

ASSEMBLY, No. 1842

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblymen WOLFE and KELLY

1 AN ACT concerning multiple dwellings and amending P.L.1967, c.76.

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

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6 1. Section 3 of P.L.1967, c.76 (C.55:13A-3) is amended to read as  
7 follows:

8 3. The following terms whenever used or referred to in this act  
9 shall have the following respective meanings for the purposes of this  
10 act, except in those instances where the context clearly indicates  
11 otherwise:

12 (a) The term "act" shall mean this act, any amendments or  
13 supplements thereto, and any rules and regulations promulgated  
14 thereunder.

15 (b) The term "accessory building" shall mean any building which is  
16 used in conjunction with the main building of a hotel, whether separate  
17 therefrom or adjoining thereto.

18 (c) The term "board" shall mean the Hotel and Multiple Dwelling  
19 Health and Safety Board created by subsection (a) of section 5 of this  
20 act in the Division of Housing and Development of the Department of  
21 Community Affairs.

22 (d) The term "bureau" shall mean the Bureau of Housing  
23 Inspection in the Division of Housing and Development of the  
24 Department of Community Affairs.

25 (e) (Deleted by amendment.)

26 (f) The term "commissioner" shall mean the Commissioner of the  
27 Department of Community Affairs.

28 (g) The term "department" shall mean the Department of  
29 Community Affairs.

30 (h) The term "unit of dwelling space" or the term "dwelling unit"  
31 shall mean any room or rooms, or suite or apartment thereof, whether  
32 furnished or unfurnished, which is occupied, or intended, arranged or  
33 designed to be occupied, for sleeping or dwelling purposes by one or  
34 more persons, including but not limited to the owner thereof, or any

**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 of his servants, agents or employees, and shall include all privileges,  
2 services, furnishings, furniture, equipment, facilities and improvements  
3 connected with the use or occupancy thereof.

4 (i) The term "protective equipment" shall mean any equipment,  
5 device, system or apparatus, whether manual, mechanical, electrical or  
6 otherwise, permitted or required by the commissioner to be  
7 constructed or installed in any hotel or multiple dwelling for the  
8 protection of the occupants or intended occupants thereof, or of the  
9 public generally.

10 (j) The term "hotel" shall mean any building, including but not  
11 limited to any related structure, accessory building, and land  
12 appurtenant thereto, and any part thereof, which contains 10 or more  
13 units of dwelling space or has sleeping facilities for 25 or more persons  
14 and is kept, used, maintained, advertised as, or held out to be, a place  
15 where sleeping or dwelling accommodations are available to transient  
16 or permanent guests.

17 This definition shall also mean and include any hotel, motor hotel,  
18 motel, or established guesthouse, which is commonly regarded as a  
19 hotel, motor hotel, motel, or established guesthouse, as the case may  
20 be, in the community in which it is located; provided, that this  
21 definition shall not be construed to include any building or structure  
22 defined as a multiple dwelling in this act, registered as a multiple  
23 dwelling with the Commissioner of Community Affairs as hereinafter  
24 provided, and occupied or intended to be occupied as such nor shall  
25 this definition be construed to include a rooming house or a boarding  
26 house as defined in the "Rooming and Boarding House Act of 1979,"  
27 P.L. 1979, c. 496 (C. 55:13B-1 et al.) or, except as otherwise set forth  
28 in P.L. 1987, c. 270 (C. 55:13A-7.5, 55:13A-7.6, 55:13A-12.1,  
29 55:13A-13.2), any retreat lodging facility, as defined in this section.

30 (k) The term "multiple dwelling" shall mean any building or  
31 structure of one or more stories and any land appurtenant thereto, and  
32 any portion thereof, in which three or more units of dwelling space are  
33 occupied, or are intended to be occupied by three or more persons  
34 who live independently of each other. This definition shall also mean  
35 any group of ten or more buildings on a single parcel of land or on  
36 contiguous parcels under common ownership, in each of which two  
37 units of dwelling space are occupied or intended to be occupied by  
38 two persons or households living independently of each other, and any  
39 land appurtenant thereto, and any portion thereof. This definition shall  
40 not be construed to include any building or structure defined as a hotel  
41 in this act, or registered as a hotel with the Commissioner of  
42 Community Affairs as hereinafter provided, or occupied or intended  
43 to be occupied exclusively as such; nor shall this definition be  
44 construed to include any building [section containing not more than  
45 two dwelling units] or group of buildings held under a condominium  
46 or cooperative form of ownership, or by a mutual housing corporation,

