

# SENATE, No. 306

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Senator Gopal**

**SYNOPSIS**

Clarifies and expands landlord registration procedures; creates certain rights for tenants; makes certain changes concerning tenant notifications, inspections, and maintenance in multiple dwellings; permits percentage of affordable housing obligation to be satisfied by certain rehabilitation projects.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing the "Landlord Registration and Tenant  
2 Protection Act" and amending, supplementing, and repealing  
3 various parts of the statutory law.  
4

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

8 1. Section 1 of P.L.1974, c.50 (C.46:8-27) is amended to read  
9 as follows:

10 1. **【**The term "landlord," as used in this act, shall mean the  
11 person or persons who own or purport to own, or exercise control of  
12 any building or project in which there is rented or offered for rent  
13 housing space for living or dwelling purposes under either a written  
14 or oral lease, provided that this definition shall not include owner-  
15 occupied two unit premises. This definition shall include but not be  
16 limited to any multiple dwelling subject to the "Hotel and Multiple  
17 Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).

18 Whenever: the owner of an apartment in a horizontal property  
19 regime as defined in P.L.1963, c.168 (C.46:8A-1 et seq.), a unit  
20 owner of a unit in a condominium as defined in P.L.1969, c.257  
21 (C.46:8B-1 et seq.), an owner of a unit in a fee simple community  
22 as defined in section 1 of P.L.1989, c.299 (C.40:67-23.2) or an  
23 owner in a cooperative entity as defined in section 3 of  
24 P.L.1987, c.381 (C.46:8D-3) leases an apartment or unit to a tenant,  
25 that owner shall be deemed the landlord for the purposes of filing  
26 the certificate of registration as required by section 2 of  
27 P.L.1974, c.50 (C.46:8-28). Nothing in P.L.1974, c.50 shall be  
28 construed as requiring a council of co-owners of a horizontal  
29 property regime, a condominium association, an association  
30 managing the common or shared elements or interests in a fee  
31 simple community or a cooperative association to comply with the  
32 certificate of registration requirement unless the council or  
33 association is the owner or lessor of the apartment or unit. Nothing  
34 in P.L.1974, c.50 shall be construed to require a cooperative  
35 corporation to comply with the certificate of registration  
36 requirement unless the corporation leases a unit to a person other  
37 than a proprietary shareholder of the cooperative. The foregoing  
38 provisions notwithstanding, the council, association or cooperative  
39 corporation having jurisdiction over a "multiple dwelling," as  
40 defined in section 3 of P.L.1967, c.76 (C.55:13A-3), shall comply  
41 with the registration requirements of section 12 of P.L.1967, c.76  
42 (C.55:13A-12) with respect to the multiple dwelling as a whole. The  
43 term "project" as used in this act shall mean a group of buildings  
44 which are or are represented to be under common or substantially  
45 common ownership and which stand on a single parcel of land or  
46 parcels of land which are contiguous and which group of buildings  
47 is named, designated or advertised as a common entity. The

**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 contiguity of such parcels shall not be adversely affected by public  
2 rights-of-way incidental to such buildings.】

3 As used in P.L.1974, c.50 (C.46:8-27 et seq.):

4 “Common ownership association” means an association  
5 managing the common or shared elements or interests of owners,  
6 including, but not limited to: a council of co-owners of a horizontal  
7 property regime, as defined in section 2 of P.L.1963, c.168  
8 (C.46:8A-2 et seq.); an association of condominiums, as defined in  
9 section 3 of P.L.1969, c.257 (C.46:8B-3 an association managing  
10 the common or shared elements or interests in a fee simple  
11 community, as defined in section 1 of P.L.1989, c.299 (C.40:67-  
12 23.2); or an association of a cooperative, as defined in section 3 of  
13 P.L.1987, c.381 (C.46:8D-3).

14 “Landlord” means an owner of a building or project, or a unit  
15 thereof, in which there are residential rental premises, including,  
16 but not limited to: a multiple dwelling; an apartment in a horizontal  
17 property regime as defined in section 2 of P.L.1963, c.168  
18 (C.46:8A-1 et seq.); an owner of a dwelling unit in a condominium  
19 as defined in P.L.1969, c.257 (C.46:8B-1 et seq.); a dwelling unit in  
20 a fee simple community as defined in section 1 of P.L.1989, c.299  
21 (40:67-23.2); a cooperative association as defined in section 3 of  
22 P.L.1987, c.381 (C.46:8D-3); or any other planned real estate  
23 development of a kind now existing or yet to be developed, but the  
24 term shall not include a cooperative corporation unless the  
25 corporation rents a dwelling unit to a person other than a  
26 proprietary shareholder of the cooperative. Nothing in  
27 P.L.1974, c.50 (C.46:8-27 et seq.) shall be construed as creating an  
28 exemption to the registration requirements of section 12 of  
29 P.L.1967, c.76 (C.55:13A-12) with respect to any multiple dwelling  
30 as a whole.

31 “Mailing address” means the street address, and if applicable, the  
32 dwelling unit or room number, of the home or actual place of  
33 business of the person or entity being registered. A post office box  
34 may be included in addition to, but not in lieu of, a street address.

