

# SENATE, No. 1637

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 17, 2014

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Requires tenant notification and documentation on landlord registration form whenever rental premises is adjudicated to have caused constructive eviction because of mold presence; requires Department of Community Affairs to maintain registry.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning constructive eviction and amending  
2 N.J.S.2A:18-59, P.L.1974, c.50, and P.L.1981, c.442, and  
3 supplementing chapter 8 of Title 46 and chapter 27D of Title 52  
4 of the Revised Statutes.

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

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9 1. N.J.S.2A:18-59 is amended to read as follows:

10 2A:18-59 a. Proceedings had by virtue of this article shall not  
11 be appealable except on the ground of lack of jurisdiction. The  
12 landlord, however, shall remain liable in a civil action for unlawful  
13 proceedings under this article.

14 b. Whenever the court determines that a tenant has been  
15 constructively evicted by a landlord who has maintained the rental  
16 premises in a uninhabitable condition, including the failure to  
17 address the presence of mold, a copy of the notice of the judgment  
18 to that effect shall be provided to the Commissioner of Community  
19 Affairs.

20 (cf: N.J.S.2A:18-59)

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22 2. Section 2 of P.L.1974, c.50 (C.46:8-28) is amended to read  
23 as follows:

24 2. Every landlord shall, within 30 days following the effective  
25 date of this act, or at the time of the creation of the first tenancy in  
26 any newly constructed or reconstructed building, file with the clerk  
27 of the municipality, or with such other municipal official as is  
28 designated by the clerk, in which the residential property is situated,  
29 in the case of a one-dwelling unit rental or a two-dwelling unit non-  
30 owner occupied premises, or with the Bureau of Housing Inspection  
31 in the Department of Community Affairs in the case of a multiple  
32 dwelling as defined in section 3 of the "Hotel and Multiple  
33 Dwelling Law" (C.55:13A-3), a certificate of registration on forms  
34 prescribed by the Commissioner of Community Affairs, which shall  
35 contain the following information:

36 a. The name and address of the record owner or owners of the  
37 premises and the record owner or owners of the rental business if  
38 not the same persons. In the case of a partnership the names of all  
39 general partners shall be provided;

40 b. If the record owner is a corporation, the name and address of  
41 the registered agent and corporate officers of said corporation;

42 c. If the address of any record owner is not located in the  
43 county in which the premises are located, the name and address of a  
44 person who resides in the county in which the premises are located  
45 and is authorized to accept notices from a tenant and to issue

**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.**

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1 receipts therefor and to accept service of process on behalf of the  
2 record owner;

3 d. The name and address of the managing agent of the  
4 premises, if any;

5 e. The name and address, including the dwelling unit,  
6 apartment or room number of the superintendent, janitor, custodian  
7 or other individual employed by the record owner or managing  
8 agent to provide regular maintenance service, if any;

9 f. The name, address and telephone number of an individual  
10 representative of the record owner or managing agent who may be  
11 reached or contacted at any time in the event of an emergency  
12 affecting the premises or any unit of dwelling space therein,  
13 including such emergencies as the failure of any essential service or  
14 system, and who has the authority to make emergency decisions  
15 concerning the building and any repair thereto or expenditure in  
16 connection therewith and shall, at all times, have access to a current  
17 list of building tenants that shall be made available to emergency  
18 personnel as required in the event of an emergency;

19 g. The name and address of every holder of a recorded  
20 mortgage on the premises;

21 h. If fuel oil is used to heat the building and the landlord  
22 furnishes the heat in the building, the name and address of the fuel  
23 oil dealer servicing the building and the grade of fuel oil used;

24 i. A statement indicating whether the rental premises has been  
25 held by a court of competent jurisdiction to be uninhabitable on any  
26 basis, or has experienced the loss of a tenant through constructive  
27 eviction concerning items of habitability, including the presence of  
28 mold, and if so, detailed documentation of the repairs or abatement  
29 of the condition affecting habitability.

