
42 the county or municipality, the summons and complaint may be  
43 served by certified and regular mail upon the record owner at the  
44 last address listed in the tax records of either the municipality or  
45 county , or, if the owner has not changed since the last certificate of  
46 registration filing or validation, at the mailing address listed in the  
47 most current or validated certification of registration. If the owner  
48 is a limited liability company or a corporation, the summons and

1 complaint may be served by certified and regular mail upon the  
2 company or corporation's registered agent. Service **【of such**  
3 **summons and complaint by certified and regular mail shall be**  
4 **effective to bring】** in accordance with this section shall be deemed  
5 proper service on the landlord **【before the Superior Court, Law**  
6 **Division, Special Civil Part or municipal court】** even if **【it were】**  
7 the landlord is not served within the county or municipality in  
8 which the court issuing the summons is located.  
9 (cf: P.L.1991, c.91, s.455)

10  
11 8. Section 6 of P.L.1974, c.50 (C.46:8-32) is amended to read  
12 as follows:

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

19 a. **【A certification of the tenant stating that he】** The tenant's  
20 certification that the tenant does not know the landlord's  
21 whereabouts after having made a diligent effort, satisfactory to the  
22 court, to determine the same; and

23 b. Proof of failure of service by certified mail as provided in  
24 section 5 **【of this act】** of P.L.1974, c.50 (46:8-31).  
25 (cf: P.L.1991, c.91, s.456)

26  
27 9. Section 7 of P.L.1974, c.50 (C.46:8-33) is amended to read  
28 as follows:

29 7. **【In any action for possession instituted by a landlord who**  
30 **has failed to comply with the provisions of this act, no judgment for**  
31 **possession shall be entered until there has been compliance. The**  
32 **court shall continue such case for up to 90 days and if there has not**  
33 **been compliance within such period, the action shall be dismissed】**  
34 A judgment of possession shall not be entered in favor of a landlord  
35 who has failed to comply with sections 2 and 3 of P.L.1974, c.50  
36 (C.46:8-28 et seq.). The court shall defer the entry of a judgment for  
37 possession for up to 60 days, at which time the action shall be  
38 dismissed unless the landlord submits to the court proof of the  
39 certificate of registration and service thereof on the tenant, within  
40 30 days.

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

42  
43 10. Section 9 of P.L.1974, c.50 (C.46:8-35) is amended to read  
44 as follows:

45 9. **【Any】** A landlord who 【shall violate】 violates any  
46 provision of P.L.1974, c.50 (C.46:8-27 et seq.) or sections 3, 4, and  
47 8 of P.L.1981, c.442 (C.46:8-28.1 through C.46-8-28.3) shall be

1     liable **【to】** for a penalty of not more than **【\$500.00 for each】** \$100  
2     for a first offense, \$500 for a second offense, and \$1,000 for a third  
3     or subsequent offense, recoverable by a summary proceeding under  
4     **【"the penalty enforcement law" (N.J.S.2A:58-1 et seq.)】** the  
5     "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
6     et seq.). The Superior Court, Law Division, Special Civil Part in the  
7     county or the municipal court of the municipality in which the  
8     premises are located shall have jurisdiction to enforce **【said】** the  
9     penalty.

10     The Attorney General, the municipality in which the premises  
11     are located, or any other person may institute the proceeding; where  
12     the municipality or any other person other than the Attorney  
13     General institutes the proceeding, a recovered penalty should be  
14     remitted by the court to the municipality in which the premises  
15     subject to the proceeding are located.

