

R.S. 55:13A-1

October 20, 1971

LEGISLATIVE NOTES ON R.S.55:13A-1 et seq.
(Hotel and multiple dwelling)

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Hearing held

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1967

N.J. Legislature. Assembly Committee on
County and Municipal government.

Public hearing on community affairs.

L.1967 - chap.76 - A 757.

Mar13 - Introduced by Dodd [and 5 others].

Apr.17 - Passed Assembly, amended.

Apr.24 - Passed Senate.

Apr.27 - Senate amended, passed Assembly.

May 31 - Approved.

No statement.

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For background see:

Jackson, Schuyler.

Enforcement practices and principles under the
N.J. inspection program. 93 NJLJ 441, June 18, 1970.

Kieser, Fred

Hotel and multiple dwelling legislation.
92 NJLJ 577, Sept. 4, 1969.

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CHAPTER 76 LAWS OF N. J. 19 67

APPROVED 5-31-1967

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ASSEMBLY No. 757

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblymen DODD, VOHDIN, CRYAN, ADDONIZIO,
BIANCARDI, OWENS, MANDELBAUM and A. E. BROWN

Referred to Committee on County and Municipal Government

AN ACT providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law.

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

3 ARTICLE I

4 1. This act shall be known as, and may be cited as, the "Hotel
5 and Multiple Dwelling Health and Safety **[Act]** **Law** of 1967."

6 2. This act being deemed and hereby declared remedial legisla-
7 tion necessary for the protection of the health and welfare of the
8 **[inhabitants]** **residents** of this State in order to assure the
9 provision therefor of decent, standard and safe **units of** dwelling
10 space, shall be liberally construed to effectuate the purposes and
10A intent thereof.

11 3. The following terms whenever used or referred to in this act
12 shall have the following respective meanings for the purposes of
13 this act, except in those instances where the context clearly in-
14 dicates otherwise:

15 (a) The term "act" shall mean this act, any amendments or
16 supplements thereto, and any rules and regulations promulgated
17 thereunder.

18 (b) The term "accessory building" shall mean any building
19 which is used in conjunction with the main building of a hotel,
20 whether separate therefrom or adjoining thereto, and which con-
21 tains one or more units of dwelling space.

22 (c) The term "board" shall mean the Hotel and Multiple Dwell-
23 ing Health and Safety Board created by subsection (a) of section

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

1 5 of this act in the Division of Housing and Urban Renewal of the
2 Department of Community Affairs.

3 (d) The term "bureau" shall mean the Bureau of Housing
4 Inspection ***[of]*** **in** the Division of Housing and Urban Renewal
5 ***[in]*** **of** the Department of Community Affairs.

6 (e) The term "central heating" shall mean the provision of heat
7 throughout a building **or structure** by means of one or more heat-
8 ing units or furnaces centrally located in said building, rather than
9 by means of individual heating units or furnaces located in some or
10 all of the dwelling units in said building **or structure**.

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

13 (g) The term "department" shall mean the Department of
14 Community Affairs.

15 (h) The term "unit of dwelling space" shall mean any room ***[,]***
16 or rooms, or suite or apartment thereof, whether furnished or un-
17 furnished, which ***[are]*** **is** occupied, or intended, arranged or
18 designed to be occupied, for sleeping or dwelling purposes by one or
19 more persons, including but not limited to the owner thereof, or any
20 of his servants, agents or employees, and shall include all privi-
21 leges, services, furnishings, furniture, equipment, facilities and
22 improvements connected with the use or occupancy thereof.

23 **(i) The term "protective equipment" shall mean any equip-*
24 *ment, device, system or apparatus, whether manual, mechanical,*
25 *electrical or otherwise, permitted or required by the commissioner*
26 *to be constructed or installed in any hotel or multiple dwelling for*
27 *the protection of the occupants or intended occupants thereof, or*
28 *of the public generally.**

29 ***[(i)]*** **(j)** The term "hotel" shall mean any building, includ-
30 ing but not limited to any related structure, accessory building,
31 and land appurtenant thereto, and any part thereof, which—

32 (1) is kept, used, maintained, advertised as, or held out to
33 be, or intended to be kept, used, maintained, advertised as, or
34 held out to be, a place where sleeping or dwelling accommoda-
35 tions are available, for valuable consideration, to transient
36 or permanent guests, and in which 10 or more units of dwell-
37 ing space are rented, or intended to be rented, for the accom-
38 modation of such guests; or,

39 (2) is rented for hire to 25 or more persons for sleeping or
40 dwelling accommodations.

41 This definition shall also mean and include any motor hotel,
42 motel, or established guesthouse which is commonly regarded as
43 a motor hotel, motel, or established guesthouse, as the case may

1 be, in the community in which it is located; provided, that this
 2 definition shall not be construed to include any building or struc-
 3 ture defined as a multiple dwelling in this act, registered as a
 4 multiple dwelling with the Commissioner of Community Affairs
 5 as hereinafter provided, and occupied or intended to be occupied
 6 exclusively as such.

7 *[(j)] The term "multiple dwelling" shall mean any building or
 8 structure, and any land appurtenant thereto, and any part thereof,
 9 in which 2 or more units of dwelling space are sold, rented, leased,
 10 let or hired out to be occupied, or are intended to be sold, rented,
 11 leased, let or hired out to be occupied, or are occupied by 2 or
 12 more tenants or families who live independently of each other
 13 and who do their cooking upon the premises.

14 This definition shall also mean and include a detached dwelling
 15 house of 2 or more stories with central heating, and which is
 16 equipped for occupancy, or is occupied, by 2 tenants or families
 17 who live independently of each other and who do their cooking
 18 upon the premises, other than an owner-occupied 2-family house;
 19 provided, that this definition shall not be construed to include
 20 any building or structure defined as a hotel in this act, registered
 21 as a hotel with the Commissioner of Community Affairs as here-
 22 inafter provided, and occupied or intended to be occupied exclu-
 23 sively as such.]*

24 *(k) The term "multiple dwelling" shall mean any building or
 25 structure of **[3]** **one** or more stories with **or without**
 26 central heating, and any land appurtenant thereto, and any portion
 27 thereof, in which 3 or more units of dwelling space are sold, rented
 28 or leased for occupancy, or are intended to be sold, rented or leased
 29 for occupancy, or are occupied by 3 or more families who live inde-
 30 pendently of each other and who do their cooking upon the premises.

31 This definition shall also mean and include a group of 2 or more
 32 buildings or structures with central heating, and any land appur-
 33 tenant thereto, and any portion thereof, in which units of dwelling
 34 space are sold, rented or leased for occupancy, or are intended to
 35 be sold, rented or leased for occupancy, or are occupied by 6 or
 36 more families who live independently of each other and who do
 37 their cooking upon the premises, and which are commonly known
 38 as "garden apartments"; provided, that this definition shall not
 39 be construed to include any building or structure defined as a hotel
 40 in this act, registered as a hotel with the Commissioner of Com-
 41 munity Affairs as hereinafter provided, and occupied or intended
 42 to be occupied exclusively as such.*

43 *[(k)]* *(l)* The term "owner" shall mean the person, asso-

1 ciation or corporation, or groups thereof, who own the fee simple
2 interest in any hotel or multiple dwelling.

3

ARTICLE II

4 4. The Bureau of Housing Inspection heretofore constituted in
5 the Division of Housing and Urban Renewal in the Department
6 of Community Affairs by section 23 of chapter 293 of the laws
7 of 1966 shall be under the immediate supervision of a supervisor,
8 who shall administer and enforce the provisions of this act, subject
9 to the supervision and control of the commissioner, and who shall
10 perform such other duties as the commissioner may direct or as
11 may be provided by law. Said supervisor shall be a licensed
12 architect or professional engineer of this State who shall be ap-
13 pointed by the commissioner subject to the provisions of Title 11
14 of the Revised Statutes, Civil Service.

15 5. (a) The Board of Housing Inspection heretofore constituted
16 in the Division of Housing and Urban Renewal in the Department
17 of Community Affairs by section 23 of chapter 293 of the laws of
18 1966 is hereby abolished, except that the powers, functions and
19 duties of said Board of Housing Inspection are hereby transferred
20 to and vested in the commissioner. In its stead, there is hereby
21 created in the Division of Housing and Urban Renewal of the
22 Department of Community Affairs a Hotel and Multiple Dwelling
23 Health and Safety Board. Said board shall consist of ***[5]*** *10*
24 members, each of whom shall be a ***[citizen]*** *resident* of this
25 State, to be appointed by the Governor with the advice and consent
26 of the Senate for terms of 5 years. **Of the members appointed by*
27 *the Governor, 6 shall be residents of this State representing the*
28 *general public, 2 shall be representatives of the ****[New Jersey***
29 *State Hotel Motel Association,]** ***hotel and motel industry by*
30 *reason of experience in the construction or operation of hotels or*
31 *motels,** and 2 shall be representatives of the ****[New Jersey Asso-***
32 *ciation of Real Estate Boards.]** ***real estate industry by reason*
33 *of experience in the construction, operation or sales of multiple*
34 *dwellings.*** Each member shall serve for the term of his appoint-
35 ment and until his successor shall have been appointed and quali-
36 fied. Any vacancy in the membership of the board shall be filled by
37 appointment for the unexpired term only. Any member of the
38 board may be removed by the Governor at any time, for cause, upon
39 notice and opportunity to be heard. The members of the board
40 shall serve without compensation, but shall be entitled to reimburse-
41 ment for all necessary expenses incurred in the discharge of their
42 duties.**

43 The board shall consult with and advise the commissioner with

1 respect to rules and regulations proposed to be promulgated pur-
1A suant to this act and advise the commissioner on matters concern-
1B ing hotel and multiple dwelling health and safety generally. The
1C board shall meet at the call of the commissioner, the time and
1D place of such meeting to be fixed by the commissioner. The board
2 shall annually elect one of its members as the chairman thereof,
3 and such other officers as it may deem appropriate.

4 The persons in office on the effective date of this act as members
5 of the Board of Housing Inspection hereby abolished shall continue
6 in office as ***[the first]*** members of the Hotel and Multiple Dwell-
7 ing Health and Safety Board created herein, for the periods of their
8 respective terms as members of said Board of Housing Inspection
9 which remain unexpired on the effective date of this act, and until
10 their respective successors are appointed by the Governor and
11 have qualified.

12 (b) The office of supervisor of hotel fire safety heretofore con-
13 stituted in the Bureau of Housing Inspection of the Division of
14 Housing and Urban Renewal in the Department of Community
15 Affairs by section 24 of chapter 293 of the laws of 1966 is hereby
16 abolished, except that the powers, functions and duties of said
17 office of supervisor of hotel fire safety are hereby transferred to
18 and vested in the commissioner.

19 6. The commissioner is hereby granted and shall have and
20 exercise, in addition to other powers herein granted, all the powers
21 necessary and appropriate to carry out and execute the purposes
22 of this act, including but not limited to, the power:

23 (a) To provide owners or groups of owners with such advisory
24 consultation and educational services as will assist said owners or
25 groups of owners to discharge their responsibilities under this act,
26 and to suggest to said owners or groups of owners methods and
27 procedures by which they may develop and implement health and
28 safety programs;

29 (b) To enter and inspect, without prior notice, any hotel or
30 multiple dwelling, ***[or any building not constructed for use as a**
31 **hotel or multiple dwelling but which has been or shall be converted**
32 **or altered to such use,]*** and to make such investigation as is
33 reasonably necessary to carry out the provisions of this act; ***[pro-**
34 **vided, that any information obtained during the course of said**
35 **entrance, inspection and investigation shall not be disclosed by**
36 **any person except when necessary to establish a violation of this**
37 **act in any action or proceeding that may be brought for the en-**
38 **forcement thereof;]***

39 (c) To administer and enforce the provisions of existing law,

1 and any amendments and supplements thereto, and any rules or
 1A regulations promulgated thereunder, concerning the regulation of
 1B multiple dwellings, also commonly known as tenements, and hotels;

1C (d) To require *the production of* such reports, documents,
 1D books or papers of the ***[owners]*** *owner* of ***[hotels]*** *any*
 2 *hotel* or multiple ***[dwellings]*** *dwelling* ***[or any buildings not**
 3 **constructed for use as hotels or multiple dwellings but which have**
 4 **been or shall be converted or altered to such uses,]** *as the com-*
 5 *missioner may deem necessary to implement the purposes of this*
 6 *act;*

7 (e) To issue and promulgate such rules and regulations as the
 8 commissioner may deem necessary to implement the purposes of
 9 this act, which rules and regulations shall have the force and effect
 10 of law until revised, repealed or amended from time to time by
 11 the commissioner in the exercise of his discretion; provided, that
 12 any such rules and regulations shall be filed with the Secretary
 13 of State;

14 (f) To enforce and administer the provisions of this act, enter
 15 complaints against any person, association or corporation violating
 16 the provisions of this act, and to prosecute violations of the pro-
 17 visions of this act; and

18 (g) To compromise and settle any claim for a penalty for any
 19 violation of the provisions of this act in such amount in the dis-
 20 cretion of the commissioner as may appear appropriate and equita-
 21 ble under all of the circumstances of said ***[claimed]*** violation.

22 ARTICLE III

23 7. The commissioner shall issue and promulgate, in the manner
 24 specified in section 8 of this act, such regulations as he may deem
 25 necessary to assure that any hotel or multiple dwelling***[,** or any
 26 building not erected for use as a hotel or multiple dwelling but
 27 converted or altered to such use, and any units of dwelling space
 28 therein, shall be reasonably safe and healthful for its intended
 29 occupants and maintained in good repair**]** *will be constructed and*
 30 *maintained in such manner as is consistent with, and will protect,*
 31 *the health, safety and welfare of the occupants or intended occu-*
 32 *pants thereof, or of the public generally*.*

33 Any such regulations issued and promulgated by the commis-
 34 sioner pursuant to this section shall provide standards and speci-
 35 fications for ***[the construction, placement, use and maintenance**
 36 **of]*** such construction, conversion***[,]** and alteration ***[stand-**
 37 **ards]*** *and maintenance materials, methods* and techniques, fire
 38 warning and extinguisher systems, elevator systems, emergency
 39 egresses, and such other ***[methods, techniques, devices, systems**

1 or requirements]* *protective equipment** as the commissioner
 1A shall deem reasonably necessary to the health, safety and welfare
 1B of the *occupants or** intended occupants of any units of dwelling
 1C space in *[a]** *any** hotel or multiple dwelling, *[or in a building*
 1D *not erected for use as a hotel or multiple dwelling but converted*
 2 *or altered to such use,]** including but not limited to:

- 3 (a) Structural adequacy *ratings**;
- 4 (b) Methods of egress, including fire escapes, outside fireproof
 5 stairways, independent stairways, and handrails, railings, brackets,
 6 braces and landing platforms thereon*, *additional stairways, and*
 7 *treads, winders, and risers thereof, entrances and ramps**;
- 8 (c) Bulkheads and scuttles*, *partitions, walls, ceilings and*
 9 *floors**;
- 10 (d) *[Additional stairways, and treads, winders and risers*
 11 *thereof]** *Garbage and refuse collection and disposal, cleaning*
 12 *and janitorial services, repairs, and extermination services**;
- 13 (e) *[Partitions, walls, ceilings and floors]** *Electrical wiring*
 14 *and outlets, and paints and the composition thereof**;
- 15 (f) Doors, and the manner of opening thereof;
- 16 (g) Transoms, windows, shafts and beams;
- 17 (h) Chimneys, flues and central heating units;
- 18 (i) Roofing and siding materials;
- 19 (j) Lots, yards, courts and garages, including the size and loca-
 20 tion thereof;
- 21 (k) Intakes, open ducts, offsets and recesses;
- 22 (l) Windows, including the size and height thereof;
- 23 (m) Rooms, including the area and height thereof*, *and the*
 24 *permissible number of occupants thereof**;
- 25 (n) Stairwells, skylights and alcoves;
- 26 (o) Public halls, including the lighting and ventilation thereof;
- 27 (p) Accessory passages to rooms;
- 28 (q) Cellars, drainage and air space;
- 29 (r) Water-closets, bathrooms and sinks;
- 30 (s) Water connections, including the provision of drinking and
 31 *hot and cold** running water;
- 32 (t) Sewer connections, privies, cesspools, and private sewers;
- 33 (u) Rain water and drainage conductors; and
- 34 (v) Entrances and ramps.

35 8. (a) The commissioner shall, within the 180 days next succeed-
 36 ing the effective date of this act, transmit copies of the proposed
 37 regulations required to be issued and promulgated by section 7
 38 of this act, to the board for its review and recommendations.
 39 Within 30 days of the receipt of copies of said proposed regula-

1 tions, the board shall provide the commissioner with such written
1A recommendations thereon as it may have.

1B (b) Following the receipt by the commissioner of said written
1C recommendations of the board, or upon the expiration of the 30
1D days next succeeding the transmittal by the commissioner of copies
2 of said proposed regulations to the board, the commissioner shall
3 publish, in 5 newspapers of general circulation throughout this
4 State, a general notice of intention to promulgate proposed regula-
5 tions, which notice shall include (1) a reference to the authority
6 under which the regulations are proposed; (2) a statement of the
7 purpose of the proposed regulations; (3) either the terms or
8 substance of the proposed regulations or a description of the sub-
9 jects and issues involved; (4) a statement that a copy of the
10 proposed regulations may be obtained by any person upon written
11 request to the department; and (5) a statement of the date, time
12 and place for a public hearing on the proposed regulations, which
13 date shall not be less than 14 days nor more than 30 days after
14 the publication of the notice of intention to promulgate proposed
15 regulations.

16 (c) Any person, association or corporation appearing at said
17 public hearing shall be afforded an opportunity to be heard, either
18 through the submission of written data, views, or arguments or
19 the oral presentation of the same. Upon the expiration of the 30
20 days next succeeding the date of said public hearing, the com-
21 missioner shall issue and promulgate the regulations required to
22 be issued and promulgated by section 7 of this act, either as
23 originally proposed or as amended or revised by the commissioner
24 subsequent to said public hearings, which regulations shall be
25 effective on **[the] *such* date *so issued and promulgated]**
26 **as may be provided therein**.

27 9. (a) Any regulations issued by the commissioner pursuant to
28 sections 7 and 8 of this act shall have the force and effect of law
29 until revised, repealed or amended by the commissioner as here-
30 inafter provided.

31 (b) The commissioner may, from time to time subsequent to the
32 issuance and promulgation of regulations pursuant to sections 7
33 and 8 of this act, revise, repeal or amend any such regulation as
34 he may deem necessary. No such regulation shall be revised, re-
35 pealed or amended by the commissioner except pursuant to the
36 provisions of section 8 of this act.

37 10. (a) Any hotel or multiple dwelling the construction of which
38 shall be commenced, or any building not constructed for use as
39 a hotel or multiple dwelling but the conversion or alteration of

1 which to such use shall be commenced, subsequent to the effective
1A date of any regulations required to be issued and promulgated
1B pursuant to sections 7 and 8 of this act, shall be subject to, and
1C shall fully comply with, said regulations.

1D (b) Any hotel or multiple dwelling the construction of which
2 shall have been commenced in good faith, or any hotel or multiple
3 dwelling which is used or occupied, or any building not constructed
4 for use as a hotel or multiple dwelling but the conversion or
5 alteration of which to such use shall have been commenced in good
6 faith, on or before the effective date of any regulations required
7 to be issued and promulgated pursuant to sections 7 and 8 of this
8 act, shall be subject to, and shall fully comply with, said regula-
9 tions on or before the first anniversary of the effective date of said
10 regulations.

