

2A:18-61.24 AND 61.36

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:18-61.24 and 2A:18-61.36

(Condominium conversion - senior citizens and disabled - amend - age of eligibility for spouse)

LAWS OF: 1983

CHAPTER: 389

Bill No: A1832

Sponsor(s): Karcher

Date Introduced: August 5, 1982

Committee: Assembly: Commerce and Industry

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly: May 5, 1983

Senate: November 28, 1983

Date of Approval: December 2, 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: Yes

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill provides that a spouse of a senior citizen tenant will receive the same protection of tenancy where his dwelling unit is being converted into a condominium, provided the spouse is at least 50 years of age at the time the owner files a conversion recording.

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ASSEMBLY, No. 1832

STATE OF NEW JERSEY

INTRODUCED AUGUST 5, 1982

By Assemblyman KARCHER

AN ACT establishing an age of eligibility for the spouse of a senior citizen tenant **and amending the waiver of rights** under the "Senior Citizens and Disabled Protected Tenancy Act" and amending P. L. 1981, c. 226.

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

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

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

4 a. "Senior citizen tenant" means a person who is at least 62 years
5 of age on the date of the conversion recording for the building or
6 structure in which is located the dwelling unit of which he is a
7 tenant, or the surviving spouse of such a person if the person
8 should die after the owner files the conversion recording *and the*
9 *surviving spouse is at least 50 years of age at the time of the filing;*
10 provided that the building or structure has been the principal resi-
11 dence of the senior citizen tenant or the spouse for the 2 years
12 immediately preceding the conversion recording or the death, as
13 the case may be;

14 b. "Disabled tenant" means a person who is, on the date of the
15 conversion recording for the building or structure in which is
16 located the dwelling unit of which he is a tenant, totally and per-
17 manently unable to engage in any substantial gainful activity by
18 reason of any medically determinable physical or mental impair-
19 ment, including blindness; provided that the building or structure
20 has been the principal residence of the disabled tenant for the 2

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 amendments adopted March 3, 1983.**

21 years immediately preceding the conversion recording. For the
 22 purposes of this subsection, "blindness" means central visual acuity
 23 of 20/200 or less in the better eye with the use of correcting leas.
 24 An eye which is accompanied by a limitation in the fields of vision
 25 such that the widest diameter of the visual field subtends an angle
 26 no greater than 20 degrees shall be considered as having a central
 27 visual acuity of 20/200 or less;

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

33 d. "Application for Registration of conversion" means an applica-
 34 tion for registration filed with the Department of Community
 35 Affairs in accordance with "The Planned Real Estate Development
 36 Full Disclosure Act," P. L. 1977, c. 419 (C. 45:22A-21 et seq.);

37 e. "Registration of conversion" means an approval of an appli-
 38 cation for registration by the Department of Community Affairs
 39 in accordance with "The Planned Real Estate Development Full
 40 Disclosure Act," P. L. 1977, c. 419 (C. 45:22A-21 et seq.);

41 f. "Convert" means to convert one or more buildings or structures
 42 or a mobile home park containing in the aggregate not less than 5
 43 dwelling units or mobile home sites or pads from residential rental
 44 use to condominium, cooperative, planned residential development
 45 or separable fee simple ownership of the dwelling units or of the
 46 mobile home sites or pads;

47 g. "Conversion recording" means the recording with the appro-
 48 priate county officer of a master deed for condominium or a deed
 49 to a cooperative corporation for a cooperative or the first deed of
 50 sale to a purchaser of an individual unit for a planned residential
 51 development or separable fee simple ownership of the dwelling
 52 units;

53 h. "Protected tenancy period" means, except as otherwise pro-
 54 vided in section 11 of this amendatory and supplementary act, the
 55 40 years following the conversion recording for the building or
 56 structure in which is located the dwelling unit of the senior citizen
 57 tenant or disabled tenant.