16     (cf: P.L.1991, c.91, s.458)

17

18     <sup>1</sup>**【11. Section 13 of P.L.1967, c.76 (C.55:13A-13) is amended to**  
19     read as follows:

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

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

29     (2) Each multiple dwelling shall be tiered based upon the  
30     number of reinspections required to correct the violations that were  
31     served upon the owner in the initial inspection. The commissioner  
32     shall require that inspections be conducted as follows:

33     (a) a multiple dwelling in which all violations have been abated  
34     by the first reinspection shall be placed in the highest tier and shall  
35     next be inspected in seven years, and the inspection fee shall be due  
36     at that time;

37     (b) a multiple dwelling in which all violations have been abated  
38     by the second or third reinspection 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; and

41     (c) a multiple dwelling in which all violations have not been  
42     abated by the third reinspection shall be placed in the lowest tier  
43     and shall next be inspected in two years, and the inspection fee shall  
44     be due at that time.

45     (3) notwithstanding the provisions of paragraph (2) of this  
46     section to the contrary, if the commissioner determines that tiered  
47     inspection schedules do not adequately protect the health and safety

1 of residents of multiple dwellings, the commissioner may, by  
2 regulation, require that multiple dwellings be inspected once every  
3 five years.

4 (b) Within 90 days of the most recent inspection, the owner of  
5 each hotel shall file with the commissioner, upon forms provided by  
6 the commissioner, an application for a certificate of inspection.

7 **【Said】** The application shall include such information as the  
8 commissioner shall prescribe to enforce the provisions of this law.

9 **【Said】** The application shall be accompanied by a fee as follows:  
10 \$15 per unit of dwelling space for the first 20 units of dwelling  
11 space in any building or project, \$12 per unit of dwelling space for  
12 the 21st through 100th unit in any building or project, \$8 per unit of  
13 dwelling space for the 101st through 250th unit in any building or  
14 project, and \$5 per unit of dwelling space for all units over 250 in  
15 any building or project, except that in the case of hotels open and  
16 operating less than six months in each year the fee shall be one-half  
17 that which would otherwise be required. A certificate of inspection  
18 and the fees therefor shall **【not】** be required **【more often than once**  
19 **every five years】** based upon the frequency of inspections as  
20 determined in accordance with subsection (a). of this section.

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

23 Within 90 days of the most recent inspection of any multiple  
24 dwelling occupied or intended to be occupied by three or more  
25 persons living independently of each other, the owner of each such  
26 multiple dwelling shall file with the commissioner, upon forms  
27 provided by the commissioner, an application for a certificate of  
28 inspection. **【Said】** The application shall include such information  
29 as the commissioner shall prescribe to enforce the provisions of this  
30 law. **【Said】** The application shall be accompanied by a fee of \$33  
31 per unit of dwelling space for the first 7 units in any building or  
32 project, \$21 per unit of dwelling space for the 8th through the 24th  
33 unit in any building or project, \$18 per unit for the 25th through the  
34 48th unit in any building or project, and \$12 per unit of dwelling  
35 space for all units of dwelling space over 48 in any building or  
36 project, provided that the maximum total fee for owner-occupied  
37 three-unit multiple dwellings shall be limited to \$65 for owners  
38 having a household income that is less than 80 percent of the  
39 median income for households of similar size in the county in  
40 which the multiple dwelling is located, and the maximum total fee  
41 for owner-occupied four-unit multiple dwellings shall be limited to  
42 \$80 for owners having a household income that is less than 80  
43 percent of the median income for households of similar size in the  
44 county in which the multiple dwelling is located. A certificate of  
45 inspection and the fees therefor shall **【not】** be required **【more often**  
46 **than once every five years】** based upon the frequency of inspections  
47 as determined in accordance with subsection (a) of this section.

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

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

11        A multiple dwelling which is located in a municipality that does  
12 not have a municipal ordinance requiring inspection upon change of  
13 occupancy may be inspected by the Bureau of Housing Inspection  
14 upon change of occupancy, at the request of the municipality. If the  
15 commissioner adopts a change of occupancy inspection program in  
16 a municipality, following the municipality's request, a landlord of a  
17 multiple dwelling subject to such inspection by the bureau shall  
18 provide the bureau with at least seven days' notice of the pending  
19 change of occupancy of a unit and the bureau shall inspect the  
20 premises within seven days of receiving such notice. The fee for an  
21 inspection upon change of occupancy shall not exceed the fee  
22 established for the inspection of multiple dwellings established  
23 pursuant to subsection (e) of this section.

