

2A: 18-61.24

LEGISLATIVE HISTORY CHECKLIST
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(Senior Citizen &
Disabled
Protection
Tenancy Act--
expand provisions)

LAWS OF: 1990

CHAPTER: 110

Bill No: A528

Sponsor(s): Cimino and Patero

Date Introduced: Pre-filed

Committee: Assembly: Senior Citizens

Senate: Senior Citizens & Veterans

Amended during passage: No

Date of Passage: Assembly: March 8, 1990

Senate: October 1, 1990

Date of Approval: November 16, 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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NY

1 AN ACT concerning senior citizens and disabled persons tenancy
2 rights in certain circumstances and amending P.L.1981, c.226
3 (C.2A:18-61.22 et seq.).
4

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

7 1. Section 3 of P.L.1981, c.226 (C.2A:18-61.24) is amended to
8 read as follows:

9 3. As used in this amendatory and supplementary act:

10 a. "Senior citizen tenant" means a person who is at least 62
11 years of age on the date of the conversion recording for the
12 building or structure in which is located the dwelling unit of
13 which he is a tenant, or the surviving spouse of such a person if
14 the person should die after the owner files the conversion
15 recording and the surviving spouse is at least 50 years of age at
16 the time of the filing; provided that the building or structure has
17 been the principal residence of the senior citizen tenant or the
18 spouse for [the 2 years] at least one year immediately preceding
19 the conversion recording or the death or that the building or
20 structure is the principal residence of the senior citizen tenant or
21 the spouse under the terms of a lease for a period of more than
22 one year, as the case may be;

23 b. "Disabled tenant" means a person who is, on the date of the
24 conversion recording for the building or structure in which is
25 located the dwelling unit of which he is a tenant, totally and
26 permanently unable to engage in any substantial gainful activity
27 by reason of any medically determinable physical or mental
28 impairment, including blindness; provided that the building or
29 structure has been the principal residence of the disabled tenant
30 for [the 2 years] at least one year immediately preceding the
31 conversion recording or that the building or structure is the
32 principal residence of the disabled tenant under the terms of a
33 lease for a period of more than one year. For the purposes of this
34 subsection, "blindness" means central visual acuity of 20/200 or
35 less in the better eye with the use of correcting lens. An eye
36 which is accompanied by a limitation in the fields of vision such
37 that the widest diameter of the visual field subtends an angle no
38 greater than 20 degrees shall be considered as having a central

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

Matter underlined thus is new matter.

1 visual acuity of 20/200 or less;

2 c. "Tenant's annual household income" means the total
3 income from all sources during the last full calendar year for all
4 members of the household who reside in the dwelling unit at the
5 time the tenant applies for protected tenant status, whether or
6 not such income is subject to taxation by any taxing authority;

7 d. "Application for registration of conversion" means an
8 application for registration filed with the Department of
9 Community Affairs in accordance with "The Planned Real Estate
10 Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21
11 et seq.);

12 e. "Registration of conversion" means an approval of an
13 application for registration by the Department of Community
14 Affairs in accordance with "The Planned Real Estate
15 Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21
16 et seq.);

17 f. "Convert" means to convert one or more buildings or
18 structures or a mobile home park containing in the aggregate not
19 less than 5 dwelling units or mobile home sites or pads from
20 residential rental use to condominium, cooperative, planned
21 residential development or separable fee simple ownership of the
22 dwelling units or of the mobile home sites or pads;

23 g. "Conversion recording" means the recording with the
24 appropriate county officer of a master deed for condominium or a
25 deed to a cooperative corporation for a cooperative or the first
26 deed of sale to a purchaser of an individual unit for a planned
27 residential development or separable fee simple ownership of the
28 dwelling units;

29 h. "Protected tenancy period" means, except as otherwise
30 provided in section 11 of this amendatory and supplementary act,
31 the 40 years following the conversion recording for the building
32 or structure in which is located the dwelling unit of the senior
33 citizen tenant or disabled tenant.

