

LEGISLATIVE HISTORY CHECKLIST

NJSA: 55:13A-3; 40:48-2.12a1 (Housing inspection—exempt certain housing from where there is fire resistant walls)

LAWS OF: 1983

CHAPTER: 2

Bill No.: S1239

Sponsor(s): Weiss

Date Introduced: March 29, 1982

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: Nov. 15, 1982

Senate: June 14, 1982

Date of Approval: Jan. 17, 1983

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message /// No

Message on Signing: /// ~~No~~ Yes

Following were printed:

Reports: /// No

Hearings: /// No

Sponsor's statement:

This bill exempts one- or two-family condominium row houses from inspections by the Bureau of Housing Inspection where such dwellings are attached by fire resistant walls.

Do Not Remove
DEPARTMENT OF TREASURY

OCT 1983

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1239

STATE OF NEW JERSEY

INTRODUCED MARCH 29, 1982

By Senator WEISS

Referred to Committee on County and Municipal Government

AN ACT to amend the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P. L. 1967, c. 76), as said short title was amended by P. L. 1970, c. 138 ***and supplementing chapter 48 of Title 40 of the Revised Statutes***.

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
2 read 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
11 which is used in conjunction with the main building of a hotel,
12 whether 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 of the
16 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 of the
19 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 committee amendments adopted June 3, 1982.

**—Assembly committee amendments adopted October 18, 1982

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 of 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 motor hotel,
48 motel, or established guesthouse which is commonly regarded as
49 a motor hotel, motel, or established guesthouse, as the case may
50 be, in the community in which it is located; provided, that this
51 definition shall not be construed to include any building or structure
52 defined as a multiple dwelling in this act, registered as a multiple
53 dwelling with the Commissioner of Community Affairs as herein-
54 after provided, and occupied or intended to be occupied as such.

55 (k) The term "multiple dwelling" shall mean any building or
56 structure of one or more stories and any land appurtenant thereto,
57 and any portion thereof, in which three or more units of dwelling
58 space are occupied, or are intended to be occupied by three or more
59 persons who live independently of each other, provided, that this
60 definition shall not be construed to include any building or struc-
61 ture defined as a hotel in this act, or, registered as a hotel with the
62 Commissioner of Community Affairs as hereinafter provided, or oc-
63 cupied or intended to be occupied exclusively as such; nor shall this

64 definition be construed to include **[dwelling units of any mutual*
 65 *housing corporation constructed under the Lanham Act (National*
 66 *Defense Housing) P. L. 849, 76th Congress, 54 Stat. 1125, 42 U. S. C.*
 67 *1521 et seq., as amended, on or before June 1, 1941, nor to]** *any*
 68 *building section containing not more than two dwelling units held*
 69 *under a condominium or cooperative form of ownership, *or by a*
 70 *mutual housing corporation,* where all the dwelling units in the*
 71 *section are occupied by their owners, if a condominium, or by share-*
 72 *holders in the cooperative *or mutual housing corporation*, and*
 73 *where such building section has at least two exterior walls unat-*
 74 *tached to any adjoining building section and is attached to any ad-*
 75 *joining building sections exclusively by walls of such fire-resistant*
 76 *rating as shall be established by the bureau in conformity with*
 76A *recognized standards.*

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

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

81 (n) The term "continuing violation" shall mean any violation
 82 of this act or any regulation promulgated thereunder where notice
 83 is served within 2 years of the date of service of a previous notice
 84 and where violation, premise and person cited in both notices are
 85 substantially identical.

86 (o) The term "project" shall mean a group of buildings subject
 87 to the provisions of this act which are or are represented to be
 88 under common or substantially common ownership and which stand
 89 on a single parcel of land or parcels of land which are contiguous
 90 and which group of buildings is named, designated or advertised
 91 as a common entity. The contiguity of such parcels shall not be
 92 adversely affected by public rights-of-way incidental to such
 93 buildings.