24        If the commissioner finds that (1) a building has been thoroughly  
25 inspected prior to resale since the most recent inspection in  
26 accordance with this section, (2) the inspection prior to resale was  
27 conducted by the municipality in accordance with the maintenance  
28 standards established by the commissioner under P.L.1967, c.76  
29 (C.55:13A-1 et seq.), and (3) a municipal certificate of occupancy  
30 was issued as a result of that inspection, the commissioner may  
31 accept the inspection done prior to resale in lieu of a current  
32 inspection under this section. If the commissioner accepts an  
33 inspection prior to resale in lieu of a current inspection, no fee shall  
34 be charged for any inspection done by the commissioner within five  
35 years after the date of the inspection so accepted.

36        (c) If the commissioner determines, as a result of the most  
37 recent inspection of any hotel or multiple dwelling as required by  
38 subsection (a) of this section, that any hotel or multiple dwelling  
39 complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.)  
40 and regulations promulgated hereunder, then the commissioner shall  
41 issue to the owner thereof, upon receipt of the application and fee as  
42 required by subsection (b) of this section, a certificate of inspection.  
43 Any owner to whom a certificate of inspection is issued shall keep  
44 **【said】** the certificate posted in a conspicuous location in the hotel  
45 or multiple dwelling to which the certificate applies. The certificate  
46 of inspection shall be in such form as may be prescribed by the  
47 commissioner.

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

7       The commissioner may by rule establish standards for self-  
8 inspection by condominium associations exercising control over  
9 buildings of not more than three stories, constructed after 1976, and  
10 certified by the local enforcing agency having jurisdiction as being  
11 in compliance with the Uniform Fire Code promulgated pursuant to  
12 P.L.1983, c.383 (C.52:27D-192 et seq.), in which at least 80 percent  
13 of the dwelling units are occupied by the unit owners. The  
14 commissioner shall issue a certificate of acceptance, which shall be  
15 in lieu of a certificate of inspection, upon acceptance of any such  
16 self-inspection and upon payment of a fee of \$25.

17       (d) If the commissioner determines, as a result of the most  
18 recent inspection of any hotel or multiple dwelling as required by  
19 subsection (a) of this section, that any hotel or multiple dwelling  
20 does not comply with the provisions of P.L.1967, c.76 (C.55:13A-1  
21 et seq.) and regulations promulgated thereunder, then the  
22 commissioner shall issue to the owner thereof a written notice  
23 stating the manner in which any such hotel or multiple dwelling  
24 does not comply with P.L.1967, c.76 (C.55:13A-1 et seq.) or  
25 regulations promulgated thereunder. **【Said】** The notice shall fix  
26 such date, not less than 60 days nor more than 180 days, on or  
27 before which any such hotel or multiple dwelling must comply with  
28 the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and  
29 regulations promulgated thereunder. If any such hotel or multiple  
30 dwelling is made to comply with the provisions of P.L.1967, c.76  
31 (C.55:13A-1 et seq.) and regulations promulgated thereunder on or  
32 before the date fixed in **【said】** the notice, then the commissioner  
33 shall issue to the owner thereof a certificate of inspection as  
34 described in subsection (c) of this section. If any such hotel or  
35 multiple dwelling is not made to comply with the provisions of  
36 P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations promulgated  
37 thereunder on or before the date fixed in **【said】** the notice, then the  
38 commissioner shall not issue to the owner thereof a certificate of  
39 inspection as described in subsection (c) of this section, and shall  
40 enforce the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.)  
41 against the owner thereof.

