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LEGISLATIVE HISTORY CHECKLIST

COPY NO. 2

NJSA 46:8-43 to 46:8-49

Laws of 1975 Chapter 310

Bill No. A1060

Sponsor(s) Baer & others

Date Introduced Jan. 31, 1974

Committee: Assembly Commerce, Industry & Professions

Senate Law, Public Safety & Defense

Amended during passage Yes amendments during passage denoted by asterisks

Date of passage: Assembly Feb. 24, 1975; re-enacted Jan. 5, 1976

Senate May 27, 1975; re-enacted Jan. 1976

Date of approval Feb. 19, 1976

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note Yes

Veto message Yes

Message on signing Yes

Following were printed:

Reports

Hearings Yes

974.90 New Jersey. Legislature. Assembly. Commerce, Industry and Professions Committee. Public hearing on A58...A1060
H842
1974 March 5, 1974.

See also:

974.90 New Jersey. Division of Housing and Urban Development.
H842 A guide to the landlord-tenant relationship. Trenton, 1975.
1975f

10/4/76

MAY 1977

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ASSEMBLY, No. 1060

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblymen BAER, HOLLENBECK, MARTIN, CONTILLO
and VISOTCKY

Referred to Committee on Commerce, Industry and Professions

AN ACT regarding the rights of tenants and landlords, and
supplementing Title 46 of the Revised Statutes.

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

1 1. This act shall be known and may be cited as "The Truth-in-
2 Renting Act."

1 ***[2.** The Department of Community Affairs shall, as soon as
2 practicable following the effective date of this act and annually
3 thereafter, after public hearing, prepare a statement of the primary
4 legal rights and responsibilities of tenants and landlords of residen-
5 tial rental units and make such statement available at cost to the
6 public.]*

7 *2. *As used in this act:*

8 a. "Landlord" means any person who rents or leases or offers
9 to rent or lease, for a term of at least 1 month, dwelling units,
10 except dwelling units in rental premises containing not more than
11 two such units, or in owner-occupied premises of not more than
12 three dwelling units, or in hotels, motels or other guest houses
13 serving transient or seasonal guests.

14 b. "Department" means the Department of Community Affairs.

15 c. "Commissioner" means the Commissioner of the Department
16 of Community Affairs.*

1 ***[3.** Every owner of a residential rental unit shall distribute one
2 copy of the annual statement to every tenant within 30 days after
3 it has been made available by the Department of Community
4 Affairs, and shall thereafter provide a copy of the current state-

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

5 ment to each new tenant at the time he assumes occupancy of the
6 premises. In addition, a copy of the current statement shall be
7 posted in a prominent and accessible place and in a common area
8 by the owner.】*

9 *3. a. The department shall, as soon as practicable and annually
10 thereafter, after public hearing, prepare and make available at cost
11 to the public***【:】***

12 ***【(1)】*** a statement, in a form and size suitable for posting
13 and distributing pursuant to the provisions of this act, of the
14 primary, clearly established legal rights and responsibilities of
15 tenants and landlords of rental dwelling units***【; and】***. The
15A statement shall serve as an informational document, and nothing
15B therein shall be construed as binding on or affecting a judicial
15C determination under section 6 of this act of what constitutes a
15D lease provision which violates clearly established legal rights of
15E tenants or responsibilities of landlords.***

16 ***【(2) a listing of types of lease provisions which, if included
17 in a written lease, would substantially misrepresent such legal
18 rights and responsibilities.】***

19 b. Where practical considerations make it necessary for the
20 department to limit the extent of the statement ***【or listing in
21 subsection a. of this section.】*** items to be included shall be
22 selected on the basis of the importance of their inclusion in pro-
23 tecting the rights of the public.*

24 ***【**c. Landlords and tenants may submit leases for advisory
25 comment by the department. The department shall review such
26 leases in relation to their aptness under subsection a. (2) of this
27 section; such review shall, however, not be final or binding. The
28 department may charge a reasonable fee for this review. The
29 results of this review shall be a public record.**】***

1 *【4. The current statement shall also be attached by the owner
2 to, and shall become a part of, every written lease for a residential
3 rental unit entered into after this act takes effect.】*