1 *2. Section 17 of P. L. 1981, c. 226 (C. 2A:18-61.36) is amended
 2 to read as follows:

3 17. **¶**Except as otherwise provided in this section, any provision
 4 in a lease or other agreement which waives or modifies any pro-
 5 vision of this amendatory and supplementary act shall be void and
 6 unenforceable as against public policy. An owner and a tenant may,

7 however, agree to a modification or waiver of some or all of the
8 protections afforded to the tenant pursuant to the provisions of
9 this amendatory and supplementary act provided that:

10 a. The modification or waiver is encompassed in written con-
11 tract separate from the lease;

12 b. The modification or waiver is voluntarily entered into without
13 duress;

14 c. The modification or waiver is entered into with full under-
15 standing of the terms by each party;

16 d. The modification or waiver is for adequate consideration; and,

17 e. The tenant's signature on the modification or waiver is affixed
18 and notarized after the tenant moves into the apartment.

19 In any action involving a modification or waiver, the owner shall
20 have the burden of proof to establish that the requirements of
21 this section have been met.】

22 *Any agreement whereby the tenant waives any rights under*
23 *P. L. 1981, c. 226 (C. 2A:18-61.22 et seq.) on or after the effective*
24 *date of this 1983 amendatory act shall be deemed to be against*
25 *public policy and unenforceable.**

1 *【2.】* *3.* This act shall take effect immediately.

ASSEMBLY COMMERCE AND INDUSTRY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1832

STATE OF NEW JERSEY

DATED: MARCH 3, 1983

This bill, as amended by the Assembly Commerce and Industry Committee, provides that a surviving spouse of a senior citizen tenant will receive the same protection of tenancy where his dwelling unit is being converted under the terms of the "Senior Citizens and Disabled Persons Protected Tenancy Act", if the dwelling unit is being converted into a condominium and if the spouse is at least 50 years old at the time the owner files a conversion recording. Waivers of rights by tenants would be prohibited, and any such waiver, now permitted under the provisions of section 17 of P. L. 1981, c. 226, would be henceforth unenforceable.

For those senior citizens and disabled persons who qualify under the "Senior Citizens and Disabled Persons Protected Tenancy Act," there can be no evictions for 40 years on the ground that a building is being converted to a condominium or to a cooperative. Surviving spouses of qualified senior citizen tenants currently have protected tenancy status whatever their age.

The purpose of this change in the law is to prevent those 20-, 30- or 40-year old spouses who survive their senior citizen partners who have protected tenancy status from claiming the 40-year protected tenancy status. It is felt that these spouses do not need this protection because they do not face the same degree of trauma as senior citizens who are often traumatized by being uprooted from their homes.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1832

STATE OF NEW JERSEY

DATED: JUNE 27, 1983

Assembly Bill No. 1832 amends two provisions to the "Senior Citizens and Disabled Protected Tenancy Act." The first amendment involves the definition of the term "senior citizen tenant." As presently defined, any person 62 or older on the date of a conversion recording or the surviving spouse of such a person is guaranteed the rights set forth in the Protected Tenancy Act. Assembly Bill No. 1832 would modify this definition to provide that a surviving spouse or person 62 or older must himself be at least 50 years of age at the time of the filing of the conversion recording in order to be protected.

The other amendment proposed by Assembly Bill 1832 involves the ability of an owner and a tenant to agree to a modification or waiver of the protections offered by the Protected Tenancy Act. Presently N. J. S. A. 2A:18-61.36 set forth a mechanism whereby rights may be waived or modified by agreement between the owner and a tenant. Assembly Bill No. 1832 would eliminate this waiver mechanism and would provide that any agreement whereby a tenant waives any rights under the Protected Tenancy Act shall be deemed against public policy and unenforceable.

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OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, DECEMBER 10, 1983

Governor Thomas H. Kean has signed the following bills:

A-1832, sponsored by Assembly Speaker Alan J. Karcher, D-Middlesex, which establishes an age of eligibility for the surviving spouse of a senior citizen tenant who is protected under the "Senior Citizen and Disabled Persons Protected Tenancy Act" of 1981. That law gives senior citizens and disabled persons who meet age, income and residency requirements the right to remain as tenants after their apartment is converted to a condominium or similar ownership arrangement. This amendment requires that the surviving spouse of an eligible senior tenant be at least 50 years old at the time the apartment is converted. The amendment is intended to prevent a young surviving spouse of an older eligible tenant from retaining the protected tenancy.

AJR-3042, sponsored by Assemblyman George J. Otlowski, D-Middlesex, which designates December 4 through December 12, 1983 as State Autistic Week.

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