

46:8-27 et al

LEGISLATIVE HISTORY CHECKLIST

(Landlord-registration & disclosure of certain information)

NJSA 46:8-27 et al; 55:13A-12;

LAWS 1981

CHAPTER 442

Bill No. A3062

Sponsor(s) Hollenbeck

Date Introduced Jan. 22, 1981

Committee: Assembly Commerce, Industry & Professions

Senate County & Municipal Gov't

Amended during passage Yes

~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 11, 1981

Senate Nov. 23, 1981

Date of approval Jan. 9, 1982

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly Yes ~~XX~~

Senate Yes ~~XX~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing Yes ~~XX~~

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

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[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3062

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1981

By Assemblyman HOLLENBECK

Referred to Committee on Commerce, Industry and Professions

AN ACT consolidating and simplifying the requirements of the statutory law requiring the registration and disclosure of certain information by landlords, amending P. L. 1967, c. 76 ***[and]*** *, *amending and supplementing** P. L. 1974, c. 50***[**, supplementing Title 46 of the Revised Statutes**]*** and repealing section 13 of P. L. 1971, c. 224.

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
4 person or persons who own or purport to own, *or exercise control*
5 *of any building***[**, structure or complex of buildings or structures**]**
6 *or project* in which there is rented or offered for rent housing space
7 for living or dwelling purposes under either a written or oral
8 lease, provided that this definition shall not include owner-occupied
9 two **[and three]** unit premises. *This definition shall include but not*
10 *be limited to any multiple dwelling subject to the "Hotel and*
11 *Multiple Dwelling Law"* (P. L. 1967, c. 76; C. 55:13A-1 et seq.).

12 *The term "project" as used in this act shall mean a group of*
13 *buildings which are or are represented to be under common or*
14 *substantially common ownership and which stand on a single parcel*
15 *of land or parcels of land which are contiguous and which group*
16 *of buildings is named, designated or advertised as a common entity.*
17 *The contiguity of such parcels shall not be adversely affected by*
18 *public rights-of-way incidental to such buildings.*

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

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

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~~]~~ *in the case of a one-dwelling unit rental or a two*
 8 *dwelling unit non-owner occupied premises, or with the Bureau of*
 9 *Housing Inspection in the Department of Community Affairs in the*
 10 *case of a multiple dwelling as defined in section 3 of the "Hotel and*
 11 *Multiple Dwelling Law" (C. 55:13A-3), a certificate of regis-*
 12 *tration on forms prescribed by the Commissioner of Community*
 13 *Affairs, which shall contain the following information:*

14 a. The name and address of the record owner or owners of the
 15 premises and the record owner or owners of the rental business if
 16 not the same persons. *In the case of a partnership the names of all*
 17 **[partners, both]* general *[and limited]* *partners*, shall be*
 17A *provided;*

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

19A c. If the address of any record owner is not located in the county
 20 in which the premises are located, the name and address of a person
 21 who resides in ***[or has an office in]*** in the county in which the
 22 premises are located and is authorized to accept notices from a
 23 tenant and to issue receipts therefor and to accept service of pro-
 24 cess on behalf of the record owner;

25 d. The name and address of the managing agent of the premises,
 26 if any;

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

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

39 g. The name and address of every holder of a recorded mort-
 40 gage on the premises~~].~~;

41 h. If fuel oil is used to heat the building and the landlord fur-
 42 nishes the heat in the building, the name and address of the fuel

43 oil dealer servicing the building and the grade of fuel oil
43A used[.]*[*;]* *.*

44 *[*i. Such additional information as the commissioner may pre-
45 scribe and which shall be reasonably necessary to assist tenants in
46 securing their rights under the laws of the State, to provide for the
47 administration and enforcement of the "Hotel and Multiple
48 Dwelling Law," or to provide for the administration and enforce-
49 ment of municipal housing, property maintenance or fire prevention
50 maintenance codes or the "State Uniform Construction Code Act"
51 (P. L. 1975, c. 217; C. 52:27D-119 et seq.)]*

52 [Every landlord hereby required to file a registration statement
53 as described in this section hereinabove shall file an amended regis-
54 tion statement within 7 days after any change in the foregoing
55 information required to be included thereon.]

