

[First Reprint]

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 amended on January 9, 2012 by the Senate pursuant to the Governor's recommendations.



(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:

6

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

9

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]** ¹**[If a municipality**
17 **receives a complaint of]** If in any twenty-four-month period a
18 specified number, which shall not be less than two, of complaints,
19 on separate occasions, of¹ conduct upon or in proximity to any
20 rental premises, and attributable to the acts or incitements of any of
21 the tenants of those premises, have been substantiated by
22 prosecution and conviction in any court of competent jurisdiction as
23 a violation of any provision of Title 2C of the New Jersey Statutes
24 or any municipal ordinance governing disorderly conduct, the
25 municipal governing body or any officer or employee of the
26 municipality designated by the governing body for the purpose, may
27 institute proceedings to require the landlord of those premises to
28 post a bond against the consequences of future incidents of the same
29 character.

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

37 (2) The governing body or person designated pursuant to
38 subsection a. of this section shall cause to be served upon the
39 landlord, in person or by registered mail to the address appearing on
40 the tax records of the municipality, notice advising of the institution
41 of such proceedings, together with particulars of the substantiated
42 complaints upon which those proceedings are based, and of the time
43 and place at which a hearing will be held in the matter, which shall
44 be in the municipal building, municipal court or other public place

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 amendments adopted in accordance with Governor's recommendations January 9, 2012.**

1 within the municipality, and which shall be no sooner than 30 days
2 from the date upon which the notice is served or mailed.

3 c. At the hearing convened pursuant to subsection b. of this
4 section, the hearing officer shall give full hearing to both the
5 complaint of the municipality and to any evidence in contradiction
6 or mitigation that the landlord, if present or represented and
7 offering such evidence, may present. The hearing officer ¹[shall
8 consider relevant prior complaints presented by the municipality]
9 may consider, to the extent deemed relevant by the hearing officer,
10 prior complaints¹ about the residents of the property, even if those
11 complaints did not result in a conviction. At the conclusion of the
12 hearing the hearing officer shall determine whether the landlord
13 shall be required to post a bond in accordance with the terms of the
14 ordinance.

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

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

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

43

44 3. This act shall take effect immediately.