

LEGISLATIVE HISTORY CHECKLIST

NJSA: 55:13A-3

(Housing inspection - authorize the state to inspect certain cluster developments.

LAWS OF: 1983

CHAPTER: 447

Bill No: A3191

Sponsor(s): Doyle

Date Introduced: March 3, 1983

Committee:

Assembly: Housing and Urban Policy

Senate: -----

Amended during passage:

YES

Amendments during passage denoted by asterisks. Substituted for S3152.

Date of Passage:

Assembly: June 27, 1983

Senate: December 8, 1983

Date of Approval: January 9, 1984

Following statements are attached if available:

Sponsor statement:

YES

Committee statement:

Assembly

YES

Senate

NO

Fiscal Note:

NO

Veto Message:

NO

Message on Signing:

NO

Following were printed:

Reports:

NO

Hearings:

NO

1-9-84

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ASSEMBLY, No. 3191**STATE OF NEW JERSEY**

INTRODUCED MARCH 3, 1983

By Assemblyman DOYLE

AN ACT to amend the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P. L. 1967, c. 76), as said short title was amended by P. L. 1970, c. 138.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1967, c. 76 (C. 55:13A-3) is amended to
2 read as follows:

3 3. The following terms whenever used or referred to in this act
4 shall have the following respective meanings for the purposes of
5 this act, except in those instances where the context clearly indi-
6 cates otherwise:

7 (a) The term "act" shall mean this act, any amendments or
8 supplements thereto, and any rules and regulations promulgated
9 thereunder.

10 (b) The term "accessory building" shall mean any building which
11 is used in conjunction with the main building of a hotel, whether
12 separate therefrom or adjoining thereto.

13 (c) The term "board" shall mean the Hotel and Multiple Dwell-
14 ing Health and Safety Board created by subsection (a) of section
15 5 of this act in the Division of Housing and Urban Renewal of the
16 Department of Community Affairs.

17 (d) The term "bureau" shall mean the Bureau of Housing
18 Inspection in the Division of Housing and Urban Renewal of the
19 Department of Community Affairs.

20 (e) (Deleted by amendment.)

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted June 20, 1983.**

21 (f) The term "commissioner" shall mean the Commissioner of
22 the Department of Community Affairs.

23 (g) The term "department" shall mean the Department of
24 Community Affairs.

25 (h) The term "unit of dwelling space" or the term "dwelling
26 unit" shall mean any room or rooms, or suite or apartment thereof,
27 whether furnished or unfurnished, which is occupied, or intended,
28 arranged or designed to be occupied, for sleeping or dwelling
29 purposes by one or more persons, including but not limited to the
30 owner thereof, or any of his servants, agents or employees, and
31 shall include all privileges, services, furnishings, furniture, equip-
32 ment, facilities and improvements connected with the use or
33 occupancy thereof.

34 (i) The term "protective equipment" shall mean any equipment,
35 device, system or apparatus, whether manual, mechanical, electrical
36 or otherwise, permitted or required by the commissioner to be
37 constructed or installed in any hotel or multiple dwelling for the
38 protection of the occupants or intended occupants thereof, or of
39 the public generally.

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

47 This definition shall also mean and include any motor hotel,
48 motel, or established guesthouse which is commonly regarded as
49 a motor hotel, motel, or established guesthouse, as the case may
50 be, in the community in which it is located; provided, that this
51 definition shall not be construed to include any building or structure
52 defined as a multiple dwelling in this act, registered as a multiple
53 dwelling with the Commissioner of Community Affairs as herein-
54 after provided, and occupied or intended to be occupied as such.

55 (k) The term "multiple dwelling" shall mean any building or
56 structure of one or more stories and any land appurtenant thereto,
57 and any portion thereof, in which three or more units of dwelling
58 space are occupied, or are intended to be occupied by three or more
59 persons who live independently of each other***■**, provided, that
60 this**■*** *. *This definition shall also mean any group of ten or more*
61 *buildings on a single parcel of land or on contiguous parcels under*
62 *common ownership, in each of which two units of dwelling space*
63 *are occupied or intended to be occupied by two persons or house-*

