

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1740

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Housing Committee reports favorably and with committee amendments Assembly Bill No. 1740.

This bill, as amended, prohibits the landlord of a senior citizen housing project from imposing certain late charges upon senior citizen tenants who are unable to make timely rent payments due to their admittance to a health care facility.

Under current law, a landlord is prohibited from imposing late charges on certain senior citizen tenants, including those who receive certain pension benefits or governmental assistance, during the five business day period following the due date of a rental payment. The bill would expand these provisions to include certain senior citizen tenants who have been admitted to a health care facility.

Specifically, the bill provides that, upon receipt of written proof that a senior citizen residing in a senior citizen housing project was admitted to a health care facility, a landlord would be required to waive any late charge incurred by the senior citizen during the period of hospitalization and the grace period of five business days following discharge from the facility.

If the full rent payment is not remitted within that period, the landlord may thereafter impose late charges. However, the grace period would not begin if following discharge from the health care facility, the senior citizen is immediately admitted to a subsequent health care facility without returning to the rental premises, provided the senior citizen would remain responsible for rent due before the lease expires or is terminated under the provisions of the lease agreement or State law.

A person who violates the provisions of the bill would be subject to a fine of \$100 for a first offense, a fine of \$250 for a second offense, and a fine of \$500 for a third or subsequent offense. Additionally, the Attorney General would bring the action against the landlord in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

Under the bill, a "senior citizen" includes a person 62 years of age or over and a surviving spouse if that person is 55 years of age or over. The bill defines a "senior citizen housing project" as any building or structure, and any land appurtenant thereto, having three or more rental

dwelling units intended for, and solely occupied by, senior citizens; except that, it shall not include owner-occupied premises having not more than three dwelling units that are rented or offered for rent, or any health care facility.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to revise the penalty provisions set forth in the bill. Specifically, a person who violates the provisions of the bill would be subject to a fine of \$100 for a first offense, a fine of \$250 for a second offense, and a fine of \$500 for a third or subsequent offense. Additionally, the Attorney General would bring the action against the landlord in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). As introduced, a person who violated the provisions of the bill would have been guilty of a disorderly persons offense, which is punishable by a fine of up to \$1,000, a term of imprisonment of up to six months, or both.

The amendments also clarify that the grace period afforded by the bill would not diminish the responsibility of a senior citizen tenant to pay any rent which is due or may become due before the lease agreement expires or is terminated.

The amendments also make technical changes to the bill, which clarify the landlord's requirement to waive late fees incurred by a senior citizen tenant during a documented period of hospitalization and the grace period of five business days following discharge.