

55:13A-11

LEGISLATIVE HISTORY CHECKLIST

NJSA 55:13A-11 (Hotel and multiple dwelling regulations  
--exceptions to granted by State--  
notification of tenants)  
LAWS OF 1979 CHAPTER 65

Bill No. A1377

Sponsor(s) Girgenti and others

Date Introduced May 15, 1978

Committee: Assembly Commerce, Industry and Professions

Senate County and Municipal Gov't.

Amended during passage Yes  Amendments during passage denoted by asterisks  
Date of Passage: Assembly Sept. 18, 1978

Senate Jan. 16, 1979

Date of approval April 4, 1979

Following statements are attached if available:

Sponsor statement Yes  No

Committee Statement: Assembly ~~Yes~~  No

Senate Yes  No

Fiscal Note ~~xYes~~  No

Veto message ~~xYes~~  No

Message on signing ~~xYes~~  No

Following were printed:

Reports ~~xYes~~  No

Hearings ~~xYes~~  No

Regulations mentioned in sponsor's statement:  
NJAC 5:10-1.1 et seq.

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## ASSEMBLY, No. 1377

# STATE OF NEW JERSEY

INTRODUCED MAY 15, 1978

By Assemblyman GIRGENTI, Assemblywoman TOTARO, Assemblyman MATTHEWS, Assemblywoman CROCE, Assemblymen PASCULLI, VISOTCKY, CONTILLO, STEWART and JANISZEWSKI

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning the notification of occupants in hotels and multiple dwellings and the public generally of the exceptions granted by the commissioner to certain regulations and amending the "Hotel and Multiple Dwelling Law," approved May 31, 1967 (P. L. 1967, c. 76, C. 55:13A-1 et seq.).

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

1 1. Section 11 of P. L. 1967, chapter 76 (C. 55:13A-11) is amended  
2 to read as follows:

3 11. (a) Upon the application of the owner of any hotel or  
4 multiple dwelling, or any building not constructed for use as a  
5 hotel or multiple dwelling but which has been or shall be converted  
6 or altered to such use, the commissioner may grant exceptions  
7 from the literal requirements of any regulation issued pursuant to  
8 sections 7 and 8 of this act. No such exception shall be granted in  
9 any particular case unless the commissioner shall find: (1) that  
10 strict compliance with any such regulation, if required, would  
11 result in undue hardship to such owner; and (2) that the exception,  
12 if granted, will not unreasonably jeopardize the health, safety and  
13 welfare of intended occupants and the public generally.

14 (b) An application for an exception pursuant to this section  
15 shall be filed in writing with the commissioner, and shall set forth  
16 specifically: (1) a statement of the requirements of the regulation  
17 from which an exception is sought; (2) a statement of the manner  
18 by which strict compliance with said regulation would result in  
19 undue hardship; (3) a statement of the nature and extent of such

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

20 undue hardship; and (4) a statement of feasible alternatives to the  
21 requirements of the regulation which would adequately protect the  
22 health, safety and welfare of the occupants or intended occupants  
23 and the public generally.

24 (c) Within the 30 days next succeeding the receipt by the com-  
25 missioner of an application for an exception, the commissioner  
26 shall grant or deny said application by written order, stating  
27 therein the reason or reasons for the grant or denial of said  
28 application. The commissioner shall maintain records of all appli-  
29 cations for exceptions, and the action taken thereon, and shall  
30 make such records reasonably available for public inspection.

31 \*[(d) *The owner of each hotel or of each multiple dwelling*  
32 *granted an exception to any regulation shall provide to every*  
33 *applicant, intended occupant or occupant of such hotel or multiple*  
34 *dwelling a written notice citing the regulations and stating the*  
35 *exceptions thereto granted by the commissioner to the owner of*  
36 *such hotel or multiple dwelling. Such written notice shall also be*  
37 *posted in a sufficient number of prominent positions in each hotel*  
38 *or multiple dwelling so as to be freely accessible to the occupants*  
39 *of such hotel or multiple dwelling and to the general public.]\**