64 *holds living independently of each other, and any land appurtenant*
 65 *thereto, and any portion thereof. This* definition shall not be con-*
 66 *strued to include any building or structure defined as a hotel in this*
 67 *act, or, registered as a hotel with the Commissioner of Community*
 68 *Affairs as hereinafter provided, or occupied or intended to be*
 69 *occupied exclusively as such; nor shall this definition be construed to*
 70 *include any building section containing not more than two dwelling*
 71 *units held under a condominium or cooperative form of ownership,*
 72 *or by a mutual housing corporation, where all the dwelling units in*
 73 *the section are occupied by their owners, if a condominium, or by*
 73A *shareholders in the cooperative or mutual housing corporation,*
 73B *and where such building section has at least two exterior walls*
 73C *unattached to any adjoining building section and is attached to any*
 73D *adjoining building sections exclusively by walls of such fire-resis-*
 73E *tant rating as shall be established by the bureau in conformity with*
 73F *recognized standards*; nor any building of three stories or less,*
 73G *owned or controlled by a nonprofit corporation organized under any*
 73H *law of this State for the primary purpose to provide for its share-*
 73I *holders or members housing in a retirement community as same is*
 73J *defined under the provisions of the "Retirement Community Full*
 73K *Disclosure Act," P. L. 1969, c. 215 (C. 45:22A-1 et seq.), provided*
 73L *that the corporation meets the requirements of section 2 of this*
 73M *amendatory and supplementary act*.*

74 **[This definition shall include a single parcel of land occupied by*
 75 *buildings or structures containing an aggregate of five or more*
 76 *units of dwelling space which are inhabited by or intended to be*
 77 *inhabited by five or more persons who live independently of each*
 78 *other, regardless of the number of units of dwelling space con-*
 79 *tained in each of the separate buildings or structures.]**

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

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

84 (n) The term "continuing violation" shall mean any violation of
 85 this act or any regulation promulgated thereunder where notice
 86 is served within two years of the date of service of a previous notice
 87 and where violation, premise and person cited to both notices are
 88 substantially identical.

89 (o) The term "project" shall mean a group of buildings subject
 90 to the provisions of this act which are or are represented to be
 91 under common or substantially common ownership and which stand
 92 on a single parcel of land or parcels of land which are contiguous
 93 and which group of buildings is named, designated or advertised

94 as a common entity. The contiguity of such parcels shall not be
95 adversely affected by public rights-of-way incidental to such build-
96 ings.

97 (p) The term "mutual housing corporation" means a corporation
98 not-for-profit incorporated under the laws of New Jersey on a
99 mutual or cooperative basis within the scope of section 607 of the
100 Lanham Act (National Defense Housing) P. L. 849, 76th Congress,
101 54 Stat. 1125, 42 U. S. C. 1521, et seq., as amended, which acquired
102 a National Defense Housing Project pursuant to said act.

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

105 (r) "Cooperative" means a housing corporation or association
106 which entitles the holder of a share or membership interest thereof
107 to possess and occupy for dwelling purposes a house, apartment
108 or other structure owned or leased by said corporation or associa-
109 tion, or to lease or purchase a dwelling constructed or to be con-
110 structed by said corporation or association.

1 2. This act shall take effect immediately.

STATEMENT

This amendment would permit the State Bureau of Housing Inspection to undertake a complete inspection of premises which contain 30 or 40 buildings on one parcel of land with all but one or two of the buildings containing only one or two dwelling units. Such a complex is not currently subject to a complete State inspection, even though it may be occupied by 75 or 80 families and is, in all respects, a rental project. On the other hand, a house containing three apartments can be inspected in its entirety by the State. The proposed amendment will correct this legal incongruity and at the same time provide greater protection for scores of families throughout the State who are presently living in dwellings that are less than decent, safe and sanitary.

A 3191 (1983)

ASSEMBLY HOUSING AND URBAN POLICY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3191
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1983

Assembly Bill No. 3191 is reported favorably, with amendments.

The purpose of this bill is to correct an anomaly in the present statutory definition of "multiple dwelling" under the "Hotel and Multiple Dwelling Law" (P. L. 1967, c. 76). Implicit in that definition is an assumption that a "multiple dwelling" is a single structure containing three or more dwelling units. Consequently, a "complex" of detached structures, no matter how many dwelling units it may contain, and even though its design, ownership and management clearly stamp it as a single enterprise, is not, as such, within the definition. But each single structure within the complex will, or will not, be a "multiple dwelling," depending upon whether it individually fits the definition.

This bill would expand the definition to include "any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership" having two dwelling units each.

Inclusion of such complexes in the definition would make them subject to the requirements of the "Hotel and Multiple Dwelling Law," and to inspection by the Bureau of Housing Inspection, Department of Community Affairs.

The bill, as amended, also excepts from this definition any retirement community that comes under the "Retirement Community Full Disclosure Act," P. L. 1969, c. 215 (C. 45:22A-1 et seq.).

As introduced, this bill was identical to Senate Bill No. 3152. The latter bill was reported favorably by the Senate County and Municipal Government Committee on June 16, 1983, with amendments that, according to the committee report, were "requested by the sponsor and suggested by the Department of Community Affairs," so as to "refine the language of the proposed amendment to the law to more precisely address the concerns of the sponsor." The amendments adopted by this committee to Assembly Bill No. 3191 are intended to incorporate the same refinements and to make this bill, as reported, identical to the amended Senate bill.