

SENATE, No. 1358

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Senator Van Drew

SYNOPSIS

Eliminates duplication and redundancy in registration of certain apartments.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2019)

1 AN ACT concerning the registration of landlords and supplementing
2 and amending P.L.1974, c.50 and amending P.L.1981, c.442.

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

6
7 1. (New section) The Legislature finds and declares that:

8 a. Current law requires the owners of residential rental
9 property containing three or more units to register with the State
10 and provide necessary and important information about the property
11 including the name and address of the owner, the name, address and
12 telephone number of an emergency contact, and the property's fuel
13 provider.

14 b. The Statewide registration of owners of residential rental
15 property with the Department of Community Affairs is a necessary
16 and appropriate task for State government.

17 c. The "Hotel and Multiple Dwelling Law," P.L.1967,
18 c.76 (C.55:13A-1 et seq.) requires the owner of each multiple
19 dwelling containing three or more units to register with the
20 Department of Community Affairs. Other provisions of law require
21 the owner of one-unit and two-unit residential rental properties,
22 except for owner-occupied properties, to register with the
23 municipality in which they are located.

24 d. The February 2012 report of the bipartisan Red Tape Review
25 Commission recommended eliminating duplicative landlord
26 registration requirements at the State and local levels.

27 e. Timely sharing of registration information between the State
28 and municipalities is critical to ensuring that public records are
29 current, accessible, and accurate to facilitate code enforcement,
30 emergency services, tax assessment, and local zoning.

31 f. It is appropriate for the State to be the primary governmental
32 entity responsible for collecting, cataloguing, and organizing
33 uniform registration information about the owners of residential
34 rental properties of three or more units and for disseminating this
35 information without delay to municipalities.

36

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

39 2. Every landlord shall, within 30 days following the effective
40 date of this act, or at the time of the creation of the first tenancy in
41 any newly constructed or reconstructed building, file with the clerk
42 of the municipality, or with such other municipal official as is
43 designated by the clerk, in which the residential property is situated,
44 in the case of a one-dwelling unit rental or a two-dwelling unit non-
45 owner occupied premises, or with the Bureau of Housing Inspection

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 in the Department of Community Affairs in the case of a multiple
2 dwelling as defined in section 3 of the "Hotel and Multiple
3 Dwelling Law" (C.55:13A-3), a certificate of registration on forms
4 prescribed by the Commissioner of Community Affairs, which
5 shall contain the following information:

6 a. The name and address of the record owner or owners of the
7 premises and the record owner or owners of the rental business if
8 not the same persons. In the case of a partnership the names of all
9 general partners shall be provided;

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

12 c. If the address of any record owner is not located in the
13 county in which the premises are located, the name and address of a
14 person who resides in the county in which the premises are located
15 and is authorized to accept notices from a tenant and to issue
16 receipts therefor and to accept service of process on behalf of the
17 record owner;

18 d. The name and address of the managing agent of the
19 premises, if any;

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

24 f. The name, address and telephone number of an individual
25 representative of the record owner or managing agent who may be
26 reached or contacted at any time in the event of an emergency
27 affecting the premises or any unit of dwelling space therein,
28 including such emergencies as the failure of any essential service or
29 system, and who has the authority to make emergency decisions
30 concerning the building and any repair thereto or expenditure in
31 connection therewith and shall, at all times, have access to a current
32 list of building tenants that shall be made available to emergency
33 personnel as required in the event of an emergency;

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

36 h. If fuel oil is used to heat the building and the landlord
37 furnishes the heat in the building, the name and address of the fuel
38 oil dealer servicing the building and the grade of fuel oil used.

39 This section sets forth a uniform and comprehensive system for
40 the registration of the owners of residential rental properties and
41 therefore supersedes the provisions of section 3 of P.L.1962,
42 c.66 (C.40:48-2.12c) and preempts any municipal ordinance
43 adopted pursuant to section 3 of P.L.1962, c.66 (C.40:48-2.12c)
44 concerning the registration of owners of residential rental property
45 of three or more units. However, nothing in this section shall be
46 construed as preventing the enforcement of a properly adopted
47 regulation or ordinance as authorized pursuant the "Uniform Fire
48 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) or prohibiting

1 the registration of the rents charged to tenants when such
2 information is required pursuant to a rent control ordinance.

