

SENATE, No. 3556

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires landlord to attach certificate of inspection or occupancy to residential lease.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning lease requirements for rental of certain
2 residential units and supplementing Title 40 of the Revised
3 Statutes.

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

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8 1. a. An owner of residential rental property required to obtain
9 a certificate of inspection or occupancy by ordinance adopted
10 pursuant to P.L.1979, c.476 (C.40:48-2.12m) shall attach a copy of
11 the certificate to the lease for the applicable dwelling unit and
12 deliver a copy of the certificate and lease to the tenant at the time of
13 execution of the lease. The owner shall have the tenant separately
14 acknowledge receipt of the certificate by initialing the certificate.

15 b. If an owner fails to comply with the requirements of
16 subsection a. of this section, the owner may cure the deficiency
17 within 30 days after the date of execution of the lease by delivering
18 a copy of the certificate to the tenant and securing the tenant's
19 acknowledgement of receipt of the certificate.

20 c. Failure of an owner to comply with the requirements of
21 subsection a. or b. of this section shall render the lease voidable at
22 the option of the tenant. A tenant may exercise the option to void a
23 lease pursuant to this subsection by providing written notice to the
24 owner, and may then vacate the dwelling unit with no further
25 financial obligation to the owner.

26 d. Within 30 days after a tenant vacates a dwelling unit
27 pursuant to subsection c. of this section, the owner shall return to
28 the tenant amounts deposited as security under the lease plus
29 interest.

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill would help residential tenants know that the condition
37 of a prospective dwelling unit has passed a municipal inspection
38 and is safe and habitable.

39 Under current law, N.J.S.A.40:48-2.12m, a municipality may
40 require the owner of residential rental property, prior to renting a
41 dwelling unit to a new tenant, to obtain a certificate of inspection or
42 occupancy for the dwelling unit. A certificate of inspection or
43 occupancy is issued by a municipality after a municipal inspector
44 has inspected the dwelling unit and determined the condition of the
45 unit meets the standards provided by law.

46 While current law allows municipalities to require owners to
47 have residential rental units inspected prior to renting the units to
48 new tenants, the law does not require an owner to inform a tenant

1 that a unit has been inspected and certified by the municipality.
2 Because of this, and because some, but not all, municipalities have
3 adopted ordinances regulating the maintenance and condition of
4 rental dwelling units, tenants often do not know whether a
5 prospective dwelling unit has been inspected and certified by a
6 municipality.

7 This bill is designed to enhance communication of information
8 concerning the habitability of prospective rental dwelling units by
9 requiring an owner of residential rental property who is required to
10 obtain a certificate of inspection or occupancy by ordinance to
11 attach a copy of the certificate to the lease for the applicable
12 dwelling unit and deliver a copy of the certificate and lease to the
13 tenant at the time of execution of the lease. The bill would require
14 an owner to have a tenant separately acknowledge receipt of the
15 certificate by initialing the certificate. The bill would allow an
16 owner to cure a failure to comply with this requirement by
17 delivering a copy of the certificate to the tenant, and securing the
18 tenant's acknowledgement of receipt of the certificate, within 30
19 days after the date of execution of the lease.

20 Under the bill, failure of an owner to comply with these
21 requirements would render a lease voidable at the option of the
22 tenant. A tenant may exercise an option to void a lease by
23 providing written notice to the owner, and may then vacate the
24 dwelling unit with no further financial obligation to the owner. The
25 bill would require an owner to return amounts deposited as security
26 by a tenant within 30 days after the tenant vacates a dwelling unit
27 under the bill.