94 (p) The term "mutual housing corporation" means a corpora-
 95 tion not-for-profit incorporated under the laws of New Jersey on
 96 a mutual or cooperative basis within the scope of section 607 of
 97 the Lanham Act (National Defense Housing) P. L. 849, 76th Con-
 98 gress, 54 Stat. 1125, 42 U. S. C. 1521, et seq., as amended, which
 99 acquired a National Defense Housing Project pursuant to said act.

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

102 (r) "Cooperative" means a housing corporation or association
 103 which entitles the holder of a share or membership interest thereof
 104 to possess and occupy for dwelling purposes a house, apartment
 105 or other structure owned or leased by said corporation or associa-

106 tion, or to lease or purchase a dwelling constructed or to be con-
107 structed by said corporation or association.

1 **2. (New section) No exemption from inspection pursuant to
2 the provisions of section 3 of P. L. 1967, c. 76 (C. 55:13A-3) shall
3 prevent any municipality from adopting an ordinance to provide
4 for the inspection of buildings to assure the health, safety and
5 public welfare of the municipality and its residents.**

1 **[2.]** **3.** This act shall take effect immediately.

SENATE, No. 1239

STATE OF NEW JERSEY

INTRODUCED MARCH 29, 1982

By Senator WEISS

Referred to Committee on County and Municipal Government

AN ACT to amend the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P. L. 1967, c. 76), as said short title was amended by P. L. 1970, c. 138.

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
2 read 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
11 which is used in conjunction with the main building of a hotel,
12 whether 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 of the
16 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 of the
19 Department of Community Affairs.

20 (e) (Deleted by amendment.)

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

Matter printed in italics thus is new matter.

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 of 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 motor hotel,
48 motel, or established guesthouse which is commonly regarded as
49 a motor hotel, motel, or established guesthouse, as the case may
50 be, in the community in which it is located; provided, that this
51 definition shall not be construed to include any building or structure
52 defined as a multiple dwelling in this act, registered as a multiple
53 dwelling with the Commissioner of Community Affairs as hereinafter
54 after provided, and occupied or intended to be occupied as such.

55 (k) The term "multiple dwelling" shall mean any building or
56 structure of one or more stories and any land appurtenant thereto,
57 and any portion thereof, in which three or more units of dwelling
58 space are occupied, or are intended to be occupied by three or more
59 persons who live independently of each other, provided, that this
60 definition shall not be construed to include any building or struc-
61 ture defined as a hotel in this act, or, registered as a hotel with the
62 Commissioner of Community Affairs as hereinafter provided, or
63 occupied or intended to be occupied exclusively as such; nor shall
64 this definition be construed to include dwelling units of any mutual
65 housing corporation constructed under the Lanham Act (National

66 Defense Housing) P. L. 849, 76th Congress, 54 Stat. 1125, 42 U. S. C.
67 1521 et seq., as amended, on or before June 1, 1941, *nor to any*
68 *building section containing not more than two dwelling units held*
69 *under a condominium or cooperative form of ownership, where*
70 *all the dwelling units in the section are occupied by their owners,*
71 *if a condominium, or by shareholders in the cooperative, and where*
72 *such building section has at least two exterior walls unattached to*
73 *any adjoining building section and is attached to any adjoining*
74 *building sections exclusively by walls of such fire-resistant rating*
75 *as shall be established by the bureau in conformity with recognized*
76 *standards.*

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

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

81 (n) The term "continuing violation" shall mean any violation
82 of this act or any regulation promulgated thereunder where notice
83 is served within 2 years of the date of service of a previous notice
84 and where violation, premise and person cited in both notices are
85 substantially identical.

86 (o) The term "project" shall mean a group of buildings subject
87 to the provisions of this act which are or are represented to be
88 under common or substantially common ownership and which stand
89 on a single parcel of land or parcels of land which are contiguous
90 and which group of buildings is named, designated or advertised
91 as a common entity. The contiguity of such parcels shall not be
92 adversely affected by public rights-of-way incidental to such
93 buildings.

