

55:13A-3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 55:13A-3; 55:13A-3.1

("Multiple dwelling" - shall not include buildings of nonprofit organizations)

LAWS OF: 1983

CHAPTER: 154

Bill No: A1226

Sponsor(s): Hendrickson

Date Introduced: May 13, 1982

Committee: Assembly: Commerce and Industry

Senate: \_\_\_\_\_

Amended during passage: Yes // **Substituted for S3159**

Date of Passage: Assembly: March 7, 1983

Senate: Feb. 28, 1983

Date of Approval: April 22, 1983

Following statements are attached if available:

Sponsor statement: Yes // **(Below)**

Committee statement: Assembly Yes //

Senate /// No

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

**Sponsor's statement:**

**This bill excludes nonprofit retirement community buildings from the definition of "multiple dwellings" in the Hotel and Multiple Dwelling Law.**

4-27-83

[OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 1226

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1982

By Assemblyman HENDRICKSON

AN ACT to amend *\*and supplement\** 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 In-  
18 spection 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.

**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:**

**\*—Assembly committee amendment's adopted January 31, 1983**

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 structure  
61 defined as a hotel in this act, or, registered as a hotel with the Com-  
62 missioner of Community Affairs as hereinafter provided, or occu-  
63 pied or intended to be occupied exclusively as such; nor shall this  
64 definition be construed to include \***l**dwelling units of any mutual  
65 housing corporation constructed under the Lanham Act (National

66 Defense Housing) PL 849, 76th Congress, 54 Stat. 1125, 42 USC  
 67 1521 et seq., as amended, on or before June 1, 1941, *or with respect*  
 68 *to the provisions of section 13 (C. 55:13A-13) of this act be con-*  
 69 *strued to include any complex of buildings of* ¶ \**any building sec-*  
 70 *tion containing not more than two dwelling units held under a*  
 71 *condominium or cooperative form of ownership, or by a mutual*  
 72 *housing corporation, where all the dwelling units in the section are*  
 73 *occupied by their owners, if a condominium, or by shareholders in*  
 74 *the cooperative or mutual housing corporation, and where such*  
 74A *building section has at least two exterior walls unattached to any*  
 74B *adjoining building section and is attached to any adjoining building*  
 74C *sections, exclusively by walls of such fire-resistant rating as shall*  
 74D *be established by the bureau in conformity with recognized stand-*  
 74E *ards; nor any building of three stories or less, owned or controlled*  
 74F *by\* a nonprofit corporation organized under any law of this State*  
 74G *for the primary purpose to provide for its shareholders or members*  
 74H *housing in a retirement community as same is defined under the pro-*  
 74I *visions of the "Retirement Community Full Disclosure Act," P. L.*  
 74J *1969, c. 215 (C. 45:22A-1 et seq.)\*, provided that the corporation*  
 74K *meets the requirements of section 2 of this amendatory and supple-*  
 74L *mentary act\*.*

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

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

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

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

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

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

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

1 2. (New section) a. Any retirement community as defined in the  
 2 "Retirement Community Full Disclosure Act," P. L. 1969, c. 215  
 3 (C. 45:22A-1 et seq.) shall be exempt from inclusion in the defini-  
 4 tion of multiple dwellings contained in paragraph (k) of section 3  
 5 of P. L. 1967, c. 76 (C. 5513A-3) provided that the retirement com-  
 6 munity complies with the basic standards relating directly to fire  
 7 safety which are established for its buildings by rule or regulation  
 8 of the commissioner and provided further, that the retirement com-  
 9 munity files with the commissioner, at least once every five years,  
 10 as evidence of a satisfactory self-inspection, a completed checklist,  
 11 which shall be provided by the commissioner, of items established  
 12 under the fire safety regulations. The retirement community shall  
 13 also file a certification from the municipal fire protection subcode  
 14 official or an equally competent person selected and paid by the  
 15 municipality in which the retirement community is located, that  
 16 the self-inspection has been properly carried out. A fee schedule  
 17 for certification may be established by the municipality providing  
 18 for a charge of up to \$8.00 per dwelling unit for each of the first  
 19 100 units inspected and up to \$5.00 per unit for each unit inspected  
 20 thereafter.