42       (e) The commissioner shall annually review the cost of  
43 implementing and enforcing P.L.1967, c.76 (C.55:13A-  
44 1 et seq.), including the cost to municipalities of carrying out inspec  
45 tions pursuant to section 21 of P.L.1967, c.76 (C.55:13A-21), and  
46 shall establish by rule, not more frequently than once every three  
47 years, such fees as may be necessary to cover the costs of such  
48 implementation and enforcement; provided, however, that any

1 increase or decrease shall be applied as a uniform percentage to  
2 each category of fee established herein, and provided, further, that  
3 the percentage amount of any increase shall not exceed the  
4 percentage increase in salaries paid to State employees since the  
5 then current fee schedule was established. The commissioner shall  
6 provide by rule to owners the option of paying inspection fees in  
7 installments in the form of an annual fee. The commissioner shall  
8 annually prepare and file with the presiding officers of the Senate  
9 and General Assembly and the legislative committees having  
10 jurisdiction in housing matters a report setting forth the amounts of  
11 fees and penalties received by the Bureau of Housing Inspection,  
12 the cost to the bureau of enforcing **[this act]** P.L.1967, c.76  
13 (C.55:13A-1 et seq.), and information concerning the productivity  
14 of the bureau. Copies of the report shall also be submitted to the  
15 Office of Administrative Law for publication in the New Jersey  
16 Register. If in any State fiscal year the fee revenue received by the  
17 bureau exceeds the cost of enforcement of P.L.1967, c.76  
18 (C.55:13A-1 et seq.), the excess revenue shall be distributed pro  
19 rata to persons who paid inspection fees during that fiscal year.  
20 Such distribution shall be made within three months after the end of  
21 the fiscal year.

22 (f) Except as otherwise provided in section 2 of P.L.1991, c.179  
23 (C.55:13A-26.1), the fees established by or pursuant to the  
24 provisions of this section are dedicated to meeting the costs of  
25 implementing and enforcing P.L.1967, c.76 (C.55:13A-1 et seq.)  
26 and shall not be used for any other purpose. All receipts in excess  
27 of \$2,200,000 are hereby appropriated for the purposes of  
28 P.L.1967, c.76 (C.55:13A-1 et seq.).  
29 (cf: P.L.2013, c.253, s.56)**】<sup>1</sup>**

30  
31 **<sup>1</sup>【12.】 11.<sup>1</sup>** Section 16 of P.L.1967, c.76 (C.55:13A-16) is  
32 amended to read as follows:

33 16. (a) If the commissioner shall discover any violation of the  
34 provisions of this act or any rules and regulations promulgated  
35 thereunder upon any inspection of any hotel or multiple dwelling,  
36 then the commissioner shall issue and cause to be served on the  
37 owner thereof a written order requiring said owner to terminate, or  
38 cause to be terminated, any such violation. Such written order shall  
39 state the nature of any such violation and a reasonable specified  
40 time within which any such violation must be terminated. Such  
41 written order shall also require and direct the owner to whom it is  
42 issued to take, or cause to be taken, such affirmative action as may  
43 be necessary to correct any such violation.

44 (b) The commissioner may petition the Superior Court of this  
45 State for mandatory injunctive relief enforcing any order issued by  
46 the commissioner pursuant to subsection (a) of this section. In any  
47 such proceeding the Superior Court may proceed in a summary  
48 manner or otherwise, and shall have power to grant such temporary

1 relief or restraining order as it may deem just and proper, and to  
2 make and enter a decree enforcing, modifying, and enforcing as so  
3 modified, or setting aside in whole or in part any order issued by the  
4 commissioner pursuant to subsection (a) of this section.

5 (c) If a significant violation is discovered upon an inspection or  
6 reinspection:

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

10 (2) the written notice shall identify all such violations and the  
11 time period that the owner shall be afforded to correct the  
12 violations.

13 (d) If an application for a hearing is filed pursuant to section 18  
14 of P.L.1967, c.76 (C.55:13A-18) for a significant violation as  
15 provided in subsection (c) of this section, the hearing shall be held  
16 within no more than 30 days and a final decision shall be rendered  
17 by the commissioner within 60 days from the date of the hearing.

