[Second Reprint]

SENATE, No. 2412

STATE OF NEW JERSEY

219th LEGISLATURE

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Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

Co-Sponsored by:
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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 amended by the Senate on June 29, 2020.

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

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

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

1. a. (1) A transient space marketplace [1]**[**or**]** ,[1] owner of a private short-term rental housing accommodation [1], real estate broker or agent, and any other person that collects payments from a guest[1] shall provide a refund, or credit for future use, within a timeframe of no less than 12 months following the initial reservation date, for a reservation or booking for a transient accommodation or private short-term rental housing accommodation in the State that occurs during a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both, declared by the Governor and in effect, or when a travel restriction is in place. The transient space marketplace [1], owner of a private short-term rental housing accommodation, real estate broker or agent, and any other person that collects payment from a guest[1] shall provide the refund or credit to the guest for the use of the transient accommodation [1]**[**advertised or listed through that marketplace**]** or for the use of the private-short term rental housing accommodation[1] under these [1]emergency[1] conditions, notwithstanding any policy of the [1]transient space[1] marketplace [1]or private short-term rental housing accommodation[1] requiring payment in full in advance, or not allowing any refunds, or any other policy to the contrary. [1]**[**The owner of a private short-term rental housing accommodation shall provide the refund or credit to the guest for the use of the private short-term rental housing accommodation under these conditions, notwithstanding any policy of the accommodation requiring payment in full in advance, or not allowing any refunds, or any other policy to the contrary.**]** The transient space marketplace, owner of a transient accommodation or private short-term rental housing accommodation, real estate broker or agent, and any other person that receives payments from a guest shall refund, or provide as a credit for future use, their respective share of payments received from a short-term rental transaction. An owner of a transient accommodation or a private short-term rental housing accommodation shall refund, or provide as a credit for future use, any payments from a guest that are received by the owner, but which were first collected by a transient space marketplace, real estate broker or agent, or any other person that 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:
[1]Senate SCU committee amendments adopted May 28, 2020.
[2]Senate floor amendments adopted June 29, 2020.

(2) With respect to the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic, a refund or credit shall be provided pursuant to paragraph (1) of this subsection for any reservation or booking [2]of a transient accommodation or private short-term rental housing accommodation[2] located in this State [2][for any period beginning on or before March 9 2020,][2] if the timeframe of the [2][reservation] use of the transient accommodation or private short-term rental housing accommodation:

(a) occurred between March 9, 2020 and September 30, 2020;

(b) commenced before March 9, 2020 and[2] concluded on or after March 9, 2020[2];or

(c) commenced on or before September 30, 2020 and concluded after September 30, 2020.

(3) A refund or credit shall not be provided pursuant to this section with respect to any transaction made by a guest, where such transaction was executed on or after July 1, 2020, for a reservation or booking of a transient accommodation or private short-term rental housing accommodation located in this State[2].

b. [1]With respect to any transaction made by a guest for a reservation or booking, pursuant to this section, where such transaction was executed on or after [2][June 1] March 9[2], 2020 [2]and before July 1, 2020[2], the guest shall provide a cancellation notice to the relevant entity no less than 30 days prior to the date of the reservation or booking to receive a refund, or credit, in full pursuant to the provisions of this section.

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

d.[1] As used in this section:

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

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

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

2. This act shall take effect immediately [2], shall be retroactive to March 9, 2020,[2] and shall expire [1][on June 30, 2020] on [2][the first day of the fourth month next following the conclusion of the public health emergency, the state of emergency, or the travel restriction, whichever occurs later[1]] October 1, 2020[2].