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**NEWSPAPER ARTICLES:** No

# ASSEMBLY, No. 653

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman JOHN C. GIBSON**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**SYNOPSIS**

Revises conditions under which municipality may require bond or other security from landlords of seasonal rental properties in counties of fifth and sixth class.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A653 GIBSON, ASSELTA

2

1 AN ACT concerning seasonal rentals in certain municipalities and  
2 amending P.L.1993, c.127.

3

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

6

7 1. Section 4 of P.L.1993, c.127 (C.40:48-2.12q) is amended to  
8 read as follows:

9 4. An ordinance adopted under authority of this section shall  
10 provide:

11 a. If in any **[one year]** twelve month period a specified number,  
12 which shall not be less than **[three]** two, of complaints, on separate  
13 occasions, of disorderly, indecent, tumultuous or riotous conduct upon  
14 or in proximity to any seasonal rental premises, and attributable to the  
15 acts or incitements of any of the tenants of those premises, have been  
16 substantiated by prosecution and conviction in any court of competent  
17 jurisdiction, the municipal governing body or any officer or employee  
18 of the municipality designated by the governing body for the purpose,  
19 may institute proceedings to require the landlord of those premises to  
20 post a bond against the consequences of future incidents of the same  
21 character.

22 b. The governing body or person designated pursuant to subsection  
23 a. of this section shall cause to be served upon the landlord, in person  
24 or by registered mail to the address appearing on the tax records of the  
25 municipality, notice advising of the institution of such proceedings,  
26 together with particulars of the substantiated complaints upon which  
27 those proceedings are based, and of the time and place at which a  
28 hearing will be held in the matter, which shall be in the municipal  
29 building, municipal court or other public place within the municipality,  
30 and which shall be no sooner than 30 days from the date upon which  
31 the notice is served or mailed.

32 c. At the hearing convened pursuant to subsection b. of this  
33 section, the hearing officer shall give full hearing to both the complaint  
34 of the municipality and to any evidence in contradiction or mitigation  
35 that the landlord, if present or represented and offering such evidence,  
36 may present. At the conclusion of the hearing the hearing officer shall  
37 determine whether the landlord shall be required to post a bond in  
38 accordance with the terms of the ordinance.

39 d. Any bond required to be posted shall be in accordance with the  
40 judgment of the hearing officer, in light of the nature and extent of the  
41 offenses indicated in the substantiated complaints upon which the  
42 proceedings are based, to be adequate in the case of subsequent  
43 offenses to make reparation for (1) damages likely to be caused to

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

**Matter underlined thus is new matter.**

1 public or private property and damages consequent upon disruption of  
2 affected residents' rights of fair use and quiet possession of their  
3 premises, (2) securing the payment of fines and penalties likely to be  
4 levied for such offenses, and (3) compensating the municipality for the  
5 costs of repressing and prosecuting such incidents of disorderly  
6 behavior; but no such bond shall be in an amount less than \$500 or  
7 more than \$5,000. The municipality may enforce the bond thus  
8 required by action in the Superior Court, and shall be entitled to an  
9 injunction prohibiting the landlord from making or renewing any lease  
10 of the affected premises for residential purposes until that bond or  
11 equivalent security, in satisfactory form and amount, has been  
12 deposited with the municipality.

13 e. A bond or other security deposited in compliance with  
14 subsection d. of this section shall remain in force for a period specified  
15 pursuant to the ordinance, which shall be not less than two or more  
16 than four years. Upon the lapse of the specified period the landlord  
17 shall be entitled to the discharge thereof, unless prior thereto further  
18 proceedings leading to a forfeiture or partial forfeiture of the bond or  
19 other security shall have been had under section 5 of this act, in which  
20 case the security shall be renewed, in an amount and for a period that  
21 shall be specified by the hearing officer.

22 (cf: P.L.1993, c.127, s.4)

23

24 2. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29 This bill revises certain of the conditions under which a  
30 municipality, by ordinance, may require a bond or other form of  
31 financial security from landlords of seasonal rental properties in  
32 Monmouth, Ocean, Atlantic and Cape May counties.

33 P.L.1993, c.127 (C.40:48-2.12n et seq.) allows municipalities in  
34 fifth and sixth class counties to adopt ordinances under which, when  
35 a rental property has become the source of at least three "substantiated  
36 complaints" in one year, the municipality may institute an  
37 administrative proceeding to make the landlord post a bond or  
38 equivalent security to compensate for any future damage or expense  
39 the municipality or its residents may suffer from future repetitions of  
40 such conduct.

