

[First Reprint]

SENATE, No. 2412

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

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 reported by the Senate Community and Urban Affairs Committee on May 28, 2020, with amendments.



(Sponsorship Updated As Of: 6/29/2020)

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 ¹**[or]** ¹owner of a
 8 private short-term rental housing accommodation ¹, real estate
 9 broker or agent, and any other person that collects payments from a
 10 guest¹ shall provide a refund, or credit for future use, within a
 11 timeframe of no less than 12 months following the initial
 12 reservation date, for a reservation or booking for a transient
 13 accommodation or private short-term rental housing
 14 accommodation in the State that occurs during a public health
 15 emergency, pursuant to the “Emergency Health Powers Act,”
 16 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,
 17 pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both,
 18 declared by the Governor and in effect, or when a travel restriction
 19 is in place. The transient space marketplace ¹, owner of a private
 20 short-term rental housing accommodation, real estate broker or
 21 agent, and any other person that collects payment from a guest¹
 22 shall provide the refund or credit to the guest for the use of the
 23 transient accommodation ¹**[advised or listed through that**
 24 **marketplace]** or for the use of the private-short term rental housing
 25 accommodation¹ under these ¹emergency¹ conditions,
 26 notwithstanding any policy of the ¹transient space¹ marketplace ¹or
 27 private short-term rental housing accommodation¹ requiring
 28 payment in full in advance, or not allowing any refunds, or any
 29 other policy to the contrary. ¹**[The owner of a private short-term**
 30 **rental housing accommodation shall provide the refund or credit to**
 31 **the guest for the use of the private short-term rental housing**
 32 **accommodation under these conditions, notwithstanding any policy**
 33 **of the accommodation requiring payment in full in advance, or not**
 34 **allowing any refunds, or any other policy to the contrary.]** The
 35 transient space marketplace, owner of a transient accommodation or
 36 private short-term rental housing accommodation, real estate broker
 37 or agent, and any other person that receives payments from a guest
 38 shall refund, or provide as a credit for future use, their respective
 39 share of payments received from a short-term rental transaction. An
 40 owner of a transient accommodation or a private short-term rental
 41 housing accommodation shall refund, or provide as a credit for
 42 future use, any payments from a guest that are received by the
 43 owner, but which were first collected by a transient space
 44 marketplace, real estate broker or agent, or any other person that
 45 collects payments from a guest prior to transmittal to the owner.¹

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:

¹Senate SCU committee amendments adopted May 28, 2020.

1 (2) With respect to the public health emergency and state of
2 emergency declared by the Governor in Executive Order 103 of
3 2020 concerning the coronavirus disease 2019 pandemic, a refund
4 or credit shall be provided pursuant to paragraph (1) of this
5 subsection for any reservation or booking located in this State for
6 any period beginning on or before March 9 2020, if the timeframe
7 of the reservation concluded on or after March 9, 2020.

8 b. ¹With respect to any transaction made by a guest for a
9 reservation or booking, pursuant to this section, where such
10 transaction was executed on or after June 1, 2020, the guest shall
11 provide a cancellation notice to the relevant entity no less than 30
12 days prior to the date of the reservation or booking to receive a
13 refund, or credit, in full pursuant to the provisions of this section.

14 c. A guest who, notwithstanding the public health emergency,
15 state of emergency, or travel restriction, utilized the transient
16 accommodation or private short-term rental housing
17 accommodation shall not be eligible for a refund or credit pursuant
18 to this section.

19 d.¹ As used in this section:

20 “Private short-term rental housing accommodation” means, for a
21 period of 90 or fewer consecutive days, a rental of a hotel or hotel
22 room; a furnished or unfurnished private residential property,
23 including but not limited to condominiums, bungalows, single-
24 family homes and similar living units, where no maid service, room
25 service, linen changing service or other common hotel services are
26 made available by the lessor and where the keys to the furnished or
27 unfurnished private residential property, whether a physical key,
28 access to a keyless locking mechanism, or other means of physical
29 ingress to the furnished or unfurnished private residential property,
30 are provided to the lessee; leases of real property; or a rental
31 transaction consisting of the above accommodations completed by a
32 real estate broker licensed by the New Jersey Real Estate
33 Commission pursuant to R.S.45:15-1 et seq.

34 “Transient accommodation” means a room, group of rooms, or
35 other living or sleeping space for the lodging of occupants,
36 including but not limited to residences or buildings used as
37 residences, located in this State. “Transient accommodation” does
38 not include: a hotel or hotel room; a room, group of rooms, or other
39 living or sleeping space used as a place of assembly; a dormitory or
40 other similar residential facility of an elementary or secondary
41 school or a college or university; a hospital, nursing home, or other
42 similar residential facility of a provider of services for the care,
43 support and treatment of individuals that is licensed by the State; a
44 campsite, cabin, lean-to, or other similar residential facility of a
45 campground or an adult or youth camp; a furnished or unfurnished
46 private residential property, including but not limited to
47 condominiums, bungalows, single-family homes and similar living
48 units, where no maid service, room service, linen changing service

1 or other common hotel services are made available by the lessor and
2 where the keys to the furnished or unfurnished private residential
3 property, whether a physical key, access to a keyless locking
4 mechanism, or other means of physical ingress to the furnished or
5 unfurnished private residential property, are provided to the lessee
6 at the location of an offsite real estate broker licensed by the New
7 Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq.; or
8 leases of real property with a term of at least 90 consecutive days.

9 “Transient space marketplace” means a digital platform on a
10 hosted Internet website through which a person offers a transient
11 accommodation in exchange for monetary or other compensation.
12 A “transient space marketplace” allows a person offering that
13 accommodation to advertise or list the transient accommodation and
14 provides a means for a transient guest to arrange for the use of the
15 accommodation in exchange for monetary or other consideration.
16

17 2. This act shall take effect immediately and shall expire ¹【on
18 June 30, 2020】 on the first day of the fourth month next following
19 the conclusion of the public health emergency, the state of
20 emergency, or the travel restriction, whichever occurs later¹.