35 “Multiple dwelling” shall have the same definition as set forth in  
36 subsection (k) of section 3 of P.L.1967, c.76 (C.55:13A-3).

37 “Owner” means the person who holds record title to a building,  
38 project, or dwelling unit.

39 “Owner-occupied” means personally and lawfully occupied as  
40 the primary residence of the owner or a member of the owner’s  
41 household if the owner has temporarily taken lodging elsewhere.

42 “Primary residence” means the residence where the owner  
43 resides a majority of the time.

44 “Project” means a group of buildings under common or  
45 substantially common ownership that stand on a single parcel or  
46 more than one contiguous parcel of land, and is named, designated  
47 or advertised as a common entity. The contiguity of such parcels

1 shall not be adversely affected by public rights-of-way incidental to  
2 such buildings.

3 “Temporarily” means for a period lasting no more than 90 days  
4 when the owner either already maintains a primary residence or  
5 intends to establish a primary residence and does so within 90 days  
6 after taking lodging elsewhere.

7 “Unit of dwelling space” or “dwelling unit” means a room or  
8 rooms, floor or floors of rooms, suite, or apartment, whether  
9 furnished or unfurnished, occupied or intended or designed to be  
10 occupied for sleeping or dwelling purposes by one person, including  
11 but not limited to the owner, or by one household, including but not  
12 limited to the household of the owner.

13 (cf: P.L.2003, c.56, s.1)

14

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

17 2. Every landlord shall **【**, within 30 days following the  
18 effective date of this act, or at the time of the creation of the first  
19 tenancy in any newly constructed or reconstructed building, **】** file a  
20 certificate of registration on the form prescribed by the  
21 Commissioner of Community Affairs, within seven days of  
22 becoming a landlord of a rental premises. The certificate of  
23 registration shall be filed with the clerk of the municipality, or  
24 **【with such other municipal official as is designated by the clerk】**  
25 the clerk’s designee, in which the residential property is situated, in  
26 the case of a one-dwelling unit rental or a two-dwelling unit non-  
27 owner occupied premises, or with the Bureau of Housing Inspection  
28 in the Department of Community Affairs in the case of a multiple  
29 dwelling **【**as defined in section 3 of P.L.1976 the "Hotel and  
30 Multiple Dwelling Law" (C.55:13A-3), a certificate of registration  
31 on forms prescribed by the Commissioner of Community Affairs,  
32 which**】** . The certificate of registration shall contain the following  
33 information:

34 a. The name **【and**】** , mailing address **【**of the record owner or**

35 owners of the premises and the record owner or owners of the rental

36 business if not the same persons. In the case of a partnership the

37 names of all general partners shall be provided**】** , e-mail address,

38 and telephone number of each owner of the rental premises and the  
39 rental business, if not the same persons;

40 b. If the **【record**】** owner **【**is a corporation, the name and**

41 address of the registered agent and corporate officers of said

42 corporation**】** of the rental premises or the rental business is:

43 (1) a general partnership or a limited liability partnership, the  
44 name and mailing address of the managing partner or agent who has  
45 the authority to act on behalf of the partnership;

46 (2) a corporation, the names and mailing addresses of the  
47 registered agent and corporate officers of the corporation; or

1       (3) a limited liability company, the names and mailing addresses  
2 of the managing members of the limited liability company;

3       c. If **【the address of any record owner is not located in the**  
4 **county in which the premises are located, the name and address of**  
5 **a person who resides in the county in which the premises are**  
6 **located and is authorized to accept notices from a tenant and to**  
7 **issue receipts therefor and to accept service of process on behalf of**  
8 **the record owner】** an owner is not located in the county in which  
9 the rental premises are located, the name, mailing address, e-mail  
10 address, and telephone number of a person who resides in the  
11 county in which the rental premises are located and is authorized to  
12 accept notices from a tenant and to issue receipts therefor, and to  
13 accept service of process on behalf of the owner;

14       d. The name **【and】** , mailing address 【of the managing agent of  
15 the premises, if any】 , e-mail address, and telephone number of the  
16 property manager or managing agent of the rental premises, if any;

17       e. The name **【and】** , mailing address, including the 【dwelling  
18 unit, apartment or room number of the superintendent, janitor,  
19 custodian or other individual employed by the record owner or  
20 managing agent to provide regular maintenance service, if any】 unit  
21 number, email address, and telephone number of the superintendent,  
22 janitor, custodian, or other individual employed by the owner or  
23 managing agent to provide regular maintenance service at the rental  
24 premises, if any;

25       f. The name, mailing address 【and telephone number of a  
26 representative of the record owner or managing agent who may be  
27 reached or contacted at any time in the event of an emergency  
28 affecting the premises or any unit of dwelling space therein,  
29 including such emergencies as the failure of any essential service or  
30 system, and who has the authority to make emergency decisions  
31 concerning the building and any repair thereto or expenditure in  
32 connection therewith and shall, at all times, have access to a current  
33 list of building tenants that shall be made available to emergency  
34 personnel as required in the event of an emergency】 , e-mail  
35 address, and telephone number of an individual who: (1) has the  
36 authority to make emergency decisions concerning repairs or  
37 expenditures related to repairs to the rental premises; (2) may be  
38 reached at any time in the event of any emergency affecting the  
39 rental premises or any unit therein; and (3) shall, at all times, have  
40 access to a current list of tenants residing in the rental premises that  
41 shall be made available to emergency personnel as required in the  
42 event of an emergency;