1 where all the occupied dwelling units [in the section] are occupied by  
2 their owners, if a condominium, or by shareholders in the cooperative  
3 or mutual housing corporation[, and where such building section has  
4 at least two exterior walls unattached to any adjoining building section  
5 and is attached to any adjoining building sections exclusively by walls  
6 of such fire-resistant rating as shall be established by the bureau in  
7 conformity with recognized standards]; nor any building of three  
8 stories or less, owned or controlled by a nonprofit corporation  
9 organized under any law of this State for the primary purpose to  
10 provide for its shareholders or members housing in a retirement  
11 community as same is defined under the provisions of the "Retirement  
12 Community Full Disclosure Act," P.L. 1969, c. 215 (C.45:22A-1 et  
13 seq.), provided that the corporation meets the requirements of section  
14 2 of [this amendatory and supplementary act] P.L.1983, c.154  
15 (C.55:13A-13.1).

16 (l) The term "owner" shall mean the person who owns, purports to  
17 own, or exercises control of any hotel or multiple dwelling.

18 (m) The term "person" shall mean any individual, corporation,  
19 association, or other entity, as defined in R.S.1:1-2.

20 (n) The term "continuing violation" shall mean any violation of this  
21 act or any regulation promulgated thereunder, where notice is served  
22 within two years of the date of service of a previous notice and where  
23 violation, premise and person cited in both notices are substantially  
24 identical.

25 (o) The term "project" shall mean a group of buildings subject to  
26 the provisions of this act, which are or are represented to be under  
27 common or substantially common ownership and which stand on a  
28 single parcel of land or parcels of land which are contiguous and which  
29 group of buildings is named, designated or advertised as a common  
30 entity. The contiguity of such parcels shall not be adversely affected  
31 by public rights-of-way incidental to such buildings.

32 (p) The term "mutual housing corporation" means a corporation  
33 not-for-profit incorporated under the laws of New Jersey on a mutual  
34 or cooperative basis within the scope of Title VI, §607 of the "Lanham  
35 Public War Housing Act," 54 Stat. 1125, 42 U.S.C. §1501 et seq., as  
36 amended, which acquired a National Defense Housing Project  
37 pursuant to said act.

38 (q) "Condominium" means the form of ownership so defined in the  
39 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

40 (r) "Cooperative" means a housing corporation or association  
41 which entitles the holder of a share or membership interest thereof to  
42 possess and occupy for dwelling purposes a house, apartment or other  
43 structure owned or leased by said corporation or association, or to  
44 lease or purchase a dwelling constructed or to be constructed by said  
45 corporation or association.

46 (s) "Retreat lodging facility" means a building or structure,

1 including but not limited to any related structure, accessory building,  
2 and land appurtenant thereto, and any part thereof, owned by a  
3 nonprofit corporation or association which has tax-exempt charitable  
4 status under the federal Internal Revenue Code and which has sleeping  
5 facilities used exclusively on a transient basis by persons participating  
6 in programs of a religious, cultural or educational nature, conducted  
7 under the sole auspices of one or more corporations or associations  
8 having tax-exempt charitable status under the federal Internal Revenue  
9 Code, which are made available without any mandatory charge to such  
10 participants.

11 (cf: P.L.1987, c.270, s.1)

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13 2. This act shall take effect immediately.

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#### STATEMENT

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18 This bill would exempt from the requirements of the "Hotel and  
19 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) all those  
20 condominiums, cooperatives and mutual housing corporations that are  
21 occupied entirely by owners of the condominium units or shareholders  
22 in the cooperative or mutual corporation. It broadens the existing  
23 exemption that was enacted by P.L.1983, c.2, but limited at that time  
24 to certain "garden apartment" type structures.

25 The bill is based upon the premise that the protective purposes of  
26 the act are inappropriate to these circumstances, in which the  
27 occupants of the dwelling units are, in effect, their own landlords.

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32 Exempts owner-occupied condominiums, cooperatives and mutual  
33 housing corporations from the Hotel and Multiple Dwelling Law.