11 11. (a) Upon the application of the owner of any hotel or
12 multiple dwelling, or any building not constructed for use as a
13 hotel or multiple dwelling but which has been or shall be converted
14 or altered to such use, the commissioner may grant exceptions
15 from the literal requirements of ***[regulations]*** **any regulation**
16 issued pursuant to sections 7 and 8 of this act. No such exception
17 shall be granted in any particular case unless the commissioner
18 shall find: (1) that strict compliance with any such regulation, if
19 required, would result in undue hardship to ***[the]*** **such** owner;
20 and (2) that the exception, if granted, will not unreasonably
21 jeopardize the health, safety and welfare of intended occupants and
22 the public generally.

23 (b) An application for an exception pursuant to this section
24 shall be filed in writing with the commissioner, and shall set forth
25 specifically: (1) a statement of the requirements of the regulation
26 ***[or regulations]*** from which an exception is sought; (2) a state-
27 ment of the manner by which strict compliance with said regulation
28 ***[or regulations]*** would result in undue hardship; (3) a statement
29 of the nature and extent of such undue hardship; and (4) a state-
30 ment of feasible alternatives to the requirements of the regulation
31 ***[or regulations]*** which would adequately protect the health,
32 safety and welfare of the **occupants or** intended occupants and the
33 public generally.

34 (c) Within the 30 days next succeeding the receipt by the com-
35 missioner of an application for an exception, the commissioner
36 shall grant or deny said application by written order, stating
37 therein the reason or reasons for the grant or denial of said
38 application. The commissioner shall maintain records of all appli-
39 cations for exceptions, and the action taken thereon, and shall
40 make such records reasonably available for public inspection.

ARTICLE IV

1
1A 12. (a) *~~On or before January 1, 1968, and on or before January~~
1B 1 of each year thereafter,]* *Within 90 days of the effective date*
1C *of this act, and thereafter as required by subsection (c) of this*
2-3 *section,** the owner of each hotel*,* or **of each** multiple dwelling
4 **occupied or intended to be occupied by 6 or more families,** shall
5 file with the commissioner, upon forms provided by the commis-
6 sioner, an application for a certificate of registration. Each such
7 application shall be accompanied by a fee of \$10.00, and shall state:
8 (1) the name and address or principal place of business of said
9 owner; (2) such description of each hotel or multiple dwelling, by
10 street number or otherwise, as will enable the commissioner easily
11 to locate the same; (3) the name and address or principal place
12 of business of the agent appointed by said owner **pursuant to*
13 *subsection (b) of this section** for the purpose of receiving service
14 of process and other orders or notices; and (4) the name and
15 address or principal place of business of the person, association
16 or corporation, if any, which manages or operates ~~each~~* such
17 hotel or multiple dwelling for or on behalf of said owner. Upon
18 the receipt of said application and fee, the commissioner shall forth-
19 with issue to the owner of ~~each~~* **such* hotel* ~~and~~** **or***
20 multiple dwelling a certificate of registration, which certificate of
21 registration shall be kept posted by the owner of ~~each~~* **such**
22 hotel or multiple dwelling in a conspicuous location therein. The
23 certificate of registration shall be in such form as **may be** pre-
24 scribed by the commissioner.

25 (b) ~~On or before January 1, 1968, and on or before January 1~~
26 of each year thereafter,]* *Within 90 days of the effective date of*
27 *this act, and thereafter as required by subsection (c) of this sec-*
28 *tion,** the owner of each hotel*,* or **of each** multiple dwelling
29 **occupied or intended to be occupied by 6 or more families** shall
30 appoint an agent for the purpose of receiving service of process
31 and such orders or notices as may be issued by the commissioner
32 pursuant to this act. Each such agent so appointed shall be a resi-
33 dent of this State or a corporation licensed to do business in this
34 State.

35 (c) In the case of any transfer of the fee simple interest in
36 any hotel*,* or **of any** multiple dwelling **occupied or intended*
37 *to be occupied by 6 or more families**, whether by sale, assign-
38 ment, gift, intestate succession, testate devolution, reorganization,
39 receivership, **foreclosure** or execution process, it shall be the duty
40 of the new owner thereof to file with the commissioner, within 30
41 days of said transfer, ~~a~~* *[a notice setting forth the names and*
42 *addresses or principal places of business of the previous owner*

1 and the new owner] * *an application for a certificate of registra-*
1A *tion pursuant to subsection (a) of this section**,** and to appoint*
2 *an agent for the service of process pursuant to subsection (b) of*
3 *this section*.*

4 13. (a) The commissioner shall inspect each multiple dwelling
5 at least once in every 5 years, and each hotel annually, for the
6 purpose of determining the extent to which each hotel or multiple
7 dwelling complies with the provisions of this act and regulations
8 promulgated hereunder.

9 (b) On or before January 1, 1968, and on or before January 1
10 of each year thereafter, the owner of each hotel shall file with the
11 commissioner, upon forms provided by the commissioner, an appli-
12 cation for a certificate of inspection. Said application shall state:
13 (1) the name and address or principal place of business of the
14 owner; (2) such description of the hotel, by street number or
15 otherwise, as will enable the commissioner easily to locate the
16 same; (3) the number of units of dwelling space in said hotel;
17 (4) the maximum number of occupants of said units of dwelling
18 space; and (5) the number of the occupants of said units of dwell-
19 ing space as of the date the application for a certificate of inspec-
20 tion is filed. Said application shall be accompanied by a fee as
21 follows: where the number of units of dwelling space is 20 or less
22 or where the maximum number of occupants thereof is 25 or less,
23 \$10.00; where the number of units of dwelling space is over 20
24 and not more than 50 or where the maximum number of occupants
25 thereof is not in excess of 100 but greater than 25, \$30.00; and
26 where the number of units of dwelling space is more than 50 or
27 where the maximum number of occupants thereof is greater than
28 100, \$50.00.

29 ***[**On or before January 1, 1968, and on or before January 1 of
30 every year thereafter,**]** * *Within 90 days of the most recent inspec-*
31 *tion by the commissioner of any multiple dwelling occupied or*
32 *intended to be occupied by 6 or more families occurring prior to*
33 *January 1 of each calendar year,** the owner of each **such** mul-
34 tiple dwelling shall file with the commissioner, upon forms provided
35 by the commissioner, an application for a certificate of inspection.
36 Said application shall state: (1) the name and address or principal
37 place of business of the owner; (2) such description of the multi-
38 ple dwelling, by street number or otherwise, as will enable the
39 commissioner easily to locate the same; (3) the number of units
40 of dwelling space in said multiple dwelling; (4) the maximum
41 number of families that could occupy said units of dwelling space;
42 and (5) the number of families that occupied said units of dwelling
43 space as of the date the application for a certificate of inspection

1 is filed. Said application shall be accompanied by a fee as follows:
2 where the maximum number of families that could occupy said
3 units of dwelling space is ***[3]*** *6* or less, \$10.00; where the
4 maximum number of families that could occupy said units of dwell-
5 ing space is not in excess of 20, but greater than ***[3]*** *6*, \$20.00;
6 where the maximum number of families that could occupy said
7 units of dwelling space is not in excess of 50 but greater than 20,
8 \$30.00; where the maximum number of families that could occupy
9-12 said units of dwelling space is not in excess of 100, but greater than
13 50, \$40.00; and where the maximum number of families that could
14 occupy said units of dwelling space is greater than 100, \$50.00.

15 (c) If the commissioner determines, as a result of the most
16 recent inspection of any hotel or multiple dwelling as required by
17 subsection (a) of this section, that any hotel or multiple dwelling
18 complies with the provisions of this act and regulations promul-
19 gated hereunder, then the commissioner shall issue to the owner
20 thereof, upon receipt of the application and fee as required by
21 subsection (b) of this section, a certificate of inspection. Any
22 owner to whom a certificate of inspection is issued shall keep said
23 certificate posted in a conspicuous location in the hotel or multiple
24 dwelling to which the certificate applies. The certificate of inspec-
25 tion shall be in such form as **may be** prescribed by the com-
26 missioner.

27 (d) If the commissioner determines, as a result of the most
28 recent inspection of any hotel or multiple dwelling as required by
29 subsection (a) of this section, that any hotel or multiple dwelling
30 does not comply with the provisions of this act and regulations
31 promulgated thereunder, then the commissioner shall issue to the
32 owner thereof, upon receipt of the application and fee as required
33 by subsection (b) of this section, a written notice stating the
34 manner in which any such hotel or multiple dwelling does not
35 comply with this act or regulations promulgated thereunder. Said
36 notice shall fix such date, not less than 60 days nor more than 180
37 days, on or before which any such hotel or multiple dwelling must
38 comply with the provisions of this act and regulations promulgated
39 thereunder. If any such hotel or multiple dwelling is made to
40 comply with the provisions of this act and regulations promulgated
41 thereunder on or before the date fixed in said notice, then the com-
42 missioner shall issue to the owner thereof a certificate of inspection
43 as described in subsection (c) of this section. If any such hotel or

1 multiple dwelling is not made to comply with the provisions of
2 this act and regulations promulgated thereunder on or before the
3 date fixed in said notice, then the commissioner shall not issue to
4 the owner thereof a certificate of inspection as described in sub-
5 section (c) of this section, and shall enforce the provisions of this
6 act against the owner thereof.

7 14. (a) The commissioner may make a special inspection of any
8 hotel, upon the application of the owner thereof, and may render a
9 report of such inspection thereto, for the purpose of transferring
10 title, securing mortgage loans, or **for any** other similar purpose.
11 For each such special inspection where such report is furnished,
12 a fee shall be charged as follows: where the number of units of
13 dwelling space is 20 or less or where the maximum number of
14 occupants thereof is 25 or less, \$20.00; where the number of units
15 of dwelling space is over 20 and not more than 50 or where the
16 maximum number of occupants thereof is not in excess of 100 but
17 greater than 25, \$60.00; and where the number of units of dwelling
18 space is more than 50 or where the maximum number of occupants
19 thereof is greater than 100, \$100.00.

20 (b) The commissioner may make a special inspection of any
21 multiple dwelling, upon the application of the owner thereof, and
22 may render a report of such inspection thereto, for the purpose of
23 transferring title, securing mortgage loans, or **for any** other
24 similar purpose. For each such special inspection where such re-
25 port is furnished, a fee shall be charged as follows: where the
26 maximum number of families that could occupy the units of dwell-
27 ing space in the multiple dwelling is 3 or less, \$10.00; where the
28 maximum number of families that could occupy the units of dwelling
29 space in the multiple dwelling is not in excess of 20 but greater
30 than 3, \$20.00; where the maximum number of families that could
31 occupy the units of dwelling space in the multiple dwelling is not in
32 excess of 50 but greater than 20, \$50.00; where the maximum num-
33 ber of families that could occupy the units of dwelling space in
34 the multiple dwelling is not in excess of 100 but greater than
35 ****[40]**** ****50****, \$100.00; and where the maximum number of
36 families that could occupy the units of dwelling space in the mul-
37 tiple dwelling is greater than 100, \$150.00.

38 15. (a) No person, association or corporation shall construct, or
39 cause to be constructed, any hotel or multiple dwelling, or any
40 units of dwelling space therein, or any **protective** equipment,
41 ***[structure, system or device]*** therein, unless the plans and speci-
42 fications therefor shall have been submitted to, and approved by,
43 the commissioner in accordance with the provisions of this act and

1 rules and regulations promulgated thereunder. Upon the approval
2 by the commissioner of any such construction plans and specifica-
3 tions submitted to him, the person, association or corporation so
4 submitting the plans and specifications shall pay to the commis-
5 sioner a fee as follows: where the estimated cost of construction
6 is \$10,000.00 or less, \$10.00; where the estimated cost of construc-
7 tion exceeds \$10,000.00, an additional fee of *~~[\$1.00]~~* *\$0.25* shall
8 be paid for each \$1,000.00, or fraction thereof, in excess of the
9 first \$10,000.00.

10 (b) No person, association or corporation shall convert or alter,
11 or cause to be converted or altered, a building not constructed for
12 use as a hotel or multiple dwelling, to such use, or any units of
13 dwelling space therein, or any *protective* equipment*~~], struc-~~
14 ~~ture, system or device]~~* therein, unless the plans and specifications
15 therefor shall have been submitted to, and approved by, the com-
16 missioner in accordance with the provisions of this act and rules
17 and regulations promulgated thereunder. Upon the approval by
18 the commissioner of any such conversion or alteration plans and
19 specifications submitted to him, the person, association or corpora-
20 tion so submitting the plans and specifications shall pay to the
21 commissioner a fee as follows: where the estimated cost of con-
22 version or alteration is \$10,000.00 or less, \$10.00; where the esti-
23 mated cost of conversion or alteration exceeds \$10,000.00, an addi-
24 tional fee of *~~[\$1.00]~~* *\$0.25* shall be paid for each \$1,000.00, or
25 fraction thereof, in excess of the first \$10,000.00.

26 Where the commissioner makes an inspection of a building not
27 constructed for use as a hotel or multiple dwelling for the purpose
28 of ascertaining the requirements necessary to the conversion or
29 alteration of such building to use as a hotel or multiple dwelling, a
30 fee of \$10.00 shall be charged.

31 (c) All plans and specifications submitted to the commissioner
32 for his approval pursuant to subsections (a) and (b) of this section
33 shall be accompanied by a \$5.00 filing fee, which fee shall be in
34 addition to any fee required to be paid to the commissioner upon
35 his approval of said plans and specifications.

36

ARTICLE V

37 16. (a) If the commissioner shall discover any violation of the
38 provisions of this act or any rules and regulations promulgated
39 thereunder upon any inspection of any hotel or multiple dwelling,
40 then the commissioner shall issue and cause to be served on the
41 owner thereof a written order requiring said owner to terminate,
42 or cause to be terminated, any such violation. Such written order
43 shall state the nature of any such violation and a reasonable speci-

1 fied time within which any such violation must be terminated.
2 Such written order shall also require and direct the owner to whom
3 it is issued to take, or cause to be taken, such affirmative action as
4 may be necessary to correct any such violation.

5 (b) The commissioner may petition the Superior Court of this
6 State for mandatory injunctive relief enforcing any order issued
7 by the commissioner pursuant to subsection (a) of this section.
8 In any such proceeding the Superior Court may proceed in a sum-
9 mary manner or otherwise, and shall have power to grant such
10 temporary relief or restraining order as it may deem just and
11 proper, and to make and enter a decree enforcing, modifying, and
12 enforcing as so modified, or setting aside in whole or in part any
13 order issued by the commissioner pursuant to subsection (a) of this
14 section.

15 17. If upon any inspection of any hotel or multiple dwelling the
16 commissioner shall discover any violation of the provisions of this
17 act or any rules and regulations promulgated thereunder, which
18 constitutes an imminent hazard to the health, safety or welfare of
19 the occupants or intended occupants thereof, or of the public
20 generally, the commissioner may issue and cause to be served on the
21 owner thereof a written order directing that any such hotel or
22 multiple dwelling be vacated forthwith. Such written order shall
23 state the nature of any such violation and the date and hour by
24 which any such hotel or multiple dwelling must be vacated.

25 Upon the receipt by the commissioner of **written** notice from
26 the owner of any such hotel or multiple dwelling stating that any
27 such violation has been terminated, the commissioner shall rein-
28 spect said hotel or multiple dwelling within 1 working day of the
29 receipt of said notice. If upon any such reinspection the commis-
30 sioner shall determine that any such violation has been terminated,
31 the commissioner shall rescind any order requiring the vacation
32 of said hotel or multiple dwelling, and occupancy thereof may be
33 resumed forthwith; provided, that if any such reinspection is not
34 made by the commissioner within 1 working day of the receipt of
35 said notice, occupancy of any such hotel or multiple dwelling may
36 be resumed forthwith.

37 Where the owner of any such hotel or multiple dwelling denies
38 that any such violation exists, said owner may apply to the commis-
39 sioner for a reconsideration hearing, which hearing must be
40 afforded and a decision rendered by the commissioner within 48
41 hours of the receipt by the commissioner of the application for said
42 hearing. If the commissioner shall decide adversely to said owner,
43 said owner may petition ***[the Chancery Division of]*** the Superior

1 Court of this State***]**, by a proceeding in lieu of prerogative
 2 writ,**]*** for **injunctive** relief against any order of the commis-
 3 sioner directing that any such hotel or multiple dwelling be vacated
 4 forthwith. Such relief may be sought by an order to show cause
 5 and may be granted ex parte pending a hearing de novo; provided,
 6 that the only issue to be determined in such proceeding shall be
 7 the existence of any violation of the provisions of this act, or rules
 8 and regulations promulgated thereunder, which constitutes an im-
 9 minent hazard to the health, safety or welfare of the occupants or
 10 intended occupants of any such hotel or multiple dwelling, or to
 11 the public generally.

12 ARTICLE VI

13 18. Any person, association or corporation aggrieved by any
 14 ruling, action, order, or notice of the commissioner pursuant to
 15 this act, except any order of notice issued by the commissioner
 16 pursuant to section 17 of this act shall be entitled to a hearing
 17 before the commissioner. The application for such hearing must be
 18 filed with the commissioner within 15 days of the receipt by the
 19 applicant thereof of notice of the ruling, action, order or notice
 20 complained of. No such hearing shall be held except upon 15 days'
 21 written notice to all interested parties, and each such hearing shall
 22 be held within 30 days of the receipt of the application therefor.
 23 Within 30 days after the completion of such hearing, the commis-
 24 sioner shall issue an appropriate order approving, modifying, and
 25 approving as so modified, or setting aside in whole or in part the
 26 ruling, action, order or notice complained of, a copy of which
 27 order shall be served on all interested parties. Pending the deter-
 28 mination of the commissioner, and upon application therefor, the
 29 commissioner may grant a stay of the ruling, action, order, or notice
 30 complained of; provided, that no such stay shall be granted except
 31 upon such terms and conditions as will **]***insure compliance with
 32 the provisions of this act**]*** **adequately protect the occupants or*
 33 *intended occupants of the hotel or multiple dwelling involved, or*
 34 *the public generally**.

35 19. (a) No person, association or corporation shall willfully—

36 (1) obstruct, hinder, delay or interfere with, by force or
 37 otherwise, the commissioner in the **]***performance**]*** **exer-*
 38 *cise** of any power**]*** **or the discharge of any** function or
 39 duty under the provisions of this act; or

40 (2) prepare, utter or render any false statement, report,
 41 document, plans or specifications permitted or required to be
 42 prepared, uttered or rendered under the provisions of this act;
 43 or

1 (3) render ineffective or inoperative any protective equip-
2 ment***[**, device, system or requirement**]*** installed, or intended
3 to be installed, in any hotel or multiple dwelling; or

4 (4) refuse or fail to comply with any lawful ruling, action,
5 order or notice of the commissioner; or

6 (5) violate, or cause to be violated, any of the provisions of
7 this act.

8 (b) Any person, association or corporation which violates, or
9 causes to be violated, any provision of subsection (a) of this section
10 shall be liable to a penalty of not less than \$100.00 nor more than
11 \$500.00 for the first offense, and a penalty of not less than \$500.00
12 nor more than \$1,000.00 for a second or each subsequent offense,
13 which penalty shall be sued for, and recovered by and in the name
14 of the commissioner in a civil action by a summary proceeding
15 under the Penalty Enforcement Law (N. J. S. 2A:58-1). Any
16 person, association or corporation shall be deemed to have violated,
17 or to have caused to be violated, any provision of subsection (a) of
18 this section whenever any officer, agent or employee thereof, under
19 the control of and with the knowledge of said person, association
20 or corporation, shall have violated or caused to be violated any of
21 the provisions of subsection (a) of this section. Where any viola-
22 tion of subsection (a) of this section is of a continuing nature, each
23 day during which such violation continues after the date fixed by
24 the commissioner in any order or notice for the correction or
25 termination of such violation, shall constitute an additional,
26 separate and distinct offense, except during the time an appeal
27 from said order may be taken or is pending.