34 (cf: P.L.1983, c.389, s.1)

35 2. Section 6 of P.L.1981, c.226 (C.2A:18-61.27) is amended to
36 read as follows:

37 6. The owner of any building or structure who, after the
38 effective date of this amendatory and supplementary act, seeks
39 to convert any premises, shall, prior to his filing of the
40 application for registration of conversion with the Department of
41 Community Affairs, notify the administrative agency or officer
42 responsible for administering this amendatory and supplementary
43 act of his intention to so file. The owner shall supply the agency
44 or officer with a list of every tenant residing in the premises,
45 with stamped envelopes addressed to each tenant and with
46 sufficient copies of the notice to tenants and application form for
47 protected tenancy status. Within 10 days thereafter, the
48 administrative agency or officer shall notify each residential

1 tenant in writing of the owner's intention and of the applicability
 2 of the provisions of this amendatory and supplementary act and
 3 shall provide him with a written application form. The agency's
 4 or officer's notice shall be substantially in the following form:

5 "NOTICE THE OWNER OF YOUR APARTMENT HAS
 6 NOTIFIED (insert name of
 7 municipality) OF HIS INTENTION TO CONVERT TO A
 8 CONDOMINIUM OR COOPERATIVE. THE LEGISLATURE HAS
 9 PROVIDED THAT, IF YOU ARE A SENIOR CITIZEN, 62 YEARS
 10 OF AGE OR OLDER, OR DISABLED, YOU MAY BE ENTITLED
 11 TO A PROTECTED TENANCY PERIOD. PROTECTED TENANCY
 12 MEANS THAT YOU CANNOT BE EVICTED BECAUSE OF THE
 13 CONVERSION. YOU MAY BE ELIGIBLE: (1) IF YOU ARE 62,
 14 OR WILL SOON BE 62, OR IF YOU ARE DISABLED; AND (2) IF
 15 YOU HAVE LIVED IN YOUR APARTMENT FOR [TWO YEARS]
 16 AT LEAST ONE YEAR OR IF THE LEASE ON YOUR
 17 APARTMENT IS FOR A PERIOD OF MORE THAN ONE YEAR;
 18 AND (3) IF YOUR HOUSEHOLD INCOME IS LESS THAN
 19 (insert current income figure for county as
 20 established by Section 7c of this amendatory and supplementary
 21 act) IF YOU WISH THIS PROTECTION, SEND IN THE
 22 APPLICATION FORM BY (insert date 60
 23 days after municipality's mailing) TO THE
 24 (insert name and address of administrative agency) FOR
 25 FURTHER INFORMATION CALL (insert
 26 phone number of administrative agency) OR
 27 (insert phone number of Department of
 28 Community Affairs) IF YOU DO NOT APPLY YOU CAN BE
 29 EVICTED BY YOUR LANDLORD UPON PROPER NOTICE."

30 The Department of Community Affairs shall not accept any
 31 application for registration of conversion for any building or
 32 structure unless included in the application is proof that the
 33 agency or officer notified the tenants prior to the application for
 34 registration. The proof shall be by affidavit or in such other form
 35 as the department shall require.

36 (cf: P.L.1987, c.287, s.1)

37 3. Section 7 of P.L.1981, c.226 (C.2A:18:61.28) is amended to
 38 read as follows:

39 7. Within 30 days after receipt of an application for protected
 40 tenancy status by a tenant, the administrative agency or officer
 41 shall make a determination of eligibility. It shall send written
 42 notice of eligibility to each senior citizen tenant or disabled
 43 tenant who:

- 44 a. Applied therefor on or before the date of registration of
 45 conversion by the Department of Community Affairs; and
 46 b. Qualifies as an eligible senior citizen tenant or disabled
 47 tenant pursuant to this amendatory and supplementary act; and
 48 c. Has an annual household income that does not exceed an

1 amount equal to three times the county per capita personal
2 income, as last reported by the Department of Labor and Industry
3 on the basis of the U.S. Department of Commerce's Bureau of
4 Economic Analysis data, or \$50,000.00, whichever is greater; and

5 d. Has occupied the premises as his principal residence for [the
6 past two years] at least one year or has a lease on the premises
7 for a period longer than one year.

8 The department shall adjust the county per capita personal
9 income to be used in subsection c. of this section if there is a
10 difference of one or more years between (1) the year in which the
11 last reported county per capita personal income was based and (2)
12 the last year in which the tenant's annual household income is
13 based. The county per capita personal income shall be adjusted
14 by the department by an amount equal to the number of years of
15 the difference above times the average increase or decrease in
16 the county per capita personal income for three years, including
17 in the calculation the current year reported and the three
18 immediately preceding years.

19 The administrative agency or officer shall likewise send a
20 notice of denial with reasons to any tenant whom it determines to
21 be ineligible. The owner shall be notified of those tenants who
22 are determined to be eligible and ineligible.

23 The administrative agency or officer may require that the
24 application include such documents and information as may be
25 necessary to establish that the tenant is eligible for a protected
26 tenancy status under the provisions of this amendatory and
27 supplementary act and shall require such application to be
28 submitted under oath. The Department of Community Affairs
29 may by regulation adopt forms for application for protected
30 tenancy status and notification of eligibility or ineligibility or
31 adopt such other regulations for the procedure of determining
32 eligibility as it determines are necessary.

