

**SENATE, No. 1150**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED JANUARY 25, 2018

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Requires hotel and multiple dwelling inspections every two years.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/1/2018)**

1   **AN ACT** increasing the frequency of hotel and multiple dwelling  
2       inspections and amending P.L.1967, c.76.

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7       1. Section 13 of P.L.1967, c.76 (C.55:13A-13) is amended to  
8 read as follows:

9       13. (a) Each multiple dwelling and each hotel shall be inspected  
10 at least once in every **[five]** two years for the purpose of  
11 determining the extent to which each hotel or multiple dwelling  
12 complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.)  
13 and regulations promulgated hereunder.

14       (b) Within 90 days of the most recent inspection, the owner of  
15 each hotel shall file with the commissioner, upon forms provided by  
16 the commissioner, an application for a certificate of inspection.  
17 Said application shall include such information as the commissioner  
18 shall prescribe to enforce the provisions of this law. Said  
19 application shall be accompanied by a fee as follows: \$15 per unit  
20 of dwelling space for the first 20 units of dwelling space in any  
21 building or project, \$12 per unit of dwelling space for the 21st  
22 through 100th unit in any building or project, \$8 per unit of  
23 dwelling space for the 101st through 250th unit in any building or  
24 project, and \$5 per unit of dwelling space for all units over 250 in  
25 any building or project, except that in the case of hotels open and  
26 operating less than six months in each year the fee shall be one-half  
27 that which would otherwise be required. A certificate of inspection  
28 and the fees therefor shall not be required more often than once  
29 every **[five]** two years.

30       Additionally, there shall be reinspection fees for hotels in the  
31 amount of \$10 for each dwelling unit reinspected.

32       Within 90 days of the most recent inspection of any multiple  
33 dwelling occupied or intended to be occupied by three or more  
34 persons living independently of each other, the owner of each such  
35 multiple dwelling shall file with the commissioner, upon forms  
36 provided by the commissioner, an application for a certificate of  
37 inspection. Said application shall include such information as the  
38 commissioner shall prescribe to enforce the provisions of this law.  
39 Said application shall be accompanied by a fee of \$33 per unit of  
40 dwelling space for the first 7 units in any building or project, \$21  
41 per unit of dwelling space for the 8th through the 24th unit in any  
42 building or project, \$18 per unit for the 25th through the 48th unit  
43 in any building or project, and \$12 per unit of dwelling space for all  
44 units of dwelling space over 48 in any building or project, provided  
45 that the maximum total fee for owner-occupied three-unit multiple

**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 dwellings shall be limited to \$65 for owners having a household  
2 income that is less than 80 percent of the median income for  
3 households of similar size in the county in which the multiple  
4 dwelling is located, and the maximum total fee for owner-occupied  
5 four-unit multiple dwellings shall be limited to \$80 for owners  
6 having a household income that is less than 80 percent of the  
7 median income for households of similar size in the county in  
8 which the multiple dwelling is located. A certificate of inspection  
9 and the fees therefor shall not be required more often than once  
10 every **five** two years.

11 Additionally, there shall be reinspection fees for multiple  
12 dwellings in the amount of \$40 for each dwelling unit reinspected,  
13 but only after the first reinspection.

14 The commissioner may waive the inspection fee for any unit  
15 upon a finding that the unit has been thoroughly inspected within  
16 the previous 12-month period under a municipal ordinance  
17 requiring inspection upon change of occupancy in accordance with  
18 the maintenance standards established by the commissioner under  
19 P.L.1967, c.76 (C.55:13A-1 et seq.), and has received a municipal  
20 certificate of occupancy as a result of that inspection.

21 If the commissioner finds that (1) a building has been thoroughly  
22 inspected prior to resale since the most recent inspection in  
23 accordance with this section, (2) the inspection prior to resale was  
24 conducted by the municipality in accordance with the maintenance  
25 standards established by the commissioner under P.L.1967, c.76  
26 (C.55:13A-1 et seq.), and (3) a municipal certificate of occupancy  
27 was issued as a result of that inspection, the commissioner may  
28 accept the inspection done prior to resale in lieu of a current  
29 inspection under this section. If the commissioner accepts an  
30 inspection prior to resale in lieu of a current inspection, no fee shall  
31 be charged for any inspection done by the commissioner within  
32 **five** two years after the date of the inspection so accepted.

33 (c) If the commissioner determines, as a result of the most  
34 recent inspection of any hotel or multiple dwelling as required by  
35 subsection (a) of this section, that any hotel or multiple dwelling  
36 complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.)  
37 and regulations promulgated hereunder, then the commissioner shall  
38 issue to the owner thereof, upon receipt of the application and fee as  
39 required by subsection (b) of this section, a certificate of inspection.  
40 Any owner to whom a certificate of inspection is issued shall keep  
41 said certificate posted in a conspicuous location in the hotel or  
42 multiple dwelling to which the certificate applies. The certificate of  
43 inspection shall be in such form as may be prescribed by the  
44 commissioner.