41 This bill changes the current one-year requirement to a 12 month-  
42 period, and changes the number of substantiated complaints necessary  
43 for the municipality to institute the administrative proceeding from  
44 three to two. It is the intent of the sponsor that the changes proposed  
45 in this bill will better enable municipalities to control problem  
46 properties and problem behavior by seasonal renters.

# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 653**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 10, 2000

The Assembly Local Government Committee reports favorably Assembly Bill No. 653.

This bill revises certain of the conditions under which a municipality, by ordinance, may require a bond or other form of financial security from landlords of seasonal rental properties in Monmouth, Ocean, Atlantic and Cape May counties.

P.L.1993, c.127 (C.40:48-2.12n et seq.) allows municipalities in fifth and sixth class counties to adopt ordinances under which, when a rental property has become the source of at least three "substantiated complaints" in one year, the municipality may institute an administrative proceeding to make the landlord post a bond or equivalent security to compensate the municipality or other residents for any future damage or expense caused by future repetitions of such conduct.

This bill changes the current one-year requirement to a 12 month-period, and changes the number of substantiated complaints necessary for the municipality to institute the administrative proceeding from three to two. The changes proposed in this bill are intended to assist municipalities in the control of problem properties and problem behavior by seasonal renters in the interests of the health, safety and welfare of the community.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 653**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 14, 2000

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 653.

This bill would revise conditions under which a municipality may require a bond or other form of financial security from landlords of seasonal rental properties in Monmouth, Ocean, Atlantic and Cape May counties.

Current law, P.L.1993, c.127 (C.40:48-2.12n et seq.), authorizes municipalities located in counties of the fifth or sixth class to adopt ordinances providing that whenever a rental property has become the source of at least three "substantiated complaints" in one year, the municipality may institute an administrative proceeding to make the landlord post a bond or equivalent security to compensate the municipality or other residents for any future damage or expense caused by future repetitions of such conduct.

This bill would reduce the number of substantiated complaints necessary for the municipality to institute the administrative proceeding from three to two. It would also alter the applicable time frame from "one year," which could be interpreted as meaning a calendar year, to a "12-month period".

# ASSEMBLY, No. 653

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblyman JOHN C. GIBSON**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**SYNOPSIS**

Revises conditions under which municipality may require bond or other security from landlords of seasonal rental properties in counties of fifth and sixth class.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Local Government Committee with technical review.





A653 GIBSON, ASSELTA

2

1 AN ACT concerning seasonal rentals in certain municipalities and  
2 amending P.L.1993, c.127.

3

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

6

7 1. Section 4 of P.L.1993, c.127 (C.40:48-2.12q) is amended to  
8 read as follows:

9 4. An ordinance adopted under authority of this section shall  
10 provide:

11 a. If in any **[one year]** twelve-month period a specified number,  
12 which shall not be less than **[three]** two, of complaints, on separate  
13 occasions, of disorderly, indecent, tumultuous or riotous conduct upon  
14 or in proximity to any seasonal rental premises, and attributable to the  
15 acts or incitements of any of the tenants of those premises, have been  
16 substantiated by prosecution and conviction in any court of competent  
17 jurisdiction, the municipal governing body or any officer or employee  
18 of the municipality designated by the governing body for the purpose,  
19 may institute proceedings to require the landlord of those premises to  
20 post a bond against the consequences of future incidents of the same  
21 character.

22 b. The governing body or person designated pursuant to subsection  
23 a. of this section shall cause to be served upon the landlord, in person  
24 or by registered mail to the address appearing on the tax records of the  
25 municipality, notice advising of the institution of such proceedings,  
26 together with particulars of the substantiated complaints upon which  
27 those proceedings are based, and of the time and place at which a  
28 hearing will be held in the matter, which shall be in the municipal  
29 building, municipal court or other public place within the municipality,  
30 and which shall be no sooner than 30 days from the date upon which  
31 the notice is served or mailed.

32 c. At the hearing convened pursuant to subsection b. of this  
33 section, the hearing officer shall give full hearing to both the complaint  
34 of the municipality and to any evidence in contradiction or mitigation  
35 that the landlord, if present or represented and offering such evidence,  
36 may present. At the conclusion of the hearing the hearing officer shall  
37 determine whether the landlord shall be required to post a bond in  
38 accordance with the terms of the ordinance.

