

P.L. 1997, CHAPTER 344, *approved January 12, 1998*
Assembly, No. 1321 (*First Reprint*)

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.

4

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 ¹including any regulations adopted

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 February 22, 1996.

1 in accordance with section 2 of P.L.1993, c.290 (C.40:52-10)] . An
2 inspection performed by a municipal enforcement agent under a
3 contractual agreement with the Department of Community Affairs
4 pursuant to P.L.1979, c.496 (C.55:13B-1 et seq.) may be deemed by
5 the licensing authority to satisfy the investigation requirements of this
6 section¹; (2) that the location of the premises will not, in conjunction
7 with the proximity of other rooming and boarding houses, lead to an
8 excessive concentration of such facilities in the municipality or a
9 particular section thereof;

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

22 c. With respect to the operator or proposed operator, that he meets
23 the requirements for licensure by the Department of Community
24 Affairs; and

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

33 e. ¹[That an inspection performed by a municipal enforcement
34 agent under a contractual agreement with the Department of
35 Community Affairs pursuant to P.L.1979, c.496 (C.55:13B-1 et seq.)
36 is deemed to satisfy the investigation requirements of this section]
37 That the applicant has complied with regulations adopted in
38 accordance with section 2 of P.L.1993, c.290 (C.40:52-10)¹.

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

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

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

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

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

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

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

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

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

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

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

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

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32 4. This act shall take effect immediately.

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37 Amends and clarifies law permitting municipal licensing of premises
38 for rooming and boarding houses.