

2A:42-1 et seq.

LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 2A:42-1 et seq.

(Senior citizens--  
pets--allow in  
subsidized  
housing)

LAWS OF: 1990

CHAPTER: 55

Bill No: S1318

Sponsor(s): Jackman

Date Introduced: Pre-filed

Committee: Assembly: Senior Citizen

Senate: Senior Citizen

Amended during passage: No

Date of Passage: Assembly: May 21, 1990

Senate: March 29, 1990

Date of Approval: July 6, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

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Hearings on similar bill, during previous Legislative Sessions:

974.90            New Jersey. Legislative. Assembly. Judiciary, Law, Public Safety  
H842             and Defense Committee.  
1978             Public hearing on A477 (prescribes the rights...domesticated  
                 animals), held 4-5-78. Trenton, 1978

See newspaper clippings attached:

KBG/SLJ

P.L.1990, CHAPTER 55, *approved July 6, 1990*

1990 Senate No. 1318

1 AN ACT concerning the keeping of domesticated animals in  
2 certain housing projects, and supplementing chapter 42 of Title  
3 2A of the New Jersey Statutes.  
4

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

7 1. ~~As used in this act:~~

8 "Continuing nuisance" means the keeping of a domesticated  
9 animal in a manner which interferes with the health, security and  
10 comfort of the other residents of a senior citizen housing project,  
11 or the keeping of domesticated animals of a number, size, breed  
12 or species inappropriate for the type or size of senior citizen  
13 housing project or a dwelling unit within that senior citizen  
14 housing project.

15 "Domesticated animal" means a dog, cat, bird, fish or other  
16 animal which does not constitute a health or safety hazard.

17 "Landlord" means, in the case of a senior citizen housing  
18 project in which dwelling units are rented or offered for rent  
19 under either a written or oral lease, the person or persons who  
20 own or purport to own the building, structure or complex of  
21 buildings or structures in which those rental dwelling units are  
22 situated. In the case of a senior citizen housing project that is  
23 organized or operated as a planned real estate development,  
24 landlord means the governing board or body of that development.

25 "Planned real estate development" means any real property  
26 situated within the State, whether contiguous or not, which  
27 consists of, or will consist of, separately owned areas,  
28 irrespective of form, be it lots, parcels, units, or interest, and  
29 which are offered or disposed of pursuant to a common  
30 promotional plan, and providing for common or shared elements  
31 or interests in real property. It shall include, but not be limited  
32 to, property subject to the "Condominium Act," P.L.1969, c.257  
33 (C.46:8B-1 et seq.), any form of homeowners' association, any  
34 housing cooperative or any community trust or other trust device.

35 "Senior citizen" means a person 62 years of age or over and  
36 shall include a surviving spouse if that surviving spouse is 55  
37 years of age or over.

38 "Senior citizen housing project" or "project" means any  
39 building or structure, and any land appurtenant thereto, having  
40 three or more dwelling units, be they rental or owner-occupied.

1 intended for, and solely occupied by, senior citizens; except that,  
2 it shall not include owner-occupied premises having not more  
3 than three dwelling units that are rented or offered for rent, or  
4 any health care facility as defined in the "Health Care-Facilities  
5 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

6 2. Any senior citizen residing in a senior citizen housing  
7 project shall, upon providing written notice to the landlord, be  
8 permitted to own, harbor or care for a domesticated animal while  
9 a resident of that project.

10 3. a. A landlord shall not arbitrarily refuse to renew a lease  
11 for a dwelling unit in a senior citizen housing project to any  
12 senior citizen who owns, harbors or cares for a domesticated  
13 animal in accordance with the provisions of section 2 of this act,  
14 except as provided in section 5 of this act.

15 ~~Any landlord who so refuses to renew any such lease shall be~~  
16 ~~subject to a civil penalty of not more than \$500 for each offense,~~  
17 ~~recoverable by the senior citizen resident in a civil action in a~~  
18 ~~summary proceeding under "the penalty enforcement law,"~~  
19 ~~(N.J.S.2A:58-1 et seq.). The municipal court or the Special Civil~~  
20 ~~Part of the Law Division of the Superior Court of the county in~~  
21 ~~which the senior citizen housing project is located shall have~~  
22 ~~jurisdiction to enforce the penalty.~~

23 b. A landlord shall not require any senior citizen who resides in  
24 a senior citizen housing project to remove, by sale, donation, gift,  
25 or otherwise, any domesticated animal which that senior citizen  
26 owns, harbors or cares for in accordance with the provisions of  
27 section 2 of this act, except as provided in section 5 of this act.