39 d. Any bond required to be posted shall be in accordance with the  
40 judgment of the hearing officer, in light of the nature and extent of the  
41 offenses indicated in the substantiated complaints upon which the  
42 proceedings are based, to be adequate in the case of subsequent  
43 offenses to make reparation for (1) damages likely to be caused to

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**Matter underlined thus is new matter.**

1 public or private property and damages consequent upon disruption of  
2 affected residents' rights of fair use and quiet possession of their  
3 premises, (2) securing the payment of fines and penalties likely to be  
4 levied for such offenses, and (3) compensating the municipality for the  
5 costs of repressing and prosecuting such incidents of disorderly  
6 behavior; but no such bond shall be in an amount less than \$500 or  
7 more than \$5,000. The municipality may enforce the bond thus  
8 required by action in the Superior Court, and shall be entitled to an  
9 injunction prohibiting the landlord from making or renewing any lease  
10 of the affected premises for residential purposes until that bond or  
11 equivalent security, in satisfactory form and amount, has been  
12 deposited with the municipality.

13 e. A bond or other security deposited in compliance with  
14 subsection d. of this section shall remain in force for a period specified  
15 pursuant to the ordinance, which shall be not less than two or more  
16 than four years. Upon the lapse of the specified period the landlord  
17 shall be entitled to the discharge thereof, unless prior thereto further  
18 proceedings leading to a forfeiture or partial forfeiture of the bond or  
19 other security shall have been had under section 5 of this act, in which  
20 case the security shall be renewed, in an amount and for a period that  
21 shall be specified by the hearing officer.

22 (cf: P.L.1993, c.127, s.4)

23

24 2. This act shall take effect immediately.

P.L. 2001, CHAPTER 71, *approved April 20, 2001*

Assembly, No. 653

1 **AN ACT** concerning seasonal rentals in certain municipalities and  
2 amending P.L.1993, c.127.

3

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

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**Matter underlined thus is new matter.**

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2 offenses to make reparation for (1) damages likely to be caused to  
3 public or private property and damages consequent upon disruption of  
4 affected residents' rights of fair use and quiet possession of their  
5 premises, (2) securing the payment of fines and penalties likely to be  
6 levied for such offenses, and (3) compensating the municipality for the  
7 costs of repressing and prosecuting such incidents of disorderly  
8 behavior; but no such bond shall be in an amount less than \$500 or  
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16 subsection d. of this section shall remain in force for a period specified  
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19 shall be entitled to the discharge thereof, unless prior thereto further  
20 proceedings leading to a forfeiture or partial forfeiture of the bond or  
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22 case the security shall be renewed, in an amount and for a period that  
23 shall be specified by the hearing officer.

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26 2. This act shall take effect immediately.

27

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31 \_\_\_\_\_  
32 Revises conditions under which municipality may require bond or  
33 other security from landlords of seasonal rental properties in counties  
of fifth and sixth class.

## CHAPTER 71

AN ACT concerning seasonal rentals in certain municipalities and amending P.L.1993, c.127.

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

1. Section 4 of P.L.1993, c.127 (C.40:48-2.12q) is amended to read as follows:

C.40:48-2.12q Provisions of ordinance on seasonal rentals.

4. An ordinance adopted under authority of this section shall provide:

a. If in any twelve-month period a specified number, which shall not be less than two, of complaints, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the municipal governing body or any officer or employee of the municipality designated by the governing body for the purpose, may institute proceedings to require the landlord of those premises to post a bond against the consequences of future incidents of the same character.

b. The governing body or person designated pursuant to subsection a. of this section shall cause to be served upon the landlord, in person or by registered mail to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaints upon which those proceedings are based, and of the time and place at which a hearing will be held in the matter, which shall be in the municipal building, municipal court or other public place within the municipality, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.

c. At the hearing convened pursuant to subsection b. of this section, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. At the conclusion of the hearing the hearing officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of the ordinance.

d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for (1) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises, (2) securing the payment of fines and penalties likely to be levied for such offenses, and (3) compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; but no such bond shall be in an amount less than \$500 or more than \$5,000. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

e. A bond or other security deposited in compliance with subsection d. of this section shall remain in force for a period specified pursuant to the ordinance, which shall be not less than two or more than four years. Upon the lapse of the specified period the landlord shall be entitled to the discharge thereof, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under section 5 of this act, in which case the security shall be renewed, in an amount and for a period that shall be specified by the hearing officer.