28 (c) The commissioner may cancel and revoke any permit,
29 approval or certificate required or permitted to be granted or issued
30 to any person, association or corporation pursuant to the provi-
31 sions of this act if the commissioner shall find that any such person,
32 association or corporation has violated, or caused to be violated,
33 any of the provisions of subsection (a) of this section.

34 ARTICLE VII

35 20. The posting in a conspicuous location in any hotel or multiple
36 dwelling of any **ruling**,** notice or order required or permitted to
37 be issued and served pursuant to this act, together with the mailing
38 of a copy of such **ruling**,* notice or order on the same day that it
39 is posted to the person, association or corporation to be served,
40 at the address or principal place of business as registered with the
41 commissioner pursuant to this act, or to the agent appointed by
42 said person, association or corporation pursuant to this act for the
43 purpose of receiving service of process, shall be sufficient service
44 thereof.

1 ***[**21. Within 30 days of the effective date of this act, each municipi-
2 pality of the State shall designate or appoint by resolution or
3 ordinance a public officer thereof whose duty it shall be to enforce
4 the provisions of this act under the control and supervision of the
5 commissioner and in accordance with such rules and regulations
6 as the commissioner may issue and promulgate. The name of the
7 public officer so designated or appointed shall be registered with the
8 commissioner on or before January 1, 1968, and on or before
9 January 1 of each year thereafter. Each municipality shall also
10 assign or make available to the public officer so designated or
11 appointed such supporting personnel and equipment as the said
12 public officer shall require to enforce the provisions of this act as
13 the commissioner may direct. The commissioner may require that
14 the public officer so designated or appointed furnish the commis-
15 sioner with such reports, data, information and other assistance
16 according to rules and regulations promulgated by the commis-
17 sioner pursuant to this act, as the commissioner shall deem neces-
18 sary to carry out the provisions of this act.]*

19 *21. *Each municipality of this State is hereby authorized to en-*
20 *force the provisions of this act, and any rules or regulations pro-*
21 *mulgated thereunder, within the corporate limits thereof, subject*
22 *to the control and supervision of the commissioner and in accord-*
23 *ance with such rules and regulations as the commissioner may issue*
24 *and promulgate. The commissioner shall consult with and advise*
25 *any municipality which enforces the provisions of this act, and any*
26 *rules and regulations promulgated hereunder, and each such municipi-*
27 *ality shall furnish the commissioner with such reports, data and*
28 *information as the commissioner may deem necessary.**

29 22. No offense committed, and no liability, penalty, or forfeiture,
30 either civil or criminal, incurred, prior to the repeal or revision of
31 any act or any part thereof by the enactment of this act, shall be
32 discharged, released or affected by the repeal or revision of the act
33 or part thereof under which such offense, liability, penalty or
34 forfeiture was incurred, and indictments, prosecutions and actions
35 for such offenses, liabilities, penalties or forfeitures committed or
36 incurred prior to the effective date of this act shall be commenced
37 or continued and be proceeded with in all respects as if the act or
38 part thereof had not been repealed or revised; and all such matters
39 or proceedings **pending** on the effective date of this act shall be
40 continued by the commissioner.

41 ***[**23. The record or determination of any proceeding under this
42 act or any statement or report of any kind whatsoever obtained or
43 received in connection with the administration or enforcement of

1 the provisions of this act shall be privileged and not admissible as
 2 evidence in any action for any purpose whatsoever, except such
 3 actions or proceedings that may be brought for the enforcement of
 4 this act; provided, that the commissioner shall record and maintain
 5 listings of violations of this act, which records and listings shall be
 6 public records reasonably available for public inspection.]**

7 *23. *The record or determination of any action or proceeding*
 8 *under this act, or any statement, report or record of any kind what-*
 9 *soever obtained or received by the commissioner in connection with*
 10 *the administration or enforcement of the provisions of this act,*
 11 *shall be public records and reasonably available for public inspec-*
 12 *tion.**

13 24. In any hearing under this act required or permitted to be held
 14 before the commissioner, the commissioner shall not be bound to
 15 apply the strict rules of evidence prevailing in civil actions in courts
 16 of competent jurisdiction.

17 25. (a) This act is not intended, and nothing in this act shall be
 18 construed, to abrogate or impair the powers and duties of local
 19 boards of health, of the Department of Health under chapter 177 of
 20 the laws of 1947.

21 *[(b) This act is intended, and shall be construed, to supersede
 22 any ordinance or regulation of any municipality or county which is
 23 in any way inconsistent with the provisions of this act or any rules
 24 or regulations promulgated thereunder.]**

25 *(b) *This act is not intended, and nothing in this act shall be*
 26 *construed, to preclude the right of any municipality to adopt and*
 27 *enforce ordinances or regulations more restrictive than this act or*
 28 *any rules or regulations promulgated thereunder.**

29 26. The commissioner shall deposit with the State Treasurer for
 30 inclusion in the State Treasury any *fees]* *fee or penalty*
 31 required or permitted to be paid to and received by the commis-
 32 sioner pursuant to the provisions of this act.

33 27. If any section, subsection, paragraph, sentence or other part
 34 of this act is adjudged unconstitutional or invalid, such judgment
 35 shall not affect, impair or invalidate the remainder of this act, but
 36 shall be confined in its effect to the section, subsection, paragraph,
 37 sentence or other part of this act directly involved in the con-
 38 troversy in which said judgments shall have been rendered.

39 28. (a) The following acts and parts of acts are repealed: chapters
 40 9, 10 and 12 of Title 55 of the Revised Statutes; sections 55:11-1 to
 41 55:11-8, both inclusive, of the Revised Statutes, sections 55:11-11
 42 to 55:11-17, both inclusive, of the Revised Statutes; and sections
 43 1, 2, 29, 31, 32, 33, 34, 35, 36, 38 and 40 of chapter 340 of the laws of
 44 1948.

1 (b) The following acts and parts of acts are repealed: chapters
2 1, 2, 5, 6, 7, 8, and 13 of Title 55 of the Revised Statutes; sections
3 55:3-1 to 55:3-22, both inclusive, of the Revised Statutes; sections
4 55:3-23 to 55:3-60, both inclusive, of the Revised Statutes; sections
5 55:4-1 to 55:4-13, both inclusive, of the Revised Statutes; sections
6 55:4-14 to 55:4-27, both inclusive, of the Revised Statutes; section
7 1 of chapter 23 of the laws of 1958; chapter 172 of the laws of 1958;
8 and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
9 21, 22, 23, 24, 25, 26, 27, 28, and 30 of chapter 340 of the laws of 1948.
10 29. This act shall take effect immediately, except that subsection
11 (b) of section ***[27]*** *28* of this act shall not take effect until 270
12 days after the effective date of this act.

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ASSEMBLY No. 757

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblymen DODD, VOHDIN, CRYAN, ADDONIZIO,
BIANCARDI, OWENS, MANDELBAUM and A. E. BROWN

Referred to Committee on County and Municipal Government

AN ACT providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law.

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

3 ARTICLE I

4 1. This act shall be known as, and may be cited as, the "Hotel
5 and Multiple Dwelling Health and Safety Act of 1967."

6 2. This act being deemed and hereby declared remedial legisla-
7 tion necessary for the protection of the health and welfare of the
8 inhabitants of this State in order to assure the provision therefor
9 of decent, standard and safe dwelling space, shall be liberally
10 construed to effectuate the purposes and intent thereof.

11 3. The following terms whenever used or referred to in this act
12 shall have the following respective meanings for the purposes of
13 this act, except in those instances where the context clearly in-
14 dicates otherwise:

15 (a) The term "act" shall mean this act, any amendments or
16 supplements thereto, and any rules and regulations promulgated
17 thereunder.

18 (b) The term "accessory building" shall mean any building
19 which is used in conjunction with the main building of a hotel,
20 whether separate therefrom or adjoining thereto, and which con-
21 tains one or more units of dwelling space.

22 (c) The term "board" shall mean the Hotel and Multiple Dwell-
23 ing Health and Safety Board created by subsection (a) of section

1 5 of this act in the Division of Housing and Urban Renewal of the
2 Department of Community Affairs.

3 (d) The term "bureau" shall mean the Bureau of Housing
4 Inspection of the Division of Housing and Urban Renewal in the
5 Department of Community Affairs.

6 (e) The term "central heating" shall mean the provision of heat
7 throughout a building by means of one or more heating units or
8 furnaces centrally located in said building, rather than by means
9 of individual heating units or furnaces located in some or all of
10 the dwelling units in said building.

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

13 (g) The term "department" shall mean the Department of
14 Community Affairs.

15 (h) The term "unit of dwelling space" shall mean any room, or
16 rooms, or suite or apartment thereof, whether furnished or un-
17 furnished, which are occupied, or intended, arranged or designed
18 to be occupied, for sleeping or dwelling purposes by one or more
19 persons, including but not limited to the owner thereof, or any
20 of his servants, agents or employees, and shall include all privi-
21 leges, services, furnishings, furniture, equipment, facilities and
22 improvements connected with the use or occupancy thereof.

23 (i) The term "hotel" shall mean any building, including but not
24 limited to any related structure, accessory building, and land
25 appurtenant thereto, and any part thereof, which—

26 (1) is kept, used, maintained, advertised as, or held out to
27 be, or intended to be kept, used, maintained, advertised as, or
28 held out to be, a place where sleeping or dwelling accommoda-
29 tions are available, for valuable consideration, to transient
30 or permanent guests, and in which 10 or more units of dwell-
31 ing space are rented, or intended to be rented, for the accom-
32 modation of such guests; or,

33 (2) is rented for hire to 25 or more persons for sleeping or
34 dwelling accommodations.

35 This definition shall also mean and include any motor hotel,
36 motel or established guesthouse which is commonly regarded as
37 a motor hotel, motel, or established guesthouse, as the case may
38 be, in the community in which it is located; provided, that this
39 definition shall not be construed to include any building or struc-
40 ture defined as a multiple dwelling in this act, registered as a
41 multiple dwelling with the Commissioner of Community Affairs
42 as hereinafter provided, and occupied or intended to be occupied
43 exclusively as such.

1 (j) The term "multiple dwelling" shall mean any building or
2 structure, and any land appurtenant thereto, and any part thereof,
3 in which 2 or more units of dwelling space are sold, rented, leased,
4 let or hired out to be occupied, or are intended to be sold, rented,
5 leased, let or hired out to be occupied, or are occupied by 2 or
6 more tenants or families who live independently of each other
7 and who do their cooking upon the premises.

8 This definition shall also mean and include a detached dwelling
9 house of 2 or more stories with central heating, and which is
10 equipped for occupancy, or is occupied, by 2 tenants or families
11 who live independently of each other and who do their cooking
12 upon the premises, other than an owner-occupied 2-family house;
13 provided, that this definition shall not be construed to include
14 any building or structure defined as a hotel in this act, registered
15 as a hotel with the Commissioner of Community Affairs as here-
16 inafter provided, and occupied or intended to be occupied exclu-
17 sively as such.

18 (k) The term "owner" shall mean the person, association or
19 corporation, or groups thereof, who own the fee simple interest
20 in any hotel or multiple dwelling.

21 ARTICLE II

22 4. The Bureau of Housing Inspection heretofore constituted in
23 the Division of Housing and Urban Renewal in the Department
24 of Community Affairs by section 23 of chapter 293 of the laws
25 of 1966 shall be under the immediate supervision of a supervisor,
26 who shall administer and enforce the provisions of this act, subject
27 to the supervision and control of the commissioner, and who shall
28 perform such other duties as the commissioner may direct or as
29 may be provided by law. Said supervisor shall be a licensed
30 architect or professional engineer of this State who shall be ap-
31 pointed by the commissioner subject to the provisions of Title 11
32 of the Revised Statutes, Civil Service.

33 5. (a) The Board of Housing Inspection heretofore constituted
34 in the Division of Housing and Urban Renewal in the Department
35 of Community Affairs by section 23 of chapter 293 of the laws of
36 1966 is hereby abolished, except that the powers, functions and
37 duties of said Board of Housing Inspection are hereby transferred
38 to and vested in the commissioner. In its stead, there is hereby
39 created in the Division of Housing and Urban Renewal of the
40 Department of Community Affairs a Hotel and Multiple Dwelling
41 Health and Safety Board. Said board shall consist of 5 members,
42 each of whom shall be a citizen of this State, to be appointed by
43 the Governor with the advice and consent of the Senate for terms

1 of 5 years. Each member shall serve for the term of his appoint-
2 ment and until his successor shall have been appointed and quali-
3 fied. Any vacancy in the membership of the board shall be filled
4 by appointment for the unexpired term only. Any member of the
5 board may be removed by the Governor at any time, for cause,
6 upon notice and opportunity to be heard. The members of the
7 board shall serve without compensation, but shall be entitled to
8 reimbursement for all necessary expenses incurred in the discharge
9 of their duties.

10 The board shall consult with and advise the commissioner with
11 respect to rules and regulations proposed to be promulgated pur-
12 suant to this act and advise the commissioner on matters concern-
13 ing hotel and multiple dwelling health and safety generally. The
14 board shall meet at the call of the commissioner, the time and
15 place of such meeting to be fixed by the commissioner. The board
16 shall annually elect one of its members as the chairman thereof,
17 and such other officers as it may deem appropriate.

18 The persons in office on the effective date of this act as members
19 of the Board of Housing Inspection hereby abolished shall continue
20 in office as the first members of the Hotel and Multiple Dwelling
21 Health and Safety Board created herein, for the periods of their
22 respective terms as members of said Board of Housing Inspection
23 which remain unexpired on the effective date of this act, and until
24 their respective successors are appointed by the Governor and
25 have qualified.

26 (b) The office of supervisor of hotel fire safety heretofore con-
27 stituted in the Bureau of Housing Inspection of the Division of
28 Housing and Urban Renewal in the Department of Community
29 Affairs by section 24 of chapter 293 of the laws of 1966 is hereby
30 abolished, except that the powers, functions and duties of said
31 office of supervisor of hotel fire safety are hereby transferred to
32 and vested in the commissioner.

33 6. The commissioner is hereby granted and shall have and
34 exercise, in addition to other powers herein granted, all the powers
35 necessary and appropriate to carry out and execute the purposes
36 of this act, including but not limited to, the power:

37 (a) To provide owners or groups of owners with such advisory
38 consultation and educational services as will assist said owners or
39 groups of owners to discharge their responsibilities under this act,
40 and to suggest to said owners or groups of owners methods and
41 procedures by which they may develop and implement health and
42 safety programs;

43 (b) To enter and inspect, without prior notice, any hotel or

1 multiple dwelling, or any building not constructed for use as a
2 hotel or multiple dwelling but which has been or shall be converted
3 or altered to such use, and to make such investigation as is
4 reasonably necessary to carry out the provisions of this act; pro-
5 vided, that any information obtained during the course of said
6 entrance, inspection and investigation shall not be disclosed by
7 any person except when necessary to establish a violation of this
8 act in any action or proceeding that may be brought for the en-
9 forcement thereof;

10 (c) To administer and enforce the provisions of existing law,
11 and any amendments and supplements thereto, and any rules or
12 regulations promulgated thereunder, concerning the regulation of
13 multiple dwellings, also commonly known as tenements, and hotels;

14 (d) To require such reports, documents, books or papers of
15 the owners of hotels or multiple dwellings or any buildings not
16 constructed for use as hotels or multiple dwellings but which have
17 been or shall be converted or altered to such uses, as the com-
18 missioner may deem necessary to implement the purposes of this
19 act;

20 (e) To issue and promulgate such rules and regulations as the
21 commissioner may deem necessary to implement the purposes of
22 this act, which rules and regulations shall have the force and effect
23 of law until revised, repealed or amended from time to time by
24 the commissioner in the exercise of his discretion; provided, that
25 any such rules and regulations shall be filed with the Secretary
26 of State;

27 (f) To enforce and administer the provisions of this act, enter
28 complaints against any person, association or corporation violating
29 the provisions of this act, and to prosecute violations of the pro-
30 visions of this act; and

31 (g) To compromise and settle any claim for a penalty for any
32 violation of the provisions of this act in such amount in the dis-
33 cretion of the commissioner as may appear appropriate and
34 equitable under all of the circumstances of said claimed violation.

35

ARTICLE III

36 7. The commissioner shall issue and promulgate, in the manner
37 specified in section 8 of this act, such regulations as he may deem
38 necessary to assure that any hotel or multiple dwelling, or any
39 building not erected for use as a hotel or multiple dwelling but
40 converted or altered to such use, and any units of dwelling space
41 therein, shall be reasonably safe and healthful for its intended
42 occupants and maintained in good repair.

43 Any such regulations issued and promulgated by the commis-

1 sioner pursuant to this section shall provide standards and speci-
2 fications for the construction, placement, use and maintenance of
3 such construction, conversion, and alteration standards and tech-
4 niques, fire warning and extinguisher systems, elevator systems,
5 emergency egresses, and such other methods, techniques, devices,
6 systems or requirements as the commissioner shall deem reasonably
7 necessary to the health, safety and welfare of the intended occu-
8 pants of any units of dwelling space in a hotel or multiple dwell-
9 ing, or in a building not erected for use as a hotel or multiple
10 dwelling but converted or altered to such use, including but not
11 limited to:

- 12 (a) Structural adequacy;
- 13 (b) Methods of egress, including fire escapes, outside fire-proof
14 stairways, independent stairways, and handrails, railings, brackets,
15 braces and landing platforms thereon;
- 16 (c) Bulkheads and scuttles;
- 17 (d) Additional stairways, and treads, winders and risers thereof;
- 18 (e) Partitions, walls, ceilings and floors;
- 19 (f) Doors, and the manner of opening thereof;
- 20 (g) Transoms, windows, shafts and beams;
- 21 (h) Chimneys, flues and central heating units;
- 22 (i) Roofing and siding materials;
- 23 (j) Lots, yards, courts and garages, including the size and loca-
24 tion thereof;
- 25 (k) Intakes, open ducts, offsets and recesses;
- 26 (l) Windows, including the size and height thereof;
- 27 (m) Rooms, including the area and height thereof;
- 28 (n) Stairwells, skylights and alcoves;
- 29 (o) Public halls, including the lighting and ventilation thereof;
- 30 (p) Accessory passages to rooms;
- 31 (q) Cellars, drainage and air space;
- 32 (r) Water-closets, bathrooms and sinks;
- 33 (s) Water connections, including the provision of drinking and
34 running water;
- 35 (t) Sewer connections, privies, cesspools, and private sewers;
- 36 (u) Rain water and drainage conductors; and
- 37 (v) Entrances and ramps.

38 8. (a) The commissioner shall, within the 180 days next succeed-
39 ing the effective date of this act, transmit copies of the proposed
40 regulations required to be issued and promulgated by section 7
41 of this act, to the board for its review and recommendations.
42 Within 30 days of the receipt of copies of said proposed regula-
43 tions, the board shall provide the commissioner with such written

1 recommendations thereon as it may have.