43       g. The name and mailing address of the mortgage service  
44 provider, and every holder of a recorded mortgage on the rental  
45 premises , if known ;

46       h. If fuel oil is **【used to heat the building and】** provided by the  
47 landlord 【furnishes the】 to heat 【in】 the building, the name

1 **[and]**, mailing address , and telephone number of the fuel oil dealer  
2 servicing the building and the grade of fuel oil used ; and

3 i. The date of preparation of the certificate of registration.  
4 (cf: P.L.2003, c.56, s.2)

5

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

8 3. **[In the case of a filing under section 2 of P.L.1974, c.50**  
9 **(C.46:8-28) with the municipal clerk, or with such other municipal**  
10 **official as is designated by the clerk, the clerk or designated official**  
11 **shall index and file the certificate and make it reasonably available**  
12 **for public inspection.**

13 In the case of a filing with the Bureau of Housing Inspection  
14 shall be accompanied by the filing fee required pursuant to section  
15 12 of P.L.1967, c.76 (C.55:13A-12). The bureau shall review the  
16 certificate and, if it is found to be in conformity with this law and  
17 any regulations promulgated hereunder, validate the certificate and  
18 issue a validated copy to the landlord and a validated copy to the  
19 clerk of the municipality in which the building or project is located.  
20 The clerk shall index the validated certificates, or forward them to  
21 the designated official for indexing, and the certificates shall be  
22 made available as with the certificates required of one and two  
23 dwelling unit nonowner occupied premises **]** a. All certificates  
24 of registration filed with the Bureau of Housing Inspection shall be  
25 reviewed, and if determined to be in compliance with the certificate  
26 of registration requirements set forth in P.L.1974, c.50 (C.46:8-27  
27 et seq.) and any regulation promulgated thereunder, validated by the  
28 bureau. The bureau then shall issue a copy of the validated  
29 certificate of registration to the record owner, or the person who  
30 filed the original, if different than the record owner, and to the clerk  
31 of the municipality in which the building or project is located.

32 b. All certificates of registration filed with the clerk of a  
33 municipality and all validated certificates of registration issued to  
34 the clerk by the bureau shall be indexed and recorded by the clerk  
35 and made reasonably available for public inspection. The clerk may  
36 disclose to any person making inquiry whether a validated  
37 certificate of registration has been filed for any designated property.  
38 (cf: P.L.2001, c.264, s.2)

39

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

42 4. Every landlord required to file a certificate of registration as  
43 described in section 2 of P.L.1974, c.50 (C.46:8-28) shall file an  
44 amended certificate of registration within **[20]** 10 business days  
45 after any change in the information required to be included thereon.

46 **[No]** A fee shall not be required for the filing of an amendment  
47 except where the ownership of the premises is changed. The

1 amended certificate of registration shall contain the date of its  
2 preparation.

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

4  
5 5. Section 8 of P.L.1981, c.442 (C.46:8-28.3) is amended to  
6 read as follows:

7 8. **【Nothing herein shall require a】** A landlord who has  
8 **【heretofore】** complied with **【all】** the provisions of P.L.1974, c.50  
9 (C.46:8-27 et seq.) or the "Hotel and Multiple Dwelling Law"  
10 (P.L.1967, c.76, C. 55:13A-1 et seq.), or both, **【applicable to any**  
11 **building or project to register the building or project again pursuant**  
12 **to this amendatory and supplementary act. Whenever, after the**  
13 **effective date of this amendatory and supplementary act, any owner**  
14 **or landlord shall be required to file an amended certificate of**  
15 **registration pursuant to the provisions of this amendatory and**  
16 **supplementary act, the "Hotel and Multiple Dwelling Law," or**  
17 **P.L.1974, c.50, then that filing shall be in accordance with this**  
18 **amendatory and supplementary act】 shall not be required to register**  
19 **the building or project again pursuant to P.L. , c. (C. )**  
20 **(pending before the Legislature as this bill). On and after the**  
21 **effective date of P.L. , c. (C. ) (pending before the Legislature**  
22 **as this bill), a landlord who is required to file an amended**  
23 **certificate of registration shall do so in accordance with the**  
24 **provisions set forth in section 4 of P.L.1981, c.442 (C.46:8-28.2).**  
25 (cf: P.L.1981, c.442, s.8)

26  
27 6. Section 3 of P.L.1974, c.50 (C.46:8-29) is amended to read  
28 as follows:

29 3. **【Within 30 days following the effective date hereof, and at**  
30 **the time】** a. Unless a tenancy is governed by a written lease  
31 that includes or attaches, in a prominent manner, the information  
32 that is required by section 2 of P.L.1974, c.50 (C.46:8-28) to be  
33 contained in the certificate of registration, within seven days of the  
34 creation of a new tenancy, 【every】 a landlord shall provide each  
35 **【occupant or】** tenant **【in his building or project】** with a copy of the  
36 certificate of registration required by section 2 of **【this act】**  
37 P.L.1974, c.50 (C.46:8-28). 【If】

38 b. In the case of an amended certificate 【is】 filed in accordance  
39 with section 4 of P.L.1981, c.442 (C.46:8-28.2), the landlord shall  
40 furnish each 【occupant or】 tenant with a copy of the amended  
41 certificate within seven days after the amended certificate is filed  
42 with the municipal clerk, or with such other municipal official as is  
43 designated by the clerk, in the case of a tenant occupied one family  
44 dwelling or a non-owner occupied two family dwelling and within  
45 seven days of receipt of a validated certificate from the Bureau of  
46 Housing Inspection in the case of a 【building or project】 multiple

1 dwelling subject to the "Hotel and Multiple Dwelling Law,"  
2 P.L.1967, c.76 (C.55:13A-1 et seq.).

