

ASSEMBLY, No. 1321

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ROMANO and GARCIA

1 AN ACT concerning licensure by municipal authorities of premises for
2 the location of rooming and boarding houses and amending
3 P.L.1993, c.290.

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

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8 1. Section 2 of P.L.1993, c.290 (C.40:52-10) is amended to read
9 as follows:

10 2. The governing body of a municipality may, by ordinance, elect
11 to license rooming and boarding houses located in the municipality in
12 accordance with the provisions of this act. The governing body of a
13 municipality that elects to license rooming and boarding houses may
14 adopt, by ordinance, such regulations as it deems appropriate and
15 necessary to enforce the provisions of P.L.1993, c.290; except those
16 regulations shall not be inconsistent with the rules and regulations
17 promulgated by the commissioner pursuant to P.L.1979, c.496
18 (C.55:13B-1 et seq.) to which rooming and boarding houses shall
19 remain subject. If the governing body elects to license such facilities,
20 the governing body shall so notify the Commissioner of Community
21 Affairs or his designee.

22 (cf: P.L.1993, c.290, s.2)

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24 2. Section 5 of P.L.1993, c.290 (C.40:52-13) is amended to read
25 as follows:

26 5. It shall be the duty of the licensing authority to receive
27 applications made pursuant to section 4 of this act and to conduct such
28 investigations as may be necessary to establish:

29 a. With respect to the premises for which a license is sought (1)
30 that they are in compliance with all applicable building, housing, health
31 and safety codes and regulations, including any regulations adopted in
32 accordance with section 2 of P.L.1993, c.290 (C.40:52-10); (2) that

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 the location of the premises will not, in conjunction with the proximity
2 of other rooming and boarding houses, lead to an excessive
3 concentration of such facilities in the municipality or a particular
4 section thereof;

5 b. With respect to the owner or owners of the premises: (1) if a
6 natural person or persons, that he or they are 21 years of age or older,
7 [citizens of the United States and residents of the State of New
8 Jersey,]and never convicted, in this State or elsewhere, of a crime
9 involving moral turpitude, or of any crime under any law of this State
10 licensing or regulating a rooming or boarding house, and have never
11 had a license required pursuant to P.L.1979, c.496 (C.55:13B-1 et
12 seq.) revoked; (2) if a corporation, that all officers and members of the
13 board of directors, and every stockholder holding 10% or more of the
14 stock of the corporation, directly or indirectly having a beneficial
15 interest therein, have the same qualifications as set forth in this
16 subsection for an applicant who is a natural person;

17 c. With respect to the operator or proposed operator, that he meets
18 the requirements for licensure by the Department of Community
19 Affairs; and

20 d. That the owner and operator, either individually or jointly, have
21 established sufficient guarantee of financial and other responsibility to
22 assure appropriate relocation of the residents of the rooming or
23 boarding house to suitable facilities in the event that the license is
24 subsequently revoked or its renewal denied. The Department of
25 Community Affairs shall determine, in the case of each type of
26 rooming and boarding house under its jurisdiction, what constitutes
27 suitable facilities for this purpose.

28 e. That an inspection performed by a municipal enforcement agent
29 under a contractual agreement with the Department of Community
30 Affairs pursuant to P.L.1979, c.496 (C.55:13B-1 et seq.) is deemed to
31 satisfy the investigation requirements of this section.

32 (cf: P.L.1993, c.290, s.5)

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34 3. Section 8 of P.L.1993, c.290 (C.40:52-16) is amended to read
35 as follows:

36 8. a. A licensing authority may revoke or refuse to renew a license
37 granted under this act for any of the following reasons:

38 (1) A finding that there was any misstatement of material fact in
39 the application upon which the license was issued.

40 (2) The occurrence of any fact which, had it occurred and been
41 known to the licensing authority before issuance of the license, would
42 have resulted in the denial of the application.

43 (3) Repeated violations, or prolonged failure to correct any
44 violation, of any applicable building, housing, health or safety code or
45 regulations, including municipal regulations adopted in accordance
46 with section 2 of P.L.1993, c.290 (C.40:52-10).

1 (4) Refusal to allow access to any portion of the licensed premises
2 at all reasonable times, with or without advance notice, in order that
3 officers or agents of the licensing authority, or any official charged
4 with enforcement within the municipality of any building, housing,
5 health or safety code or regulations applicable to the premises may
6 determine compliance with such codes or regulations.

7 (5) Revocation by the Department of Community Affairs of the
8 operator's license or other authorization to operate a rooming or
9 boarding house on the premises.

10 (6) Notification by the Department of Community Affairs that the
11 premises are not, or are no longer suitable for operation of a rooming
12 or boarding house on the premises.

13 (7) Failure or refusal to comply with any lawful regulation or order
14 of the licensing authority.

15 (8) A determination by the municipal licensing agency that the
16 issuance or renewal of a license to such a person would be contrary to
17 the best interests of the residents of any rooming or boarding house or
18 of the public generally.

19 b. A license shall not be revoked until five days' prior notice of the
20 grounds therefor has been served upon the licensee, either personally
21 or by certified mail addressed to the licensee at the licensed premises,
22 and a reasonable opportunity given to the licensee to be heard thereon.
23 (cf: P.L.1993, c.290, s.8)

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25 4. This act shall take effect immediately.
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28 STATEMENT

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30 This bill amends P.L.1993, c.290 which permitted municipalities to
31 license rooming and boarding houses. The bill clarifies that rooming
32 and boarding houses licensed by a municipality, through regulations
33 adopted by ordinance, are still required to be licensed by and comply
34 with the regulations pertaining to rooming and boarding houses
35 promulgated by the Department of Community Affairs, pursuant to the
36 "Rooming and Boarding House Act of 1979," P.L.1979, c.496.
37 Municipal regulations must not be inconsistent with the State's
38 regulations.

39 The bill grants power to a municipality to refuse to issue or renew
40 a license if the municipal licensing agency makes a determination that
41 the issuance or renewal of a license to a particular person would be
42 contrary to the best interests of the residents of any rooming or
43 boarding house or of the public generally.

44 The bill also removes the requirement that owners of rooming or
45 boarding houses be United States citizens and residents of New Jersey.
46 These requirements do not exist for owners of rooming and boarding

1 homes licensed by the Department of Community Affairs, and may
2 unreasonably, and perhaps unconstitutionally, restrict the rights of
3 some individuals to own property or operate a business.

4 Finally, the bill directs that if a code enforcing agent of a
5 municipality has been contracted by the Department of Community
6 Affairs to perform an inspection pursuant to the "Rooming and
7 Boarding House Act of 1979," P.L.1979, c.496, then that inspection
8 may suffice for the investigation required to be performed by a
9 municipal licensing agent.

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14 Amends and clarifies law permitting municipal licensing of premises
15 for rooming and boarding houses.