2 (b) Following the receipt by the commissioner of said written
3 recommendations of the board, or upon the expiration of the 30
4 days next succeeding the transmittal by the commissioner of copies
5 of said proposed regulations to the board, the commissioner shall
6 publish, in 5 newspapers of general circulation throughout this
7 State, a general notice of intention to promulgate proposed regula-
8 tions, which notice shall include (1) a reference to the authority
9 under which the regulations are proposed; (2) a statement of the
10 purpose of the proposed regulations; (3) either the terms or
11 substance of the proposed regulations or a description of the sub-
12 jects and issues involved; (4) a statement that a copy of the
13 proposed regulations may be obtained by any person upon written
14 request to the department; and (5) a statement of the date, time
15 and place for a public hearing on the proposed regulations, which
16 date shall not be less than 14 days nor more than 30 days after
17 the publication of the notice of intention to promulgate proposed
18 regulations.

19 (c) Any person, association or corporation appearing at said
20 public hearing shall be afforded an opportunity to be heard, either
21 through the submission of written data, views, or arguments or
22 the oral presentation of the same. Upon the expiration of the 30
23 days next succeeding the date of said public hearing, the com-
24 missioner shall issue and promulgate the regulations required to
25 be issued and promulgated by section 7 of this act, either as
26 originally proposed or as amended or revised by the commissioner
27 subsequent to said public hearings, which regulations shall be
28 effective on the date so issued and promulgated.

29 9. (a) Any regulations issued by the commissioner pursuant to
30 sections 7 and 8 of this act shall have the force and effect of law
31 until revised, repealed or amended by the commissioner as here-
32 inafter provided.

33 (b) The commissioner may, from time to time subsequent to the
34 issuance and promulgation of regulations pursuant to sections 7
35 and 8 of this act, revise, repeal or amend any such regulation as
36 he may deem necessary. No such regulation shall be revised, re-
37 pealed or amended by the commissioner except pursuant to the
38 provisions of section 8 of this act.

39 10. (a) Any hotel or multiple dwelling the construction of which
40 shall be commenced, or any building not constructed for use as
41 a hotel or multiple dwelling but the conversion or alteration of
42 which to such use shall be commenced, subsequent to the effective
43 date of any regulations required to be issued and promulgated

1 pursuant to sections 7 and 8 of this act, shall be subject to, and
2 shall fully comply with, said regulations.

3 (b) Any hotel or multiple dwelling the construction of which
4 shall have been commenced in good faith, or any hotel or multiple
5 dwelling which is used or occupied, or any building not constructed
6 for use as a hotel or multiple dwelling but the conversion or
7 alteration of which to such use shall have been commenced in good
8 faith, on or before the effective date of any regulations required
9 to be issued and promulgated pursuant to sections 7 and 8 of this
10 act, shall be subject to, and shall fully comply with, said regula-
11 tions on or before the first anniversary of the effective date of said
12 regulations.

13 11. (a) Upon the application of the owner of any hotel or
14 multiple dwelling, or any building not constructed for use as a
15 hotel or multiple dwelling but which has been or shall be converted
16 or altered to such use, the commissioner may grant exceptions
17 from the literal requirements of regulations issued pursuant to
18 sections 7 and 8 of this act. No such exception shall be granted
19 in any particular case unless the commissioner shall find: (1) that
20 strict compliance with any such regulation, if required, would
21 result in undue hardship to the owner; and (2) that the exception,
22 if granted, will not unreasonably jeopardize the health, safety
23 and welfare of intended occupants and the public generally.

24 (b) An application for an exception pursuant to this section
25 shall be filed in writing with the commissioner, and shall set forth
26 specifically: (1) a statement of the requirements of the regulation
27 or regulations from which an exception is sought; (2) a statement
28 of the manner by which strict compliance with said regulation or
29 regulations would result in undue hardship; (3) a statement of
30 the nature and extent of such undue hardship; and (4) a statement
31 of feasible alternatives to the requirements of the regulation or
32 regulations which would adequately protect the health, safety and
33 welfare of the intended occupants and the public generally.

34 (c) Within the 30 days next succeeding the receipt by the com-
35 missioner of an application for an exception, the commissioner
36 shall grant or deny said application by written order, stating
37 therein the reason or reasons for the grant or denial of said
38 application. The commissioner shall maintain records of all appli-
39 cations for exceptions, and the action taken thereon, and shall
40 make such records reasonably available for public inspection.

41 ARTICLE IV

42 12. (a) On or before January 1, 1968, and on or before January
43 1 of each year thereafter, the owner of each hotel or multiple

1 dwelling shall file with the commissioner, upon forms provided
2 by the commissioner, an application for a certificate of registration.
3 Each such application shall be accompanied by a fee of \$10.00,
4 and shall state: (1) the name and address or principal place of
5 business of said owner; (2) such description of each hotel or
6 multiple dwelling, by street number or otherwise, as will enable
7 the commissioner easily to locate the same; (3) the name and
8 address or principal place of business of the agent appointed by
9 said owner for the purpose of receiving service of process and
10 other orders or notices; and (4) the name and address or principal
11 place of business of the person, association or corporation, if any,
12 which manages or operates each such hotel or multiple dwelling
13 for or on behalf of said owner. Upon the receipt of said applica-
14 tion and fee, the commissioner shall forthwith issue to the owner
15 of each hotel and multiple dwelling a certificate of registration,
16 which certificate of registration shall be kept posted by the owner
17 of each hotel or multiple dwelling in a conspicuous location therein.
18 The certificate of registration shall be in such form as prescribed
19 by the commissioner.

20 (b) On or before January 1, 1968, and on or before January 1
21 of each year thereafter, the owner of each hotel or multiple dwell-
22 ing shall appoint an agent for the purpose of receiving service of
23 process and such orders or notices as may be issued by the com-
24 missioner pursuant to this act. Each such agent so appointed
25 shall be a resident of this State or a corporation licensed to do
26 business in this State.

27 (c) In the case of any transfer of the fee simple interest in
28 any hotel or multiple dwelling, whether by sale, assignment, gift,
29 intestate succession, testate devolution, reorganization, receiver-
30 ship, or execution process, it shall be the duty of the new owner
31 thereof to file with the commissioner, within 30 days of said
32 transfer, a notice setting forth the names and addresses or principal
33 places of business of the previous owner and the new owner.

34 13. (a) The commissioner shall inspect each multiple dwelling
35 at least once in every 5 years, and each hotel annually, for the
36 purpose of determining the extent to which each hotel or multiple
37 dwelling complies with the provisions of this act and regulations
38 promulgated hereunder.

39 (b) On or before January 1, 1968, and on or before January 1
40 of each year thereafter, the owner of each hotel shall file with the
41 commissioner, upon forms provided by the commissioner, an appli-
42 cation for a certificate of inspection. Said application shall state:
43 (1) the name and address or principal place of business of the

1 owner; (2) such description of the hotel, by street number or
2 otherwise, as will enable the commissioner easily to locate the
3 same; (3) the number of units of dwelling space in said hotel;
4 (4) the maximum number of occupants of said units of dwelling
5 space; and (5) the number of the occupants of said units of dwell-
6 ing space as of the date the application for a certificate of inspec-
7 tion is filed. Said application shall be accompanied by a fee as
8 follows: where the number of units of dwelling space is 20 or less
9 or where the maximum number of occupants thereof is 25 or less,
10 \$10.00; where the number of units of dwelling space is over 20
11 and not more than 50 or where the maximum number of occupants
12 thereof is not in excess of 100 but greater than 25, \$30.00; and
13 where the number of units of dwelling space is more than 50 or
14 where the maximum number of occupants thereof is greater than
15 100, \$50.00.

16 On or before January 1, 1968, and on or before January 1 of
17 every year thereafter, the owner of each multiple dwelling shall
18 file with the commissioner, upon forms provided by the commis-
19 sioner, an application for a certificate of inspection. Said applica-
20 tion shall state: (1) the name and address or principal place of
21 business of the owner; (2) such description of the multiple dwell-
22 ing, by street number or otherwise, as will enable the commissioner
23 easily to locate the same; (3) the number of units of dwelling
24 space in said multiple dwelling; (4) the maximum number of
25 families that could occupy said units of dwelling space; and (5)
26 the number of families that occupied said units of dwelling space
27 as of the date the application for a certificate of inspection is
28 filed. Said application shall be accompanied by a fee as follows:
29 where the maximum number of families that could occupy said
30 units of dwelling space is 3 or less, \$10.00; where the maximum
31 number of families that could occupy said units of dwelling space
32 is not in excess of 20, but greater than 3, \$20.00; where the maxi-
33 mum number of families that could occupy said units of dwelling
34 space is not in excess of 50 but greater than 20, \$30.00; where the
35 maximum number of families that could occupy said units of dwell-
36 ing space is not in excess of 100, but greater than 50, \$40.00; and
37 where the maximum number of families that could occupy said
38 units of dwelling space is greater than 100, \$50.00.

39 (c) If the commissioner determines, as a result of the most
40 recent inspection of any hotel or multiple dwelling as required by
41 subsection (a) of this section, that any hotel or multiple dwelling
42 complies with the provisions of this act and regulations promul-
43 gated hereunder, then the commissioner shall issue to the owner

1 thereof, upon receipt of the application and fee as required by
2 subsection (b) of this section, a certificate of inspection. Any
3 owner to whom a certificate of inspection is issued shall keep said
4 certificate posted in a conspicuous location in the hotel or multiple
5 dwelling to which the certificate applies. The certificate of inspec-
6 tion shall be in such form as prescribed by the commissioner.

7 (d) If the commissioner determines, as a result of the most
8 recent inspection of any hotel or multiple dwelling as required by
9 subsection (a) of this section, that any hotel or multiple dwelling
10 does not comply with the provisions of this act and regulations
11 promulgated thereunder, then the commissioner shall issue to the
12 owner thereof, upon receipt of the application and fee as required
13 by subsection (b) of this section, a written notice stating the
14 manner in which any such hotel or multiple dwelling does not
15 comply with this act or regulations promulgated thereunder. Said
16 notice shall fix such date, not less than 60 days nor more than 180
17 days, on or before which any such hotel or multiple dwelling must
18 comply with the provisions of this act and regulations promulgated
19 thereunder. If any such hotel or multiple dwelling is made to
20 comply with the provisions of this act and regulations promulgated
21 thereunder on or before the date fixed in said notice, then the com-
22 missioner shall issue to the owner thereof a certificate of inspection
23 as described in subsection (c) of this section. If any such hotel or
24 multiple dwelling is not made to comply with the provisions of
25 this act and regulations promulgated thereunder on or before the
26 date fixed in said notice, then the commissioner shall not issue to
27 the owner thereof a certificate of inspection as described in sub-
28 section (c) of this section, and shall enforce the provisions of this
29 act against the owner thereof.

30 14. (a) The commissioner may make a special inspection of any
31 hotel, upon the application of the owner thereof, and may render a
32 report of such inspection thereto, for the purpose of transferring
33 title, securing mortgage loans, or other similar purpose. For each
34 such special inspection where such report is furnished, a fee shall
35 be charged as follows: where the number of units of dwelling space
36 is 20 or less or where the maximum number of occupants thereof
37 is 25 or less, \$20.00; where the number of units of dwelling space is
38 over 20 and not more than 50 or where the maximum number of
39 occupants thereof is not in excess of 100 but greater than 25, \$60.00;
40 and where the number of units of dwelling space is more than 50 or
41 where the maximum number of occupants thereof is greater than
42 100, \$100.00.

43 (b) The commissioner may make a special inspection of any

1 multiple dwelling, upon the application of the owner thereof, and
2 may render a report of such inspection thereto, for the purpose of
3 transferring title, securing mortgage loans, or other similar pur-
4 pose. For each such special inspection where such report is
5 furnished, a fee shall be charged as follows: where the maximum
6 number of families that could occupy the units of dwelling space in
7 the multiple dwelling is 3 or less, \$10.00; where the maximum
8 number of families that could occupy the units of dwelling space
9 in the multiple dwelling is not in excess of 20 but greater than
10 3, \$20.00; where the maximum number of families that could
11 occupy the units of dwelling space in the multiple dwelling is not in
12 excess of 50 but greater than 20, \$50.00; where the maximum
13 number of families that could occupy the units of dwelling space in
14 the multiple dwelling is not in excess of 100 but greater than 40,
15 \$100.00; and where the maximum number of families that could
16 occupy the units of dwelling space in the multiple dwelling is
17 greater than 100, \$150.00.

18 15. (a) No person, association or corporation shall construct, or
19 cause to be constructed, any hotel or multiple dwelling, or any
20 units of dwelling space therein, or any equipment, structure, system
21 or device therein, unless the plans and specifications therefor shall
22 have been submitted to, and approved by, the commissioner in
23 accordance with the provisions of this act and rules and regulations
24 promulgated thereunder. Upon the approval by the commissioner
25 of any such construction plans and specifications submitted to him,
26 the person, association or corporation so submitting the plans and
27 specifications shall pay to the commissioner a fee as follows: where
28 the estimated cost of construction is \$10,000.00 or less, \$10.00;
29 where the estimated cost of construction exceeds \$10,000.00, an
30 additional fee of \$1.00 shall be paid for each \$1,000.00, or fraction
31 thereof, in excess of the first \$10,000.00.

32 (b) No person, association or corporation shall convert or alter,
33 or cause to be converted or altered, a building not constructed for
34 use as a hotel or multiple dwelling, to such use, or any units of
35 dwelling space therein, or any equipment, structure, system or
36 device therein, unless the plans and specifications therefor shall
37 have been submitted to, and approved by, the commissioner in
38 accordance with the provisions of this act and rules and regulations
39 promulgated thereunder. Upon the approval by the commissioner
40 of any such conversion or alteration plans and specifications sub-
41 mitted to him, the person, association or corporation so submitting
42 the plans and specifications shall pay to the commissioner a fee as
43 follows: where the estimated cost of conversion or alteration is

1 \$10,000.00 or less, \$10.00; where the estimated cost of conversion or
2 alteration exceeds \$10,000.00, an additional fee of \$1.00 shall be paid
3 for each \$1,000.00, or fraction thereof, in excess of the first
4 \$10,000.00.

5 Where the commissioner makes an inspection of a building not
6 constructed for use as a hotel or multiple dwelling for the purpose
7 of ascertaining the requirements necessary to the conversion or
8 alteration of such building to use as a hotel or multiple dwelling, a
9 fee of \$10.00 shall be charged.

10 (c) All plans and specifications submitted to the commissioner
11 for his approval pursuant to subsections (a) and (b) of this section
12 shall be accompanied by a \$5.00 filing fee, which fee shall be in
13 addition to any fee required to be paid to the commissioner upon
14 his approval of said plans and specifications.

15 ARTICLE V

16 16. (a) If the commissioner shall discover any violation of the
17 provisions of this act or any rules and regulations promulgated
18 thereunder upon any inspection of any hotel or multiple dwelling,
19 then the commissioner shall issue and cause to be served on the
20 owner thereof a written order requiring said owner to terminate,
21 or cause to be terminated, any such violation. Such written order
22 shall state the nature of any such violation and a reasonable
23 specified time within which any such violation must be terminated.
24 Such written order shall also require and direct the owner to whom
25 it is issued to take, or cause to be taken, such affirmative action as
26 may be necessary to correct any such violation.

27 (b) The commissioner may petition the Superior Court of this
28 State for mandatory injunctive relief enforcing any order issued
29 by the commissioner pursuant to subsection (a) of this section.
30 In any such proceeding the Superior Court may proceed in a sum-
31 mary manner or otherwise, and shall have power to grant such
32 temporary relief or restraining order as it may deem just and
33 proper, and to make and enter a decree enforcing, modifying, and
34 enforcing as so modified, or setting aside in whole or in part any
35 order issued by the commissioner pursuant to subsection (a) of this
36 section.

37 17. If upon any inspection of any hotel or multiple dwelling the
38 commissioner shall discover any violation of the provisions of this
39 act or any rules and regulations promulgated thereunder, which
40 constitutes an imminent hazard to the health, safety or welfare of
41 the occupants or intended occupants thereof, or of the public
42 generally, the commissioner may issue and cause to be served on the
43 owner thereof a written order directing that any such hotel or

1 multiple dwelling be vacated forthwith. Such written order shall
2 state the nature of any such violation and the date and hour by
3 which any such hotel or multiple dwelling must be vacated.

4 Upon the receipt by the commissioner of notice from the owner of
5 any such hotel or multiple dwelling stating that any such violation
6 has been terminated, the commissioner shall reinspect said hotel or
7 multiple dwelling within 1 working day of the receipt of said
8 notice. If upon any such reinspection the commissioner shall
9 determine that any such violation has been terminated, the com-
10 missioner shall rescind any order requiring the vacation of said
11 hotel or multiple dwelling, and occupancy thereof may be resumed
12 forthwith; provided, that if any such reinspection is not made by
13 the commissioner within 1 working day of the receipt of said notice,
14 occupancy of any such hotel or multiple dwelling may be resumed
15 forthwith.

16 Where the owner of any such hotel or multiple dwelling denies
17 that any such violation exists, said owner may apply to the commis-
18 sioner for a reconsideration hearing, which hearing must be
19 afforded and a decision rendered by the commissioner within 48
20 hours of the receipt by the commissioner of the application for said
21 hearing. If the commissioner shall decide adversely to said owner,
22 said owner may petition the Chancery Division of the Superior
23 Court of this State, by a proceeding in lieu of prerogative writ, for
24 relief against any order of the commissioner directing that any
25 such hotel or multiple dwelling be vacated forthwith. Such relief
26 may be sought by an order to show cause and may be granted
27 ex parte pending a hearing de novo; provided, that the only issue to
28 be determined in such proceeding shall be the existence of any
29 violation of the provisions of this act, or rules and regulations
30 promulgated thereunder, which constitutes an imminent hazard to
31 the health, safety or welfare of the occupants or intended occupants
32 of any such hotel or multiple dwelling, or to the public generally.

33 ARTICLE VI

34 18. Any person, association or corporation aggrieved by any
35 ruling, action, order, or notice of the commissioner pursuant to
36 this act, except any order of notice issued by the commissioner
37 pursuant to section 17 of this act shall be entitled to a hearing
38 before the commissioner. The application for such hearing must be
39 filed with the commissioner within 15 days of the receipt by the
40 applicant thereof of notice of the ruling, action, order or notice
41 complained of. No such hearing shall be held except upon 15 days'
42 written notice to all interested parties, and each such hearing shall
43 be held within 30 days of the receipt of the application therefor.

1 Within 30 days after the completion of such hearing, the commis-
2 sioner shall issue an appropriate order approving, modifying, and
3 approving as so modified, or setting aside in whole or in part the
4 ruling, action, order or notice complained of, a copy of which
5 order shall be served on all interested parties. Pending the deter-
6 mination of the commissioner, and upon application therefor, the
7 commissioner may grant a stay of the ruling, action, order, or notice
8 complained of; provided, that no such stay shall be granted except
9 upon such terms and conditions as will insure compliance with the
10 provisions of this act.

11 19. (a) No person, association or corporation shall willfully—

12 (1) obstruct, hinder, delay or interfere with, by force or
13 otherwise, the commissioner in the performance of any power,
14 function or duty under the provisions of this act; or

15 (2) prepare, utter or render any false statement, report,
16 document, plans or specifications permitted or required to be
17 prepared, uttered or rendered under the provisions of this act;
18 or

19 (3) render ineffective or inoperative any protective equip-
20 ment, device, system or requirement installed, or intended to be
21 installed, in any hotel or multiple dwelling; or

22 (4) refuse or fail to comply with any lawful ruling, action,
23 order or notice of the commissioner; or

24 (5) violate, or cause to be violated, any of the provisions of
25 this act.