3 c. (1) In the case of a tenant-occupied one family dwelling  
4 or a non-owner occupied two family dwelling, a landlord shall post  
5 a copy of the current filed or validated certificate of registration in  
6 one or more locations at the rental premises so that the statement is  
7 prominent and accessible to all tenants and public officials.

8 (2) In the case of a tenant-occupied multiple dwelling, a  
9 landlord shall post in a least one conspicuous area, where the  
10 information is most likely to be viewed by tenants, and on the  
11 Internet website of any management company that manages a  
12 tenant-occupied multiple dwelling:

13 (a) emergency contact instructions and the name, mailing  
14 address, email address, and telephone number of the individual who  
15 may be reached or contacted at any time in the event of an  
16 emergency affecting the rental premises or any unit of dwelling  
17 space, in accordance with the landlord registration requirements set  
18 forth in subsection f. of section 2 of P.L.1974, c.50 (C.46:8-28); and

19 (b) instructions on how to access the comprehensive social  
20 services information toll-free telephone hotline service, established  
21 pursuant to section 1 of P.L.1991, c.524 (C.30:1-1.1).

22 d. The following information shall be contained in a printed  
23 notice, conspicuously set forth in prominent boldface type, in every  
24 lease offered to a tenant in a multiple dwelling:

25 (1) the Internet website address of the management company  
26 that manages the multiple dwelling, if any; and

27 (2) instructions on how to access the comprehensive social  
28 services information toll-free telephone hotline service, established  
29 pursuant to section 1 of P.L.1991, c.524 (C.30:1-1.1).

30 e. The information provided to tenants in accordance with  
31 subsection a., b., c., and d. of this section shall be made available in  
32 English and Spanish.

33 (cf: P.L.2001, c.264, s.3)

34  
35 7. Section 5 of P.L.1974, c.50 (C.46:8-31) is amended to read  
36 as follows:

37 5. In any action in the Superior Court, Law Division, Special  
38 Civil Part or municipal court by an occupant or tenant or to recover  
39 penalties against a landlord who has not complied with **【this act】**  
40 P.L.1974, c.50 (C.46:8-27 et seq.) and who cannot be served within  
41 the county or municipality, the summons and complaint may be  
42 served by certified and regular mail upon the record owner at the  
43 last address listed in the tax records of either the municipality or  
44 county , or, if the owner has not changed since the last certificate of  
45 registration filing or validation, at the mailing address listed in the  
46 most current or validated certification of registration. If the owner  
47 is a limited liability company or a corporation, the summons and  
48 complaint may be served by certified and regular mail upon the



1 company or corporation's registered agent. Service **of such**  
2 **summons and complaint by certified and regular mail shall be**  
3 **effective to bring** in accordance with this section shall be deemed  
4 proper service on the landlord **before the Superior Court, Law**  
5 **Division, Special Civil Part or municipal court** even if **it were**  
6 the landlord is not served within the county or municipality in  
7 which the court issuing the summons is located.

8 (cf: P.L.1991, c.91, s.455)

9  
10 8. Section 6 of P.L.1974, c.50 (C.46:8-32) is amended to read  
11 as follows:

12 6. **Service** If service of process, as provided in section 5  
13 P.L.1974, c.50 (46:8-31), cannot be made, service of process on the  
14 clerk of the Superior Court, Law Division, Special Civil Part or  
15 municipal court having jurisdiction over the municipality in which  
16 the property is located shall be deemed service on the landlord upon  
17 submission to the court of the following:

18 a. **A certification of the tenant stating that he** The tenant's  
19 certification that the tenant does not know the landlord's  
20 whereabouts after having made a diligent effort, satisfactory to the  
21 court, to determine the same; and

22 b. Proof of failure of service by certified mail as provided in  
23 section 5 **of this act** of P.L.1974, c.50 (46:8-31).

24 (cf: P.L.1991, c.91, s.456)

25  
26 9. Section 7 of P.L.1974, c.50 (C.46:8-33) is amended to read  
27 as follows:

28 7. **In any action for possession instituted by a landlord who**  
29 **has failed to comply with the provisions of this act, no judgment for**  
30 **possession shall be entered until there has been compliance. The**  
31 **court shall continue such case for up to 90 days and if there has not**  
32 **been compliance within such period, the action shall be dismissed**  
33 A judgment of possession shall not be entered in favor of a landlord  
34 who has failed to comply with sections 2 and 3 of P.L.1974, c.50  
35 (C.46:8-28 et seq.). The court shall defer the entry of a judgment for  
36 possession for up to 60 days, at which time the action shall be  
37 dismissed unless the landlord submits to the court proof of the  
38 certificate of registration and service thereof on the tenant, within  
39 30 days.