40 \*(d) *The owner of each hotel or of each multiple dwelling*  
41 *granted an exception to any regulation which shall be deemed to*  
42 *affect the safety of the occupants of the structure by the commis-*  
43 *sioner shall provide to every applicant or occupant of such hotel*  
44 *or multiple dwelling a written notice citing the specific regulation*  
45 *for which an exception has been granted and stating the exceptions*  
46 *thereto granted by the commissioner to the owner of such hotel or*  
47 *multiple dwelling. Such written notice shall, in the case of a hotel*  
48 *or motel, be posted in a prominent place freely accessible to the*  
49 *occupants and to the general public, and, in the case of a multiple*  
50 *dwelling, such written notice shall be attached to the lease \*\*of*  
51 *each affected dwelling unit\*\*, and, in the case of a school dormitory,*  
52 *such written notice shall be attached to the housing agreement\**  
53 *\*\*of each affected housing unit. In the case of exceptions granted*  
54 *to common areas in a multiple dwelling or in a school dormitory,*  
55 *such written notice shall be attached to all leases or housing agree-*  
56 *ments, as appropriate\*\*.*

1 2. This act shall take effect the ninetieth day after enactment.

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24 (c) Within the 30 days next succeeding the receipt by the com-  
 25 missioner of an application for an exception, the commissioner  
 26 shall grant or deny said application by written order, stating  
 27 therein the reason or reasons for the grant or denial of said  
 28 application. The commissioner shall maintain records of all appli-  
 29 cations for exceptions, and the action taken thereon, and shall  
 30 make such records reasonably available for public inspection.

31 (d) *The owner of each hotel or of each multiple dwelling granted*  
 32 *an exception to any regulation shall provide to every applicant,*  
 33 *intended occupant or occupant of such hotel or multiple dwelling*  
 34 *a written notice citing the regulations and stating the exceptions*  
 35 *thereto granted by the commissioner to the owner of such hotel or*  
 36 *multiple dwelling. Such written notice shall also be posted in a*  
 37 *sufficient number of prominent positions in each hotel or multiple*  
 38 *dwelling so as to be freely accessible to the occupants of such hotel*  
 39 *or multiple dwelling and to the general public.*

1 2. This act shall take effect the ninetieth day after enactment.

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#### STATEMENT

Pursuant to the "Hotel and Multiple Dwelling Law," the Department of Community Affairs has issued regulations which establish the minimum standards for hotels and multiple dwellings in this State. The Commissioner of the Department of Community Affairs may grant exceptions to the owners from the literal requirements of these regulations.

This bill provides that an owner of a hotel or multiple dwelling must notify the occupants in writing of any exceptions to the regulations granted to the owner by the Commissioner of the Department of Community Affairs. Examples of occupants covered under this bill would be tenants in garden apartments, high-rises or apartment buildings with three or more units, students in college dormitories, and transient or permanent guests in hotels. Tenants, students and guests in hotels and multiple dwellings should have an opportunity to know what exceptions have been granted on the buildings in which they are residing so that they can decide for themselves whether these exceptions jeopardize their health, safety and welfare or whether these exceptions are of such a nature that they would not want to reside in the building.

A1377 (1979)

SENATE COUNTY AND MUNICIPAL GOVERNMENT  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1377**

with Assembly amendments and Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 4, 1978

The Senate County and Municipal Government Committee includes herein the sponsor's statement for the purposes of legislative intent:

“Pursuant to the ‘Hotel and Multiple Dwelling Law,’ the Department of Community Affairs has issued regulations which establish the minimum standards for hotels and multiple dwellings in this State. The Commissioner of the Department of Community Affairs may grant exceptions to the owners from the literal requirements of these regulations.

This bill provides that an owner of a hotel or multiple dwelling must notify the occupants in writing of any exceptions to the regulations granted to the owner by the Commissioner of the Department of Community Affairs. Examples of occupants covered under this bill would be tenants in garden apartments, high-rises or apartment buildings with three or more units, students in college dormitories, and transient or permanent guests in hotels. Tenants, students and guests in hotels and multiple dwellings should have an opportunity to know what exceptions have been granted on the buildings in which they are residing so that they can decide for themselves whether these exceptions jeopardize their health, safety and welfare or whether these exceptions are of such a nature that they would not want to reside in the building.”

The bill was amended on the floor of the General Assembly to clarify:

1. That only exceptions to regulations which are deemed by the Commissioner of Community Affairs to affect the safety of the occupants shall be subject to the notice requirements; and,

2. That in hotels and motels the notice shall be posted in a prominent place; in multiple dwellings, it shall be attached to the lease; and, in school dormitories, it shall be attached to the housing agreement.

The bill takes effect 90 days after enactment.

The Senate committee amendments were requested by the sponsor, at the suggestion of the New Jersey Builders Association. The amendments would require that the notice be attached to the lease, or the housing agreement, of the dwelling units or the housing units affected by the exception, only. However, in the case of common areas the notice would be required to be attached to all leases and housing agreements.