26 (b) Any person, association or corporation which violates, or
27 causes to be violated, any provision of subsection (a) of this section
28 shall be liable to a penalty of not less than \$100.00 nor more than
29 \$500.00 for the first offense, and a penalty of not less than \$500.00
30 nor more than \$1,000.00 for a second or each subsequent offense,
31 which penalty shall be sued for, and recovered by and in the name
32 of the commissioner in a civil action by a summary proceeding
33 under the Penalty Enforcement Law (N. J. S. 2A:58-1). Any
34 person, association or corporation shall be deemed to have violated,
35 or to have caused to be violated, any provision of subsection (a) of
36 this section whenever any officer, agent or employee thereof, under
37 the control of and with the knowledge of said person, association
38 or corporation, shall have violated or caused to be violated any of
39 the provisions of subsection (a) of this section. Where any viola-
40 tion of subsection (a) of this section is of a continuing nature, each
41 day during which such violation continues after the date fixed by
42 the commissioner in any order or notice for the correction or
43 termination of such violation, shall constitute an additional,

1 separate and distinct offense, except during the time an appeal
2 from said order may be taken or is pending.

3 (c) The commissioner may cancel and revoke any permit,
4 approval or certificate required or permitted to be granted or issued
5 to any person, association or corporation pursuant to the provi-
6 sions of this act if the commissioner shall find that any such person,
7 association or corporation has violated, or caused to be violated,
8 any of the provisions of subsection (a) of this section.

9

ARTICLE VII

10 20. The posting in a conspicuous location in any hotel or multiple
11 dwelling of any notice or order required or permitted to be issued
12 and served pursuant to this act, together with the mailing of a copy
13 of such notice or order on the same day that it is posted to the
14 person, association or corporation to be served, at the address or
15 principal place of business as registered with the commissioner
16 pursuant to this act, or to the agent appointed by said person,
17 association or corporation pursuant to this act for the purpose of
18 receiving service of process, shall be sufficient service thereof.

19 21. Within 30 days of the effective date of this act, each municipi-
20 pality of the State shall designate or appoint by resolution or
21 ordinance a public officer thereof whose duty it shall be to enforce
22 the provisions of this act under the control and supervision of the
23 commissioner and in accordance with such rules and regulations
24 as the commissioner may issue and promulgate. The name of the
25 public officer so designated or appointed shall be registered with the
26 commissioner on or before January 1, 1968, and on or before
27 January 1 of each year thereafter. Each municipality shall also
28 assign or make available to the public officer so designated or
29 appointed such supporting personnel and equipment as the said
30 public officer shall require to enforce the provisions of this act as
31 the commissioner may direct. The commissioner may require that
32 the public officer so designated or appointed furnish the commis-
33 sioner with such reports, data, information and other assistance
34 according to rules and regulations promulgated by the commis-
35 sioner pursuant to this act, as the commissioner shall deem neces-
36 sary to carry out the provisions of this act.

37 22. No offense committed, and no liability, penalty or forfeiture,
38 either civil or criminal, incurred, prior to the repeal or revision of
39 any act or any part thereof by the enactment of this act, shall be
40 discharged, released or affected by the repeal or revision of the act
41 or part thereof under which such offense, liability, penalty or
42 forfeiture was incurred, and indictments, prosecutions and actions
43 for such offenses, liabilities, penalties or forfeitures committed or

1 incurred prior to the effective date of this act shall be commenced
2 or continued and be proceeded with in all respects as if the act or
3 part thereof had not been repealed or revised; and all such matters
4 or proceedings on the effective date of this act shall be continued
5 by the commissioner.

6 23. The record or determination of any proceeding under this act
7 or any statement or report of any kind whatsoever obtained or
8 received in connection with the administration or enforcement of
9 the provisions of this act shall be privileged and not admissible as
10 evidence in any action for any purpose whatsoever, except such
11 actions or proceedings that may be brought for the enforcement of
12 this act; provided, that the commissioner shall record and maintain
13 listings of violations of this act, which records and listings shall be
14 public records reasonably available for public inspection.

15 24. In any hearing under this act required or permitted to be held
16 before the commissioner, the commissioner shall not be bound to
17 apply the strict rules of evidence prevailing in civil actions in courts
18 of competent jurisdiction.

19 25. (a) This act is not intended, and nothing in this act shall be
20 construed, to abrogate or impair the powers and duties of local
21 boards of health, of the Department of Health under chapter 177 of
22 the laws of 1947.

23 (b) This act is intended, and shall be construed, to supersede any
24 ordinance or regulation of any municipality or county which is in
25 any way inconsistent with the provisions of this act or any rules
26 or regulations promulgated thereunder.

27 26. The commissioner shall deposit with the State Treasurer for
28 inclusion in the State Treasury any fees required or permitted to
29 be paid to and received by the commissioner pursuant to the pro-
30 visions of this act.

31 27. If any section, subsection, paragraph, sentence or other part
32 of this act is adjudged unconstitutional or invalid, such judgment
33 shall not affect, impair or invalidate the remainder of this act, but
34 shall be confined in its effect to the section, subsection, paragraph,
35 sentence or other part of this act directly involved in the con-
36 troversy in which said judgment shall have been rendered.

37 28. (a) The following acts and parts of acts are repealed: chapter
38 9, 10 and 12 of Title 55 of the Revised Statutes; sections 55:11-1 to
39 55:11-8, both inclusive, of the Revised Statutes; sections 55:11-11
40 to 55:11-17, both inclusive, of the Revised Statutes; and sections
41 1, 2, 29, 31, 32, 33, 34, 35, 36, 38 and 40 of chapter 340 of the laws of
42 1948.

43 (b) The following acts and parts of acts are repealed: chapters

1 1, 2, 5, 6, 7, 8, and 13 of Title 55 of the Revised Statutes; sections
2 55:3-1 to 55:3-22, both inclusive, of the Revised Statutes; sections
3 55:3-23 to 55:3-60, both inclusive, of the Revised Statutes; sections
4 55:4-1 to 55:4-13, both inclusive, of the Revised Statutes; sections
5 55:4-14 to 55:4-27, both inclusive, of the Revised Statutes; section
6 1 of chapter 23 of the laws of 1958; chapter 172 of the laws of 1958;
7 and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
8 21, 22, 23, 24, 25, 26, 27, 28, and 30 of chapter 340 of the laws of 1948.
9 29. This act shall take effect immediately, except that subsection
10 (b) of section 27 of this act shall not take effect until 270 days after
11 the effective date of this act.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 757

STATE OF NEW JERSEY

ADOPTED APRIL 10, 1967

Amend page 1, section 1, line 5, after "Safety", delete "Act", and insert in lieu thereof "Law".

Amend page 1, section 2, line 8, delete "inhabitants", and insert in lieu thereof "residents".

Amend page 1, section 2, line 9, after "safe", insert "units of".

Amend page 2, section 3, line 4, after "Inspection", delete "of", and insert in lieu thereof "in".

Amend page 2, section 3, line 4, after "Renewal", delete "in", and insert in lieu thereof "of".

Amend page 2, section 3, line 7, after "building", insert "or structure".

Amend page 2, section 3, line 10, after "building", insert "or structure".

Amend page 2, section 3, line 15, after "room", delete ",".

Amend page 2, section 3, line 17, after "which", delete "are", and insert in lieu thereof "is".

Amend page 2, section 3, line 22, after line 22, insert the following new subsection "i":

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

Amend page 2, section 3, line 23, before "The", delete "(i)", and insert in lieu thereof "(j)".

Amend page 3, section 3, line 1, delete subsection "(j)" in its entirety, and insert in lieu thereof the following new subsection "(k)":

"(k) The term "multiple dwelling" shall mean any building or structure of 3 or more stories with central heating, and any land appurtenant thereto, and any portion thereof, in which 3 or more units of dwelling

space are sold, rented or leased for occupancy, or are intended to be sold, rented or leased for occupancy, or are occupied by 3 or more families who live independently of each other and who do their cooking upon the premises.

This definition shall also mean and include a group of 2 or more buildings or structures with central heating, and any land appurtenant thereto, and any portion thereof, in which units of dwelling space are sold, rented or leased for occupancy, or are intended to be sold, rented or leased for occupancy, or are occupied by 6 or more families who live independently of each other and who do their cooking upon the premises, and which are commonly known as "garden apartments"; provided, that this definition shall not be construed to include any building or structure defined as a hotel in this act, registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied exclusively as such."

Amend page 3, section 3, line 18, before "The", delete "(k)", and insert in lieu thereof "(l)".

Amend page 3, section 5, line 41, before "members", delete "5", and insert in lieu thereof "10".

Amend page 3, section 5, line 42, after "a", delete "citizen", and insert in lieu thereof "resident".

Amend page 4, section 5, line 1, after "years.", insert "Of the members appointed by the Governor, 6 shall be residents of this State representing the general public, 2 shall be representatives of the New Jersey State Hotel Motel Association, and 2 shall be representatives of the New Jersey Association of Real Estate Boards."

Amend page 4, section 5, line 20, after "as", delete "the first".

Amend page 5, section 6, lines 1-3, after "dwelling,", delete "or any building not constructed for use as a hotel or multiple dwelling but which has been or shall be converted or altered to such use,".

Amend page 5, section 6, lines 4-9, after "act;," delete "provided, that any information obtained during the course of said entrance, inspection and investigation shall not be disclosed by any person except when necessary to establish a violation of this act in any action or proceeding that may be brought for the enforcement thereof;".

Amend page 5, section 6, line 14, after "require", insert "the production of".

Amend page 5, section 6, line 15, after "the", delete "owners", and insert in lieu thereof "owner".

Amend page 5, section 6, line 15, after "of", delete "hotels", and insert in lieu thereof "any hotel".

Amend page 5, section 6, line 15, after "multiple", delete "dwellings", and insert in lieu thereof "dwelling".

Amend page 5, section 6, lines 15-17, after "dwellings", delete "or any buildings not constructed for use as hotels or multiple dwellings but which have been or shall be converted or altered to such uses,".

Amend page 5, section 6, line 34, after "said", delete "claimed".

Amend page 5, section 7, lines 38-42, after "dwelling", delete ", or any building not erected for use as a hotel or multiple dwelling but converted or altered to such use, and any units of dwelling space therein, shall be reasonably safe and healthful for its intended occupants and maintained in good repair", and insert in lieu thereof "will be constructed and maintained in such manner as is consistent with, and will protect, the health, safety and welfare of the occupants or intended occupants thereof, or of the public generally".

Amend page 6, section 7, line 2, after "for", delete "the construction, placement, use and maintenance of".

Amend page 6, section 7, line 3, after "conversion", delete ",".

Amend page 6, section 7, line 3, after "alteration", delete "standards", and insert in lieu thereof ", and maintenance materials, methods".

Amend page 6, section 7, lines 5-6, after "other", delete "methods, techniques, devices, systems or requirements", and insert in lieu thereof "protective equipment".

Amend page 6, section 7, line 7, before "intended", insert "occupants or".

Amend page 6, section 7, line 8, before "hotel", delete "a", and insert in lieu thereof "any".

Amend page 6, section 7, lines 9-10, after "ing,", delete "or in a building not erected for use as a hotel or multiple dwelling but converted or altered to such use,".

Amend page 6, section 7, line 12, after "adequacy", insert "ratings".

Amend page 6, section 7, line 15, after "thereon", insert ", additional stairways, and treads, winders and risers thereof, entrances and ramps".

Amend page 6, section 7, line 16, after "scuttles", insert ", partitions, walls, ceilings and floors".

Amend page 6, section 7, line 17, after "(d)", delete "Additional stairways, and treads, winders and risers thereof", and insert in lieu thereof "Garbage and refuse collection and disposal, cleaning and janitorial service, repairs, and extermination services".

Amend page 6, section 7, line 18, after "(e)", delete "Partitions, walls, ceilings and floors", and insert in lieu thereof "Electrical wiring and outlets, and paints and the composition thereof".

Amend page 6, section 7, line 27, after "thereof", insert ", and the permissible number of occupants thereof".

Amend page 6, section 7, line 33, after "and", insert "hot and cold".

Amend page 7, section 8, line 28, before "date", delete "the", and insert in lieu thereof "such".

Amend page 7, section 8, line 28, after "date", delete "so issued and promulgated", and insert in lieu thereof "as may be provided therein".

Amend page 8, section 11, line 17, after "of", delete "regulations", and insert in lieu thereof "any regulation".

Amend page 8, section 11, line 21, before "owner", delete "the", and insert in lieu thereof "such".

Amend page 8, section 11, line 27, before "from", delete "or regulations".

Amend page 8, section 11, line 28, after "regulation", delete "or".

Amend page 8, section 11, line 29, before "would", delete "regulations".

Amend page 8, section 11, line 31, after "regulation", delete "or".

Amend page 8, section 11, line 32, before "which", delete "regulations".

Amend page 8, section 11, line 33, before "intended", insert "occupants or".

Amend page 8, section 12, lines 42-43, after "(a)", delete "On or before January 1, 1968, and on or before January 1 of each year thereafter," and insert in lieu thereof "Within 90 days of the effective date of this act, and thereafter as required by subsection (c) of this section,".

Amend page 8, section 12, line 43, after "hotel", insert ",".

Amend page 8, section 12, line 43, before "multiple", insert "of each".

Amend page 9, section 12, line 1, after "dwelling", insert "occupied or intended to be occupied by 6 or more families,".

Amend page 9, section 12, line 9, after "owner", insert "pursuant to subsection (b) of this section".

Amend page 9, section 12, line 12, after "operates", delete "each".

Amend page 9, section 12, line 15, before "hotel", delete "each", and insert in lieu thereof "such".

Amend page 9, section 12, line 17, before "hotel", delete "each", and insert in lieu thereof "such".

Amend page 9, section 12, line 18, after "as", insert "may be".

Amend page 9, section 12, lines 20-21, after "(b)", delete "On or before January 1, 1968, and on or before January 1 of each year thereafter," and insert in lieu thereof "Within 90 days of the effective date of this act, and thereafter as required by subsection (c) of this section,".

Amend page 9, section 12, line 21, after "hotel", insert ",".

Amend page 9, section 12, line 21, before "multiple", insert "of each".

Amend page 9, section 12, line 22, before "shall", insert "occupied or intended to be occupied by 6 or more families,".

Amend page 9, section 12, line 28, after "hotel", insert ",".

Amend page 9, section 12, line 28, before "multiple", insert "of any".

Amend page 9, section 12, line 28, after "dwelling", insert "occupied or intended to be occupied by 6 or more families".

Amend page 9, section 12, line 30, before "or", insert "foreclosure".

Amend page 9, section 12, lines 32-33, after "transfer," delete "a notice setting forth the names and addresses or principal place of business of the previous owner and the new owner.", and insert in lieu thereof "an application for a certificate of registration pursuant to subsection (a) of this section and to appoint an agent for the service of process pursuant to subsection (b) of this section.".

Amend page 10, section 13, line 16, delete line "16", in its entirety.

Amend page 10, section 13, line 17, before "the", delete "every year thereafter,", and insert in lieu thereof "Within 90 days of the most recent inspection by the commissioner of any multiple dwelling occupied or intended to be occupied by 6 or more families occurring prior to January 1 of each calendar year,".

Amend page 10, section 13, line 17, before "multiple", insert "such".

Amend page 10, section 13, line 30, after "is", delete "3", and insert in lieu thereof "6".

Amend page 10, section 13, line 32, after "than", delete "3", and insert in lieu thereof "6".

Amend page 11, section 13, line 6, after "as", insert "may be".

Amend page 11, section 14, line 33, after "or", insert "for any".

Amend page 12, section 14, line 3, after "or", insert "for any".

Amend page 12, section 15, line 20, before "equipment", insert "protective".

Amend page 12, section 15, line 20, after "equipment", delete "structure, system".

Amend page 12, section 15, line 21, before "therein", delete "or device".

Amend page 12, section 15, line 30, before "shall", delete "\$1.00", and insert in lieu thereof "\$0.25".

Amend page 12, section 15, line 35, before "equipment", insert "protective".

Amend page 12, section 15, line 35, after "equipment", delete "structure, system or".

Amend page 12, section 15, line 36, before "therein", delete "device".

Amend page 13, section 15, line 2, before "shall", delete "\$1.00", and insert in lieu thereof "\$0.25".

Amend page 14, section 17, line 4, before "notice", insert "written".

Amend page 14, section 17, line 22, after "petition", delete "the Chancery Division of".

Amend page 14, section 17, line 23, after "State" delete ", by a proceeding in lieu of prerogative writ,".

Amend page 14, section 17, line 23, after "for", insert "injunctive".

Amend page 15, section 18, lines 9-10, after "will", delete "insure compliance with the provisions of this act.", and insert in lieu thereof "adequately protect the occupants or intended occupants of the hotel or multiple dwelling involved, or the public generally.".

Amend page 15, section 19, line 13, before "of", delete "performance", and insert in lieu thereof "exercise".

Amend page 15, section 19, line 13, after "power", delete ",,".

Amend page 15, section 19, line 14, before "function", insert "or the discharge of any".

Amend page 15, section 19, line 20, before "installed", delete ", device, system or requirement".

Amend page 16, section 20, line 11, after "any", insert "ruling,".

Amend page 16, section 20, line 13, after "such", insert "ruling,".

Amend page 16, section 21, lines 19-36, delete section 21 in its entirety and insert in lieu thereof the following new section "21":

"21. Each municipality of this State is hereby authorized to enforce the provisions of this act, and any rules or regulations promulgated thereunder, within the corporate limits thereof, subject to the control and supervision of the commissioner and in accordance with such rules and regulations as the commissioner may issue and promulgate. The commissioner shall consult with and advise any municipality which enforces the provisions of this act, and any rules and regulations promulgated hereunder, and each such municipality shall furnish the commissioner with such reports, data and information as the commissioner may deem necessary."

Amend page 17, section 22, line 4, after "proceeding", insert "pending".

Amend page 17, section 23, lines 6 through 14, inclusive, delete section "23" in its entirety, and insert in lieu thereof the following new section "23":

"23. The record or determination of any action or proceeding under this act, or any statement, report or record of any kind whatsoever obtained or received by the commissioner in connection with the ad-

ministration or enforcement of the provisions of this act, shall be public records and reasonably available for public inspection.”.

Amend page 17, section 25, lines 23 through 26, inclusive, delete subsection “(b)” in its entirety, and insert in lieu thereof the following new subsection “(b)”:

“(b) This act is not intended, and nothing in this act shall be construed, to preclude the right of any municipality to adopt and enforce ordinances or regulations more restrictive than this act or any rules or regulations promulgated thereunder.”.

Amend page 17, section 26, line 28, after “any”, delete “fees”, and insert in lieu thereof “fee or penalty”.

Amend page 18, section 29, line 10, after “section”, delete “27”, and insert in lieu thereof “28”.

[OFFICIAL COPY REPRINT]

ASSEMBLY No. 757

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblymen DODD, VOHDIN, CRYAN, ADDONIZIO,
BIANCARDI, OWENS, MANDELBAUM and A. E. BROWN

Referred to Committee on County and Municipal Government

AN ACT providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law.

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

3 ARTICLE I

4 1. This act shall be known as, and may be cited as, the "Hotel
5 and Multiple Dwelling Health and Safety ***[Act]*** *Law* of 1967."