40 (cf: P.L.1974, c.50, s.7)

41  
42 10. Section 9 of P.L.1974, c.50 (C.46:8-35) is amended to read  
43 as follows:

44 9. **Any** A landlord who **shall violate** violates any  
45 provision of P.L.1974, c.50 (C.46:8-27 et seq.) **or sections 3, 4, and**  
46 **8 of P.L.1981, c.442 (C.46:8-28.1 through C.46-8-28.3)** shall be  
47 liable **to** for a penalty of not more than **\$500.00 for each** \$100

1 for a first offense, \$500 for a second offense, and \$1,000 for a third  
2 or subsequent offense, recoverable by a summary proceeding under  
3 **["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)]** the  
4 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
5 et seq.). The Superior Court, Law Division, Special Civil Part in the  
6 county or the municipal court of the municipality in which the  
7 premises are located shall have jurisdiction to enforce **[said]** the  
8 penalty.

9 The Attorney General, the municipality in which the premises  
10 are located, or any other person may institute the proceeding; where  
11 the municipality or any other person other than the Attorney  
12 General institutes the proceeding, a recovered penalty should be  
13 remitted by the court to the municipality in which the premises  
14 subject to the proceeding are located.

15 (cf: P.L.1991, c.91, s.458)

16

17 11. Section 13 of P.L.1967, c.76 (C.55:13A-13) is amended to  
18 read as follows:

19 13. (a) Each multiple dwelling and each hotel shall be  
20 inspected **[at least once in every five years]** for the purpose of  
21 determining the extent to which each hotel or multiple dwelling  
22 complies with the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.)  
23 and regulations promulgated hereunder. The commissioner shall  
24 establish by regulation the frequency of inspections, which shall be  
25 conducted as follows:

26 (1) Each hotel shall be inspected at least once every five years;  
27 and

28 (2) Each multiple dwelling shall be tiered based upon the  
29 number of reinspections required to correct the violations that were  
30 served upon the owner in the initial inspection. The commissioner  
31 shall require that inspections be conducted as follows:

32 (a) a multiple dwelling in which all violations have been abated  
33 by the first reinspection shall be placed in the highest tier and shall  
34 next be inspected in seven years, and the inspection fee shall be due  
35 at that time;

36 (b) a multiple dwelling in which all violations have been abated  
37 by the second or third reinspection shall be placed in the middle tier  
38 and shall next be inspected in five years, and the inspection fee  
39 shall be due at that time; and

40 (c) a multiple dwelling in which all violations have not been  
41 abated by the third reinspection shall be placed in the lowest tier  
42 and shall next be inspected in two years, and the inspection fee shall  
43 be due at that time.

44 (3) notwithstanding the provisions of paragraph (2) of this  
45 section to the contrary, if the commissioner determines that tiered  
46 inspection schedules do not adequately protect the health and safety  
47 of residents of multiple dwellings, the commissioner may, by

1 regulation, require that multiple dwellings be inspected once every  
2 five years.

3 (b) Within 90 days of the most recent inspection, the owner of  
4 each hotel shall file with the commissioner, upon forms provided by  
5 the commissioner, an application for a certificate of inspection.

6 **【Said】** The application shall include such information as the  
7 commissioner shall prescribe to enforce the provisions of this law.

8 **【Said】** The application shall be accompanied by a fee as follows:  
9 \$15 per unit of dwelling space for the first 20 units of dwelling  
10 space in any building or project, \$12 per unit of dwelling space for  
11 the 21st through 100th unit in any building or project, \$8 per unit of  
12 dwelling space for the 101st through 250th unit in any building or  
13 project, and \$5 per unit of dwelling space for all units over 250 in  
14 any building or project, except that in the case of hotels open and  
15 operating less than six months in each year the fee shall be one-half  
16 that which would otherwise be required. A certificate of inspection  
17 and the fees therefor shall **【not】** be required **【more often than once**  
18 **every five years】** based upon the frequency of inspections as  
19 determined in accordance with subsection (a). of this section.

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

22 Within 90 days of the most recent inspection of any multiple  
23 dwelling occupied or intended to be occupied by three or more  
24 persons living independently of each other, the owner of each such  
25 multiple dwelling shall file with the commissioner, upon forms  
26 provided by the commissioner, an application for a certificate of  
27 inspection. **【Said】** The application shall include such information  
28 as the commissioner shall prescribe to enforce the provisions of this  
29 law. **【Said】** The application shall be accompanied by a fee of \$33  
30 per unit of dwelling space for the first 7 units in any building or  
31 project, \$21 per unit of dwelling space for the 8th through the 24th  
32 unit in any building or project, \$18 per unit for the 25th through the  
33 48th unit in any building or project, and \$12 per unit of dwelling  
34 space for all units of dwelling space over 48 in any building or  
35 project, provided that the maximum total fee for owner-occupied  
36 three-unit multiple dwellings shall be limited to \$65 for owners  
37 having a household income that is less than 80 percent of the  
38 median income for households of similar size in the county in  
39 which the multiple dwelling is located, and the maximum total fee  
40 for owner-occupied four-unit multiple dwellings shall be limited to  
41 \$80 for owners having a household income that is less than 80  
42 percent of the median income for households of similar size in the  
43 county in which the multiple dwelling is located. A certificate of  
44 inspection and the fees therefor shall **【not】** be required **【more often**  
45 **than once every five years】** based upon the frequency of inspections  
46 as determined in accordance with subsection (a) of this section.