21 b. The commissioner may require common area smoke detectors  
 22 in buildings, and the retirement community may utilize detector  
 23 units which are either (1) of the alternating current (AC) con-  
 24 stantly active electric circuit type which cannot be deactivated by  
 25 the operation of any interconnected switching device and which  
 26 comply with the latest NJPA-70 (National Electrical Code) re-  
 27 quirements or (2) of the battery-powered single station type. The  
 28 owners of each unit utilizing any common area shall be jointly  
 29 responsible for inspecting the detector unit in the common area  
 30 and for ensuring that its battery is inspected periodically and re-  
 31 placed at least annually.

32 c. If the municipality determines, as a result of the most recent  
 33 self-inspection of any building or unit as required by this amendatory  
 34 and supplementary act, that any building or unit does not  
 35 comply with the provisions of this amendatory and supplementary

36 act and regulations promulgated thereunder, then the municipality  
37 shall issue to the nonprofit corporation a written notice stating the  
38 manner in which a building or unit does not comply with this  
39 amendatory and supplementary act or regulations promulgated  
40 thereunder. The notice shall fix a date, not less than 60 days nor  
41 more than 180 days, upon which a building or unit shall comply  
42 with the provisions of this amendatory and supplementary act and  
43 regulations promulgated thereunder. If building or unit does not  
44 comply with the provisions of this amendatory and supplementary  
45 act and regulations promulgated on or before the date fixed in the  
46 notice, the municipality shall notify the commissioner who shall  
47 enforce the provisions of P. L. 1967, c. 76 (C. 55:13A-1 et seq.)  
48 against the nonprofit corporation or the unit owner thereof based  
49 on their respective liabilities as contained in the nonprofit corpora-  
50 tion's master deed, by-laws and rules and regulations.\*

1 \***[2.]**\* \*3.\* This act shall take effect immediately \*and shall be  
2 retroactive to January 1, 1982 for any penalties assessed for non-  
3 compliance with the self-inspection requirements of this amenda-  
4 tory and supplementary act, but unpaid pending a hearing on the  
5 matter\*.

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66 Defense Housing) PL 849, 76th Congress, 54 Stat. 1125, 42 USC  
 67 1521 et seq., as amended, on or before June 1, 1941, *or with respect*  
 68 *to the provisions of section 13 (C. 55:13A-13) of this act be con-*  
 69 *strued to include any complex of buildings of a nonprofit corpora-*  
 70 *tion organized under any law of this State for the primary purpose*  
 71 *to provide for its shareholders or members housing in a retirement*  
 72 *community as same is defined under the provisions of the "Retire-*  
 73 *ment Community Full Disclosure Act," P. L. 1969, c. 215 (C.*  
 74 *45:22A-1 et seq.).*

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

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 78 association, or other entity, as defined in R. S. 1:1-2.

79 (n) The term "continuing violation" shall mean any violation  
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 81 is served within 2 years of the date of service of a previous notice  
 82 and where violation, premise and person cited in both notices are  
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84 (o) The term "project" shall mean a group of buildings subject  
 85 to the provisions of this act which are or are represented to be  
 86 under common or substantially common ownership and which stand  
 87 on a single parcel of land or parcels of land which are contiguous  
 88 and which group of buildings is named, designated or advertised  
 89 as a common entity. The contiguity of such parcels shall not be  
 90 adversely affected by public rights-of-way incidental to such  
 91 buildings.

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

1. 2. This act shall take effect immediately.

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#### STATEMENT

This bill excludes nonprofit retirement community buildings from the definition of "multiple dwellings" in the Hotel and Multiple Dwelling Law.

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ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1226**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 31, 1983

The Assembly Commerce and Industry Committee reports this bill favorably, with amendments, to exempt nonprofit retirement community buildings from the definition of "multiple dwellings" under certain circumstances.

The dwelling units of such communities would be exempt if they are of three stories or less and the retirement community conducts a municipally-certified self-inspection based on a list of items promulgated by rule of the commissioner of community affairs which relate directly to fire safety. A schedule of fees for municipal oversight may be adopted and a maximum charge per unit is established.

Also, if the commissioner requires smoke detectors in common areas under the aforementioned rules, unit owners may use the alternating current electric circuit type (AC) or the battery type detectors units as long as certain battery inspection and replacement requirements are met by those unit owners utilizing the common area. Only if a violation remains uncorrected following notice to the corporation by the municipality, would the State be granted the authority to assess fines under the "Hotel and Multiple Dwelling Law."

Amendments were also made to incorporate the provisions of P. L. 1983, c. 2, which was enacted shortly prior to the committee's action on this bill.