

46:8-27 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 46:8-27 et al (Landlords--Registration-failure to file-- Municipal Court jurisdiction)

LAWS 1981 CHAPTER 299

Bill No. A2036

Sponsor(s) Zanqari

Date Introduced September 29, 1980

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

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

Date of Passage: Assembly May 4, 1981

Senate June 18, 1981

Date of approval October 14, 1981

Following statements are attached if available:

Sponsor statement Yes ~~Yes~~

Committee Statement: Assembly Yes ~~Yes~~

Senate Yes ~~Yes~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~Yes~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

6/22/81

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ASSEMBLY, No. 2036

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1980

By Assemblyman ZANGARI

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning the requirement for landlords of residential property to file certain information with municipalities and to furnish the information to their tenants, authorizing municipalities to bring enforcement proceedings for violations by landlords, and amending P. L. 1974, c. 50.

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

1 1. Section 1 of P. L. 1974, c. 50 (C. 46:8-27) is amended to read
2 as follows:

3 1. The term "landlord," as used in this act, shall mean the person
4 or persons who own or purport to own any building, structure or
5 complex of buildings or structures in which there is rented or
6 offered for rent housing space for living or dwelling purposes
7 under either a written or oral lease, provided that this definition
8 shall not include owner-occupied two **[and three]** unit premises.

1 2. Section 2 of P. L. 1974, c. 50 (C. 46:8-28) is amended to read
2 as follows:

3 2. Every landlord shall, within 30 days following the effective
4 date of this act, or at the time of the creation of the first tenancy in
5 any newly constructed or reconstructed building, file with the clerk
6 of the municipality in which the residential property is situated,
7 a statement which shall contain the following information:

8 a. The name and address of the record owner or owners of the
9 premises and the record owner or owners of the rental business if
10 not the same persons;

11 b. If the record owner is a corporation, the name and address of
12 the registered agent and corporate officers of said corporation;

13 c. If the address of any record owner is not located in the county
14 in which the premises are located, the name and address of a person
15 who resides in **[or has an office in]** the county in which the premises
16 are located and is authorized to accept notices from a tenant and to

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

17 issue receipts therefor and to accept service of process on behalf
18 of the record owner;

19 d. The name and address of the managing agent of the premises,
20 if any;

21 e. The name and address, including the dwelling unit, apartment
22 or room number of the superintendent, janitor, custodian or other
23 individual employed by the record owner or managing agent to
24 provide regular maintenance service, if any;

25 f. The name, address and telephone number of an individual
26 representative of the record owner or managing agent who may be
27 reached or contacted at any time in the event of an emergency
28 affecting the premises or any unit of dwelling space therein, includ-
29 ing such emergencies as the failure of any essential service or
30 system, and who has the authority to make emergency decisions
31 concerning the building and any repair thereto or expenditure in
32 connection therewith;

33 g. The name and address of every holder of a recorded mortgage
34 on the premises.

35 Every landlord hereby required to file a registration statement as
36 described in this section hereinabove shall file an amended regis-
37 tration statement within 7 days after any change in the foregoing
38 information required to be included thereon.

1 3. Section 5 of P. L. 1974, c. 50 (C. 46:8-31) is amended to read
2 as follows:

3 5. In any action in the county district court *or municipal court*
4 by an occupant or tenant *or to recover penalties* against a landlord
5 who has not complied with this act and who cannot be served within
6 the county *or municipality*, the summons and complaint may be
7 served by certified and regular mail upon the record owner at the
8 last address listed in the tax records of either the municipality or
9 county. Service of such summons and complaint by certified and
10 regular mail shall be effective to bring the landlord before the
11 county district court *or municipal court* even if it were not served
12 within the county *or municipality* in which the [county district]
13 court issuing the summons is located.

1 4. Section 6 of P. L. 1974, c. 50 (C. 46:8-32) is amended to
2 read as follows:

3 6. Service of process on the clerk of the county district court
4 *or municipal court* having jurisdiction over the county *or munici-*
5 *pality* in which the property is located shall be deemed service on
6 the landlord upon submission to the court of the following:

7 a. A certification of the tenant stating that he does not know
8 the landlord's whereabouts after having made a diligent effort,
9 satisfactory to the court, to determine the same; and

10 b. Proof of failure of service by certified mail as provided in
11 section 5 of this act.

1 5. Section 9 of P. L. 1974, c. 50 (C. 46:8-35) is amended to
2 read as follows:

3 9. Any landlord who shall violate any provision of this act shall
4 be liable to a penalty of not more than ~~[\$100.00]~~ \$500.00 for each
5 offense, recoverable ~~[by the State]~~ by a summary proceeding under
6 the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.). The
7 county district court of the county *or the municipal court of the*
8 *municipality* in which the premises are located shall have jurisdic-
9 tion to enforce said penalty ~~[enforcement upon complaint of the~~
10 ~~Attorney General or any other person]~~.