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

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

11        A multiple dwelling which is located in a municipality that does  
12 not have a municipal ordinance requiring inspection upon change of  
13 occupancy may be inspected by the Bureau of Housing Inspection  
14 upon change of occupancy, at the request of the municipality. If the  
15 commissioner adopts a change of occupancy inspection program in  
16 a municipality, following the municipality's request, a landlord of a  
17 multiple dwelling subject to such inspection by the bureau shall  
18 provide the bureau with at least seven days' notice of the pending  
19 change of occupancy of a unit and the bureau shall inspect the  
20 premises within seven days of receiving such notice. The fee for an  
21 inspection upon change of occupancy shall not exceed the fee  
22 established for the inspection of multiple dwellings established  
23 pursuant to subsection (e) of this section.

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

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

1       The commissioner may, upon finding a consistent pattern of  
2 compliance with the maintenance standards established under  
3 P.L.1967, c.76 (C.55:13A-1 et seq.) in at least 20 percent of the  
4 units in a building or project, issue a certificate of inspection for the  
5 building or project, in which case the inspection fee shall be  
6 charged on the basis of the number of units inspected.

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

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

42       (e) The commissioner shall annually review the cost of  
43 implementing and enforcing P.L.1967, c.76 (C.55:13A-  
44 1 et seq.), including the cost to municipalities of carrying out inspec  
45 tions pursuant to section 21 of P.L.1967, c.76 (C.55:13A-21), and  
46 shall establish by rule, not more frequently than once every three  
47 years, such fees as may be necessary to cover the costs of such  
48 implementation and enforcement; provided, however, that any

1 increase or decrease shall be applied as a uniform percentage to  
2 each category of fee established herein, and provided, further, that  
3 the percentage amount of any increase shall not exceed the  
4 percentage increase in salaries paid to State employees since the  
5 then current fee schedule was established. The commissioner shall  
6 provide by rule to owners the option of paying inspection fees in  
7 installments in the form of an annual fee. The commissioner shall  
8 annually prepare and file with the presiding officers of the Senate  
9 and General Assembly and the legislative committees having  
10 jurisdiction in housing matters a report setting forth the amounts of  
11 fees and penalties received by the Bureau of Housing Inspection,  
12 the cost to the bureau of enforcing **[this act]** P.L.1967, c.76  
13 (C.55:13A-1 et seq.), and information concerning the productivity  
14 of the bureau. Copies of the report shall also be submitted to the  
15 Office of Administrative Law for publication in the New Jersey  
16 Register. If in any State fiscal year the fee revenue received by the  
17 bureau exceeds the cost of enforcement of P.L.1967, c.76  
18 (C.55:13A-1 et seq.), the excess revenue shall be distributed pro  
19 rata to persons who paid inspection fees during that fiscal year.  
20 Such distribution shall be made within three months after the end of  
21 the fiscal year.

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

30  
31 12. Section 16 of P.L.1967, c.76 (C.55:13A-16) is amended to  
32 read as follows:

33 16. (a) If the commissioner shall discover any violation of the  
34 provisions of this act or any rules and regulations promulgated  
35 thereunder upon any inspection of any hotel or multiple dwelling,  
36 then the commissioner shall issue and cause to be served on the  
37 owner thereof a written order requiring said owner to terminate, or  
38 cause to be terminated, any such violation. Such written order shall  
39 state the nature of any such violation and a reasonable specified  
40 time within which any such violation must be terminated. Such  
41 written order shall also require and direct the owner to whom it is  
42 issued to take, or cause to be taken, such affirmative action as may  
43 be necessary to correct any such violation.

44 (b) The commissioner may petition the Superior Court of this  
45 State for mandatory injunctive relief enforcing any order issued by  
46 the commissioner pursuant to subsection (a) of this section. In any  
47 such proceeding the Superior Court may proceed in a summary  
48 manner or otherwise, and shall have power to grant such temporary

1 relief or restraining order as it may deem just and proper, and to  
2 make and enter a decree enforcing, modifying, and enforcing as so  
3 modified, or setting aside in whole or in part any order issued by the  
4 commissioner pursuant to subsection (a) of this section.

5 (c) If a significant violation is discovered upon an inspection or  
6 reinspection:

7 (1) the commissioner shall serve written notice upon the owner  
8 within 48 hours of completing the inspection that identifies a  
9 significant violation; and

10 (2) the written notice shall identify all such violations and the  
11 time period that the owner shall be afforded to correct the  
12 violations.

13 (d) If an application for a hearing is filed pursuant to section 18  
14 of P.L.1967, c.76 (C.55:13A-18) for a significant violation as  
15 provided in subsection (c) of this section, the hearing shall be held  
16 within no more than 30 days and a final decision shall be rendered  
17 by the commissioner within 60 days from the date of the hearing.