1 3. (New section) In the case of a filing under section 2 of P. L.
2 1974, c. 50 (C. 46:8-28) with the municipal clerk, the clerk shall
3 index and file the certificate and make it reasonably available for
4 public inspection. In the case of a filing with the Bureau of
5 Housing Inspection, the filing shall be accompanied by *[*a]* *the*
6 filing fee *[*of \$10.00 for each building]* *required pursuant to
7 section 12 of P. L. 1967, c. 76 (C. 55:13A-12)*. The bureau shall
8 review the certificate and, if it found to be in conformity with this
9 law and any regulations promulgated hereunder, validate the cer-
10 tificate and issue a validated copy to the landlord and a validated
11 copy to the clerk of the municipality in which the building or project
12 is located. The clerk shall index the validated certificates and make
13 them available as with the certificates required of one and two
13A dwelling unit nonowner occupied premises.

14 4. (New section) Every landlord required to file a certificate of
15 registration as described in section 2 of P. L. 1974, c. 50 (C. 46:8-28)
16 shall file an amended certificate of registration within 20 days
17 after any change in the information required to be included
18 thereon. No fee shall be required for the filing of an amendment
19 except where the ownership of the premises is changed.

20 5. Section 3 of P. L. 1974, c. 50 (C. 46:8-29) is amended to read
21 as follows:

22 3. Within 30 days following the effective date hereof, and at
23 the time of the creation of a new tenancy, every landlord shall
24 provide each occupant or tenant in his [dwelling a written state-
25 ment containing all the information required to be filed in accord-
26 ance with section 2. of this act] *building or project a copy of the*
27 *certificate *[*or]* *of* registration required by section 2 of this act*

28 (C. 46:8-28). [Commencing 30 days following the effective date
 29 hereof, the information shall also be posted at all times in the
 30 lobby or other conspicuous place on the premises. In the event
 31 that any information contained in said statement shall change.]
 32 *If an amended certificate is filed* the landlord shall [advise each
 33 occupant or tenant of the change in writing within 30 days and
 34 correct the information posted within 7 days after said change.]
 35 *furnish each occupant or tenant with a copy of the amended*
 36 *certificate within 7 days after the amended certificate is filed with*
 37 *the municipal clerk in the case of a tenant occupied one family*
 38 *dwelling or a non-owner occupied two family dwelling and within*
 39 *7 days of receipt of a validated certificate from the Bureau of*
 40 *Housing Inspection in the case of a building or project subject*
 41 *to the "Hotel and Multiple Dwelling Law" (P. L. 1967, c. 76;*
 42 *C. 55:13A-1 et seq.).* *[A current validated certificate shall be
 43 posted at all times in the lobby or other conspicuous place on the
 44 premises of any building or project which is a multiple dwelling.
 45 The posted certificate shall be reasonably protected from removal,
 46 alteration, defacement or damage by the elements in such manner
 47 as the commissioner may, pursuant to the authority delegated by
 48 the "Hotel and Multiple Dwelling Law," prescribe.]*

1 6. Section 12 of P. L. 1967, c. 76 (C. 55:13A-12) is amended to
 2 read as follows:

3 12. (a) [Within 90 days of the effective date of this act, and
 4 thereafter as required by subsection (c) of this section, the] *The*
 5 *owner of each hotel, or of each multiple dwelling occupied or*
 6 *intended to be occupied by three or more persons living indepen-*
 7 *dently of each other, shall file with the [commissioner, upon forms*
 8 *provided by the commissioner, an application for a certificate of*
 9 *registration.]*

10 **[Bureau of Housing Inspection in the certificate of registration*
 11 *required pursuant to section 2 of P. L. 1974, c. 50 (C. 46:8-28)]**
 12 **commissioner, upon forms provided by the commissioner, a cer-*
 13 *tificate of registration*. *Each such certificate of registration shall*
 14 *be accompanied by a fee of \$10.00 and shall include such informa-*
 15 *tion as the commissioner shall prescribe to enforce the provisions*
 16 *of this law; provided, however, that in the case of a multiple dwell-*
 17 *ing, the information required shall be **[the same as]** **at*
 18 *least** that required pursuant to section 2 of P. L. 1974, c. 50 (C.*
 19 *46:8-28).** [Each such application shall be accompanied by a fee of
 20 \$10.00 and shall include such information as the commissioner shall
 21 prescribe to enforce the provisions of this law.] Upon the receipt of