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

4
5 3. Section 3 of P.L.1981, c.442 (C.46:8-28.1) is amended to
6 read as follows:

7 3. In the case of a filing under section 2 of P.L.1974,
8 c.50 (C.46:8-28) with the municipal clerk, or with such other
9 municipal official as is designated by the clerk, the clerk or
10 designated official shall index and file the certificate and make it
11 reasonably available for public inspection. In the case of a filing
12 with the Bureau of Housing Inspection, the filing shall be
13 accompanied by the filing fee required pursuant to section 12 of
14 P.L.1967, c.76 (C. 55:13A-12). The bureau shall review the
15 certificate and, if it is found to be in conformity with this law and
16 any regulations promulgated hereunder, validate the certificate and
17 issue a validated copy to the landlord and a validated copy to the
18 clerk of the municipality in which the building or project is located.
19 If at any time the certificate is updated or amended by the landlord,
20 the bureau shall issue a validated copy of the updated certificate to
21 the clerk of the municipality in which the building or project is
22 located without delay within the timeframe prescribed by the
23 Commissioner of Community Affairs. The clerk shall index the
24 validated certificates, or forward them to the designated official for
25 indexing, and the certificates shall be made available as with the
26 certificates required of one and two dwelling unit nonowner
27 occupied premises. A copy of the certificate may be provided to the
28 municipality in an electronic format, and shall be updated
29 frequently in accordance with regulations promulgated by the
30 Commissioner of Community Affairs.

31 (cf: P.L.2001, c.264, s.2)

32
33 4. (New section) The Commissioner of Community Affairs
34 shall promulgate those rules and regulations, pursuant to the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.) necessary to effectuate the purposes of this act.

37
38 5. This act shall take effect immediately.

41 STATEMENT

42
43 Since 1967, New Jersey has required the owner of every
44 residential rental property of three or more units to register the
45 property with the Department of Community Affairs (DCA). The
46 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et
47 seq.), was the first of its kind in the United States and New Jersey
48 continues to be the only state in the Nation with mandatory

1 registration and inspection of rental units. Owners of one-unit and
2 two-unit residential rental properties are required to register
3 properties with the municipality in which they are located. State
4 law also allows municipalities to require owners of all non-owner
5 occupied residential rental units to register their properties locally,
6 although those properties have already been registered with the
7 State. This results in an unnecessary duplication of registration for
8 properties of three units or more by two levels of government,
9 creates confusion, and permits the imposition of unnecessary fees
10 by two entities for a single purpose. The bi-partisan Red Tape
11 Review Commission highlighted this redundancy in its February
12 2012 report, under the heading of "Reduce Governmental Overlap,"
13 and recommended correction so that State requirements are not
14 duplicated at the local level.

15 This bill clarifies that owners of residential rental property with
16 three or more units must register their properties with the State, not
17 the municipality in which the property is located. Current law,
18 section 3 of P.L.1981, c.442 (C.46:8-28.1), requires the State to
19 issue a validated copy of a certificate of registration to the clerk of
20 the municipality in which the property is located. The bill requires
21 the DCA to provide the municipal clerk with a copy of the
22 certificate of registration any time the registration information is
23 updated by the landlord. Current law authorizes the DCA to
24 provide a paper copy of the certificate of registration to the
25 municipality. As a cost-saving measure, the bill authorizes the
26 DCA to forward valid registration certificates to the municipality in
27 an electronic format. The bill also permits municipalities to
28 continue the registration of rents charged to tenants, provided that
29 the registration of rents is required by a rent control ordinance. The
30 bill specifies that its provisions would have no effect on the
31 administration of the "Uniform Fire Safety Act," P.L.1983,
32 c.383 (C.52:27D-192 et seq.). Finally, the committee amendments
33 authorize the Commissioner of Community Affairs to promulgate
34 administrative rules and regulations necessary to implement the
35 provisions of the bill.