# SENATE, No. 4204

# STATE OF NEW JERSEY

## 219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

**Sponsored by:**
**Senator SHIRLEY K. TURNER**
**District 15 (Hunterdon and Mercer)**
**Senator LINDA R. GREENSTEIN**
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Prohibits late penalties from being made against senior citizen tenants in certain senior citizen rental housing in certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.

**(Sponsorship Updated As Of: 12/2/2021)**

**AN ACT** concerning delinquency and other late charges for certain senior citizen rental housing, and amending and supplementing P.L.1976, c.100.

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

1. (New section) a. As used in this section:

"Business day" means any day other than a Saturday, Sunday or State or federal holiday.

"Health care facility" means a health care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a psychiatric hospital operated by the Department of Human Services and listed in R.S.30:1-7, or any similar facility licensed by and operating in another state.

"Senior citizen" means a person 62 years of age or over and shall include a surviving spouse if that surviving spouse is 55 years of age or over.

"Senior citizen housing project" means any building or structure, and any land appurtenant thereto, having three or more rental dwelling units intended for, and solely occupied by, senior citizens; except that, it shall not include owner-occupied premises having not more than three dwelling units that are rented or offered for rent, or any health care facility as defined in the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

b. Upon receipt of written proof that a senior citizen residing in a senior citizen housing project was admitted to a health care facility, a landlord shall waive any late charge incurred by the tenant during the period of hospitalization and the grace period of five business days following discharge. If payment of rent is not remitted within five business days following discharge, any late charge permitted under law may be imposed upon the senior citizen.

The grace period of five business days shall not commence following discharge from a health care facility if the senior citizen is admitted to a subsequent health care facility and does not return to the rental premises following discharge from the prior health care facility, provided that a tenant shall remain responsible for any rent which is due or may become due before the lease expires or is terminated pursuant to the provisions of the lease agreement or State law.

c. A person violating the provisions of this section shall be subject to a fine of $100 for a first offense, a fine of $250 for a second offense, and a fine of $500 for a third or subsequent offense. The action shall be brought by the Attorney General in a summary

**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 <u>thus</u> is new matter.**

proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

2. Section 3 of P.L.1976, c.100 (C.2A:42-6.3) is amended to read as follows:

3. The provisions of **[**this act**]** section 1 of P.L.1976, c.100 (C.2A:42-6.1) shall only be applicable to premises rented or leased by senior citizens receiving Social Security Old Age Pensions, Railroad Retirement Pensions or other governmental pensions in lieu of Social Security Old Age Pensions, and by recipients of Social Security Disability Benefits, Supplemental Security Income or benefits under Work First New Jersey.

(cf: P.L.2001, c.142, s.2)

3. This act shall take effect immediately.

STATEMENT

This bill prohibits the landlord of a senior citizen housing project from imposing certain late charges upon senior citizen tenants who are unable to make timely rent payments due to their admittance to a health care facility.

Under current law, a landlord is prohibited from imposing late charges on certain senior citizen tenants, including those who receive certain pension benefits or governmental assistance, during the five business day period following the due date of a rental payment. The bill would expand these provisions to include certain senior citizen tenants who have been admitted to a health care facility.

Specifically, the bill provides that, upon receipt of written proof that a senior citizen residing in a senior citizen housing project was admitted to a health care facility, a landlord would be required to waive any late charge incurred by the senior citizen during the period of hospitalization and the grace period of five business days following discharge from the facility.

If the full rent payment is not remitted within that period, the landlord may thereafter impose late charges. However, the grace period would not begin if following discharge from the health care facility, the senior citizen is immediately admitted to a subsequent health care facility without returning to the rental premises, provided the senior citizen would remain responsible for rent due before the lease expires or is terminated under the provisions of the lease agreement or State law.

A person who violates the provisions of the bill would be subject to a fine of $100 for a first offense, a fine of $250 for a second offense, and a fine of $500 for a third or subsequent offense. Additionally, the Attorney General would bring the action against

the landlord in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

Under the bill, a "senior citizen" includes a person 62 years of age or over and a surviving spouse if that person is 55 years of age or over. The bill defines a "senior citizen housing project" as any building or structure, and any land appurtenant thereto, having three or more rental dwelling units intended for, and solely occupied by, senior citizens; except that, it shall not include owner-occupied premises having not more than three dwelling units that are rented or offered for rent, or any health care facility.