22 said **application** *certificate of registration* and fee, the commis-
 23 sioner shall forthwith *validate and* issue to the owner of such hotel
 24 or multiple dwelling a *validated copy of the* certificate of registra-
 25 tion, which **certificate of registration** *validated copy* shall
 26 be kept posted by the owner of such hotel or multiple dwelling
 27 *at all times* in **a conspicuous location therein.** **accordance**
 28 *with the requirements of section 3 of P. L. 1974, c. 50 (C. 46:8-29)******
 29 *the lobby or other conspicuous place on the premises.* *The posted*
 30 *certificate shall be reasonably protected from removal, alteration,*
 31 *defacement or damage by the elements in such manner as the com-*
 32 *missioner may prescribe.* **The certificate of registration shall be**
 33 in such form as may be prescribed by the commissioner.

34 (b) **Within 90 days of the effective date of this act, and,**
 34A thereafter as required by subsection (c) of this section, the **The**
 34B owner of each hotel, or of each multiple dwelling occupied or
 34C intended to be occupied by three or more persons living indepen-
 34D dently of each other shall appoint an agent for the purpose of
 34E receiving service of process and such orders or notices as may
 34F be issued by the commissioner pursuant to this act. Each such
 34G agent so appointed shall be a resident of *the county in which the*
 34H *hotel or multiple dwelling is located or shall have an office in the*
 34I *county.* **this State or a corporation licensed to do business in this**
 34J *State.* **If the agent is a corporation, it shall be licensed to do**
 34K *business in this State.*

35 (c) In the case of any transfer of the ownership in any hotel,
 36 or of any multiple dwelling occupied or intended to be occupied
 37 by three or more persons living independently of each other,
 38 whether by sale, assignment, gift, intestate succession, testate
 39 devolution, reorganization, receivership, foreclosure or execution
 40 process, it shall be the duty of the new owner thereof to file with
 41 the commissioner, within **30** 20 days of said transfer, **an appli-**
 42 **cation for** a certificate of registration pursuant to subsection (a)
 43 of this section, and to appoint an agent for the service of process
 44 pursuant to subsection (b) of this section.

45 (d) In any case where the owner of a hotel or multiple dwelling
 46 subject to the provisions of this act has not fulfilled the require-
 47 ments of this section, the commissioner shall notify the owner of
 48 the violation of this section and order that registration be accom-
 49 plished within 30 days. The notice and order shall include an
 50 accurate restatement of the subsection with which the owner has
 51 not complied. If the owner has not complied with the order of the
 52 commissioner within 30 days, he shall be liable for a penalty of

53 \$200.00 for each registration which the commissioner shall have
 54 ordered. The commissioner may issue a certificate to the clerk of
 55 the superior court that an owner is indebted for the payment of
 56 such penalty and thereupon the clerk shall immediately enter upon
 57 his record of docketed judgments the name of such owner, and of
 58 the State, a designation of the statute under which the penalty is
 59 imposed, the amount of the penalty so certified and the date such
 60 certification was made. The making of the entry shall have the same
 61 force and effect as the entry of the docketed judgment in the office
 62 of such clerk, and the commissioner shall have all of the remedies
 63 and maintain all of the proceedings for the collection thereof which
 64 may be had or taken upon the recovery of a judgment in a civil
 65 action, but without prejudice to the owner's right of appeal.

1 7. Section 13 of P. L. 1971, c. 224 (C. 2A :42-97) is repealed.

1 8. (New section) Nothing herein shall require a landlord who
 2 has heretofore complied with all provisions of P. L. 1974, c. 50
 3 (C. 46:8-27 et seq.) or the "Hotel and Multiple Dwelling Law"
 4 (P. L. 1967, c. 76, C. 55:13A-1 et seq.), or both, applicable to any
 5 building or project to register the building or project again pur-
 6 suant to this amendatory and supplementary act. Whenever, after
 7 the effective date of this **amendatory and supplementary** act,
 8 any owner or landlord shall be required to file an amended certifi-
 9 cate of registration pursuant to the provisions of this **amendatory*
 10 *and supplementary** act, the "Hotel and Multiple Dwelling Law,"
 11 or P. L. 1974, c. 50, then that filing shall be in accordance with this
 12 **amendatory and supplementary** act.

