

LEGISLATIVE HISTORY CHECKLIST

NJSA: 55:13A-3 (Religious retreat houses-- exempt from hotel regulations)

LAWS OF: 1987 CHAPTER: 270

Bill No: S2875

Sponsor(s): O'Connor and others

Date Introduced: December 18, 1986

Committee: Assembly: Housing
Senate: County and Municipal Government

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 18, 1987

Senate: May 11, 1987

Date of Approval: September 11, 1987

Following statements are attached if available:

Sponsor statement: Yes Senate Committee amendments, adopted 4-30-87 (with statement)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 2875

STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1986

By Senators O'CONNOR, CODEY, BASSANO,
McNAMARA and EWING

Referred to Committee on County and Municipal Government

AN ACT concerning ***[religious retreat houses]*** *retreat lodging facilities* and amending *and supplementing* **the "Hotel and Multiple Dwelling Law,"** P. L. 1967, c. 76.

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

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

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

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

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

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

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

20 (e) (Deleted by amendment.)

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

Matter printed in italics *thus* is new matter.

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

*—Senate amendments adopted April 30, 1987.

**—Assembly committee amendments adopted May 28, 1987.

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

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

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

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

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

47 This definition shall also mean and include any **hotel,** motor
48 hotel, motel, or established guesthouse, which is commonly regarded
49 as a **hotel,** motor hotel, motel, or established guesthouse, as the
50 case may be, in the community in which it is located; provided, that
51 this definition shall not be construed to include any building or
52 structure defined as a multiple dwelling in this act, registered as a
53 multiple dwelling with the Commissioner of Community Affairs as
54 hereinafter provided, and occupied or intended to be occupied as
55 such **nor shall this definition be construed to include a rooming
56 house or a boarding house as defined in the "Rooming and Board-
57 ing House Act of 1979," P. L. 1979, c. 496 (C. 55:13B-1 et al.) or,
57A except as otherwise set forth in P. L. ..., c. ... (C.)
57B (now pending before the Legislature as this bill), any retreat lodg-
57C ing facility, as defined in this section*.*

57D **[This definition shall not be construed to include any religious
57E retreat house which is actually and exclusively used for religious
57F worship and asylum.]**

58 (k) The term "multiple dwelling" shall mean any building or
59 structure of one or more stories and any land appurtenant thereto,
60 and any portion thereof, in which three or more units of dwelling
61 space are occupied, or are intended to be occupied by three or more
62 persons who live independently of each other. This definition shall
63 also mean any group of ten or more buildings on a single parcel of
64 land or on contiguous parcels under common ownership, in each
65 of which two units of dwelling space are occupied or intended to be
66 occupied by two persons or households living independently of each
67 other, and any land appurtenant thereto, and any portion thereof.
68 This definition shall not be construed to include any building or
69 structure defined as a hotel in this act, or registered as a hotel
70 with the Commissioner of Community Affairs as hereinafter pro-
71 vided, or occupied or intended to be occupied exclusively as such;
72 nor shall this definition be construed to include any building section
73 containing not more than two dwelling units held under a con-
74 dminium or cooperative form of ownership, or by a mutual housing
75 corporation, where all the dwelling units in the section are occupied
76 by their owners, if a condominium, or by shareholders in the cooper-
77 ative or mutual housing corporation, and where such building
78 section has at least two exterior walls unattached to any adjoining
79 building section and is attached to any adjoining building sections
80 exclusively by walls of such fire-resistant rating as shall be estab-
81 lished by the bureau in conformity with recognized standards; nor
82 any building of three stories or less, owned or controlled by a non-
83 profit corporation organized under any law of this State for the
84 primary purpose to provide for its shareholders or members hous-
85 ing in a retirement community as same is defined under the pro-
86 visions of the "Retirement Community Full Disclosure Act," P. L.
87 1969, c. 215 (C. 45:22A-1 et seq.), provided that the corporation
88 meets the requirements of section 2 of this amendatory and supple-
89 mentary act.

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

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

94 (n) The term "continuing violation" shall mean any violation of
95 this act or any regulation promulgated thereunder, where notice
96 is served within two years of the date of service of a previous notice
97 and where violation, premise and person cited in both notices are
98 substantially identical.