18 (e) For the purposes of this section, "significant violation"  
19 means conditions that are a threat to the health or safety of the  
20 tenants, which remain unaddressed, including but not limited to:  
21 failure to provide heat, running water, or adequate sewage disposal  
22 facilities; structural deficiency; or an infestation of rats, mice,  
23 roaches, termites, or other vermin.

24 (cf: P.L.1967, c.76, s.16)

25

26 13. (New section) The information to be provided to tenants, as  
27 set forth in subsection c. of section 3 of P.L.1974, c.50 (C.46:8-29)  
28 shall be posted in each multiple dwelling in the manner provided in  
29 that subsection.

30

31 14. (New section) a. Each multiple dwelling shall be  
32 adequately staffed to meet the maintenance requirements  
33 established by the commissioner under P.L.1967, c.76 (C.55:13A-1  
34 et seq.). A multiple dwelling that meets the following staffing  
35 levels, either through employees or contractors, shall be deemed by  
36 the commissioner to be in compliance with this section:

37 (1) 70 to 100 units - One full-time maintenance worker or other  
38 full-time equivalent;

39 (2) 101 to 150 units - Two full-time maintenance workers or  
40 other full-time equivalent;

41 (3) 151 to 225 units - Three full-time maintenance workers or  
42 other full-time equivalent;

43 (4) 226 to 325 units - Four full-time maintenance workers or  
44 other full-time equivalent;

45 (5) 326 or more units – Four full-time maintenance workers or  
46 other full-time equivalent, with one additional full-time  
47 maintenance worker or other full-time equivalent for each  
48 additional 100 units above 325 units.

1       b. The owner of a multiple-dwelling of nine or more units who  
2 does not reside on the property either shall provide a superintendent  
3 who lives within a two-block radius of the property, or provide  
4 emergency services in the following manner:

5       (1) The owner shall provide tenants with the ability to submit  
6 emergency maintenance requests to management on a 24-hour  
7 basis;

8       (2) Maintenance staff or contractors shall be available to  
9 respond to emergency maintenance requests as soon as is  
10 reasonably practicable given the nature of the request;

11       (3) Maintenance staff or contractors shall be capable of arriving  
12 at the property within 15 minutes of being dispatched; and

13       (4) Nonemergency requests given outside of normal business  
14 hours shall be responded to in accordance with the property's  
15 standard maintenance practices.

16       c. The owner of a multiple-dwelling shall provide the  
17 following minimum maintenance services:

18       (1) Setting out and returning waste disposal receptacles,  
19 including storing away receptacles on days when there is no waste  
20 pickup;

21       (2) Providing regular daily care for all common areas, including  
22 the removal of garbage, litter, or other accumulations;

23       (3) Attending to sidewalks, pedestrian walkways, parking areas,  
24 and driveways;

25       (4) Operating the equipment designed to provide heat; and

26       (5) Any other routine operational and maintenance service  
27 required of the owner pursuant to the "Hotel and Multiple Dwelling  
28 Law," P.L.1967, c.76 (C.55:13A-1 et seq.).

29

30       15. (New section) If a tenant successfully defends against  
31 eviction by asserting a breach of the implied warranty of  
32 habitability, the court shall make such a finding on the record and  
33 mark the case as "Dismissed for Reasons Concerning Habitability"  
34 in any record disclosed to the public.

35

36       16. (New section) Notwithstanding any provision of law, rule,  
37 or regulation to the contrary, a municipality may satisfy up to ten  
38 percent of its obligation to provide a fair share of the region's  
39 present and prospective need for affordable housing by establishing  
40 a program encouraging the rehabilitation of substandard dwelling  
41 units and the dedication of rehabilitated units for rental as low  
42 income housing for periods of at least 30 years. A municipality  
43 may accept funds from any source, including a municipal affordable  
44 housing trust fund, the "New Jersey Affordable Housing Trust  
45 Fund," established pursuant to section 20 of P.L.1985, c.222  
46 (C.52:27D-320), any other State entity, and the federal government,  
47 for the purpose of awarding or granting payments to property  
48 owners as incentives for the rehabilitation of substandard dwelling



1 units and the dedication of those units for rental as low income  
2 housing for periods of at least 30 years.

3

4 17. The following sections are repealed:  
5 Section 4 of P.L 1974, c.50 (C.46:8-30); and  
6 Section 1 of P.L.1974, c.48 (C.46:8-38).

7

8 18. This act shall take effect on first day of the seventh month  
9 next following the date of enactment, except that the Commissioner  
10 of Community Affairs may take any anticipatory action in advance  
11 as shall be necessary for the implementation of this act.

12

13

14

#### STATEMENT

15

16 This bill, designated as the "Landlord Registration and Tenant  
17 Protection Act," would create a streamlined and expanded landlord  
18 registration process and make certain changes concerning multiple  
19 dwelling inspections and maintenance. The bill would also  
20 establish certain protections for tenants and permit municipalities to  
21 satisfy up to ten percent of their affordable housing obligations by  
22 establishing a program encouraging the rehabilitation of  
23 substandard dwelling units and the dedication of rehabilitated units  
24 for rental as low income housing.

