

P.L. 1997, CHAPTER 311, *approved January 8, 1998*
Assembly, No. 1842 (*First Reprint*)

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:

5

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
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

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 furnished or unfurnished, which is occupied, or intended, arranged or
2 designed to be occupied, for sleeping or dwelling purposes by one or
3 more persons, including but not limited to the owner thereof, or any
4 of his servants, agents or employees, and shall include all privileges,
5 services, furnishings, furniture, equipment, facilities and improvements
6 connected with the use or occupancy thereof.

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

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

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

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

44 (1) ¹any building or structure defined as a hotel in this act, or
45 registered as a hotel with the Commissioner of Community Affairs as
46 hereinafter provided, or occupied or intended to be occupied

1 exclusively as such; ¹[nor shall this definition be construed to include
2 any]

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

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

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

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

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

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

45 (p) The term "mutual housing corporation" means a corporation
46 not-for-profit incorporated under the laws of New Jersey on a mutual

1 or cooperative basis within the scope of Title VI, §607 of the "Lanham
2 Public War Housing Act," 54 Stat. 1125, 42 U.S.C. §1501 et seq., as
3 amended, which acquired a National Defense Housing Project
4 pursuant to said act.

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

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

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

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

25

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

28

29

30

31

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