1 9. (New section) This **amendatory and supplementary** act
 2 shall not affect any current proceeding, liabilities or penalties in-
 3 volving violations of the sections amended or repealed by this
 4 **amendatory or supplementary** act. All such proceedings, liabili-
 5 ties or penalties existing on the effective date of this **amendatory*
 6 *and supplementary** act shall be commenced or continued and be
 7 proceeded with in all respects as if the section had not been amended
 8 or repealed.

1 10. This act shall take effect ***[6 months]*** **on the one hundreth*
 2 *and eightieth day** after enactment.

5 building or project to register the building or project again pur-
6 suant to this amendatory and supplementary act. Whenever, after
7 the effective date of this act, any owner or landlord shall be
8 required to file an amended certificate of registration pursuant to
9 the provisions of this act, the "Hotel and Multiple Dwelling Law,"
10 or P. L. 1974, c. 50, then that filing shall be in accordance with this
11 act.

1 9. (New section) This act shall not affect any current proceeding,
2 liabilities or penalties involving violations of the sections amended
3 or repealed by this act. All such proceedings, liabilities or penal-
4 ties existing on the effective date of this act shall be commenced
5 or continued and be proceeded with in all respects as if the section
6 had not been amended or repealed.

1 10. This act shall take effect 6 months after enactment.

STATEMENT

Landlords are required to make three separate filings of certain information related to rental housing. These are the registration of any multiple dwelling pursuant to the Hotel and Multiple Dwelling Law, the disclosure statement required by the Landlord Identity Disclosure Act, and the registration with the clerk of the municipality required pursuant to a receivership act (P. L. 1971, c. 224). Each statute has somewhat different requirements but all are designed to ensure the availability the information necessary to enforce housing codes and secure the rights of tenants. This bill combines the three requirements into one which will both simplify filing for landlords and ensure that the most current information is available to all interested persons and agencies.

A3062 (1981)

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3062
with Assembly committee amendment

STATE OF NEW JERSEY

DATED: MAY 14, 1981

This bill consolidates three separate landlord information reports which are presently required by law into one report. It allows a landlord to file one certificate of registration to comply with the reporting requirements of the "Hotel and Multiple Dwelling Law" and the "Landlord Identity Disclosure Act" and it eliminates the registration with the clerk of the municipality required pursuant to a receivership act (P. L. 1971, c. 224) because the certificate of registration which will be on file with the clerk will provide the needed information.

Under the bill, the landlord of a one-dwelling unit rental or a two-dwelling unit rental which is not owner-occupied would file a certificate of registration with the clerk of the municipality. The landlord of a multiple dwelling (3 or more units) would file a certificate of registration with the Bureau of Housing Inspection. The municipal clerk would have a copy of all the certificates filed by landlords in the municipality. The bill also requires that the validated certificate of registration which must be posted by landlords in multiple dwellings under present law must also be protected from removal or damage.

The Assembly Commerce, Industry and Professions Committee amended the bill to provide that a landlord does not have to disclose his limited partners in the certificate of registration. The committee also deleted a provision which would have allowed the Commissioner of the Department of Community Affairs to require landlords to disclose certain information beyond that specifically required by the statute.

Numerous technical amendments were made. For example, the provision requiring the certificate of registration to be posted and protected in multiple dwellings was moved from the "Landlord Identity Disclosure Act" (section 5 of the bill) to the "Hotel and Multiple Dwelling Law" (section 6) because the provision pertains to multiple dwellings and the provision providing for a filing fee of \$10.00 was put back into the "Hotel and Multiple Dwelling Law" (section 6 of the bill) and only referred to in the "Landlord Identity Disclosure Act" (section 3) because the filing fee pertains to hotels as well as to multiple dwellings.

Section 7 of the bill provides for the repeal of section 13 of P. L. 1971, c. 224 (C. 2A:42-97). That section requires a landlord whose rental housing has become subject to the receivership law concerning unsafe and unsanitary rental housing to register and provide certain information concerning the ownership of that rental housing.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3062

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 29, 1981

The Senate committee includes here the Assembly committee statement to Assembly Bill No. 3062 for the purposes of establishing legislative intent:

“This bill consolidates three separate landlord information reports which are presently required by law into one report. It allows a landlord to file one certificate of registration to comply with the reporting requirements of the “Hotel and Multiple Dwelling Law” and the “Landlord Identity Disclosure Act” and it eliminates the registration with the clerk of the municipality required pursuant to a receivership act (P. L. 1971, c. 224) because the certificate of registration will be on file with the clerk to provide the needed information.

