

SENATE, No. 2422

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 22, 2010

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Modifies provisions of municipal ordinance requiring bond or other security from landlord.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2011)

1 AN ACT concerning the rental of residential property, designated
2 the “Good Neighbor Act,” and amending P.L.1993, c.127.

3

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

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7 1. This act shall be known and may be cited as the “Good
8 Neighbor Act.”

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10 2. Section 4 of P.L.1993, c.127 (C.40:48-2.12q) is amended to
11 read as follows:

12 4. An ordinance adopted under authority of this section shall
13 provide:

14 a. **[If in any twelve-month period a specified number, which**
15 **shall not be less than two, of complaints, on separate occasions, of**
16 **disorderly, indecent, tumultuous or riotous]** If a municipality
17 receives a complaint of conduct upon or in proximity to any rental
18 premises, and attributable to the acts or incitements of any of the
19 tenants of those premises, have been substantiated by prosecution
20 and conviction in any court of competent jurisdiction as a violation
21 of any provision of Title 2C of the New Jersey Statutes or any
22 municipal ordinance governing disorderly conduct, the municipal
23 governing body or any officer or employee of the municipality
24 designated by the governing body for the purpose, may institute
25 proceedings to require the landlord of those premises to post a bond
26 against the consequences of future incidents of the same character.

27 b. (1) In the event a tenant is convicted of any of the conduct
28 described in subsection a. of this section, the governing body, or the
29 officer or employee designated pursuant to subsection a. of this
30 section, shall cause notice advising that the conduct specified has
31 occurred to be served on the landlord, in person or by registered
32 mail, at the address appearing on the tax records of the
33 municipality.

34 (2) The governing body or person designated pursuant to
35 subsection a. of this section shall cause to be served upon the
36 landlord, in person or by registered mail to the address appearing on
37 the tax records of the municipality, notice advising of the institution
38 of such proceedings, together with particulars of the substantiated
39 complaints upon which those proceedings are based, and of the time
40 and place at which a hearing will be held in the matter, which shall
41 be in the municipal building, municipal court or other public place
42 within the municipality, and which shall be no sooner than 30 days
43 from the date upon which the notice is served or mailed.

44 c. At the hearing convened pursuant to subsection b. of this
45 section, the hearing officer shall give full hearing to both the

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.

1 complaint of the municipality and to any evidence in contradiction
2 or mitigation that the landlord, if present or represented and
3 offering such evidence, may present. The hearing officer shall
4 consider relevant prior complaints presented by the municipality
5 about the residents of the property, even if those complaints did not
6 result in a conviction. At the conclusion of the hearing the hearing
7 officer shall determine whether the landlord shall be required to
8 post a bond in accordance with the terms of the ordinance.

9 d. Any bond required to be posted shall be in accordance with
10 the judgment of the hearing officer, in light of the nature and extent
11 of the offenses indicated in the substantiated complaints upon which
12 the proceedings are based, to be adequate in the case of subsequent
13 offenses to make reparation for (1) damages likely to be caused to
14 public or private property and damages consequent upon disruption
15 of affected residents' rights of fair use and quiet possession of their
16 premises, (2) securing the payment of fines and penalties likely to
17 be levied for such offenses, and (3) compensating the municipality
18 for the costs of repressing and prosecuting such incidents of
19 disorderly behavior; but no such bond shall be in an amount less
20 than \$500 or more than \$5,000. The municipality may enforce the
21 bond thus required by action in the Superior Court, and shall be
22 entitled to an injunction prohibiting the landlord from making or
23 renewing any lease of the affected premises for residential purposes
24 until that bond or equivalent security, in satisfactory form and
25 amount, has been deposited with the municipality.

26 e. A bond or other security deposited in compliance with
27 subsection d. of this section shall remain in force for a period
28 specified pursuant to the ordinance, which shall be not less than two
29 or more than four years. Upon the lapse of the specified period the
30 landlord shall be entitled to the discharge thereof, unless prior
31 thereto further proceedings leading to a forfeiture or partial
32 forfeiture of the bond or other security shall have been had under
33 section 5 of P.L.1993, c.127 (C.40:48-2.12r), in which case the
34 security shall be renewed, in an amount and for a period that shall
35 be specified by the hearing officer.

36 (cf: P.L.2009, c.170, s.4)

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38 3. This act shall take effect immediately.

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STATEMENT

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43 This bill would provide that a municipality may require a
44 landlord to post bond, or other equivalent security, to compensate a
45 person or entity for future losses incurred as the result of an act
46 leading to a conviction for any violation of Title 2C of the New
47 Jersey Statutes or a violation of a municipal ordinance governing
48 disorderly conduct. Current law permits the municipality to require

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1 a bond payment only if there have been repeated complaints against
2 a tenant over a 12-month period.

3 The bill also requires the hearing officer to consider other
4 relevant occasions where complaints have been received about
5 criminal or disorderly conduct occurring at the property, even if
6 those complaints involved prior tenants and did not result in a
7 conviction. This bill would provide municipalities with an
8 additional tool with which to compel landlords to control tenants
9 who are a threat to the health and safety of the other members of the
10 community, as well as provide those landlords with an incentive to
11 remove disruptive tenants from their rental units.