6 2. This act being deemed and hereby declared remedial legisla-
7 tion necessary for the protection of the health and welfare of the
8 ***[inhabitants]*** *residents* of this State in order to assure the
9 provision therefor of decent, standard and safe *units of* dwelling
10 space, shall be liberally construed to effectuate the purposes and
10A intent thereof.

11 3. The following terms whenever used or referred to in this act
12 shall have the following respective meanings for the purposes of
13 this act, except in those instances where the context clearly in-
14 dicates otherwise:

15 (a) The term "act" shall mean this act, any amendments or
16 supplements thereto, and any rules and regulations promulgated
17 thereunder.

18 (b) The term "accessory building" shall mean any building
19 which is used in conjunction with the main building of a hotel,
20 whether separate therefrom or adjoining thereto, and which con-
21 tains one or more units of dwelling space.

22 (c) The term "board" shall mean the Hotel and Multiple Dwell-
23 ing Health and Safety Board created by subsection (a) of section

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

1 5 of this act in the Division of Housing and Urban Renewal of the
2 Department of Community Affairs.

3 (d) The term "bureau" shall mean the Bureau of Housing
4 Inspection ***[of]** **in** the Division of Housing and Urban Renewal
5 ***[in]** **of** the Department of Community Affairs.

6 (e) The term "central heating" shall mean the provision of heat
7 throughout a building **or structure** by means of one or more heat-
8 ing units or furnaces centrally located in said building, rather than
9 by means of individual heating units or furnaces located in some or
10 all of the dwelling units in said building **or structure**.

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

13 (g) The term "department" shall mean the Department of
14 Community Affairs.

15 (h) The term "unit of dwelling space" shall mean any room ***[,]**
16 or rooms, or suite or apartment thereof, whether furnished or un-
17 furnished, which ***[are]** **is** occupied, or intended, arranged or
18 designed to be occupied, for sleeping or dwelling purposes by one or
19 more persons, including but not limited to the owner thereof, or any
20 of his servants, agents or employees, and shall include all privi-
21 leges, services, furnishings, furniture, equipment, facilities and
22 improvements connected with the use or occupancy thereof.

23 **(i) The term "protective equipment" shall mean any equip-*
24 *ment, device, system or apparatus, whether manual, mechanical,*
25 *electrical or otherwise, permitted or required by the commissioner*
26 *to be constructed or installed in any hotel or multiple dwelling for*
27 *the protection of the occupants or intended occupants thereof, or*
28 *of the public generally.**

29 ***[(i)]*** **(j)** The term "hotel" shall mean any building, includ-
30 ing but not limited to any related structure, accessory building,
31 and land appurtenant thereto, and any part thereof, which—

32 (1) is kept, used, maintained, advertised as, or held out to
33 be, or intended to be kept, used, maintained, advertised as, or
34 held out to be, a place where sleeping or dwelling accommoda-
35 tions are available, for valuable consideration, to transient
36 or permanent guests, and in which 10 or more units of dwell-
37 ing space are rented, or intended to be rented, for the accom-
38 modation of such guests; or,

39 (2) is rented for hire to 25 or more persons for sleeping or
40 dwelling accommodations.

41 This definition shall also mean and include any motor hotel,
42 motel, or established guesthouse which is commonly regarded as
43 a motor hotel, motel, or established guesthouse, as the case may

1 be, in the community in which it is located; provided, that this
 2 definition shall not be construed to include any building or struc-
 3 ture defined as a multiple dwelling in this act, registered as a
 4 multiple dwelling with the Commissioner of Community Affairs
 5 as hereinafter provided, and occupied or intended to be occupied
 6 exclusively as such.

7 *[(j)] The term "multiple dwelling" shall mean any building or
 8 structure, and any land appurtenant thereto, and any part thereof,
 9 in which 2 or more units of dwelling space are sold, rented, leased,
 10 let or hired out to be occupied, or are intended to be sold, rented,
 11 leased, let or hired out to be occupied, or are occupied by 2 or
 12 more tenants or families who live independently of each other
 13 and who do their cooking upon the premises.

14 This definition shall also mean and include a detached dwelling
 15 house of 2 or more stories with central heating, and which is
 16 equipped for occupancy, or is occupied, by 2 tenants or families
 17 who live independently of each other and who do their cooking
 18 upon the premises, other than an owner-occupied 2-family house;
 19 provided, that this definition shall not be construed to include
 20 any building or structure defined as a hotel in this act, registered
 21 as a hotel with the Commissioner of Community Affairs as here-
 22 inafter provided, and occupied or intended to be occupied exclu-
 23 sively as such.]*

24 *(k) *The term "multiple dwelling" shall mean any building or*
 25 *structure of 3 or more stories with central heating, and any land*
 26 *appurtenant thereto, and any portion thereof, in which 3 or more*
 27 *units of dwelling space are sold, rented or leased for occupancy,*
 28 *or are intended to be sold, rented or leased for occupancy, or are*
 29 *occupied by 3 or more families who live independently of each other*
 30 *and who do their cooking upon the premises.*

31 *This definition shall also mean and include a group of 2 or more*
 32 *buildings or structures with central heating, and any land appur-*
 33 *tenant thereto, and any portion thereof, in which units of dwelling*
 34 *space are sold, rented or leased for occupancy, or are intended to*
 35 *be sold, rented or leased for occupancy, or are occupied by 6 or*
 36 *more families who live independently of each other and who do*
 37 *their cooking upon the premises, and which are commonly known*
 38 *as "garden apartments"; provided, that this definition shall not*
 39 *be construed to include any building or structure defined as a hotel*
 40 *in this act, registered as a hotel with the Commissioner of Com-*
 41 *munity Affairs as hereinafter provided, and occupied or intended*
 42 *to be occupied exclusively as such.**

43 *[(k)]* *(l)* The term "owner" shall mean the person, asso-

1 ciation or corporation, or groups thereof, who own the fee simple
2 interest in any hotel or multiple dwelling.

3

ARTICLE II

4 4. The Bureau of Housing Inspection heretofore constituted in
5 the Division of Housing and Urban Renewal in the Department
6 of Community Affairs by section 23 of chapter 293 of the laws
7 of 1966 shall be under the immediate supervision of a supervisor,
8 who shall administer and enforce the provisions of this act, subject
9 to the supervision and control of the commissioner, and who shall
10 perform such other duties as the commissioner may direct or as
11 may be provided by law. Said supervisor shall be a licensed
12 architect or professional engineer of this State who shall be ap-
13 pointed by the commissioner subject to the provisions of Title 11
14 of the Revised Statutes, Civil Service.

15 5. (a) The Board of Housing Inspection heretofore constituted
16 in the Division of Housing and Urban Renewal in the Department
17 of Community Affairs by section 23 of chapter 293 of the laws of
18 1966 is hereby abolished, except that the powers, functions and
19 duties of said Board of Housing Inspection are hereby transferred
20 to and vested in the commissioner. In its stead, there is hereby
21 created in the Division of Housing and Urban Renewal of the
22 Department of Community Affairs a Hotel and Multiple Dwelling
23 Health and Safety Board. Said board shall consist of ***[5]*** **10**
24 members, each of whom shall be a ***[citizen]*** **resident** of this
25 State, to be appointed by the Governor with the advice and consent
26 of the Senate for terms of 5 years. **Of the members appointed by*
27 *the Governor, 6 shall be residents of this State representing the*
28 *general public, 2 shall be representatives of the New Jersey State*
29 *Hotel Motel Association, and 2 shall be representatives of the New*
30 *Jersey Association of Real Estate Boards.** Each member shall
31 serve for the term of his appointment and until his successor shall
32 have been appointed and qualified. Any vacancy in the member-
33 ship of the board shall be filled by appointment for the unexpired
34 term only. Any member of the board may be removed by the Gov-
35 ernor at any time, for cause, upon notice and opportunity to be
36 heard. The members of the board shall serve without compensa-
37 tion, but shall be entitled to reimbursement for all necessary ex-
38 penses incurred in the discharge of their duties.

39 The board shall consult with and advise the commissioner with
40 respect to rules and regulations proposed to be promulgated pur-
41 suant to this act and advise the commissioner on matters concern-
42 ing hotel and multiple dwelling health and safety generally. The
43 board shall meet at the call of the commissioner, the time and

1 place of such meeting to be fixed by the commissioner. The board
2 shall annually elect one of its members as the chairman thereof,
3 and such other officers as it may deem appropriate.

4 The persons in office on the effective date of this act as members
5 of the Board of Housing Inspection hereby abolished shall continue
6 in office as ***the first*** members of the Hotel and Multiple Dwell-
7 ing Health and Safety Board created herein, for the periods of their
8 respective terms as members of said Board of Housing Inspection
9 which remain unexpired on the effective date of this act, and until
10 their respective successors are appointed by the Governor and
11 have qualified.

12 (b) The office of supervisor of hotel fire safety heretofore con-
13 stituted in the Bureau of Housing Inspection of the Division of
14 Housing and Urban Renewal in the Department of Community
15 Affairs by section 24 of chapter 293 of the laws of 1966 is hereby
16 abolished, except that the powers, functions and duties of said
17 office of supervisor of hotel fire safety are hereby transferred to
18 and vested in the commissioner.

19 6. The commissioner is hereby granted and shall have and
20 exercise, in addition to other powers herein granted, all the powers
21 necessary and appropriate to carry out and execute the purposes
22 of this act, including but not limited to, the power:

23 (a) To provide owners or groups of owners with such advisory
24 consultation and educational services as will assist said owners or
25 groups of owners to discharge their responsibilities under this act,
26 and to suggest to said owners or groups of owners methods and
27 procedures by which they may develop and implement health and
28 safety programs;

29 (b) To enter and inspect, without prior notice, any hotel or
30 multiple dwelling, ***or any building not constructed for use as a**
31 hotel or multiple dwelling but which has been or shall be converted
32 or altered to such use,**]*** and to make such investigation as is
33 reasonably necessary to carry out the provisions of this act; ***pro-**
34 vided, that any information obtained during the course of said
35 entrance, inspection and investigation shall not be disclosed by
36 any person except when necessary to establish a violation of this
37 act in any action or proceeding that may be brought for the en-
38 forcement thereof;**]***

39 (c) To administer and enforce the provisions of existing law,
40 and any amendments and supplements thereto, and any rules or
41 regulations promulgated thereunder, concerning the regulation of
42 multiple dwellings, also commonly known as tenements, and hotels;

43 (d) To require *the production of* such reports, documents,

1 books or papers of the ***[owners]*** *owner* of ***[hotels]*** *any
 2 hotel* or multiple ***[dwellings]*** *dwelling* ***[or any buildings not**
 3 constructed for use as hotels or multiple dwellings but which have
 4 been or shall be converted or altered to such uses,]***** as the com-
 5 missioner may deem necessary to implement the purposes of this
 6 act;

7 (e) To issue and promulgate such rules and regulations as the
 8 commissioner may deem necessary to implement the purposes of
 9 this act, which rules and regulations shall have the force and effect
 10 of law until revised, repealed or amended from time to time by
 11 the commissioner in the exercise of his discretion; provided, that
 12 any such rules and regulations shall be filed with the Secretary
 13 of State;

14 (f) To enforce and administer the provisions of this act, enter
 15 complaints against any person, association or corporation violating
 16 the provisions of this act, and to prosecute violations of the pro-
 17 visions of this act; and

18 (g) To compromise and settle any claim for a penalty for any
 19 violation of the provisions of this act in such amount in the dis-
 20 cretion of the commissioner as may appear appropriate and equita-
 21 ble under all of the circumstances of said ***[claimed]*** violation.

22 ARTICLE III

23 7. The commissioner shall issue and promulgate, in the manner
 24 specified in section 8 of this act, such regulations as he may deem
 25 necessary to assure that any hotel or multiple dwelling***[, or any**
 26 building not erected for use as a hotel or multiple dwelling but
 27 converted or altered to such use, and any units of dwelling space
 28 therein, shall be reasonably safe and healthful for its intended
 29 occupants and maintained in good repair **will be constructed and*
 30 *maintained in such manner as is consistent with, and will protect,*
 31 *the health, safety and welfare of the occupants or intended occu-*
 32 *pants thereof, or of the public generally*.*

33 Any such regulations issued and promulgated by the commis-
 34 sioner pursuant to this section shall provide standards and speci-
 35 fications for ***[the construction, placement, use and maintenance**
 36 **of]*** such construction, conversion***[,]*** and alteration ***[stand-**
 37 **ards]*** **and maintenance materials, methods** and techniques, fire
 38 warning and extinguisher systems, elevator systems, emergency
 39 egresses, and such other ***[methods, techniques, devices, systems**
 40 **or requirements]*** **protective equipment** as the commissioner
 41 shall deem reasonably necessary to the health, safety and welfare
 42 of the **occupants or** intended occupants of any units of dwelling
 43 space in ***[a]*** **any** hotel or multiple dwelling, ***[or in a building**

1 not erected for use as a hotel or multiple dwelling but converted
2 or altered to such use,]” including but not limited to:

- 3 (a) Structural adequacy **ratings**;
- 4 (b) Methods of egress, including fire escapes, outside fireproof
5 stairways, independent stairways, and handrails, railings, brackets,
6 braces and landing platforms thereon*, *additional stairways, and*
7 *treads, winders, and risers thereof, entrances and ramps**;
- 8 (c) Bulkheads and scuttles*, *partitions, walls, ceilings and*
9 *floors**;
- 10 (d) *["Additional stairways, and treads, winders and risers
11 thereof]" **Garbage and refuse collection and disposal, cleaning*
12 *and janitorial services, repairs, and extermination services**;
- 13 (e) *["Partitions, walls, ceilings and floors]" **Electrical wiring*
14 *and outlets, and paints and the composition thereof**;
- 15 (f) Doors, and the manner of opening thereof;
- 16 (g) Transoms, windows, shafts and beams;
- 17 (h) Chimneys, flues and central heating units;
- 18 (i) Roofing and siding materials;
- 19 (j) Lots, yards, courts and garages, including the size and loca-
20 tion thereof;
- 21 (k) Intakes, open ducts, offsets and recesses;
- 22 (l) Windows, including the size and height thereof;
- 23 (m) Rooms, including the area and height thereof*, *and the*
24 *permissible number of occupants thereof**;
- 25 (n) Stairwells, skylights and alcoves;
- 26 (o) Public halls, including the lighting and ventilation thereof;
- 27 (p) Accessory passages to rooms;
- 28 (q) Cellars, drainage and air space;
- 29 (r) Water-closets, bathrooms and sinks;
- 30 (s) Water connections, including the provision of drinking and
31 **hot and cold** running water;
- 32 (t) Sewer connections, privies, cesspools, and private sewers;
- 33 (u) Rain water and drainage conductors; and
- 34 (v) Entrances and ramps.

35 8. (a) The commissioner shall, within the 180 days next succeed-
36 ing the effective date of this act, transmit copies of the proposed
37 regulations required to be issued and promulgated by section 7
38 of this act, to the board for its review and recommendations.
39 Within 30 days of the receipt of copies of said proposed regula-
40 tions, the board shall provide the commissioner with such written
41 recommendations thereon as it may have.

42 (b) Following the receipt by the commissioner of said written
43 recommendations of the board, or upon the expiration of the 30

1 days next succeeding the transmittal by the commissioner of copies
2 of said proposed regulations to the board, the commissioner shall
3 publish, in 5 newspapers of general circulation throughout this
4 State, a general notice of intention to promulgate proposed regula-
5 tions, which notice shall include (1) a reference to the authority
6 under which the regulations are proposed; (2) a statement of the
7 purpose of the proposed regulations; (3) either the terms or
8 substance of the proposed regulations or a description of the sub-
9 jects and issues involved; (4) a statement that a copy of the
10 proposed regulations may be obtained by any person upon written
11 request to the department; and (5) a statement of the date, time
12 and place for a public hearing on the proposed regulations, which
13 date shall not be less than 14 days nor more than 30 days after
14 the publication of the notice of intention to promulgate proposed
15 regulations.

16 (c) Any person, association or corporation appearing at said
17 public hearing shall be afforded an opportunity to be heard, either
18 through the submission of written data, views, or arguments or
19 the oral presentation of the same. Upon the expiration of the 30
20 days next succeeding the date of said public hearing, the com-
21 missioner shall issue and promulgate the regulations required to
22 be issued and promulgated by section 7 of this act, either as
23 originally proposed or as amended or revised by the commissioner
24 subsequent to said public hearings, which regulations shall be
25 effective on *~~the~~* *such* date *~~so issued and promulgated~~*
26 *as may be provided therein*.*

27 9. (a) Any regulations issued by the commissioner pursuant to
28 sections 7 and 8 of this act shall have the force and effect of law
29 until revised, repealed or amended by the commissioner as here-
30 inafter provided.

31 (b) The commissioner may, from time to time subsequent to the
32 issuance and promulgation of regulations pursuant to sections 7
33 and 8 of this act, revise, repeal or amend any such regulation as
34 he may deem necessary. No such regulation shall be revised, re-
35 pealed or amended by the commissioner except pursuant to the
36 provisions of section 8 of this act.

37 10. (a) Any hotel or multiple dwelling the construction of which
38 shall be commenced, or any building not constructed for use as
39 a hotel or multiple dwelling but the conversion or alteration of
40 which to such use shall be commenced, subsequent to the effective
41 date of any regulations required to be issued and promulgated
42 pursuant to sections 7 and 8 of this act, shall be subject to, and
43 shall fully comply with, said regulations.

1 (b) Any hotel or multiple dwelling the construction of which
2 shall have been commenced in good faith, or any hotel or multiple
3 dwelling which is used or occupied, or any building not constructed
4 for use as a hotel or multiple dwelling but the conversion or
5 alteration of which to such use shall have been commenced in good
6 faith, on or before the effective date of any regulations required
7 to be issued and promulgated pursuant to sections 7 and 8 of this
8 act, shall be subject to, and shall fully comply with, said regula-
9 tions on or before the first anniversary of the effective date of said
10 regulations.

11 11. (a) Upon the application of the owner of any hotel or
12 multiple dwelling, or any building not constructed for use as a
13 hotel or multiple dwelling but which has been or shall be converted
14 or altered to such use, the commissioner may grant exceptions
15 from the literal requirements of ***[regulations]*** **any regulation**
16 issued pursuant to sections 7 and 8 of this act. No such exception
17 shall be granted in any particular case unless the commissioner
18 shall find: (1) that strict compliance with any such regulation, if
19 required, would result in undue hardship to ***[the]*** **such** owner;
20 and (2) that the exception, if granted, will not unreasonably
21 jeopardize the health, safety and welfare of intended occupants and
22 the public generally.

23 (b) An application for an exception pursuant to this section
24 shall be filed in writing with the commissioner, and shall set forth
25 specifically: (1) a statement of the requirements of the regulation
26 ***[or regulations]*** from which an exception is sought; (2) a state-
27 ment of the manner by which strict compliance with said regulation
28 ***[or regulations]*** would result in undue hardship; (3) a statement
29 of the nature and extent of such undue hardship; and (4) a state-
30 ment of feasible alternatives to the requirements of the regulation
31 ***[or regulations]*** which would adequately protect the health,
32 safety and welfare of the **occupants or** intended occupants and the
33 public generally.

34 (c) Within the 30 days next succeeding the receipt by the com-
35 missioner of an application for an exception, the commissioner
36 shall grant or deny said application by written order, stating
37 therein the reason or reasons for the grant or denial of said
38 application. The commissioner shall maintain records of all appli-
39 cations for exceptions, and the action taken thereon, and shall
40 make such records reasonably available for public inspection.