4 *4. Every landlord shall distribute one copy of the statement
5 prepared and made available pursuant to the provisions of this
6 act to each of their tenants within 30 days after it has been made
7 available by the department and shall thereafter provide a copy
8 of the current statement to each new tenant at or prior to the time
9 he assumes occupancy of the dwelling. In addition, every landlord
10 shall keep a copy of the current statement posted in one or more
11 locations so that the statement is prominent and accessible to all
12 his tenants.*

1 ***[5. Failure to distribute, attach or post the official Department**
 2 **of Community Affairs statement as required by this act shall**
 3 **subject the landlord to a civil penalty of not more than \$500.00**
 4 **for each violation which shall be sued for and recovered by and in**
 5 **the name of the Commissioner of the Department of Community**
 6 **Affairs in a civil action by a summary proceeding under the**
 7 **Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).]***

8 **5. Any landlord who violates any provision of this act***, con-*
 9 *trary to the legal rights of tenants,*** shall be liable*
 9A *to a penalty of not more than \$100.00 for each offense. Such*
 10 *penalty shall be collected and enforced by summary proceedings*
 11 *pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1*
 12 *et seq.). The county district court of the county in which the rental*
 13 *premises are located shall have jurisdiction over such proceedings.*
 14 *Process shall be in the nature of a summons or warrant, and shall*
 15 *issue upon the complaint of the commissioner, the Attorney Gen-*
 16 *eral, or any other person.**

1 ***[6. Any written lease which substantially misrepresents the**
 2 **prerogatives of the landlord or denies the rights of the tenants shall**
 3 **not be binding on the tenant and shall be unenforceable in the**
 4 **courts of this State.]***

5 **6. No landlord shall offer to any tenant or prospective tenant*
 6 *or enter into any written lease **after the effective date of this*
 7 *act** which includes a lease provision ***[of the type contained*
 8 *in the listing prepared by the department pursuant to the pro-*
 9 *visions in section 3a of this act]*** *** which violates clearly*
 10 *established legal rights of tenants or responsibilities of landlords*
 11 *as established by the law of this State at the time the lease is*
 12 *signed.*** A tenant shall have the right ***to petition a court of*
 13 *competent jurisdiction*** to terminate a lease containing any such*
 14 *provision ***[**and quit the premises** upon 30 days notice to*
 15 *the landlord]***. Nothing contained herein shall limit any rights*
 16 *or remedies a tenant may have under a lease.*

17 *No landlord shall be liable to any penalty under section 5 of this*
 18 *act nor any lease termination by a tenant under section 6 of this*
 19 *act, for any lease provision in violation of section 6 of this act*
 20 *where the proposal to include such lease provision originated from*
 21 *the tenant and not such landlord.**

1 7. No waiver or refusal by a tenant of his right to receive a
 2 copy of the ***[Department of Community Affairs]*** statement as
 3 provided herein shall alter the responsibilities of the landlord
 4 under any provision of this act.

1 ***[8. This act shall not apply to owner-occupied two-family**
2 **homes.]***

3 *8. *This act shall take effect 6 months after enactment, except*
4 *that section 3, and steps necessary for its implementation, shall*
5 *take effect immediately.**

1 ***[9. This act shall take effect immediately.]***

ASSEMBLY, No. 1060

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblymen BAER, HOLLENBECK, MARTIN, CONTILLO
and VISOTCKY

Referred to Committee on Commerce, Industry and Professions

AN ACT regarding the rights of tenants and landlords, and
supplementing Title 46 of the Revised Statutes.

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

1 1. This act shall be known and may be cited as "The Truth-in-
2 Renting Act."

1 2. The Department of Community Affairs shall, as soon as
2 practicable following the effective date of this act and annually
3 thereafter, after public hearing, prepare a statement of the primary
4 legal rights and responsibilities of tenants and landlords of residen-
5 tial rental units and make such statement available at cost to the
6 public.

1 3. Every owner of a residential rental unit shall distribute one
2 copy of the annual statement to every tenant within 30 days after
3 it has been made available by the Department of Community
4 Affairs, and shall thereafter provide a copy of the current state-
5 ment to each new tenant at the time he assumes occupancy of the
6 premises. In addition, a copy of the current statement shall be
7 posted in a prominent and accessible place and in a common area
8 by the owner.

1 4. The current statement shall also be attached by the owner
2 to, and shall become a part of, every written lease for a residential
3 rental unit entered into after this act takes effect.