2. This act shall take effect immediately.

Approved April 20, 2001.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Rae Hutton  
609-777-2600

RELEASE: April 20 , 2001

Acting Governor Donald T. DiFrancesco signed the following legislation today:

**S-1339**, sponsored by Senators Andrew Ciesla(R-Monmouth/Ocean) and Diane Allen (R-Burlington/Camden) and Assembly members David Wolfe (R-Monmouth/Ocean) and Steve Corodemus (R-Monmouth), provides for grants to clean up contamination discovered subsequent to underground storage tank removal or closure.

Under the bill, a grant may be issued for up to 50 percent of the remediation costs except that no grant to any person may exceed \$1,000,000.

**A-890**, sponsored by Assembly members Kip Bateman (R-Morris/Somerset) and Anthony Impreveduto (D-Bergen/Hudson) and Senator Walter Kavanaugh (R-Morris/Somerset), removes the 20-year title search as prerequisite for tax title holder's claim for \$12 party search expense for ascertaining the persons interested in the property subject to the tax lien being foreclosed.

**A-653**, sponsored by Assembly members John Gibson (R-Cape May/Atlantic/Cumberland) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland), revises conditions under which a municipality may require bond or other security from landlords of seasonal rental properties in Monmouth, Atlantic, Ocean and Cape May counties.

This bill changes the current "one-year" time frame, which could be construed as a calendar year, to a 12-month-period, and changes the number of substantiated complaints necessary for the municipality to institute the administrative proceeding from three to two.

**SJR-7**, sponsored by Senator Garry Furnari (D-Bergen/Essex/Passaic), designates the North Service Road portion of State Highway Route 3 in Rutherford Borough, Bergen County, as the "Thomas E. Dunn Memorial Highway."

**SJR-8**, sponsored by Senator Garry Furnari (D-Bergen/Essex/Passaic), designates South Service Road portion of State Highway Route 3 in Rutherford Borough, Bergen County, as the "Edwin L. Ward, Sr. Memorial Highway."

Acting Governor Donald T. DiFrancesco conditionally vetoed the following legislation today. A copy of the CV message is attached.

**S-249**, sponsored by Senator John Bennett (R-Monmouth) and Assembly members Nicholas Felice (R-Bergen/Passaic) and Anthony Impreveduto (D-Bergen/Hudson), requires a board of education to give the municipal clerk or clerks, the county board of elections no less than 60 days notice, in writing, of its intention to hold a special election, replaces the provisions in current law regarding when a special school election may be held in a type II district and eliminates the provisions of

existing law which authorizes legal voters of the district to petition the school board to hold a special election.

April 20, 2001

SENATE BILL NO. 249  
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 249 (First Reprint) with my recommendations for reconsideration.

#### A. Summary of Bill

This bill makes three changes to existing law governing special school elections in Type II school districts. Specifically, the bill: (1) requires a board of education to give the municipal clerk or clerks, as the case may be, and the county board of elections no less than 60 days' notice, in writing, of its intention to hold a special election; (2) replaces the provisions in current law regarding when a special school election may be held in a type II district to provide that such an election may be held only on the following days: the fourth Tuesday in January, the second Tuesday in March, the last Tuesday in September, or the second Tuesday in December; and (3) eliminates the provisions of existing law which authorizes legal voters of the district to petition the school board to hold a special election.

#### B. Recommended Action

While I commend the sponsors of this bill for their efforts to streamline the school election process and increase voter participation and awareness, I have been advised that the bill contains a technical error which could lead to confusion as to the intent of this legislation. As a result, I recommend a Conditional Veto to clarify that this legislation intended to eliminate special elections by petition.

For this reason, I am returning Senate Bill No. 249 (First Reprint) and recommend that it be amended as follows:

Page 2, Line 31: After "was called" insert "." delete "and in the notices of any special election, called upon".

Page 2, Lines 32-34: Delete in entirety.

Respectfully,

/s/ Donald T. DiFrancesco

Acting Governor

[seal]

Attest:

/s/ James A. Harkness

Chief Counsel to the Governor