Under the bill, the landlord of a one-dwelling unit rental or a two-dwelling unit rental which is not owner-occupied would file a certificate of registration with the clerk of the municipality. The landlord of a multiple dwelling (3 or more units) would file a certificate of registration with the Bureau of Housing Inspection. The municipal clerk would have a copy of all the certificates filed by landlords in the municipality. The bill also requires that the validated certificate of registration which must be posted by landlords in multiple dwellings under present law must also be protected from removal or damage.

The Assembly Commerce, Industry and Professions Committee amended the bill to provide that a landlord does not have to disclose his limited partners in the certificate of registration. The committee also deleted a provision which would have allowed the Commissioner of the Department of Community Affairs to require landlords to disclose certain information beyond that specifically required by the statute.

Numerous technical amendments were made. For example, the provision requiring the certificate of registration to be posted and protected in multiple dwellings was moved from the “Landlord Identity Disclosure Act” (section 5 of the bill) to the “Hotel and Multiple Dwelling Law” (section 6) because the provision pertains to multiple dwellings. The provision providing for a filing fee of \$10.00 was put back into the

“Hotel and Multiple Dwelling Law” (section 6 of the bill) and only referred to in the “Landlord Identity Disclosure Act” (section 3) because the filing fee pertains to hotels as well as to multiple dwellings.

Section 7 of the bill provides for the repeal of section 13 of P. L. 1971, c. 224 (C. 2A:42-97). That section requires a landlord whose rental housing has become subject to the receivership law concerning unsafe and unsanitary rental housing to register and provide certain information concerning the ownership of that rental housing.”

The Senate committee made a technical amendment to the bill. The Senate committee noted that section 2 of the bill amended section 2 of P. L. 1974, c. 50 (C. 46:8-28) which is proposed to be amended by Assembly Bill No. 2036 which is now awaiting action by the Governor. The Senate committee amended the section to incorporate the provisions of Assembly Bill No. 2036 in order to avoid the inadvertent repeal of that provision by this bill.

In addition, the Senate committee amendments clarify that the Commissioner of Community Affairs may require from a multiple dwelling landlord at least that information required of a landlord of a one or two dwelling unit building. This amendment was suggested by the Department of Community Affairs and approved by the sponsor.

FOR IMMEDIATE RELEASE

JANUARY 13, 1982

FOR FURTHER INFORMATION

Dave DeMaio - Bob Dowd

Governor Brendan Byrne has signed the following bills:

S-3391, sponsored by Senator Steven Perskie (D-Atlantic), appropriating \$9,635,000 from the Beaches and Harbor Bond Fund for State projects and State matching grants to local governments. The State and local projects financed by the grants will include research, planning, acquisition, development and restoration of beaches and the construction, maintenance of beach protection and restoration facilities.

S-3542, sponsored by Senator James Caldieri (D-Hudson), empowers Jersey City to impose a local parking tax to help the City close a projected one million dollar budget shortfall. The authorization is similar to one granted to the City of Newark, which has enacted local parking and payroll taxes.

A-3062, sponsored by Assemblyman Robert Hollenbeck (D-Bergen), consolidates three landlord registration requirement laws. Without changing the intent of current State law, the new legislation simplifies present procedures and avoids unnecessary duplication.

A-3700, sponsored by Assemblyman Richard Codey (D-Essex), exempts the New Jersey Sports and Exposition Authority (The Meadowlands Sports Complex) from certain State bidding requirement felt to unnecessarily hamper their operations. Contracts for up to \$4,500 are now exempt from bid advertisement and competitive bidding. Contracts over \$4,500 are only exempt from bid advertisement and competitive bidding when they are for artistic services, professional and technical services, specialized equipment and items unique to the operations of the Sports Authority's facilities.

A-2041, sponsored by Assemblyman Thomas Paterniti (D-Middlesex), permits a person who is part of a group health insurance contract or holds an individual group certificate issued by Blue Cross/Blue Shield or other such medical service organization to retain his group coverage in the case of total disability, and retain his benefits at the same level enjoyed while employed.

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