

ASSEMBLY, No. 3056

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 19, 2008

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Co-Sponsored by:

Assemblyman Conaway and Assemblywoman Jasey

SYNOPSIS

Permits municipalities to adopt ordinances requiring bond from landlords in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/24/2009)

1 AN ACT concerning the rental of residential property and amending
2 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. Section 1 of P.L.1993, c.127 (C.40:48-2.12n) is amended to
8 read as follows:

9 1. The Legislature finds, determines and declares:

10 a. Many of the **[shore resort communities]** municipalities in
11 this State, and the residents thereof, have experienced disturbances,
12 damage and public expense resulting from carelessly granted and
13 inadequately supervised **[seasonal]** rentals to irresponsible
14 **[vacationers]** tenants by inept or indifferent landlords.

15 b. To preserve the peace and tranquility of those communities
16 **[for their permanent residents, and to maintain their viability as**
17 **vacation spots not only for citizens of this State but also for persons**
18 **and families from far and near whom the beauties and pleasures of**
19 **the New Jersey shore and other New Jersey communities have**
20 **historically attracted,]** it is necessary and desirable that those
21 communities have adequate means to curb and discourage those
22 occasional excesses arising from irresponsible **[seasonal]** rentals.

23 c. Accordingly, it is the purpose of this legislation to enable
24 **[such communities]** municipal governing bodies to take effective
25 action to assure that excesses, when they occur, shall not be
26 repeated, and that landlords **[offering seasonal rentals]** be held to
27 sufficient standards of responsibility.

28 (cf: P.L.1993, c.127, s.1)

29

30 2. Section 2 of P.L.1993, c.127 (C.40:48-2.12o) is amended to
31 read as follows:

32 2. As used in this act:

33 "Hearing officer" means a person designated pursuant to
34 subsection b. of section 3 of **[this act]** P.L.1993, c.127 (C.40:48-
35 2.12p) to hear and determine proceedings under **[this act]**
36 P.L.1993, c.127 (C.40:48-2.12n et seq.).

37 "Landlord" means the person or persons who own or purport to
38 own **[any]** a building in which there is rented or offered for rent
39 housing space for living or dwelling under either a written or oral
40 lease**[, including but not limited to any building subject to the**
41 **"Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et**
42 **seq.), and owner-occupied two-unit premises]** which building
43 contains no more than four dwelling units. In the case of a mobile

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 home park, "landlord" shall mean the owner of an individual
2 dwelling unit within the mobile home park.

3 ["Seasonal rental" means any rental of residential
4 accommodations for a term of less than one year and including any
5 part of the period extending from May 15 to September 15.]

6 "Substantiated complaint" means a complaint which may form
7 the basis for proceedings in accordance with subsection a. of
8 section 4 of [this act] P.L.1993, c.127 (C.40:48-2.12q).

9 (cf: P.L.1993, c.127, s.2)

10

11 3. Section 3 of P.L.1993, c.127 (C.40:48-2.12p) is amended to
12 read as follows:

13 3. a. [Any] The governing body of any municipality [in a
14 county of the fifth or sixth class] may enact an ordinance holding
15 landlords [of seasonal rentals] to standards of responsibility in the
16 selection of tenants and supervision of the rental premises, requiring
17 that under certain circumstances, as hereinafter in [this act]
18 P.L.1993, c.127 (C.40:48-2.12n et seq.) described, such landlords
19 may be required to post adequate bond against the consequences of
20 disorderly behavior of their tenants, and in the case of subsequent
21 violations forfeit such bond, in whole or part, in compensation for
22 the consequences of such behavior.

23 b. To assure impartiality in the administration of such an
24 ordinance, the municipal governing body shall make provision for
25 the hearings and decisions held and made thereunder to be
26 conducted and decided by a licensed attorney of this State who shall
27 not be an owner or lessee of any real property within the
28 municipality, nor hold any interest in the assets of or profits arising
29 from the ownership or lease of such property.

30 (cf: P.L.1993, c.127, s.3)

31

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

34 4. An ordinance adopted under authority of this section shall
35 provide:

36 a. If in any twelve-month period a specified number, which
37 shall not be less than two, of complaints, on separate occasions, of
38 disorderly, indecent, tumultuous or riotous conduct upon or in
39 proximity to any [seasonal] rental premises, and attributable to the
40 acts or incitements of any of the tenants of those premises, have
41 been substantiated by prosecution and conviction in any court of
42 competent jurisdiction, the municipal governing body or any officer
43 or employee of the municipality designated by the governing body
44 for the purpose, may institute proceedings to require the landlord of
45 those premises to post a bond against the consequences of future
46 incidents of the same character.

1 b. The governing body or person designated pursuant to
2 subsection a. of this section shall cause to be served upon the
3 landlord, in person or by registered mail to the address appearing on
4 the tax records of the municipality, notice advising of the institution
5 of such proceedings, together with particulars of the substantiated
6 complaints upon which those proceedings are based, and of the time
7 and place at which a hearing will be held in the matter, which shall
8 be in the municipal building, municipal court or other public place
9 within the municipality, and which shall be no sooner than 30 days
10 from the date upon which the notice is served or mailed.

11 c. At the hearing convened pursuant to subsection b. of this
12 section, the hearing officer shall give full hearing to both the
13 complaint of the municipality and to any evidence in contradiction
14 or mitigation that the landlord, if present or represented and
15 offering such evidence, may present. At the conclusion of the
16 hearing the hearing officer shall determine whether the landlord
17 shall be required to post a bond in accordance with the terms of the
18 ordinance.

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

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

46 (cf: P.L.2001, c.71, s.1)

47

48 5. This act shall take effect immediately.