33 (cf: P.L.1987, c.287, s.2)

34 4. This act shall take effect immediately.

35 36 37 SENIOR CITIZENS

38
39 Extends provisions of "Senior Citizens and Disabled Protected
40 Tenancy Act" to senior citizen and disabled tenants who occupy
41 an apartment for at least one year or who have a lease which runs
42 for more than one year.

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2 income, as last reported by the Department of Labor and Industry
3 on the basis of the U.S. Department of Commerce's Bureau of
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15 the difference above times the average increase or decrease in
16 the county per capita personal income for three years, including
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24 application include such documents and information as may be
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26 tenancy status under the provisions of this amendatory and
27 supplementary act and shall require such application to be
28 submitted under oath. The Department of Community Affairs
29 may by regulation adopt forms for application for protected
30 tenancy status and notification of eligibility or ineligibility or
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32 eligibility as it determines are necessary.

33 (cf: P.L.1987, c.287, s.2)

34 4. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 Presently, the "Senior Citizens and Disabled Protected
40 Tenancy Act" grants certain rights to senior citizens and disabled
41 persons who rent apartments which are being converted to
42 condominiums. Senior citizen and disabled tenants are eligible
43 for these rights if they meet certain income requirements and
44 have lived in the apartment for two years.

45 This bill eliminates the two-year residency requirement and
46 provides that a senior citizen or disabled tenant would be eligible
47 for protected tenancy status if the senior citizen or disabled
48 person lived in the apartment for at least one year or occupied

1 the apartment under the terms of a lease for a period of more
2 than one year.

3

4

5 SENIOR CITIZENS

6

7 Extends the provisions of the "Senior Citizens and Disabled
8 Protected Tenancy Act" to senior citizen and disabled tenants
9 who occupy an apartment for at least one year or who have a
10 lease which runs for more than one year.

ASSEMBLY SENIOR CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 528

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly Senior Citizens Committee favorably reports Assembly Bill No. 528.

Presently, the "Senior Citizens and Disabled Protected Tenancy Act" grants certain rights to senior citizens and disabled persons who rent apartments which are being converted to condominiums. Senior citizen and disabled tenants are eligible for these rights if they meet certain income requirements and have lived in the apartment for two years.

This bill eliminates the two-year residency requirement and provides that a senior citizen or disabled tenant would be eligible for protected tenancy status if the senior citizen or disabled person lived in the apartment for at least one year or occupied the apartment under the terms of a lease for a period of more than one year.

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.

SENATE SENIOR CITIZEN AND
VETERAN AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 528

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Senate Senior Citizen and Veteran Affairs Committee favorably reports Assembly Bill No. 528.

Currently, the "Senior Citizens and Disabled Protected Tenancy Act" grants certain rights to senior citizens and disabled persons who rent apartments which are being converted to condominiums. Senior citizen and disabled tenants are eligible for these rights if they meet certain income requirements and have lived in the apartment for two years.

This bill eliminates the two-year residency requirement and provides that a senior citizen or disabled tenant would be eligible for protected tenancy status if the senior citizen or disabled person lived in the apartment for at least one year or occupied the apartment under the terms of a lease for a period of more than one year.

This bill is identical to Senate Bill No. 2383 (Paterniti) which was also reported favorably by the committee on this date.



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CN-001
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Release:

Friday
Nov. 16, 1990

ADVISORY

Governor Jim Florio today signed the following bills:

A 660A, 1020Acs/S 963; Sponsored by Assemblymen Mazur and Kronick/Senator Cowan

This bill would include certain disabled veterans within the definition of "disabled tenant" under the Senior Citizens and Disabled Protected Tenancy Act.

A 528/S 2383; Sponsored by Assemblymen Cimino and Patero/Senator Paterniti

Extends eligibility under the "Senior Citizens and Disabled Protected Tenancy Act" to senior citizens and disabled tenants who occupy an apartment for at least one year or who have a lease which runs for more than one year.

S 1196; Sponsored by Senator McManimon

Allows municipalities to impose a service charge for checks or other written instruments used to tender payment to the municipality, that are returned due to insufficient funds.

S 1552/A 3563 Aca; Sponsored by Senator Cardinale/Assemblyman Duch

This bill increases the number of public members on the New Jersey Historical Commission from six to ten.

S 2043/A 2194; Senator Laskin

Validates the proceedings of the Voorhees Fire District No. 3 Bond Issue