41

ARTICLE IV

42 12. (a) ***[On or before January 1, 1968, and on or before January**
43 **1 of each year thereafter,]*** **Within 90 days of the effective date*

1 of this act, and thereafter as required by subsection (c) of this
 2-3 section,* the owner of each hotel*,* or *of each* multiple dwelling
 4 *occupied or intended to be occupied by 6 or more families,* shall
 5 file with the commissioner, upon forms provided by the commis-
 6 sioner, an application for a certificate of registration. Each such
 7 application shall be accompanied by a fee of \$10.00, and shall state:
 8 (1) the name and address or principal place of business of said
 9 owner; (2) such description of each hotel or multiple dwelling, by
 10 street number or otherwise, as will enable the commissioner easily
 11 to locate the same; (3) the name and address or principal place
 12 of business of the agent appointed by said owner *pursuant to
 13 subsection (b) of this section* for the purpose of receiving service
 14 of process and other orders or notices; and (4) the name and
 15 address or principal place of business of the person, association
 16 or corporation, if any, which manages or operates ***[each]*** such
 17 hotel or multiple dwelling for or on behalf of said owner. Upon
 18 the receipt of said application and fee, the commissioner shall forth-
 19 with issue to the owner of ***[each]*** *such* hotel and multiple
 20 dwelling a certificate of registration, which certificate of registra-
 21 tion shall be kept posted by the owner of ***[each]*** *such* hotel
 22 or multiple dwelling in a conspicuous location therein. The certifi-
 23 cate of registration shall be in such form as *may be* prescribed
 24 by the commissioner.

25 (b) ***[On or before January 1, 1968, and on or before January 1**
 26 of each year thereafter,] *Within 90 days of the effective date of
 27 this act, and thereafter as required by subsection (c) of this sec-
 28 tion,* the owner of each hotel*,* or *of each* multiple dwelling
 29 *occupied or intended to be occupied by 6 or more families* shall
 30 appoint an agent for the purpose of receiving service of process
 31 and such orders or notices as may be issued by the commissioner
 32 pursuant to this act. Each such agent so appointed shall be a resi-
 33 dent of this State or a corporation licensed to do business in this
 34 State.

35 (c) In the case of any transfer of the fee simple interest in
 36 any hotel*,* or *of any* multiple dwelling *occupied or intended
 37 to be occupied by 6 or more families*, whether by sale, assign-
 38 ment, gift, intestate succession, testate devolution, reorganization,
 39 receivership, *foreclosure* or execution process, it shall be the duty
 40 of the new owner thereof to file with the commissioner, within 30
 41 days of said transfer, ***[a notice setting forth the names and**
 42 addresses or principal places of business of the previous owner
 43 and the new owner]* *an application for a certificate of registra-

1 *tion pursuant to subsection (a) of this section and to appoint an*
2 *agent for the service of process pursuant to subsection (b) of this*
3 *section*.*

4 13. (a) The commissioner shall inspect each multiple dwelling
5 at least once in every 5 years, and each hotel annually, for the
6 purpose of determining the extent to which each hotel or multiple
7 dwelling complies with the provisions of this act and regulations
8 promulgated hereunder.

9 (b) On or before January 1, 1968, and on or before January 1
10 of each year thereafter, the owner of each hotel shall file with the
11 commissioner, upon forms provided by the commissioner, an appli-
12 cation for a certificate of inspection. Said application shall state:
13 (1) the name and address or principal place of business of the
14 owner; (2) such description of the hotel, by street number or
15 otherwise, as will enable the commissioner easily to locate the
16 same; (3) the number of units of dwelling space in said hotel;
17 (4) the maximum number of occupants of said units of dwelling
18 space; and (5) the number of the occupants of said units of dwell-
19 ing space as of the date the application for a certificate of inspec-
20 tion is filed. Said application shall be accompanied by a fee as
21 follows: where the number of units of dwelling space is 20 or less
22 or where the maximum number of occupants thereof is 25 or less,
23 \$10.00; where the number of units of dwelling space is over 20
24 and not more than 50 or where the maximum number of occupants
25 thereof is not in excess of 100 but greater than 25, \$30.00; and
26 where the number of units of dwelling space is more than 50 or
27 where the maximum number of occupants thereof is greater than
28 100, \$50.00.

29 ***[**On or before January 1, 1968, and on or before January 1 of
30 every year thereafter,**]** **Within 90 days of the most recent inspec-*
31 *tion by the commissioner of any multiple dwelling occupied or*
32 *intended to be occupied by 6 or more families occurring prior to*
33 *January 1 of each calendar year,** the owner of each *such* mul-
34 tiple dwelling shall file with the commissioner, upon forms provided
35 by the commissioner, an application for a certificate of inspection.
36 Said application shall state: (1) the name and address or principal
37 place of business of the owner; (2) such description of the multi-
38 ple dwelling, by street number or otherwise, as will enable the
39 commissioner easily to locate the same; (3) the number of units
40 of dwelling space in said multiple dwelling; (4) the maximum
41 number of families that could occupy said units of dwelling space;
42 and (5) the number of families that occupied said units of dwelling
43 space as of the date the application for a certificate of inspection

1 is filed. Said application shall be accompanied by a fee as follows:
2 where the maximum number of families that could occupy said
3 units of dwelling space is ***[3]*** *6* or less, \$10.00; where the
4 maximum number of families that could occupy said units of dwell-
5 ing space is not in excess of 20, but greater than ***[3]*** *6*, \$20.00;
6 where the maximum number of families that could occupy said
7 units of dwelling space is not in excess of 50 but greater than 20,
8 \$30.00; where the maximum number of families that could occupy
9-12 said units of dwelling space is not in excess of 100, but greater than
13 50, \$40.00; and where the maximum number of families that could
14 occupy said units of dwelling space is greater than 100, \$50.00.

15 (c) If the commissioner determines, as a result of the most
16 recent inspection of any hotel or multiple dwelling as required by
17 subsection (a) of this section, that any hotel or multiple dwelling
18 complies with the provisions of this act and regulations promul-
19 gated hereunder, then the commissioner shall issue to the owner
20 thereof, upon receipt of the application and fee as required by
21 subsection (b) of this section, a certificate of inspection. Any
22 owner to whom a certificate of inspection is issued shall keep said
23 certificate posted in a conspicuous location in the hotel or multiple
24 dwelling to which the certificate applies. The certificate of inspec-
25 tion shall be in such form as **may be** prescribed by the com-
26 missioner.

27 (d) If the commissioner determines, as a result of the most
28 recent inspection of any hotel or multiple dwelling as required by
29 subsection (a) of this section, that any hotel or multiple dwelling
30 does not comply with the provisions of this act and regulations
31 promulgated thereunder, then the commissioner shall issue to the
32 owner thereof, upon receipt of the application and fee as required
33 by subsection (b) of this section, a written notice stating the
34 manner in which any such hotel or multiple dwelling does not
35 comply with this act or regulations promulgated thereunder. Said
36 notice shall fix such date, not less than 60 days nor more than 180
37 days, on or before which any such hotel or multiple dwelling must
38 comply with the provisions of this act and regulations promulgated
39 thereunder. If any such hotel or multiple dwelling is made to
40 comply with the provisions of this act and regulations promulgated
41 thereunder on or before the date fixed in said notice, then the com-
42 missioner shall issue to the owner thereof a certificate of inspection
43 as described in subsection (c) of this section. If any such hotel or

1 multiple dwelling is not made to comply with the provisions of
2 this act and regulations promulgated thereunder on or before the
3 date fixed in said notice, then the commissioner shall not issue to
4 the owner thereof a certificate of inspection as described in sub-
5 section (c) of this section, and shall enforce the provisions of this
6 act against the owner thereof.

7 14. (a) The commissioner may make a special inspection of any
8 hotel, upon the application of the owner thereof, and may render a
9 report of such inspection thereto, for the purpose of transferring
10 title, securing mortgage loans, or **for any** other similar purpose.
11 For each such special inspection where such report is furnished,
12 a fee shall be charged as follows: where the number of units of
13 dwelling space is 20 or less or where the maximum number of
14 occupants thereof is 25 or less, \$20.00; where the number of units
15 of dwelling space is over 20 and not more than 50 or where the
16 maximum number of occupants thereof is not in excess of 100 but
17 greater than 25, \$60.00; and where the number of units of dwelling
18 space is more than 50 or where the maximum number of occupants
19 thereof is greater than 100, \$100.00.

20 (b) The commissioner may make a special inspection of any
21 multiple dwelling, upon the application of the owner thereof, and
22 may render a report of such inspection thereto, for the purpose of
23 transferring title, securing mortgage loans, or **for any** other
24 similar purpose. For each such special inspection where such re-
25 port is furnished, a fee shall be charged as follows: where the
26 maximum number of families that could occupy the units of dwell-
27 ing space in the multiple dwelling is 3 or less, \$10.00; where the
28 maximum number of families that could occupy the units of dwelling
29 space in the multiple dwelling is not in excess of 20 but greater
30 than 3, \$20.00; where the maximum number of families that could
31 occupy the units of dwelling space in the multiple dwelling is not in
32 excess of 50 but greater than 20, \$50.00; where the maximum num-
33 ber of families that could occupy the units of dwelling space in
34 the multiple dwelling is not in excess of 100 but greater than 40,
35 \$100.00; and where the maximum number of families that could
36 occupy the units of dwelling space in the multiple dwelling is
37 greater than 100, \$150.00.

38 15. (a) No person, association or corporation shall construct, or
39 cause to be constructed, any hotel or multiple dwelling, or any
40 units of dwelling space therein, or any **protective** equipment,
41 ***[structure, system or device]*** therein, unless the plans and speci-
42 fications therefor shall have been submitted to, and approved by,
43 the commissioner in accordance with the provisions of this act and

1 rules and regulations promulgated thereunder. Upon the approval
2 by the commissioner of any such construction plans and specifica-
3 tions submitted to him, the person, association or corporation so
4 submitting the plans and specifications shall pay to the commis-
5 sioner a fee as follows: where the estimated cost of construction
6 is \$10,000.00 or less, \$10.00; where the estimated cost of construc-
7 tion exceeds \$10,000.00, an additional fee of *~~[\$1.00]~~* *\$0.25* shall
8 be paid for each \$1,000.00, or fraction thereof, in excess of the
9 first \$10,000.00.

10 (b) No person, association or corporation shall convert or alter,
11 or cause to be converted or altered, a building not constructed for
12 use as a hotel or multiple dwelling, to such use, or any units of
13 dwelling space therein, or any *protective* equipment*~~],~~ struc-
14 ture, system or device]* therein, unless the plans and specifications
15 therefor shall have been submitted to, and approved by, the com-
16 missioner in accordance with the provisions of this act and rules
17 and regulations promulgated thereunder. Upon the approval by
18 the commissioner of any such conversion or alteration plans and
19 specifications submitted to him, the person, association or corpora-
20 tion so submitting the plans and specifications shall pay to the
21 commissioner a fee as follows: where the estimated cost of con-
22 version or alteration is \$10,000.00 or less, \$10.00; where the esti-
23 mated cost of conversion or alteration exceeds \$10,000.00, an addi-
24 tional fee of *~~[\$1.00]~~* *\$0.25* shall be paid for each \$1,000.00, or
25 fraction thereof, in excess of the first \$10,000.00.

26 Where the commissioner makes an inspection of a building not
27 constructed for use as a hotel or multiple dwelling for the purpose
28 of ascertaining the requirements necessary to the conversion or
29 alteration of such building to use as a hotel or multiple dwelling, a
30 fee of \$10.00 shall be charged.

31 (c) All plans and specifications submitted to the commissioner
32 for his approval pursuant to subsections (a) and (b) of this section
33 shall be accompanied by a \$5.00 filing fee, which fee shall be in
34 addition to any fee required to be paid to the commissioner upon
35 his approval of said plans and specifications.

36 **ARTICLE V**

37 16. (a) If the commissioner shall discover any violation of the
38 provisions of this act or any rules and regulations promulgated
39 thereunder upon any inspection of any hotel or multiple dwelling,
40 then the commissioner shall issue and cause to be served on the
41 owner thereof a written order requiring said owner to terminate,
42 or cause to be terminated, any such violation. Such written order
43 shall state the nature of any such violation and a reasonable speci-

1 fied time within which any such violation must be terminated.
2 Such written order shall also require and direct the owner to whom
3 it is issued to take, or cause to be taken, such affirmative action as
4 may be necessary to correct any such violation.

5 (b) The commissioner may petition the Superior Court of this
6 State for mandatory injunctive relief enforcing any order issued
7 by the commissioner pursuant to subsection (a) of this section.
8 In any such proceeding the Superior Court may proceed in a sum-
9 mary manner or otherwise, and shall have power to grant such
10 temporary relief or restraining order as it may deem just and
11 proper, and to make and enter a decree enforcing, modifying, and
12 enforcing as so modified, or setting aside in whole or in part any
13 order issued by the commissioner pursuant to subsection (a) of this
14 section.

15 17. If upon any inspection of any hotel or multiple dwelling the
16 commissioner shall discover any violation of the provisions of this
17 act or any rules and regulations promulgated thereunder, which
18 constitutes an imminent hazard to the health, safety or welfare of
19 the occupants or intended occupants thereof, or of the public
20 generally, the commissioner may issue and cause to be served on the
21 owner thereof a written order directing that any such hotel or
22 multiple dwelling be vacated forthwith. Such written order shall
23 state the nature of any such violation and the date and hour by
24 which any such hotel or multiple dwelling must be vacated.

25 Upon the receipt by the commissioner of **written** notice from
26 the owner of any such hotel or multiple dwelling stating that any
27 such violation has been terminated, the commissioner shall rein-
28 spect said hotel or multiple dwelling within 1 working day of the
29 receipt of said notice. If upon any such reinspection the commis-
30 sioner shall determine that any such violation has been terminated,
31 the commissioner shall rescind any order requiring the vacation
32 of said hotel or multiple dwelling, and occupancy thereof may be
33 resumed forthwith; provided, that if any such reinspection is not
34 made by the commissioner within 1 working day of the receipt of
35 said notice, occupancy of any such hotel or multiple dwelling may
36 be resumed forthwith.

37 Where the owner of any such hotel or multiple dwelling denies
38 that any such violation exists, said owner may apply to the commis-
39 sioner for a reconsideration hearing, which hearing must be
40 afforded and a decision rendered by the commissioner within 48
41 hours of the receipt by the commissioner of the application for said
42 hearing. If the commissioner shall decide adversely to said owner,
43 said owner may petition **[the Chancery Division of]* the Superior

1 Court of this State***[**, by a proceeding in lieu of prerogative
 2 writ,**]*** for **injunctive** relief against any order of the commis-
 3 sioner directing that any such hotel or multiple dwelling be vacated
 4 forthwith. Such relief may be sought by an order to show cause
 5 and may be granted ex parte pending a hearing de novo; provided,
 6 that the only issue to be determined in such proceeding shall be
 7 the existence of any violation of the provisions of this act, or rules
 8 and regulations promulgated thereunder, which constitutes an im-
 9 minent hazard to the health, safety or welfare of the occupants or
 10 intended occupants of any such hotel or multiple dwelling, or to
 11 the public generally.

12

ARTICLE VI

13 18. Any person, association or corporation aggrieved by any
 14 ruling, action, order, or notice of the commissioner pursuant to
 15 this act, except any order of notice issued by the commissioner
 16 pursuant to section 17 of this act shall be entitled to a hearing
 17 before the commissioner. The application for such hearing must be
 18 filed with the commissioner within 15 days of the receipt by the
 19 applicant thereof of notice of the ruling, action, order or notice
 20 complained of. No such hearing shall be held except upon 15 days'
 21 written notice to all interested parties, and each such hearing shall
 22 be held within 30 days of the receipt of the application therefor.
 23 Within 30 days after the completion of such hearing, the commis-
 24 sioner shall issue an appropriate order approving, modifying, and
 25 approving as so modified, or setting aside in whole or in part the
 26 ruling, action, order or notice complained of, a copy of which
 27 order shall be served on all interested parties. Pending the deter-
 28 mination of the commissioner, and upon application therefor, the
 29 commissioner may grant a stay of the ruling, action, order, or notice
 30 complained of; provided, that no such stay shall be granted except
 31 upon such terms and conditions as will **[**insure compliance with
 32 the provisions of this act**]*** **adequately protect the occupants or*
 33 *intended occupants of the hotel or multiple dwelling involved, or*
 34 *the public generally**.

35 19. (a) No person, association or corporation shall willfully--

36 (1) obstruct, hinder, delay or interfere with, by force or
 37 otherwise, the commissioner in the **[**performance**]*** **exer-*
 38 *cise** of any power**[,]*** **or the discharge of any** function or
 39 duty under the provisions of this act; or

40 (2) prepare, utter or render any false statement, report,
 41 document, plans or specifications permitted or required to be
 42 prepared, uttered or rendered under the provisions of this act;
 43 or

1 (3) render ineffective or inoperative any protective equip-
2 ment***[, device, system or requirement]*** installed, or intended
3 to be installed, in any hotel or multiple dwelling; or

4 (4) refuse or fail to comply with any lawful ruling, action,
5 order or notice of the commissioner; or

6 (5) violate, or cause to be violated, any of the provisions of
7 this act.

8 (b) Any person, association or corporation which violates, or
9 causes to be violated, any provision of subsection (a) of this section
10 shall be liable to a penalty of not less than \$100.00 nor more than
11 \$500.00 for the first offense, and a penalty of not less than \$500.00
12 nor more than \$1,000.00 for a second or each subsequent offense,
13 which penalty shall be sued for, and recovered by and in the name
14 of the commissioner in a civil action by a summary proceeding
15 under the Penalty Enforcement Law (N. J. S. 2A:58-1). Any
16 person, association or corporation shall be deemed to have violated,
17 or to have caused to be violated, any provision of subsection (a) of
18 this section whenever any officer, agent or employee thereof, under
19 the control of and with the knowledge of said person, association
20 or corporation, shall have violated or caused to be violated any of
21 the provisions of subsection (a) of this section. Where any viola-
22 tion of subsection (a) of this section is of a continuing nature, each
23 day during which such violation continues after the date fixed by
24 the commissioner in any order or notice for the correction or
25 termination of such violation, shall constitute an additional,
26 separate and distinct offense, except during the time an appeal
27 from said order may be taken or is pending.

28 (c) The commissioner may cancel and revoke any permit,
29 approval or certificate required or permitted to be granted or issued
30 to any person, association or corporation pursuant to the provi-
31 sions of this act if the commissioner shall find that any such person,
32 association or corporation has violated, or caused to be violated,
33 any of the provisions of subsection (a) of this section.

34 ARTICLE VII

35 20. The posting in a conspicuous location in any hotel or multiple
36 dwelling of any *ruling** notice or order required or permitted to
37 be issued and served pursuant to this act, together with the mailing
38 of a copy of such *ruling*,* notice or order on the same day that it
39 is posted to the person, association or corporation to be served,
40 at the address or principal place of business as registered with the
41 commissioner pursuant to this act, or to the agent appointed by
42 said person, association or corporation pursuant to this act for the
43 purpose of receiving service of process, shall be sufficient service
44 thereof.

