

SENATE, No. 2345

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senators Addiego, Oroho and Pennacchio

SYNOPSIS

Requires refund or credit for transient space reservations when public health emergency or state of emergency is in effect.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/13/2020)

1 AN ACT concerning a refund or credit for certain transient space
2 accommodations under certain circumstances.

3

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

6

7 1. a. (1) A transient space marketplace shall provide a refund
8 or credit for future use within 12 months for a reservation or booking
9 for a transient accommodation that would occur during a public
10 health emergency, pursuant to the “Emergency Health Powers Act,”
11 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant
12 to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both, declared by the
13 Governor and in effect, or when a travel restriction is in place. The
14 transient space marketplace shall provide the refund or credit to the
15 transient guest for the use of the transient accommodation advertised
16 or listed through that marketplace under these conditions,
17 notwithstanding any policy of the marketplace requiring payment in
18 full in advance, or not allowing any refunds, or any other policy to
19 the contrary.

20 (2) Additionally, with respect to the Public Health Emergency
21 and State of Emergency declared by the Governor in Executive Order
22 103 of 2020 concerning the coronavirus disease 2019 pandemic, a
23 refund or credit shall be provided pursuant to paragraph (1) of this
24 subsection for any reservation or booking for a transient space for
25 any period beginning on or after March 1, 2020.

26 b. As used in this section:

27 “Transient accommodation” means a room, group of rooms, or
28 other living or sleeping space for the lodging of occupants, including
29 but not limited to residences or buildings used as residences, located
30 in this State. “Transient accommodation” does not include: a hotel or
31 hotel room; a room, group of rooms, or other living or sleeping space
32 used as a place of assembly; a dormitory or other similar residential
33 facility of an elementary or secondary school or a college or
34 university; a hospital, nursing home, or other similar residential
35 facility of a provider of services for the care, support and treatment
36 of individuals that is licensed by the State; a campsite, cabin, lean-
37 to, or other similar residential facility of a campground or an adult or
38 youth camp; a furnished or unfurnished private residential property,
39 including but not limited to condominiums, bungalows, single-family
40 homes and similar living units, where no maid service, room service,
41 linen changing service or other common hotel services are made
42 available by the lessor and where the keys to the furnished or
43 unfurnished private residential property, whether a physical key,
44 access to a keyless locking mechanism, or other means of physical
45 ingress to the furnished or unfurnished private residential property,
46 are provided to the lessee at the location of an offsite real estate
47 broker licensed by the New Jersey Real Estate Commission pursuant

1 to R.S.45:15-1 et seq.; or leases of real property with a term of at
2 least 90 consecutive days.

3 “Transient guest” means an individual who uses a transient space
4 marketplace to secure a transient accommodation located in this
5 State.

6 “Transient space marketplace” means a digital platform on a
7 hosted Internet website through which a person offers a transient
8 accommodation in exchange for monetary or other compensation. A
9 “transient space marketplace” allows a person offering that
10 accommodation to advertise or list the transient accommodation and
11 provides a means for a transient guest to arrange for the use of the
12 accommodation in exchange for monetary or other consideration
13

14 2. This act shall take effect immediately and shall be retroactive
15 to March 1, 2020.
16

17
18 STATEMENT
19

20 This bill requires a transient space marketplace, as defined by the
21 bill, to provide a refund or credit for a reservation or booking for an
22 accommodation that would occur during a public health emergency,
23 pursuant to the “Emergency Health Powers Act,” P.L.2005, c.222
24 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942,
25 c.251 (C.App.A.9-33 et seq.), or both, declared by the Governor and
26 in effect, or when a travel restriction is in place. The transient space
27 marketplace must provide the refund or credit notwithstanding any
28 policy of the marketplace requiring payment in full in advance, or not
29 allowing any refunds, or any other policy to the contrary.

30 Additionally, with respect to the Public Health Emergency and
31 State of Emergency declared by the Governor in Executive Order 103
32 of 2020 concerning the coronavirus disease 2019 pandemic, a refund
33 or credit shall be provided for any reservation or booking for a
34 transient space for any period beginning on or after March 1, 2020.

35 The bill is intended to apply to online services such as Airbnb and
36 VRBO which offer a digital platform for owners of properties and
37 potential guests to connect and arrange for the use of those properties
38 on a “transient” or temporary basis.

39 The bill defines “transient space marketplace” as a digital platform
40 on a hosted Internet website through which a person offers a transient
41 accommodation in exchange for monetary or other compensation.
42 The marketplace allows a person offering that accommodation to
43 advertise or list the transient accommodation and provides a means
44 for a transient guest to arrange for the use of the accommodation in
45 exchange for monetary or other consideration.

46 “Transient accommodation” is defined as a room, group of rooms,
47 or other living or sleeping space for the lodging of occupants,
48 including but not limited to residences or buildings used as

S2345 CRYAN, BATEMAN

4

1 residences, located in this State. It does not include: a hotel or hotel
2 room; a room, group of rooms, or other living or sleeping space used
3 as a place of assembly; a dormitory or other similar residential
4 facility of an elementary or secondary school or a college or
5 university; a hospital, nursing home, or other similar residential
6 facility licensed by the State; a campsite or campground; a furnished
7 or unfurnished private residential property, including but not limited
8 to condominiums, bungalows, single-family homes and similar living
9 units, where the keys are provided to the lessee at the location of an
10 offsite real estate broker licensed by the New Jersey Real Estate
11 Commission pursuant to R.S.45:15-1 et seq.; or leases of real
12 property with a term of at least 90 consecutive days.