99 (o) The term "project" shall mean a group of buildings subject
100 to the provisions of this act, which are or are represented to be

101 under common or substantially common ownership and which stand
 102 on a single parcel of land or parcels of land which are contiguous
 103 and which group of buildings is named, designated or advertised
 104 as a common entity. The contiguity of such parcels shall not be
 105 adversely affected by public rights-of-way incidental to such
 106 buildings.

107 (p) The term "mutual housing corporation" means a corpora-
 108 tion not-for-profit incorporated under the laws of New Jersey on
 109 a mutual or cooperative basis within the scope of [section] Title
 110 VI, § 607 of the [Lanham Act (National Defense Housing), P. L.
 111 849, 76th Congress,] "*Lanham Public War Housing Act*," 54 Stat.
 112 1125, [42 U. S. C. 1521] 42 U. S. C. § 1501 et seq., as amended,
 113 which acquired a National Defense Housing Project pursuant to
 114 said act.

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

117 (r) "Cooperative" means a housing corporation or association
 118 which entitles the holder of a share or membership interest thereof
 119 to possess and occupy for dwelling purposes a house, apartment
 120 or other structure owned or leased by said corporation or associa-
 121 tion, or to lease or purchase a dwelling constructed or to be con-
 122 structed by said corporation or association.

123 *(s) "*Retreat lodging facility*" means a building or structure,
 124 including but not limited to any related structure, accessory build-
 125 ing, and land appurtenant thereto, and any part thereof, owned by
 126 a nonprofit corporation or association which has tax-exempt charita-
 127 ble status under the federal Internal Revenue Code and which has
 128 sleeping facilities used exclusively on a transient basis by persons
 129 participating in programs of a religious, cultural or educational
 130 nature, conducted under the sole auspices of one or more corpora-
 131 tions or associations having tax-exempt charitable status under the
 132 federal Internal Revenue Code, which are made available without
 133 any mandatory charge to such participants.

1 2. (New section) *Retreat lodging facilities shall be subject to*
 2 *registration pursuant to section 12 of P. L. 1967, c. 76 (C.*
 3 *55:13A-12) in the same manner as hotels; provided, however, that*
 4 *the certificate of registration shall designate the building as a re-*
 5 *treat lodging facility.*

1 3. (New section) *No fee shall be charged for the inspection of*
 2 *any retreat lodging facility, as otherwise required pursuant to sec-*
 3 *tion 13 of P. L. 1967, c. 76 (C. 55:13A-13).*

1 4. (New section) *No regulation establishing unit door or other*
 2 *internal security requirements or any other requirement not sub-*

3 *stantially related to the protection of the health, safety or welfare*
 4 *of occupants or of the public generally shall be enforced in any*
 5 *retreat lodging facility.**

1 ***5. (New section) Except as otherwise set forth in sections 2, 3*
 2 *and 4 of P. L. , c. (C.) (now pending before*
 3 *the Legislature as this bill), all provisions of P. L. 1967, c. 76*
 4 *(C. 55:13A-1 et seq.), as amended and supplemented, and of the*
 5 *regulations pursuant thereto, shall be applicable to retreat lodging*
 6 *facilities in the same manner as to hotels.***

1 **[2.]* **[*5.]*** **6.** This act shall take effect immediately*
 2 ***and shall be retroactive to January 1, 1985**.*

NONPROFIT CORPORATIONS, CHARITIES

Exempts retreat lodging facilities from State hotel regulations.

111 849, 76th Congress] “*Lanham Public War Housing Act*” 54 Stat.
 112 1125, [42 U. S. C. 1521] *42 U. S. C. § 1501* et seq., as amended,
 113 which acquired a National Defense Housing Project pursuant to
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117 (r) “Cooperative” means a housing corporation or association
 118 which entitles the holder of a share or membership interest thereof
 119 to possess and occupy for dwelling purposes a house, apartment
 120 or other structure owned or leased by said corporation or associa-
 121 tion, or to lease or purchase a dwelling constructed or to be con-
 122 structed by said corporation or association.

1 2. This act shall take effect immediately.