1 *21. Within 30 days of the effective date of this act, each municipi-
2 pality of the State shall designate or appoint by resolution or
3 ordinance a public officer thereof whose duty it shall be to enforce
4 the provisions of this act under the control and supervision of the
5 commissioner and in accordance with such rules and regulations
6 as the commissioner may issue and promulgate. The name of the
7 public officer so designated or appointed shall be registered with the
8 commissioner on or before January 1, 1968, and on or before
9 January 1 of each year thereafter. Each municipality shall also
10 assign or make available to the public officer so designated or
11 appointed such supporting personnel and equipment as the said
12 public officer shall require to enforce the provisions of this act as
13 the commissioner may direct. The commissioner may require that
14 the public officer so designated or appointed furnish the commis-
15 sioner with such reports, data, information and other assistance
16 according to rules and regulations promulgated by the commis-
17 sioner pursuant to this act, as the commissioner shall deem neces-
18 sary to carry out the provisions of this act.]*

19 *21. *Each municipality of this State is hereby authorized to en-*
20 *force the provisions of this act, and any rules or regulations pro-*
21 *mulgated thereunder, within the corporate limits thereof, subject*
22 *to the control and supervision of the commissioner and in accord-*
23 *ance with such rules and regulations as the commissioner may issue*
24 *and promulgate. The commissioner shall consult with and advise*
25 *any municipality which enforces the provisions of this act, and any*
26 *rules and regulations promulgated hereunder, and each such municipi-*
27 *ality shall furnish the commissioner with such reports, data and*
28 *information as the commissioner may deem necessary.**

29 22. No offense committed, and no liability, penalty, or forfeiture,
30 either civil or criminal, incurred, prior to the repeal or revision of
31 any act or any part thereof by the enactment of this act, shall be
32 discharged, released or affected by the repeal or revision of the act
33 or part thereof under which such offense, liability, penalty or
34 forfeiture was incurred, and indictments, prosecutions and actions
35 for such offenses, liabilities, penalties or forfeitures committed or
36 incurred prior to the effective date of this act shall be commenced
37 or continued and be proceeded with in all respects as if the act or
38 part thereof had not been repealed or revised; and all such matters
39 or proceedings *pending* on the effective date of this act shall be
40 continued by the commissioner.

41 *23. The record or determination of any proceeding under this
42 act or any statement or report of any kind whatsoever obtained or
43 received in connection with the administration or enforcement of

1 the provisions of this act shall be privileged and not admissible as
2 evidence in any action for any purpose whatsoever, except such
3 actions or proceedings that may be brought for the enforcement of
4 this act; provided, that the commissioner shall record and maintain
5 listings of violations of this act, which records and listings shall be
6 public records reasonably available for public inspection.】*

7 *23. *The record or determination of any action or proceeding*
8 *under this act, or any statement, report or record of any kind what-*
9 *soever obtained or received by the commissioner in connection with*
10 *the administration or enforcement of the provisions of this act,*
11 *shall be public records and reasonably available for public inspec-*
12 *tion.**

13 24. In any hearing under this act required or permitted to be held
14 before the commissioner, the commissioner shall not be bound to
15 apply the strict rules of evidence prevailing in civil actions in courts
16 of competent jurisdiction.

17 25. (a) This act is not intended, and nothing in this act shall be
18 construed, to abrogate or impair the powers and duties of local
19 boards of health, of the Department of Health under chapter 177 of
20 the laws of 1947.

21 *【(b) This act is intended, and shall be construed, to supersede
22 any ordinance or regulation of any municipality or county which is
23 in any way inconsistent with the provisions of this act or any rules
24 or regulations promulgated thereunder.】*

25 *(b) *This act is not intended, and nothing in this act shall be*
26 *construed, to preclude the right of any municipality to adopt and*
27 *enforce ordinances or regulations more restrictive than this act or*
28 *any rules or regulations promulgated thereunder.**

29 26. The commissioner shall deposit with the State Treasurer for
30 inclusion in the State Treasury any *【fees】* **fee or penalty**
31 required or permitted to be paid to and received by the commis-
32 sioner pursuant to the provisions of this act.

33 27. If any section, subsection, paragraph, sentence or other part
34 of this act is adjudged unconstitutional or invalid, such judgment
35 shall not affect, impair or invalidate the remainder of this act, but
36 shall be confined in its effect to the section, subsection, paragraph,
37 sentence or other part of this act directly involved in the con-
38 troversy in which said judgments shall have been rendered.

39 28. (a) The following acts and parts of acts are repealed: chapters
40 9, 10 and 12 of Title 55 of the Revised Statutes; sections 55:11-1 to
41 55:11-8, both inclusive, of the Revised Statutes, sections 55:11-11
42 to 55:11-17, both inclusive, of the Revised Statutes; and sections
43 1, 2, 29, 31, 32, 33, 34, 35, 36, 38 and 40 of chapter 340 of the laws of
44 1948.

1 (b) The following acts and parts of acts are repealed: chapters
2 1, 2, 5, 6, 7, 8, and 13 of Title 55 of the Revised Statutes; sections
3 55:3-1 to 55:3-22, both inclusive, of the Revised Statutes; sections
4 55:3-23 to 55:3-60, both inclusive, of the Revised Statutes; sections
5 55:4-1 to 55:4-13, both inclusive, of the Revised Statutes; sections
6 55:4-14 to 55:4-27, both inclusive, of the Revised Statutes; section
7 1 of chapter 23 of the laws of 1958; chapter 172 of the laws of 1958;
8 and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
9 21, 22, 23, 24, 25, 26, 27, 28, and 30 of chapter 340 of the laws of 1948.
10 29. This act shall take effect immediately, except that subsection
11 (b) of section *~~27~~* *28* of this act shall not take effect until 270
12 days after the effective date of this act.

SENATE AMENDMENTS TO
ASSEMBLY, No. 757
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED APRIL 20, 1967

Amend page 3, section 3, line 25, delete "3" and insert "1".

Amend page 3, section 3, line 25, after "with" insert "or without".

Amend page 4, section 5, line 28, delete "New Jersey State" and insert "hotel and motel industry by reason of experience in the construction or operation of hotels or motels,".

Amend page 4, section 5, line 29, delete "Hotel Motel Association".

Amend page 4, section 5, line 29, delete "New".

Amend page 4, section 5, line 30, delete "Jersey Association of Real Estate Boards" and insert "real estate industry by reason of experience in the construction, operation or sales of multiple dwellings".

Amend page 6, section 7, line 29, before "will" insert "[]".

Amend page 10, section 12, line 19, delete "and" and insert "or".

Amend page 11, section 12, line 1, after "section" insert " ,".

Amend page 13, section 14, line 34, delete "40" and insert "50".

Amend page 17, section 20, line 36, before "notice" insert " ,".

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

EXECUTIVE OFFICE



INTER-COMMUNICATION

From: Governor Richard J. Hughes

To: Members of the Legislature
of the State of New Jersey
(Institution or Department)

Date: March 6, 1967

A. B. 757

Re: Package of proposed Department of Community Affairs legislation

I am happy to transmit to you today the enclosed package of proposed legislation which I hope you will subject to close study during the coming week. Subject to necessary technical changes, and changes that may be necessary as a result of your comments, I propose to have these bills introduced in the Legislature on Monday, March 13, 1967.

The package consists of six major pieces of substantive legislation and two proposed bills which would effect necessary technical changes in existing law so that the existing law will dovetail with the six major proposals. These six major proposals are:

- (1) The Government Employee Exchange Act of 1967; C. 77 (A.763)
- (2) The Hotel and Multiple Dwelling Health and Safety Act of 1967; C.76 (A.757)
- (3) The State Aid for Urban Renewal Projects Law of 1967; C. 80 (A.768)
- (4) The Relocation Assistance Law of 1967; C. 79 (A.767)
- (5) The Department of Community Affairs Demonstration Grant Law of 1967; C.82 (A.804)
- (6) The New Jersey Housing Finance Agency Act of 1967. C. 81 (A.770)

These proposals are not, as I am sure you will realize, exhaustive panaceas for the problems of the people of this State or the problems of State and local government. Nevertheless, these proposals, if enacted, will constitute a gigantic step forward towards the solution of those problems. I hope that your inspection of these proposals during the coming week will enable you to completely support the components of this package of proposed legislation.

R.J.H.

MESSAGE OF GOVERNOR RICHARD J. HUGHES
ACCOMPANYING HIS LEGISLATIVE PROGRAM
FOR THE DEPARTMENT OF COMMUNITY AFFAIRS

Last week, New Jersey's Department of Community Affairs became a reality. Today, I am happy to transmit to the members of the Legislature a legislative program which will give that Department some basic tools in its massive job of assisting the communities in this most urban state of the nation. I am under no illusions that there are easy and dramatic solutions to the pressing problems of our communities today, but I know that the members of the Legislature agree with me that New Jersey must take a role of leadership among the states in helping to solve community problems.

The partnership between federal, state and local governments which is implied by the phrase "creative federalism" is becoming more a reality every day. In recent years, New Jersey has begun to meet its obligations through increased state aid to municipalities and by acting as a partner with the Federal Government, counties and municipalities. We have served as a model state in the implementation of the Economic Opportunity Act and we are today fulfilling that leadership role with respect to the model cities program. All of us want the new Department to set an example for our sister states of how a willing state government can assist its communities and its citizens to solve their problems.

The six pieces of legislation which I offer you today are the beginning of this creative state response. They will not in and of themselves provide dramatic and quick solutions, but they will indicate that building on the experience of others, New Jersey has turned the corner and has started in the direction of lending an important hand to communities large and small. This legislation will enable the state to play a major role in the encouragement

of private initiative in the restoration of our cities, will help to meet the pressing housing needs of our communities, will support the training of municipal personnel and the ability of local governments to staff and organize themselves to serve the public in a more efficient way, and will modernize the state's archaic Tenement House Law to provide for better standards of health and safety in multi-family dwellings.

I. Middle Income Housing Program.

It is estimated that there is today a shortage of more than 100,000 units of middle-income housing units in New Jersey. The need for a state program to encourage and support the construction and rehabilitation of such housing is apparent. We propose that through the issuance of revenue bonds, the state assist the private market to meet this demand. These bonds will not pledge the credit of the state but would be backed by the value of the property involved. The program would include not only new construction but would be available for what is probably the greatest unmet need: the rehabilitation of existing housing stock. In fact, rehabilitation would be our priority. This legislation has been drawn with the advice and assistance of some of the leading housing experts in our own state and in the nation. It is based on the available experience of other states who have pioneered in this field. This program is designed to encourage the participation and expand the markets of the private sector and at a time when a stimulus to the construction of housing is badly needed.

II. Revolving and Demonstration Grant Fund

I am also transmitting legislation which will permit the Department of Community Affairs to engage in new innovative housing demonstration programs designed to attract private business participation and to assist non-profit associations to organize and finance corporations which seek to build or rehabilitate housing for low and moderate income families.

It is apparent today at all levels of government that there must be a deep involvement of private enterprise in solving our urban problems. This is the message of recent Congressional hearings and it is a bi-partisan message. This is the spirit which has prevailed in the few cities in our nation which have sparked dynamic rebirth and it is the kind of approach we must employ in New Jersey. Private enterprise has a major stake in the well-being of our communities.

The legislation permits the Commissioner to make advances from a revolving and demonstration grant fund to assist limited profit, non-profit and mutual housing associations to organize and finance corporations which seek to build or rehabilitate housing for low and moderate income families.

The State can play a role by assisting these associations through loans for property acquisition, legal and organizational expenses, feasibility studies and planning advances and for tenant surveys and market analyses.

It is my belief, and that of Commissioner Ylvisaker, that such a revolving fund will attract participation by private business, foundations and other sources. This fund of money for repayable interest-free loans will, I believe, stimulate the construction of needed low and moderate income housing facilities.

The amendment also permits state support of demonstration programs, conducted by the Department of Community Affairs, designed to try out new ideas and techniques to provide better, faster and more economical methods of constructing low and moderate income housing and to remove blighted slums in our urban and non-farm rural areas.

These demonstrations will provide a wealth of new ideas and approaches which will benefit many New Jersey communities as well as private builders.

New Jersey is presently in the forefront of the States in assisting municipalities competing for participation in the Federal Model Cities Program. We expect that several New Jersey cities will be designated as Model Cities and thus become eligible for large amounts of Federal money

with which to carry out a locally-designed plan for social and physical renewal and rehabilitation.

Not all the cities which submit applications under this program will be designated as Model Cities. I feel that cities that undertake to analyze themselves and develop programs to solve their problems deserve assistance from the State, even though they are not selected as Model Cities. I feel that the State can assist these cities in improving and expanding their Model Cities programs so that they will be in the running for a possible second round of designations, and more important, so that they will be equipped on a continuing basis to handle the community problems of 20th Century America and the emerging pattern of federal and state financial assistance.

These funds will also permit a second generation of New Jersey communities to undertake model cities planning, even though they presently lack the staff or financial resources to undertake it on their own.

I believe that this kind of approach by the State is essential to true creative Federalism.

The Government Employees Exchange Act

A serious problem facing governments, particularly at the local and state levels, is the lack of sufficient expertise by employees.

The Government Employees Exchange Act which I am proposing is an initial step toward countering this deficiency. The legislation permits the State and its political subdivisions to participate in personnel exchange programs, not only at the local, county and State level but with other states and the Federal government as well.

By permitting personnel to work with various governmental agencies at different levels, they will gain new insights into inter-governmental cooperation and the new forms of cooperation in solving problems.

In addition, by spending time at different agencies, these officials will bring back to their own level of government a greater knowledge of the workings and procedures of other Federal, State and local agencies.

The legislation we propose gives the employee free choice whether to participate or not. Those who do may be assigned for periods not exceeding 12 months during any three-year period. During this period, he would be paid his normal salary by the sending agency. He also would be entitled to all other rights and benefits he normally would receive at his permanent agency. During the period of assignment, the sending agency may pay a per diem allowance to the employee on assignment.

In terms of cost, the program would add no significant cost to the participating agencies since a sending agency would also be a receiving agency for personnel who are being paid by other sending agencies.

In short, we believe that the Government Employees Exchange Act is a very inexpensive way of improving the quality of personnel at all levels of government.

URBAN RENEWAL

The Federal urban renewal programs of recent years have begun to change the faces of our cities, large and small, and to abolish urban blight. These programs, however, have often raised many problems for the local communities.

Most urban renewal programs require the local municipality to raise one third of the total cost of the program. It is too often the case that the communities which need these programs the most do not have the financial resources to raise their one-third local share. I believe the State can play an important and useful role by encouraging municipalities to initiate and expand urban renewal programs.

I therefore propose that the Legislature adopt the State Aid for Urban Renewal and Redevelopment Projects Law of 1967, which would provide direct capital grants of up to 50% of the local share of such programs. This local share is either one third or one fourth of the total project cost of an urban renewal project.

Basically, this legislation permits the Commissioner of the Department of Community Affairs to establish an urban renewal assistance fund through which capital grants of up to 50% of the local share can be offered by the State. Such grants would be made to communities with a project already approved by the Federal government. In certain instances, the Commissioner of Community Affairs would be empowered to make grants of up to 100% of the local share for such projects as schools, parks, open space and neighborhood centers. In addition, grants of 50% and loans of 50% could be made for nonprofit moderate income housing.

In making the grants, the Commissioner would take into account the degree of financial need of the municipality, its tax rate and revenue resources, the extent of blight and the community's commitment to eradicating such blight.

as well as the degree to which a program will have a beneficial effect on the overall economy and needs of the area.

Two other important features of the legislation empower the Commissioner of Community Affairs to make temporary advances to municipalities to assist them in preparing urban renewal plans and to permit them to acquire land in an urban renewal area in advance of the signing of a capital grant contract with the Federal government.

These are attempts to reduce the number of stumbling blocks in the initiation and execution of successful urban renewal programs. For example, this approach would make possible immediate visible results in an urban renewal area. Land needed for public improvement could be acquired with a minimum of delay. Property owners could be compensated almost immediately and have funds to buy a home elsewhere. The advances would be paid back to the State out of the State's capital grant allocation to the city.

There will be no appropriation requested for the coming year.

RELOCATION

A troubling by-product of most public improvements in an urban area -- chiefly road construction, urban renewal, school or park construction -- is the problem of relocating the residents of the area.

The legislation I am proposing today will supplement present laws governing the displacement and relocation of families and individuals by tightening up existing regulations.

The legislation requires that an alternate standard dwelling unit be available for any person or family to be displaced by government action.

In addition, the legislation empowers the Commissioner of Community Affairs to establish rules and regulations concerning the manner in which the relocation should take place. This will assure equitable and uniform treatment throughout the state to those persons who must be relocated.

Finally, the legislation requires the Commissioner of Community Affairs to approve the workable relocation plan of the governmental agency before that agency can displace any individual or family.

Legislation such as this is desperately needed if we are to avoid the hardships resulting from poorly conceived or inadequate relocation plans.

TENEMENT HOUSE LAW REVISION

Also proposed here today in this legislative package is a Hotel and Multiple Dwelling Health and Safety Act of 1967.

The legislation is aimed at updating and strengthening laws regulating hotels and multiple dwelling units to insure that all meet modern standards of health and safety.

In considering this legislation it was felt that an entirely new approach to the problems of hotel inspection and safety as well as multiple family dwellings was needed, similar to the changes recently proposed in water and air pollution controls.

This legislation combines the Hotel Fire Protection Law with the Tenement House Act, neither of which has been significantly renovated since 1904.

Under these outdated laws any proposed changes had to be accomplished through statutory revision, a long and costly process. Under the new legis-

lation, changes by statute will be eliminated and the Commissioner of the Department of Community Affairs would be vested with broad regulatory powers.

Rulings made pursuant to these powers would, of course, be subject to legal safeguards such as public hearings and judicial review.

The legislation also contemplates an improved enforcement program for hotel and multiple dwelling inspections as well as increases in fines for violators of the act.

In addition to this package of legislative proposals designed to meet some of the problems facing this State, I hope to forward to the Legislature within five or six weeks a package of recommendations for development of the most precious land asset this State holds, the Hackensack Meadowlands.

I believe that these programs, like the Department of Community Affairs itself, provide a good first step toward enlightened State assistance in solving the manifold problems of this most urban State.

Our slums will not be rebuilt overnight. All our people will not have adequate housing in a matter of months. Our communities will not solve the problems of taxation and demands for services in a year. But the creative assistance of the State through the kinds of programs I have outlined to you today will set us on the road toward new solutions and a better life for all the citizens of New Jersey, and will create the mood of a people who are on their way.

A-962 To provide for definitions of "hotel", "multiple dwelling", to provide for in rem and quasi in rem actions against property and require mailing out and public notice of proposed regulations and other amendments under the Hotel and Multiple Dwelling Law.

OPPOSE

This bill in its present form materially adds to the cost of inspection of multi-family units. While we recognize the need for increased fees we feel this bill as it now stands is unreasonable.

All units should pay fair share. This bill penalizes garden apartments.

BILL: ASSEMBLY 962

SENATE

YEAR 1970

APPROVED

OPPOSED

SOURCE: New Jersey Association of Realtor Boards
974.905 New Jersey Realtor
R286

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A-962

1970

**Report No. 5
June 2, 1970**

ASSEMBLY BILLS

A-962 Designated the "Hotel and Multiple Dwelling Law," provides for the regulation of the construction and maintenance of hotels and multiple dwellings; effective July 1, 1970.

FAVOR AS AMENDED

The original bill provided for several amendments to the Hotel and Multiple Dwelling Health and Safety Code which would have unreasonably added to the cost to own and operate multi-family housing. The section dealing with inspection fees was amended as well as several definitions pertaining to housing units.

BILL: ASSEMBLY 962

SENATE

YEAR 1970

APPROVED

OPPOSED

SOURCE: New Jersey Association of Realtor Boards
974.905
R286 New Jersey Realtor

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