

[First Reprint]

**SENATE, No. 2422**

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**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

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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:

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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]** <sup>1</sup>**[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, of<sup>1</sup> 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:**

<sup>1</sup>**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 <sup>1</sup>[shall  
8 consider relevant prior complaints presented by the municipality]  
9 may consider, to the extent deemed relevant by the hearing officer,  
10 prior complaints<sup>1</sup> 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)

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44 3. This act shall take effect immediately.