1 5. Failure to distribute, attach or post the official Department
2 of Community Affairs statement as required by this act shall
3 subject the landlord to a civil penalty of not more than \$500.00
4 for each violation which shall be sued for and recovered by and in
5 the name of the Commissioner of the Department of Community
6 Affairs in a civil action by a summary proceeding under the
7 Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

1 6. Any written lease which substantially misrepresents the pre-
2 rogatives of the landlord or denies the rights of the tenants shall
3 not be binding on the tenant and shall be unenforceable in the
4 courts of this State.

1 7. No waiver or refusal by a tenant of his right to receive a
2 copy of the Department of Community Affairs statement as
3 provided herein shall alter the responsibilities of the landlord
4 under any provision of this act.

1 8. This act shall not apply to owner-occupied two-family homes.

1 9. This act shall take effect immediately.

STATEMENT

The law presently provides fines to protect consumers from deception. This act attempts to afford similar protection to tenants in one of the areas where they are most frequently victimized: the misrepresentation by landlords of tenants' legal rights and responsibilities.

The State will define, in easily understood terms, the primary rights and responsibilities of tenants and landlords. If any landlord fails to distribute the State's statement of rights and responsibilities to tenants, or misrepresents tenants' rights in a rental agreement, such landlord will become liable to civil penalties and voiding of the rental agreement.

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**ASSEMBLY COMMERCE, INDUSTRY AND
PROFESSIONS COMMITTEE**

STATEMENT TO
ASSEMBLY, No. 1060

—•—
STATE OF NEW JERSEY
—•—

DATED: FEBRUARY 10, 1975

This bill provides that the Department of Community Affairs shall, after public hearing, prepare and make available at cost to the public a statement, suitable for posting and distribution, of the primary, clearly established legal rights and responsibilities of tenants and landlords of rental dwelling units and a listing of types of lease provisions which, if included, in a written lease, would substantially misrepresent such legal rights and responsibilities. Every landlord shall distribute one copy of the statement to each of their tenants within 30 days after it has been made available by the department and shall thereafter provide a copy of the current statement to each new tenant at or prior to the time he assumes occupancy of the dwelling. In addition, every landlord shall keep a copy of the current statement posted in one or more locations so that the statement is prominent and accessible to all tenants. No landlord shall offer to any tenant or prospective tenant or enter into any written lease which includes a lease provision of the type contained in the listing prepared by the department. A tenant shall have the right to terminate a lease containing any such provision upon 30 days notice to the landlord. Nothing in this bill shall limit any rights or remedies a tenant may have under a lease. No landlord shall be liable to any penalty nor any lease termination by a tenant for any lease provision in violation of this act where the proposal to include such lease provision originated from the tenant and not such landlord. Any landlord who violates any provision of this act shall be liable to a penalty of not more than \$100.00 for each offense.

SENATE LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1060

STATE OF NEW JERSEY

DATED: APRIL 24, 1975

This bill is adequately explained by the Assembly Commerce Industry and Professions Committee Statement accompanying the bill with the exception that the bill was further amended in the Senate Committee to provide that the Department of Community Affairs is empowered to render advisory, nonbinding opinions on lease provisions on request and at reasonable cost, which review is a public record.

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FISCAL NOTE TO
ASSEMBLY, No. 1060

STATE OF NEW JERSEY

DATED: APRIL 30, 1974

Assembly Bill No. 1060 is designated "The Truth-in-Renting Act" and prescribes the rights of tenants and landlords.

Considering that the annual preparation of a statement of primary rights of tenants and landlords shall be made available "at cost", the Department of Community Affairs estimates that revenues will offset the expenses involved and that enactment of this legislation, therefore, would have no fiscal impact. This estimate is based on the operating experience of the Bureau of Housing Inspection Multiple Dwelling Program and is further based on the assumption that the program will be limited to multiple dwellings.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

STATE OF NEW JERSEY

EXECUTIVE DEPARTMENT

December 15, 1975

ASSEMBLY BILL NO. 1060 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1060 (2nd OCR) with my objections for reconsideration.

This bill directs the Department of Community Affairs to prepare annually a document explaining the rights and responsibilities of residential tenants and landlords. Each landlord would be required to distribute these documents to tenants and prominently post a current document. This process will inform tenants of their rights so that they are better able to protect their own interests, and it will provide helpful guidance for landlords.

