

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 1842

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblymen WOLFE, KELLY, Assemblywoman Heck

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

2

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 ¹[Division of Housing and Development of the]¹
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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHO committee amendments adopted June 10, 1996.

1 Community Affairs.

2 (h) The term "unit of dwelling space" or the term "dwelling unit"
3 shall mean any room or rooms, or suite or apartment thereof, whether
4 furnished or unfurnished, which is occupied, or intended, arranged or
5 designed to be occupied, for sleeping or dwelling purposes by one or
6 more persons, including but not limited to the owner thereof, or any
7 of his servants, agents or employees, and shall include all privileges,
8 services, furnishings, furniture, equipment, facilities and improvements
9 connected with the use or occupancy thereof.

10 (i) The term "protective equipment" shall mean any equipment,
11 device, system or apparatus, whether manual, mechanical, electrical or
12 otherwise, permitted or required by the commissioner to be
13 constructed or installed in any hotel or multiple dwelling for the
14 protection of the occupants or intended occupants thereof, or of the
15 public generally.

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

23 This definition shall also mean and include any hotel, motor hotel,
24 motel, or established guesthouse, which is commonly regarded as a
25 hotel, motor hotel, motel, or established guesthouse, as the case may
26 be, in the community in which it is located; provided, that this
27 definition shall not be construed to include any building or structure
28 defined as a multiple dwelling in this act, registered as a multiple
29 dwelling with the Commissioner of Community Affairs as hereinafter
30 provided, and occupied or intended to be occupied as such nor shall
31 this definition be construed to include a rooming house or a boarding
32 house as defined in the "Rooming and Boarding House Act of 1979,"
33 P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth
34 in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1,
35 55:13A-13.2), any retreat lodging facility, as defined in this section.

36 (k) The term "multiple dwelling" shall mean any building or
37 structure of one or more stories and any land appurtenant thereto, and
38 any portion thereof, in which three or more units of dwelling space are
39 occupied, or are intended to be occupied by three or more persons
40 who live independently of each other. This definition shall also mean
41 any group of ten or more buildings on a single parcel of land or on
42 contiguous parcels under common ownership, in each of which two
43 units of dwelling space are occupied or intended to be occupied by
44 two persons or households living independently of each other, and any
45 land appurtenant thereto, and any portion thereof. This definition shall
46 not ¹[be construed to]¹ include ¹;

1 (1)¹ any building or structure defined as a hotel in this act, or
2 registered as a hotel with the Commissioner of Community Affairs as
3 hereinafter provided, or occupied or intended to be occupied
4 exclusively as such; ¹[nor shall this definition be construed to include
5 any]

6 (2) a¹ building [section containing not more than two dwelling
7 units] ¹[or group of buildings] section containing not more than four
8 dwelling units, provided the building has at least two exterior walls
9 unattached to any adjoining building section and the dwelling units are
10 separated exclusively by walls of such fire-resistant rating as comports
11 with the "State Uniform Construction Code Act," P.L.1975, c.217
12 (C.52:27D-119 et seq.) at the time of their construction or with a
13 rating as shall be established by the bureau in conformity with
14 recognized standards and the building is¹ held under a condominium
15 or cooperative form of ownership, or by a mutual housing corporation,
16 ¹[where] and¹ all the occupied dwelling units [in the section] ¹in that
17 building¹ are occupied by their owners, if a condominium, or by
18 shareholders in the cooperative or mutual housing corporation [, and
19 where such building section has at least two exterior walls unattached
20 to any adjoining building section and is attached to any adjoining
21 building sections exclusively by walls of such fire-resistant rating as
22 shall be established by the bureau in conformity with recognized
23 standards]; ¹[nor]or

24 (3)¹ any building of three stories or less, owned or controlled by
25 a nonprofit corporation organized under any law of this State for the
26 primary purpose to provide for its shareholders or members housing
27 in a retirement community as same is defined under the provisions of
28 the "Retirement Community Full Disclosure Act," P.L.1969, c.215
29 (C.45:22A-1 et seq.), provided that the corporation meets the
30 requirements of section 2 of [this amendatory and supplementary act]
31 P.L.1983, c.154 (C.55:13A-13.1).

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

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

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

41 (o) The term "project" shall mean a group of buildings subject to
42 the provisions of this act, which are or are represented to be under
43 common or substantially common ownership and which stand on a
44 single parcel of land or parcels of land which are contiguous and which
45 group of buildings is named, designated or advertised as a common
46 entity. The contiguity of such parcels shall not be adversely affected

1 by public rights-of-way incidental to such buildings.

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

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

10 (r) "Cooperative" means a housing corporation or association
11 which entitles the holder of a share or membership interest thereof to
12 possess and occupy for dwelling purposes a house, apartment or other
13 structure owned or leased by said corporation or association, or to
14 lease or purchase a dwelling constructed or to be constructed by said
15 corporation or association.

16 (s) "Retreat lodging facility" means a building or structure,
17 including but not limited to any related structure, accessory building,
18 and land appurtenant thereto, and any part thereof, owned by a
19 nonprofit corporation or association which has tax-exempt charitable
20 status under the federal Internal Revenue Code and which has sleeping
21 facilities used exclusively on a transient basis by persons participating
22 in programs of a religious, cultural or educational nature, conducted
23 under the sole auspices of one or more corporations or associations
24 having tax-exempt charitable status under the federal Internal Revenue
25 Code, which are made available without any mandatory charge to such
26 participants.

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

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29 2. This act shall take effect immediately ¹and apply to inspections
30 occurring after that date¹.

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35 Exempts certain owner-occupied condominiums, cooperatives and
36 mutual housing corporations from the Hotel and Multiple Dwelling
37 Law.