94 (p) The term "mutual housing corporation" means a corpora-
95 tion not-for-profit incorporated under the laws of New Jersey on
96 a mutual or cooperative basis within the scope of section 607 of
97 the Lanham Act (National Defense Housing) P. L. 849, 76th Con-
98 gress, 54 Stat. 1125, 42 U. S. C. 1521, et seq., as amended, which
99 acquired a National Defense Housing Project pursuant to said act.

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

102 (r) "*Cooperative*" means a housing corporation or association
103 *which entitles the holder of a share or membership interest thereof*
104 *to possess and occupy for dwelling purposes a house, apartment*
105 *or other structure owned or leased by said corporation or associa-*
106 *tion, or to lease or purchase a dwelling constructed or to be con-*
107 *structed by said corporation or association.*

1 2. This act shall take effect immediately.

STATEMENT

This bill exempts one- or two-family condominium row houses from inspections by the Bureau of Housing Inspection where such dwellings are attached by fire resistant walls.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1239

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: OCTOBER 18, 1982

Senate Bill No. 1239 OCR would exempt one or two family condominium, cooperative mutual building corporation row houses from multiple dwelling inspections by the Bureau of Housing Inspection. The exemption authorized on the provisions of this bill apply only when (1) the building section has at least two exterior walls unattached to any adjoining building section and (2) the building is attached to any adjoining building by fire resistant walls.

The committee amended the bill to clarify that the exemption from inspection by the Bureau of Housing Inspection would in any way prohibit a municipality from undertaking its own inspections to assure the safety, health and public welfare of its residents.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
SENATE, No. 1239

STATE OF NEW JERSEY

DATED: JUNE 3, 1982

Senate Bill No. 1239 would exempt one or two family condominium or cooperative row houses from multiple dwelling inspections by the Bureau of Housing Inspection in the Department of Community Affairs. The exemption would apply only where the building sections, and where the building sections are attached by fire resistant walls.

This bill, as Senate Bill No. 17, was reported favorably by this committee in the 1980-1981 session, and passed the Senate by a vote of 32-0. It did not receive a vote in the General Assembly. At that time, the committee amended the bill at the suggestion of the Department of Community Affairs to clarify the technical language used in the bill. The department endorsed the bill with the amendments. Those amendments were incorporated in Senate Bill No. 1239 upon introduction.

The Senate committee amendments to Senate Bill No. 1239 were suggested by the Department of Community Affairs. They place buildings of mutual housing corporations under the same standards relating to inspection as condominiums and cooperatives.

Currently, mutual housing corporation housing constructed on or before June 1, 1941 is exempt from inspection, and that constructed after that date is subject to inspection. Of the mutual housing projects in the State, it appears only Audubon Park was constructed before that date.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

CONTACT: KATHERINE BROKAW

MONDAY, JANUARY 17, 1983

Governor Thomas H. Kean has signed the following bills:

A-176, sponsored by Assemblyman John A. Rocco (R-Camden), allows the State to grant scholarships to independent colleges in New Jersey to children and surviving spouses of policemen, firemen, rescue workers and other officers. Currently, children of those workers may attend State colleges at no charge. This law provides that the State can help such students with tuition fees at private colleges in the State; the scholarships would not amount to more than the highest tuition charged at the State colleges.

A-1502, sponsored by Assembly Majority Leader John P. Doyle (D-Ocean), grants to State-chartered savings and loan associations the same powers which federal savings and loan associations now have. The bill gives the State Commissioner of Banking the discretion to change the State charters as the federal charters change, without having to wait for legislative approval.

S-1239, sponsored by Senator Laurence S. Weiss (D-Middlesex), exempts certain condominiums and row houses from inspection under the Hotel and Multiple Dwelling Law.

S-1617, sponsored by Senate President Carmen Orechio (D-Essex), allows cigarette distributors to substitute a letter of credit for a bond to defer payment for revenue stamps.

A-2038, sponsored by Assemblywoman Mildred Garvin (D-Essex), completes a bond authorization procedure for the Newark school district.

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