28 4. a. A landlord who is in compliance with the provisions of  
29 this act shall not be liable to respond in damages in any civil  
30 action for injury to persons or property caused by a domesticated  
31 animal owned, harbored or cared for by a senior citizen who is in  
32 compliance with the provisions of this act.

33 b. Nothing in this section shall grant the landlord immunity for  
34 a willful or wanton act of commission or omission.

35 5. Under the following circumstances, a landlord may refuse to  
36 renew a senior citizen's lease for a dwelling unit in a senior  
37 citizen housing project or may require that a senior citizen  
38 remove, by sale, donation, gift, or otherwise, a domesticated  
39 animal from a dwelling unit in a senior citizen housing project:

40 a. When the existence of a domesticated animal or the senior  
41 citizen's refusal to comply with the rules and regulations  
42 governing domesticated animals constitutes a violation of  
43 federal, State or local building, health or use codes;

44 b. When the senior citizen fails to properly care for the  
45 domesticated animal;

46 c. When the senior citizen fails to properly control the  
47 domesticated animal by using a leash, if appropriate, or other  
48 necessary safety devices when walking or taking the  
49 domesticated animal to or from his dwelling unit or while on the

1 land appurtenant thereto, or fails to take prompt action to  
2 remove any animal waste when requested by the landlord; or

3 d. When the senior citizen fails to confine the domesticated  
4 animal's body waste functions to areas that do not interfere with  
5 the ingress and egress of any person to or from the senior citizen  
6 housing project, or with the use of common areas in and about the  
7 senior citizen housing project by the other residents thereof and  
8 their invitees.

9 6. The presence of a guard dog used by the landlord shall not  
10 constitute a waiver of the provisions of this act.

11 7. Nothing in this act shall impair the rights of a handicapped  
12 person to own, harbor or care for a domesticated animal,  
13 including guide dogs and service dogs, in accordance with the  
14 "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

15 8. Nothing in this act shall limit the legal rights and remedies  
16 of a landlord under the lease or the master deed and bylaws, as  
17 the case may be, to remove a domesticated animal that  
18 constitutes a continuing nuisance to the welfare or property of  
19 either the landlord or the other residents of a senior citizen  
20 housing project, nor shall it limit the legal rights and remedies of  
21 that landlord or other residents.

22 In any action to remove a domesticated animal or to evict a  
23 senior citizen from a senior citizen housing project for violating a  
24 lease due to the presence of a domesticated animal that is  
25 alleged to be a continuing nuisance, the plaintiff shall have the  
26 burden of proving that the domesticated animal is a continuing  
27 nuisance.

28 9. a. A landlord shall have the right to promulgate reasonable  
29 written rules and regulations, in accordance with the provisions  
30 of this act, relating to the care and maintenance of domesticated  
31 animals by senior citizens, except that a landlord may not require  
32 that the domesticated animal be spayed or neutered. All such  
33 rules and regulations shall be transmitted, in writing, to the  
34 residents of each dwelling unit in the senior citizen housing  
35 project and shall be incorporated within each lease upon its  
36 subsequent renewal and the master deed and bylaws, as the case  
37 may be.

38 b. A landlord may require that a senior citizen remove from  
39 the senior citizen housing project any offspring of his  
40 domesticated animal within eight weeks of their birth; except  
41 that, the landlord may require their removal at an earlier date if  
42 the offspring of that domesticated animal may be so removed  
43 without unreasonable danger to their health.

44 10. Nothing in this act shall limit the rights of a municipality  
45 to prohibit, by ordinance, the owning, harboring or keeping of  
46 certain species of animals within the municipality.

47 11. This act shall take effect on the first day of the fourth  
48 month following enactment.

HOUSING AND CONSTRUCTION

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Permits senior citizens to own pets in subsidized senior citizen housing.

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1                    *SPONSOR'S* STATEMENT  
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3            This bill permits senior citizens who live in senior citizen  
4 housing projects to own, harbor and keep domesticated animals as  
5 pets.

6            Under its provisions, any senior citizen who resides in a  
7 dwelling unit, be it rented or owner-occupied, that is part of a  
8 complex of three or more dwelling units which are intended for,  
9 and solely occupied by, persons 62 years of age or older may,  
10 upon giving notice to the landlord, own and keep a domesticated  
11 animal as a pet. Housing complexes consisting of three or less  
12 dwelling units which are owner-occupied are exempt from the  
13 provisions of the substitute, as are nursing homes and other  
14 health care facilities.