11 *The Attorney General, the municipality in which the premises*
12 *are located, or any other person may institute the proceeding**;*
13 *where the municipality or any other person other than the Attorney*
14 *General institutes the proceeding, a recovered penalty should be*
15 *remitted by the court to the municipality in which the premises*
16 *subject to the proceeding are located**.* *~~[A recovered penalty~~
17 ~~shall be remitted by the court to the party who instituted the pro-~~
18 ~~ceeding.]~~*

1 6. This act shall take effect on the thirtieth day after enactment.

10 b. Proof of failure of service by certified mail as provided in
11 section 5 of this act.

1 5. Section 9 of P. L. 1974, c. 50 (C. 46:8-35) is amended to
2 read as follows:

3 9. Any landlord who shall violate any provision of this act shall
4 be liable to a penalty of not more than ~~[\$100.00]~~ \$500.00 for each
5 offense, recoverable ~~[by the State]~~ by a summary proceeding under
6 the "Penalty Enforcement Law" (N. J. S. 2A:58-1 et seq.). The
7 county district court of the county *or the municipal court of the*
8 *municipality* in which the premises are located shall have jurisdic-
9 tion to enforce said penalty ~~[enforcement upon complaint of the~~
10 ~~Attorney General or any other person]~~.

11 *The Attorney General, the municipality in which the premises*
12 *are located, or any other person may institute the proceeding. A*
13 *recovered penalty shall be remitted by the court to the party who*
14 *instituted the proceeding.*

1 6. This act shall take effect on the thirtieth day after enactment.

STATEMENT

The purpose of this bill is to give local municipal courts juris-
diction to prosecute landlords who fail to file registration state-
ments with municipalities as required by law. By strict enforcement
of the law, local fire, plumbing, electrical, health, and housing in-
spection department directors or their designees can locate owners,
agents, managing agents, superintendents, janitors, custodians, or
other individuals employed by the owner to provide regular mainte-
nance and service that the tenants are paying for.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2036

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 24, 1980

The purpose of this bill, as amended, is to give local municipal courts jurisdiction to prosecute landlords who fail to file registration statements with municipalities as required by law. By strict enforcement of the law, local fire, plumbing, electrical, health, and housing inspection department directors or their designees can locate owners, agents, managing agents, superintendents, janitors, custodians, or other individuals employed by the owner to provide regular maintenance and service that the tenants are paying for.

The committee amended the bill to take out the provision which allowed a private party to recover any penalty imposed in this type action.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2036

STATE OF NEW JERSEY

DATED: MAY 14, 1981

Presently, a landlord of residential property is required to file a statement with the municipality in which that property is located containing information such as the name and address of the property's owner, managing agent and custodian. This same information is also required to be furnished to the property's tenants. Failure to comply with these requirements can result in a penalty of up to \$100.00. Jurisdiction over cases involving landlords who fail to meet these requirements is currently in the county district court.

Assembly Bill No. 2036 would grant municipal courts concurrent jurisdiction with the county district court to hear such cases. It is felt that granting jurisdiction to the municipal courts in these cases will result in stricter enforcement of the landlord's information obligations and thus permit local health and inspection officials to more easily locate those responsible for providing regular maintenance services to tenants.

Assembly No. 2036 also raises the possible penalty for failure by a landlord to comply with information requirements from a minimum of \$100.00 to a maximum of \$500.00. Additionally, Assembly Bill No. 2036 clarifies that if this type action is brought by anyone other than the Attorney General, any penalty imposed is to be remitted to the municipality in which the residential property is located.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

OCTOBER 14, 1981

FOR FURTHER INFORMATION

DAVE DE MAIO

Acting Governor Joseph P. Merlino today signed into law A-2035, sponsored by Assemblyman James Zangari (D-Essex), amending portions of the Landlord Registration Act.

Current law requires landlords to provide tenants with information identifying the landlord, the managing agent, the superintendent or custodian, the mortgage holder, the fuel oil dealer, and the person to notify during emergencies. Failure to furnish such information is punishable by a maximum fine of \$100.

The new law increases the maximum penalty for violations of the Registration Act to \$500 for each offense. In addition, municipal courts are now empowered to hear actions for violations of the Act. Violations are presently heard only in County District Courts.

The bill also extends the provisions of the Landlord Registration Act to owner occupied buildings with three or more rental units. Presently, owner occupied buildings with less than four units are not obliged to furnish information pursuant to the Landlord Registration Act.

Payments for violation of the Act will now be made to the State when the State brings a court action, and to the municipality when it brings the action.

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