45 The commissioner may, upon finding a consistent pattern of  
46 compliance with the maintenance standards established under  
47 P.L.1967, c.76 (C.55:13A-1 et seq.) in at least 20 percent of the  
48 units in a building or project, issue a certificate of inspection for the

1 building or project, in which case the inspection fee shall be  
2 charged on the basis of the number of units inspected.

3 The commissioner may by rule establish standards for self-  
4 inspection by condominium associations exercising control over  
5 buildings of not more than three stories, constructed after 1976, and  
6 certified by the local enforcing agency having jurisdiction as being  
7 in compliance with the Uniform Fire Code promulgated pursuant to  
8 P.L.1983, c.383 (C.52:27D-192 et seq.), in which at least 80 percent  
9 of the dwelling units are occupied by the unit owners. The  
10 commissioner shall issue a certificate of acceptance, which shall be  
11 in lieu of a certificate of inspection, upon acceptance of any such  
12 self-inspection and upon payment of a fee of \$25.

13 (d) If the commissioner determines, as a result of the most  
14 recent inspection of any hotel or multiple dwelling as required by  
15 subsection (a) of this section, that any hotel or multiple dwelling  
16 does not comply with the provisions of P.L.1967, c.76 (C.55:13A-1  
17 et seq.) and regulations promulgated thereunder, then the  
18 commissioner shall issue to the owner thereof a written notice  
19 stating the manner in which any such hotel or multiple dwelling  
20 does not comply with P.L.1967, c.76 (C.55:13A-1 et seq.) or  
21 regulations promulgated thereunder. Said notice shall fix such date,  
22 not less than 60 days nor more than 180 days, on or before which  
23 any such hotel or multiple dwelling must comply with the  
24 provisions of P.L.1967, c.76 (C.55:13A-1 et seq.) and regulations  
25 promulgated thereunder. If any such hotel or multiple dwelling is  
26 made to comply with the provisions of P.L.1967, c.76 (C.55:13A-1  
27 et seq.) and regulations promulgated thereunder on or before the  
28 date fixed in said notice, then the commissioner shall issue to the  
29 owner thereof a certificate of inspection as described in subsection  
30 (c) of this section. If any such hotel or multiple dwelling is not  
31 made to comply with the provisions of P.L.1967, c.76 (C.55:13A-1  
32 et seq.) and regulations promulgated thereunder on or before the  
33 date fixed in said notice, then the commissioner shall not issue to  
34 the owner thereof a certificate of inspection as described in  
35 subsection (c) of this section, and shall enforce the provisions of  
36 P.L.1967, c.76 (C.55:13A-1 et seq.) against the owner thereof.

37 (e) The commissioner shall annually review the cost of  
38 implementing and enforcing P.L.1967, c.76 (C.55:13A-1 et seq.),  
39 including the cost to municipalities of carrying out inspections  
40 pursuant to section 21 of P.L.1967, c.76 (C.55:13A-21), and shall  
41 establish by rule, not more frequently than once every three years,  
42 such fees as may be necessary to cover the costs of such  
43 implementation and enforcement; provided, however, that any  
44 increase or decrease shall be applied as a uniform percentage to  
45 each category of fee established herein, and provided, further, that  
46 the percentage amount of any increase shall not exceed the  
47 percentage increase in salaries paid to State employees since the  
48 then current fee schedule was established. The commissioner shall

1 provide by rule to owners the option of paying inspection fees in  
2 installments in the form of an annual fee. The commissioner shall  
3 annually prepare and file with the presiding officers of the Senate  
4 and General Assembly and the legislative committees having  
5 jurisdiction in housing matters a report setting forth the amounts of  
6 fees and penalties received by the Bureau of Housing Inspection,  
7 the cost to the bureau of enforcing this act, and information  
8 concerning the productivity of the bureau. Copies of the report  
9 shall also be submitted to the Office of Administrative Law for  
10 publication in the New Jersey Register. If in any State fiscal year  
11 the fee revenue received by the bureau exceeds the cost of  
12 enforcement of P.L.1967, c.76 (C.55:13A-1 et seq.), the excess  
13 revenue shall be distributed pro rata to persons who paid inspection  
14 fees during that fiscal year. Such distribution shall be made within  
15 three months after the end of the fiscal year.

16 (f) Except as otherwise provided in section 2 of P.L.1991, c.179  
17 (C.55:13A-26.1), the fees established by or pursuant to the  
18 provisions of this section are dedicated to meeting the costs of  
19 implementing and enforcing P.L.1967, c.76 (C.55:13A-1 et seq.)  
20 and shall not be used for any other purpose. All receipts in excess  
21 of \$2,200,000 are hereby appropriated for the purposes of P.L.1967,  
22 c.76 (C.55:13A-1 et seq.).  
23 (cf: P.L.2013, c.253, s.56)  
24

25 2. This act shall take effect immediately and shall be first  
26 applicable to the next new inspection cycle for a hotel or multiple  
27 dwelling following the date of enactment.  
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#### 30 STATEMENT

31  
32 This bill would increase the frequency of inspections under the  
33 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et  
34 seq.), from once every five years to once every two years. The  
35 additional oversight provided by having more frequent inspections  
36 would help ensure that hotels and multiple dwellings are continually  
37 meeting applicable health and safety building requirements.