

[First Reprint]

ASSEMBLY, No. 1740

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

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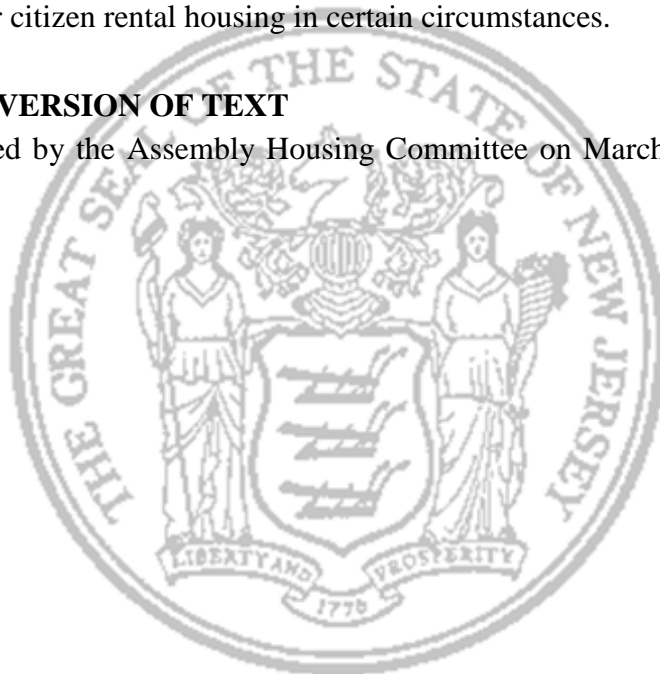
Assemblywoman Murphy, Assemblyman Benson, Assemblywomen Reynolds-Jackson, Speight, Jasey and Assemblyman Conaway

SYNOPSIS

Prohibits late penalties from being made against senior citizen tenants in certain senior citizen rental housing in certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing Committee on March 8, 2021, with amendments.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning delinquency and other late charges for certain
 2 senior citizen rental housing, and amending and supplementing
 3 P.L.1976, c.100.

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

7
 8 1. (New section) a. As used in this section:

9 "Business day" means any day other than a Saturday, Sunday or
 10 State or federal holiday.

11 "Health care facility" means a health care facility licensed by the
 12 Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et
 13 seq.), a psychiatric hospital operated by the Department of Human
 14 Services and listed in R.S.30:1-7, or any similar facility licensed by
 15 and operating in another state.

16 "Senior citizen" means a person 62 years of age or over and shall
 17 include a surviving spouse if that surviving spouse is 55 years of
 18 age or over.

19 "Senior citizen housing project" means any building or structure,
 20 and any land appurtenant thereto, having three or more rental
 21 dwelling units intended for, and solely occupied by, senior citizens;
 22 except that, it shall not include owner-occupied premises having not
 23 more than three dwelling units that are rented or offered for rent, or
 24 any health care facility as defined in the "Health Care Facilities
 25 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

26 b. ¹**[A delinquency or]** Upon receipt of written proof that a
 27 senior citizen residing in a senior citizen housing project was
 28 admitted to a health care facility, a landlord shall waive any¹ late
 29 charge ¹**[shall not be imposed upon a senior citizen residing in a**
 30 **senior citizen housing project during any time period in which the**
 31 **senior citizen was unable to make a rent payment due to the senior**
 32 **citizen being admitted to a health care facility, and including the**
 33 **five business day period immediately following the return of the**
 34 **senior citizen to the rental premises, except that the senior citizen,**
 35 **or a representative thereof, shall provide written proof of the**
 36 **admittance to the landlord before the completion of the fifth**
 37 **business day immediately following the return of the senior citizen**
 38 **to the rental premises. Upon discharge from a health care facility,**
 39 **the senior citizen shall have five business days to remit payment of**
 40 **any rent due]** incurred by the tenant during the period of
 41 hospitalization and the grace period of five business days following
 42 discharge¹. If payment of rent is not remitted within five business
 43 days following discharge, any ¹**[delinquency or other]**¹ late charge
 44 permitted under law may be imposed upon the senior citizen.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted March 8, 2021.

1 The grace period of five business days shall not commence
2 following discharge from a health care facility if the senior citizen
3 is admitted to a subsequent health care facility and does not return
4 to the rental premises following discharge from the prior health care
5 facility ¹, provided that a tenant shall remain responsible for any
6 rent which is due or may become due before the lease expires or is
7 terminated pursuant to the provisions of the lease agreement or
8 State law¹.

9 c. A person violating the provisions of this section shall be ¹**【a**
10 **disorderly person pursuant to section 2 of P.L.1976, c.100**
11 **(C.2A:42-6.2)】** subject to a fine of \$100 for a first offense, a fine of
12 \$250 for a second offense, and a fine of \$500 for a third or
13 subsequent offense. The action shall be brought by the Attorney
14 General in a summary proceeding pursuant to the “Penalty
15 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.)¹.
16

17 ¹**【2. Section 2 of P.L.1976, c.100 (C.2A:42-6.2) is amended to**
18 **read as follows:**

19 2. Any person violating the provisions of **【this act】** section 1 of
20 P.L.1976, c.100 (C.2A:42-6.1) or section 1 of P.L. , c. (C.)
21 (pending before the Legislature as this bill) shall be a disorderly
22 person.

23 (cf: P.L.1976, c.100, s.2)**】**¹
24

25 ¹**【3.】** 2.¹ Section 3 of P.L.1976, c.100 (C.2A:42-6.3) is
26 amended to read as follows:

27 3. The provisions of **【this act】** section 1 of P.L.1976, c.100
28 (C.2A:42-6.1) shall only be applicable to premises rented or leased
29 by senior citizens receiving Social Security Old Age Pensions,
30 Railroad Retirement Pensions or other governmental pensions in
31 lieu of Social Security Old Age Pensions, and by recipients of
32 Social Security Disability Benefits, Supplemental Security Income
33 or benefits under Work First New Jersey.

34 (cf: P.L.2001, c.142, s.2)
35

36 ¹**【4.】** 3.¹ This act shall take effect immediately.