18 (e) For the purposes of this section, "significant violation"  
19 means conditions that are a threat to the health or safety of the  
20 tenants, which remain unaddressed, including but not limited to:  
21 failure to provide heat, running water, or adequate sewage disposal  
22 facilities; structural deficiency; or an infestation of rats, mice,  
23 roaches, termites, or other vermin.

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

25  
26 <sup>1</sup>**[13.] 12.**<sup>1</sup> (New section) The information to be provided to  
27 tenants, as set forth in subsection c. of section 3 of P.L.1974, c.50  
28 (C.46:8-29) shall be posted in each multiple dwelling in the manner  
29 provided in that subsection.

30  
31 <sup>1</sup>**[14.** (New section) a. Each multiple dwelling shall be  
32 adequately staffed to meet the maintenance requirements  
33 established by the commissioner under P.L.1967, c.76 (C.55:13A-1  
34 et seq.). A multiple dwelling that meets the following staffing  
35 levels, either through employees or contractors, shall be deemed by  
36 the commissioner to be in compliance with this section:

37 (1) 70 to 100 units - One full-time maintenance worker or other  
38 full-time equivalent;

39 (2) 101 to 150 units - Two full-time maintenance workers or  
40 other full-time equivalent;

41 (3) 151 to 225 units - Three full-time maintenance workers or  
42 other full-time equivalent;

43 (4) 226 to 325 units - Four full-time maintenance workers or  
44 other full-time equivalent;

45 (5) 326 or more units – Four full-time maintenance workers or  
46 other full-time equivalent, with one additional full-time  
47 maintenance worker or other full-time equivalent for each  
48 additional 100 units above 325 units.

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

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

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

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

13       (4) Nonemergency requests given outside of normal business  
14 hours shall be responded to in accordance with the property's  
15 standard maintenance practices.

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

18       (1) Setting out and returning waste disposal receptacles,  
19 including storing away receptacles on days when there is no waste  
20 pickup;

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

23       (3) Attending to sidewalks, pedestrian walkways, parking areas,  
24 and driveways;

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

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

29  
30       <sup>1</sup>**[15.] 13.**<sup>1</sup> (New section) If a tenant successfully defends  
31 against eviction by asserting a breach of the implied warranty of  
32 habitability, the court shall make such a finding on the record and  
33 mark the case as "Dismissed for Reasons Concerning Habitability"  
34 in any record disclosed to the public.  
35

36       <sup>1</sup>**[16.] 14.**<sup>1</sup> (New section) Notwithstanding any provision of  
37 law, rule, or regulation to the contrary, a municipality may satisfy  
38 up to ten percent of its obligation to provide a fair share of the  
39 region's present and prospective need for affordable housing by  
40 establishing a program encouraging the rehabilitation of  
41 substandard dwelling units and the dedication of rehabilitated units  
42 for rental as low income housing for periods of at least 30 years. A  
43 municipality may accept funds from any source, including a  
44 municipal affordable housing trust fund, the "New Jersey  
45 Affordable Housing Trust Fund," established pursuant to section 20  
46 of P.L.1985, c.222 (C.52:27D-320), any other State entity, and the  
47 federal government, for the purpose of awarding or granting  
48 payments to property owners as incentives for the rehabilitation of

1 substandard dwelling units and the dedication of those units for  
2 rental as low income housing for periods of at least 30 years.

3

4 <sup>1</sup>**【17.】** 15.<sup>1</sup> The following sections are repealed:

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

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

7

8 <sup>1</sup>**【18.】** 16.<sup>1</sup> This act shall take effect on first day of the seventh  
9 month next following the date of enactment, except that the  
10 Commissioner of Community Affairs may take any anticipatory  
11 action in advance as shall be necessary for the implementation of  
12 this act.