

SENATE, No. 2412

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senators Addiego and Pou

SYNOPSIS

Requires refund or credit for transient and short-term rental reservations when public health emergency or state of emergency is in effect.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/28/2020)

1 **AN ACT** concerning a refund or credit for certain transient and
2 short-term rental accommodations under certain circumstances.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. (1) A transient space marketplace or owner of a private
8 short-term rental housing accommodation shall provide a refund, or
9 credit for future use, within a timeframe of no less than 12 months
10 following the initial reservation date, for a reservation or booking
11 for a transient accommodation or private short-term rental housing
12 accommodation in the State that occurs during a public health
13 emergency, pursuant to the “Emergency Health Powers Act,”
14 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
15 pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both,
16 declared by the Governor and in effect, or when a travel restriction
17 is in place. The transient space marketplace shall provide the
18 refund or credit to the guest for the use of the transient
19 accommodation advertised or listed through that marketplace under
20 these conditions, notwithstanding any policy of the marketplace
21 requiring payment in full in advance, or not allowing any refunds,
22 or any other policy to the contrary. The owner of a private short-
23 term rental housing accommodation shall provide the refund or
24 credit to the guest for the use of the private short-term rental
25 housing accommodation under these conditions, notwithstanding
26 any policy of the accommodation requiring payment in full in
27 advance, or not allowing any refunds, or any other policy to the
28 contrary.

29 (2) With respect to the public health emergency and state of
30 emergency declared by the Governor in Executive Order 103 of
31 2020 concerning the coronavirus disease 2019 pandemic, a refund
32 or credit shall be provided pursuant to paragraph (1) of this
33 subsection for any reservation or booking located in this State for
34 any period beginning on or before March 9 2020, if the timeframe
35 of the reservation concluded on or after March 9, 2020.

36 b. As used in this section:

37 “Private short-term rental housing accommodation” means, for a
38 period of 90 or fewer consecutive days, a rental of a hotel or hotel
39 room; a furnished or unfurnished private residential property,
40 including but not limited to condominiums, bungalows, single-
41 family homes and similar living units, where no maid service, room
42 service, linen changing service or other common hotel services are
43 made available by the lessor and where the keys to the furnished or
44 unfurnished private residential property, whether a physical key,
45 access to a keyless locking mechanism, or other means of physical
46 ingress to the furnished or unfurnished private residential property,
47 are provided to the lessee; leases of real property; or a rental
48 transaction consisting of the above accommodations completed by a

1 real estate broker licensed by the New Jersey Real Estate
2 Commission pursuant to R.S.45:15-1 et seq.

3 “Transient accommodation” means a room, group of rooms, or
4 other living or sleeping space for the lodging of occupants,
5 including but not limited to residences or buildings used as
6 residences, located in this State. “Transient accommodation” does
7 not include: a hotel or hotel room; a room, group of rooms, or other
8 living or sleeping space used as a place of assembly; a dormitory or
9 other similar residential facility of an elementary or secondary
10 school or a college or university; a hospital, nursing home, or other
11 similar residential facility of a provider of services for the care,
12 support and treatment of individuals that is licensed by the State; a
13 campsite, cabin, lean-to, or other similar residential facility of a
14 campground or an adult or youth camp; a furnished or unfurnished
15 private residential property, including but not limited to
16 condominiums, bungalows, single-family homes and similar living
17 units, where no maid service, room service, linen changing service
18 or other common hotel services are made available by the lessor and
19 where the keys to the furnished or unfurnished private residential
20 property, whether a physical key, access to a keyless locking
21 mechanism, or other means of physical ingress to the furnished or
22 unfurnished private residential property, are provided to the lessee
23 at the location of an offsite real estate broker licensed by the New
24 Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq.; or
25 leases of real property with a term of at least 90 consecutive days.

26 “Transient space marketplace” means a digital platform on a
27 hosted Internet website through which a person offers a transient
28 accommodation in exchange for monetary or other compensation.
29 A “transient space marketplace” allows a person offering that
30 accommodation to advertise or list the transient accommodation and
31 provides a means for a transient guest to arrange for the use of the
32 accommodation in exchange for monetary or other consideration.

33
34 2. This act shall take effect immediately and shall expire on
35 June 30, 2020.

36 37 38 STATEMENT

39
40 This bill requires a transient space marketplace or owner of a
41 private short-term rental housing accommodation, as defined by the
42 bill, to provide a refund or credit for a reservation or booking for a
43 transient accommodation or private short-term rental housing
44 accommodation in the State that would occur during a public health
45 emergency, pursuant to the “Emergency Health Powers Act,”
46 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
47 pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both,
48 declared by the Governor and in effect, or when a travel restriction

1 is in place. The transient space marketplace must provide the
2 refund or credit notwithstanding any policy of the marketplace
3 requiring payment in full in advance, or not allowing any refunds,
4 or any other policy to the contrary. The owner of the private short-
5 term rental housing accommodation must provide the refund or
6 credit notwithstanding any policy requiring payment in full in
7 advance, or not allowing any refunds, or any other policy to the
8 contrary.

9 Additionally, with respect to the Public Health Emergency and
10 State of Emergency declared by the Governor in Executive Order
11 103 of 2020 concerning the coronavirus disease 2019 pandemic, a
12 refund or credit shall be provided for any reservation or booking for
13 a transient space or private short-term rental housing
14 accommodation in the State for any period beginning on or before
15 March 9, 2020, if the timeframe of the reservation concluded on or
16 after March 9, 2020.

17 The bill is intended to apply to users of online services, such as
18 Airbnb and VRBO, which offer a digital platform for owners of
19 properties and potential guests to connect and arrange for the use of
20 those properties on a “transient” or temporary basis. The bill is also
21 intended to apply to guests of other forms of private short-term
22 rental housing accommodations that were impacted by COVID-19,
23 such as hotels, private residential properties not offered on a digital
24 platform, short-term leases, and rental transactions completed by
25 real estate broker licensed by the New Jersey Real Estate
26 Commission pursuant to R.S.45:15-1 et seq.