STATEMENT

This bill exempts religious retreat houses from being defined as “hotels” under the “Hotel and Multiple Dwelling Law,” P. L. 1967, c. 76 (C. 55:13A-1 et seq.). The retreat houses would thus be exempt from current requirements of that law concerning drop bolt locks, peep holes and front desks while still being subject to the structural and fire safety requirements provided under the “State Uniform Construction Code Act,” P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and the “Uniform Fire Safety Act,” P. L. 1983, c. 383 (C. 52:27D-192 et seq.).

NONPROFIT CORPORATIONS, CHARITIES

Exempts religious retreat houses from State hotel regulations.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

SENATE, No. 2875

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 28, 1987

The Assembly Housing Committee favorably reports Senate Bill No. 2875 (OCR), with amendments.

This bill exempts retreat lodging facilities from meeting certain requirements imposed on hotels under the "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1 et seq.).

A "retreat lodging facility," as defined in the bill provides sleeping accommodations, on a transient basis and without charge, to persons participating in programs of a religious, cultural or educational nature, when the accommodations are owned by a nonprofit corporation or association which has tax-exempt charitable status under the federal Internal Revenue Code, and when the programs are conducted under the sole auspices or one or more corporations or associations of similar status.

Facilities which meet that definition are excluded from the definition of "hotel" in P. L. 1967, c. 76, and are explicitly exempted from regulations establishing unit door or other internal security requirements not substantially related to the protection of the health, safety or welfare of the occupants or of the public generally. They are also exempted from the payment of inspection fees.

The bill also provides that retreat lodging facilities be subject to registration, in the same manner as hotels, but that the certificate of registration identify them as retreat lodging facilities and not as hotels.

The committee adopted amendments providing (1) that, except for the above-described exemptions, retreat lodging facilities shall be subject to all provisions of the "Hotel and Multiple Dwelling Law" and regulations pursuant thereto, and (2) that the effectiveness of the bill's provisions be retroactive to January 1, 1985. These amendments, and another altering the style of the title, render this bill identical to Assembly Bill No. 4021, which also was reported favorably, with committee amendments, on this date.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 2875

STATE OF NEW JERSEY

DATED: MARCH 26, 1987

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 2875.

Senate Bill No. 2875 would specifically exclude any religious retreat house used exclusively for religious worship and asylum from the definition of "hotel" pursuant to the "Hotel and Multiple Dwelling Law," P. L. 1967, c. 76 (C. 55:13A-1 et seq.). By so excluding religious retreat houses from the provisions of the "Hotel and Multiple Dwelling Law," Senate Bill No. 2875 exempts these houses from requirements which must otherwise be met by hotels, including the provision of drop bolt locks, peep holes, and front desks, triennial inspections by the Department of Community Affairs, and compliance with basic standards relating directly to fire safety. These standards include such matters as the storage of materials in order to avoid fire hazard, maintenance of fire safety equipment such as fire extinguishers or hoses, and the maintenance of cooking and heating equipment.

7
4-20-87

Senate Committee Amendments
(Proposed by Senator O'Connor)

to

Senate Bill No. 2875
(Sponsored by Senator O'Connor)

Amend:

Page Sec. Line

4. (New section) No regulation establishing unit door or other internal security requirements or any other requirement not substantially related to the protection of the health, safety or welfare of occupants or of the public generally shall be enforced in any retreat lodging facility."

4 2 1 Omit "2." insert "5."

STATEMENT

These amendments would exclude retreat lodging facilities from the definition of a hotel under the "Hotel and Multiple Dwelling Law," P.L. 1967, c.76 (C.55:13A-1 et seq.). A retreat lodging facility is defined as a building or structure owned by a tax-exempt nonprofit organization with charitable status and which has sleeping facilities used exclusively on a temporary basis in connection with religious, cultural or educational programs.

Senate Amendments
(Proposed by Senator O'Connor)

to

Senate Bill No. 2875
(Sponsored by Senator O'Connor)

Amend:

Page Sec. Line

Under these amendments, retreat lodging facilities would have to register in the same manner as hotels, but would not be subject to inspection fees.

Finally, these amendments specify that retreat lodging facilities remain subject to those regulations relating to the protection of health, safety, and welfare of the public, even though they are being excepted from the definition of a hotel.

NOTE TO PRINTER:

Change descriptive statement to read:

"NONPROFIT CORPORATIONS, CHARITIES

"EXEMPTS RETREAT LODGING FACILITIES FROM STATE HOTEL REGULATIONS"