30 (cf: P.L.2003, c.56, s.2)

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32 3. Section 4 of P.L.1981, c.442 (C.46:8-28.2) is amended to  
33 read as follows:

34 4. Every landlord required to file a certificate of registration as  
35 described in section 2 of P.L.1974, c. 50 (C. 46:8-28) shall file an  
36 amended certificate of registration within 20 days after any change  
37 in the information required to be included thereon, including such  
38 information required to be reported pursuant to subsection i. of  
39 section 2 of P.L.1974, c.50 (C.46:8-28). No fee shall be required  
40 for the filing of an amendment except where the ownership of the  
41 premises is changed.

42 (cf: P.L.1981, c.442, s.4)

43

44 4. (New section) Every landlord who is required to report  
45 information concerning a rental premises pursuant to subsection i.  
46 of section 2 of P.L.1974, c.50 (C.46:8-28), shall notify each of the  
47 landlord's other tenants if located in the same building. Each new  
48 tenant of a rental premises for which information is required to

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1 reported pursuant to subsection i. of section 2 of P.L.1974, c.50  
2 (C.46:8-28) shall be notified of that information at the time of  
3 signing of the lease to the rental premises, and shall thereafter have  
4 a three-day period in which the tenant may rescind the agreement to  
5 lease. For the purposes of this section, "landlord" means any person  
6 who rents or leases, for a term of at least one month, residential  
7 dwelling units. The term "landlord" shall not mean a person who  
8 rents or leases dwelling units in an owner-occupied premises of not  
9 more than three dwelling units, or in hotels, motels, or other guest  
10 houses serving transient or seasonal guests.

11

12 5. (New section) The Department of Community Affairs shall  
13 maintain a registry of rental premises for which information has  
14 been reported pursuant to subsection i. of section 2 of P.L.1974,  
15 c.50 (C.46:8-28) or N.J.S.2A:18-59, and shall make such  
16 information available to the public upon request, or alternately may  
17 make such information available on its internet site.

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19 6. This act shall take effect immediately.

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**STATEMENT**

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24 This bill requires notification to tenants whenever a rental  
25 premises has been found to have mold concerns by a court, to the  
26 extent that a tenant has been forced to move from the premises.  
27 The legal term for this situation is constructive eviction. Although  
28 landlords who are found to have constructively evicted a tenant  
29 must return all security deposit monies, there is no notification to  
30 other prospective tenants, or even to current tenants in the building,  
31 that a health problem may exist with the rental premises. Although  
32 standards for an acceptable level of mold in rental premises have  
33 not been promulgated at this point in time, research indicates that  
34 certain people may need to avoid any contact with mold. The  
35 purpose of the bill, therefore, is to provide important, relevant  
36 information to a prospective tenant or current tenant.

37 Most landlords are diligent in correcting unhealthy  
38 environmental conditions in their rental properties. When tenants  
39 are unable to persuade landlords to take action to correct these  
40 conditions, many will simply vacate those premises in favor of  
41 more habitable premises. When a landlord refuses to make repairs  
42 or correct unhealthy conditions in the rental property, and the tenant  
43 is found by a court to have been constructively evicted, the bill  
44 requires that fact to be reported to the Department of Community  
45 Affairs by the court. In addition, the landlord registration form,  
46 required by statute to be maintained either by the municipality or by  
47 the Department of Community Affairs, is required to be updated to  
48 reflect the condition of the rental property. The bill also requires

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1 current tenants in the same building, as well as prospective tenants  
2 of the same rental unit, to be notified of the fact of the constructive  
3 eviction. The Department of Community Affairs is charged by the  
4 bill with maintaining a registry of rental premises for which  
5 information has been reported either through the landlord  
6 registration files, or the court, and is required to make such  
7 information available to the public upon request, or alternately to  
8 make such information available on its internet site.