15           Finally, the bill permits a landlord to require a senior citizen to  
16 get rid of his pet, or to refuse to renew the lease of a senior  
17 citizen, whenever:

18           a. The pet or the senior citizen's refusal to comply with the  
19 rules and regulations governing domesticated animals constitutes  
20 a violation of State or local building, health or use codes;

21           b. The senior citizen fails to properly care for the  
22 domesticated animal;

23           c. The senior citizen fails to properly control the domesticated  
24 animal or fails to take action to remove any animal waste; or

25           d. The senior citizen fails to confine the domesticated  
26 animal's body waste functions to areas that do not interfere with  
27 persons entering and exiting the senior citizen housing project or  
28 the use of the common areas around the senior citizen housing  
29 project.

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HOUSING AND CONSTRUCTION

33

34           Permits senior citizens to own pets in subsidized senior citizen  
35 housing.

ASSEMBLY SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1318

STATE OF NEW JERSEY

DATED: APRIL 30, 1990

The Assembly Senior Citizens Committee favorably reports Senate Bill No. 1318.

This bill permits senior citizens who live in senior citizen housing projects to own, harbor and keep domesticated animals as pets.

Under the provisions of the bill, any senior citizen who resides in a dwelling unit, be it rented or owner-occupied, that is part of a complex of three or more dwelling units which are intended for, and solely occupied by, persons 62 years of age or older may, upon giving notice to the landlord, own and keep a domesticated animal as a pet. Housing complexes consisting of three or less dwelling units which are owner-occupied are exempt from the provisions of the bill, as are nursing homes and other health care facilities.

Finally, the bill permits a landlord to require a senior citizen to get rid of his pet, or to refuse to renew the lease of a senior citizen, whenever:

- a. The pet or the senior citizen's refusal to comply with the rules and regulations governing domesticated animals constitutes a violation of State or local building, health or use codes;
- b. The senior citizen fails to properly care for the domesticated animal;
- c. The senior citizen fails to properly control the domesticated animal or fails to take action to remove any animal waste; or
- d. The senior citizen fails to confine the domesticated animal's body waste functions to areas that do not interfere with persons entering and exiting the senior citizen housing project or the use of the common areas around the senior citizen housing project.

This bill is identical to Assembly Bill No. 3395, which the committee also reported favorably on this date.



SENATE SENIOR CITIZEN AND  
VETERAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1318

STATE OF NEW JERSEY

DATED: MARCH 15, 1990

The Senate Senior Citizen and Veteran Affairs Committee favorably reports a Senate Bill No. 1318.

This bill permits senior citizens who live in senior citizen housing projects to own, harbor and keep domesticated animals as pets.

Under the provisions of the bill, any senior citizen who resides in a dwelling unit, be it rented or owner-occupied, that is part of a complex of three or more dwelling units which are intended for, and solely occupied by, persons 62 years of age or older may, upon giving notice to the landlord, own and keep a domesticated animal as a pet. Housing complexes consisting of three or less dwelling units which are owner-occupied are exempt from the provisions of the bill, as are nursing homes and other health care facilities.

Finally, the bill permits a landlord to require a senior citizen to get rid of his pet, or to refuse to renew the lease of a senior citizen, whenever:

a. The pet or the senior citizen's refusal to comply with the rules and regulations governing domesticated animals constitutes a violation of State or local building, health or use codes;

b. The senior citizen fails to properly care for the domesticated animal;

c. The senior citizen fails to properly control the domesticated animal or fails to take action to remove any animal waste; or

d. The senior citizen fails to confine the domesticated animal's body waste functions to areas that do not interfere with persons entering and exiting the senior citizen housing project or the use of the common areas around the senior citizen housing project.

This bill is identical to the Senate Committee Substitute for Senate Bill No. 3604 of 1988-1989.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

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# OFFICE OF THE GOVERNOR NEWS RELEASE

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**Release:**

Thursday  
July 5, 1990

## FLORIO SIGNS SENIOR CITIZEN PET BILL

NORTH BERGEN -- Legislation allowing senior citizens to own pets in subsidized senior citizen housing was signed today by Governor Jim Florio.

The bill, S 1318/A 3395, was signed during a ceremony in Senator Chris Jackman's legislative office. Senator Jackman, along with Assemblyman David Kronick and Assemblywoman Stephanie Bush, sponsored the legislation.

"This bill will make a difference in the lives of many of our older citizens and their pets," Governor Florio said. "For many older citizens, a pet becomes more than part of the family. For some, a pet may be the only family they have."

Florio pointed to studies that have shown that pets have a therapeutic value and that they often contribute to the emotional and psychological well-being of senior citizens especially.

"When you understand that, you realize why people become so heartbroken when they are told they must give up their pets because the landlord doesn't allow them," Florio said. "It's been a long, tough fight for Chris Jackman to get this bill through, but he succeeded -- not only because he was persistent, but because he was right. A lot of people fought against this legislation, but compassion and decency finally won the day."

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