

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 878

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 14, 2021

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 878.

As amended, this bill provides that when a landlord receives written notice from an entity responsible for work on an adjoining property clearly stating that work will be conducted on the adjoining property, including but not limited to, construction, rehabilitation, or demolition, that may cause damage or hazardous conditions to the landlord's property, the landlord would be required to provide a copy of the notice to tenants of the landlord's property.

Under the bill, the landlord is required provide tenants with notice within five business days of the landlord's receipt of the written notice. If the landlord, either directly or through an agent, intends to conduct hazardous work on a property adjoining a property occupied by the landlord's tenant, then the bill would require the landlord to provide notice to the tenant prior to the work's commencement. The bill specifies that the notice may be provided to each affected tenant by mail, by posting in at least one conspicuous area where the information is most likely to be viewed by tenants, or by electronic delivery.

A landlord who fails to provide an affected tenant with the notice would be liable to a penalty of not more than \$200 for each offense, recoverable by a summary proceeding under "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court, Law Division, Special Civil Part in the county or the municipal court of the municipality in which the landlord's property is located would have jurisdiction to enforce this penalty.

Under the bill, a "landlord" is defined as any person who rents or leases, for a term of at least one month, commercial space or residential dwelling units other than dwelling units in a premises containing not more than two such units and seasonal rental units, or in an owner-occupied premises of not more than three dwelling units and seasonal rental units, or in hotels, motels, or other guest houses serving transient or seasonal guests.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3593 (1R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- ensure that the notice received by a landlord, concerning hazardous work to be conducted on a neighboring property, clearly states that the neighbor's work may cause damage or hazardous conditions, in order for the landlord's responsibilities to notify the tenant to be triggered;
- exempt owners of premises containing not more than two seasonal rental units, or owner-occupied premises of not more than three seasonal rental units, from the notice requirements of the bill;
- require that, if the landlord also owns the neighboring property where the disruptive work is to be conducted, the landlord would notify the tenant prior to the work's commencement;
- allow the landlord's notice responsibility to be satisfied by regular mail, posting, or electronic delivery to the tenants; and
- make technical adjustments to the bill.