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#### Landlord Registration

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Current law provides that all landlords of rental premises are required to be registered either with the Department of Community Affairs (DCA), the municipality in which the rental premises is located, or both, depending on circumstances. The bill makes several changes to current registration procedures, including:

- Requiring landlords to: (1) provide tenants with a copy of the landlord registration; and (2) display the registration certificate in a common area of the rental premises.
- Expanding and clarifying the information landlords have to provide for purposes of registration. The expansion includes, but is not limited to the provision of: (1) email addresses; (2) mailing addresses that include a street address, not just a post office box; (3) in the case of business entities, such as a limited liability company, the personal information of certain people with authority over the property; (4) for out-of-county owners, the name and contact information for a person who resides in the county and is authorized to issue receipts and accept notices and service of process; and (5) the names and contact information of any party who regularly provides maintenance to the rental.
- Requiring that certificates of registration be filed within seven days of the creation of a tenancy, and that amended certificates

1 of registration be filed within 10 days of a change in  
2 information.

- 3 • Changing the penalty for landlords who do not comply with  
4 registration requirements. Under current law, the penalty is  
5 \$500 for each offense. Under the bill, the penalty for a first  
6 offense would be \$100; a second offense would be \$500; and a  
7 third or subsequent offense would be \$1,000.

8

9 Inspections

10 Current law provides that multiple dwellings are to be inspected  
11 at least once every five years by the Bureau of Housing Inspection  
12 (BHI) in DCA. The bill provides for a tiered system of inspection  
13 as follows:

- 14 • a multiple dwelling in which all violations have been abated by  
15 the first reinspection would be inspected every seven years;  
16 • a multiple dwelling in which all violations have been abated by  
17 the second or third reinspection would be inspected every five  
18 years; and  
19 • a multiple dwelling in which all violations have not been  
20 abated by the third reinspection would be inspected every two  
21 years.

22 Under the bill, if a significant violation is found following an  
23 inspection or reinspection of a multiple dwelling, the Commissioner  
24 of Community Affairs is required to serve written notice upon the  
25 owner within 48 hours of completing an inspection that identifies a  
26 significant violation. The notice is required to identify every  
27 violation and provide a period of time in which the owner is  
28 afforded to correct the violations.

29 The bill defines “significant violation” to mean conditions that  
30 are a threat to the health or safety of the tenants, which remain  
31 unaddressed, including but not limited to: failure to provide heat,  
32 running water, or adequate sewage disposal facilities; structural  
33 deficiency; or an infestation of rats, mice, roaches, termites, or  
34 other vermin.

35 The bill further provides that if an application for a hearing is  
36 filed pursuant to section 18 of P.L.1967, c.76 (C.55:13A-18) for a  
37 significant violation, the hearing has to be held within no more than  
38 30 days and a final decision has to be rendered by the commissioner  
39 within 60 days from the date of the hearing.

40 The bill also provides that DCA may establish a program of  
41 change-of-occupancy inspections, to be conducted by BHI in  
42 municipalities which do not provide for the inspections by  
43 ordinance, and which request DCA to conduct the inspections.

44

45 Maintenance

46 The bill provides that multiple dwellings are to be adequately  
47 staffed to meet the maintenance requirements established by the

1 commissioner. The bill specifies that the following maintenance  
2 staffing levels are to be deemed in compliance:

- 3 • 70 to 100 units - One full-time maintenance worker or other  
4 full time equivalent;
- 5 • 101 to 150 units - Two full-time maintenance workers or other  
6 full time equivalent;
- 7 • 151 to 225 units - Three full-time maintenance workers or  
8 other full time equivalent;
- 9 • 226 to 325 units - Four full-time maintenance workers or other  
10 full time equivalent; and
- 11 • 326 or more units - One additional full-time maintenance  
12 worker or other full-time equivalent for each additional 100  
13 units above 325 units.

14 The bill also provides that owners of multiple dwellings are  
15 required to provide tenants with access to emergency maintenance  
16 response and certain minimum maintenance services.

17

18 Miscellaneous Provisions

19 Under the bill, if a tenant successfully defends against eviction  
20 by asserting a breach of the implied warranty of habitability, the  
21 court would make such a finding on the record and mark the case as  
22 “Dismissed for Reasons Concerning Habitability” in any record  
23 disclosed to the public.

24 Additionally, the bill permits a municipality to satisfy up to ten  
25 percent of its affordable housing obligation by establishing a  
26 program encouraging the rehabilitation of substandard dwelling  
27 units and the dedication of rehabilitated units for rental as low  
28 income housing for periods of at least 30 years. Under the bill, a  
29 municipality could accept funds from any source, including a  
30 municipal affordable housing trust fund, the "New Jersey  
31 Affordable Housing Trust Fund," established pursuant to section 20  
32 of P.L.1985, c.222 (C.52:27D-320), any other State entity, and the  
33 federal government, for the purpose of awarding or granting  
34 payments to property owners as incentives for the rehabilitation of  
35 substandard dwelling units.

36 Finally, the bill repeals sections of law which would become  
37 obviated by enactment of the bill, as the requirements contained in  
38 those sections would be consolidated into other sections of law as  
39 provided in the bill.