This bill also authorizes the Department of Community Affairs to conduct non-binding reviews of lease provisions submitted by tenants and landlords. In addition the bill provides that a tenant would have the right on his own to terminate a lease, after 30 days notice, if the lease includes a provision of the type contained in the Department of Community Affairs legal rights document, and it subjects a landlord to a summary judicial imposition of a fine of up to \$100.00 for each violation of the provisions of the act.

Through these deterrent provisions, the bill would thrust the Department of Community Affairs into a quasi-judicial role affecting the resolution of landlord-tenants disputes. I question whether that is a proper role for the Department.

I believe the more sensible approach is to limit the role of the Department of Community Affairs to the preparation of an annual landlord-tenant informational document. To deter the use of unfair and illegal lease provisions, courts of appropriate jurisdiction should be authorized to impose penalties of up to \$100.00 for each inclusion of an illegal lease provision and to terminate a lease containing an illegal provision.

Accordingly, I herewith return Assembly Bill No. 1060 (2nd OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 3, line 11: Delete ":"

Page 2, Section 3, line 12: Delete "(1)"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

-2-

Page 2, Section 3, line 15: Delete "; and" and insert ". The statement shall serve as an informational document, and nothing therein shall be construed as binding on or affecting a judicial determination under section 6 of this act of what constitutes a lease provision which violates clearly established legal rights of tenants or responsibilities of landlords."

Page 2, Section 3, lines 16-18: Omit in its entirety

Page 2, Section 3, lines 20-21: After the word "statement" omit "or listing in subsection a. of this section,"

Page 2, Section 3, lines 24-29: Omit in its entirety

Page 3, Section 5, line 8: After the word "act" insert ", contrary to the legal rights of tenants,"

Page 3, Section 6, line 7: After the word "provision" delete "of the type contained in the"

Page 3, Section 6, line 8: Omit in its entirety

Page 3, Section 6, line 9: Omit "section 3a of this act." and insert "which violates clearly established legal rights of tenants or responsibilities of landlords as established by the law of this State at the time the lease is signed."

Page 3, Section 6, line 9: After the word "right" insert "to petition a court of competent jurisdiction"

Page 3, Section 6, line 9A: After the word "provision" delete "and quit the premises"

Page 3, Section 6, line 10: Omit "upon 30 days notice to the landlord"

Respectfully,

/s/ Frank J. Dodd

President of the Senate
ACTING GOVERNOR

[seal]

Attest:

/s/ Charles C. Carella

FROM THE OFFICE OF THE GOVERNOR

FEBRUARY 19, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today a bill designed to strengthen the legal rights of tenants against deceptive practices by landlords.

The measure, A-1060, sponsored by Assemblyman Byron M. Baer, D-Bergen, requires that tenants be given a statement setting forth the primary, clearly established legal rights and responsibilities of tenants and landlords.

The statement would be prepared and published annually by the State Department of Community Affairs.

The bill requires landlords to distribute copies of the statement to all tenants within 30 days after it has been made available by the Department. Thereafter, it must be given to each new tenant either prior to or at the time of occupancy.

Baer said the measure should prevent landlords from including deceptive clauses in leases which might make tenants reluctant to assert their legal rights.

"We have passed several major tenants rights bills over the past two years which have helped restore the balance in landlord-tenant relationships," he said.

"This bill is essential in getting the word out to tenants on the new legislation," he said.

The Governor also signed another bill sponsored by Assemblyman Baer, A-3570, which provides protection for tenants when an apartment building is transformed into a condominium or cooperative and establishes additional conditions for evictions in cases involving redevelopment of blighted areas and the enforcement of health and safety codes.

The measure provides that when an apartment building is being converted to a cooperative or condominium, the tenant in each unit shall have the exclusive right to purchase the unit within 90 days after being notified of the plan.

The bill also requires landlords to provide adequate relocation assistance to tenants who do not choose to purchase a unit.

The measure provides for a three-year notice before eviction proceedings can begin, or for a longer period if the landlord fails to provide adequate relocation assistance. It also provides for the payment of moving expenses in the form of a waiver of one month's rent.

Baer said the conversion of apartments to cooperatives or condominiums is becoming more frequent.

"If it is unregulated, it could cause serious hardships to tenants," he said.

He said the legislation had the support of both landlords and tenants.
