

55:13A-1 et seq.

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April 30, 1971

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LEGISLATIVE HISTORY OF R.S. 55:13A-1 et seq.  
55:13A-3  
55:13A-6  
55:13A-8  
55:13A-12 to 13A-15  
55:13A-17 to 13A-20

(Hotels & multiple dwellings - Inspections & licensing)

(1970 amendment)

Problems related to the Multiple Dwelling Code discussed at:

974.90 N.J. Landlord-Tenant Relationship Study Commission.  
H842 Public hearings ....  
1969

974.90 N.J. Landlord-Tenant Relationship Study Commission.  
H842 Interim report. April 1970.  
1970

L. 1970, Chapter 138 - A962  
Introduced April 23, 1970 by Parker, Owens, Merlino,  
Kean & others.  
Amended by Assembly Committee (copy enclosed).  
Amended in Assembly (copy enclosed).  
No statement.  
Governor made statement on signing (copy enclosed).

Periodical notations on this bill:

Listed as "opposed" with reasons, in:

974.905 New Jersey Assn. of Realtor Boards.  
R286 New Jersey Realtor. May 1970, p. 3 (cop. enc.)

Listed as "favor as amended":

974.905 New Jersey Assn. of Realtor Boards.  
R286 New Jersey Realtor. June 1970, p. 3 (cop. enc.)

Newspapers clippings - V.F. - N.J. - Housing

"Legislature passes housing code" TET 6/23/70.  
"Sanate OKs new code for hotels." NEN 6/23/70.  
"New law strengthens code enforcement program." TET 7/10/70.  
"Cahill OK's inspection measure." NEN 7/10/70.  
(copies of the above clippings are enclosed).

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CHAPTER 138 LAWS OF N. J. 1970

APPROVED 7/9/70

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 962

STATE OF NEW JERSEY

INTRODUCED APRIL 23, 1970

By Assemblymen PARKER, OWENS, MERLINO, KEAN, KALTENBACHER, WILSON, DENNIS, CAPUTO, FIORE, GOLDFARB, RINALDI, MABIE, COBB, Assemblywoman MARGETTS, Assemblymen DAWES, FRIEDLAND, DEVERIN and FAY

Referred to Committee on Commerce, Industry and Professions

AN ACT to amend "An act providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law," approved May 31, 1967 (P. L. 1967, c. 76) and repealing section 14 thereof.

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

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

3 1. This act shall be known as, and may be cited as, the "Hotel  
4 and Multiple Dwelling [Health and Safety] Law [of 1967]."

1 2. Section 3 of P. L. 1967, chapter 76 (C. 55:13A-3) is amended  
2 to read as follows:

3 3. The following terms whenever used or referred to in this act  
4 shall have the following respective meanings for the purposes of  
5 this act, except in those instances where the context clearly indicates  
6 otherwise:

7 (a) The term "act" shall mean this act, any amendments or  
8 supplements thereto, and any rules and regulations promulgated  
9 thereunder.

10 (b) The term "accessory building" shall mean any building  
11 which is used in conjunction with the main building of a hotel,  
12 whether separate therefrom or adjoining thereto, and which  
13 contains one or more units of dwelling space.

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

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

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

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4 and Multiple Dwelling **[Health and Safety]** Law **[of 1967]**."

1 2. Section 3 of P. L. 1967, chapter 76 (C. 55:13A-3) is amended  
2 to read as follows:

3 3. The following terms whenever used or referred to in this act  
4 shall have the following respective meanings for the purposes of  
5 this act, except in those instances where the context clearly indicates  
6 otherwise:

7 (a) The term "act" shall mean this act, any amendments or  
8 supplements thereto, and any rules and regulations promulgated  
9 thereunder.

10 (b) The term "accessory building" shall mean any building  
11 which is used in conjunction with the main building of a hotel,  
12 whether separate therefrom or adjoining thereto**[, and which**  
13 **contains one or more units of dwelling space]**.

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

14 (c) The term "board" shall mean the Hotel and Multiple Dwell-  
 15 ing Health and Safety Board created by subsection (a) of section  
 16 5 of this act in the Division of Housing and Urban Renewal of the  
 17 Department of Community Affairs.

18 (d) The term "bureau" shall mean the Bureau of Housing  
 19 Inspection in the Division of Housing and Urban Renewal of the  
 20 Department of Community Affairs.

21 (e) **【**The term "central heating" shall mean the provision of  
 22 heat throughout a building or structures by means of one or more  
 23 heating units or furnaces centrally located in said building, rather  
 24 than by means of individual heating units or furnaces located in  
 25 some or all of the dwelling units in said building or structure.**】**

26 *(Deleted by amendment.)*

27 (f) The term "commissioner" shall mean the Commissioner of  
 28 the Department of Community Affairs.

29 (g) The term "department" shall mean the Department of  
 30 Community Affairs.

31 (h) The term "unit of dwelling space" or the term "dwelling  
 32 unit" shall mean any room or rooms, or suite or apartment thereof,  
 33 whether furnished or unfurnished, which is occupied, or intended,  
 34 arranged or designed to be occupied, for sleeping or dwelling  
 35 purposes by one or more persons, including but not limited to the  
 36 owner thereof, or any of his servants, agents or employees, and  
 37 shall include all privileges, services, furnishings, furniture, equip-  
 38 ment, facilities and improvements connected with the use or  
 39 occupancy thereof.

40 (i) The term "protective equipment" shall mean any equipment,  
 41 device, system or apparatus, whether manual, mechanical, electrical  
 42 or otherwise, permitted or required by the commissioner to be  
 43 constructed or installed in any hotel or multiple dwelling for the  
 44 protection of the occupants or intended occupants thereof, or of  
 45 the public generally.

46 (j) The term "hotel" shall mean any building, including but not  
 47 limited to any related structure, accessory building, and land  
 48 appurtenant thereto, and any part thereof, which~~—~~**】**

49 **【**(1) Is kept, used, maintained, advertised as, or held out  
 50 to be, or intended to be kept, used, maintained, advertised as,  
 51 or held out to be, a place where sleeping or dwelling accom-  
 52 modations are available, for valuable consideration, to transient  
 53 or permanent guests, and in which 10 or more units of dwelling  
 54 space are rented, or intended to be rented, for the accommoda-  
 55 tion of such guests; or,**】**

56           [(2) Is rented for hire to 25 or more persons for sleeping  
57           or dwelling accommodations.]

58 *contains 10 or more units of dwelling space or has sleeping facilities*  
59 *for 25 or more persons and is kept, used, maintained, advertised*  
60 *as, or held out to be, a place where sleeping or dwelling accom-*  
61 *modations are available to transient or permanent guests.*

62       This definition shall also mean and include any motor hotel,  
63 motel, or established guesthouse which is commonly regarded as  
64 a motor hotel, motel, or established guesthouse, as the case may  
65 be, in the community in which it is located; provided, that this  
66 definition shall not be construed to include any building or structure  
67 defined as a multiple dwelling in this act, registered as a multiple  
68 dwelling with the Commissioner of Community Affairs as herein-  
69 after provided, and occupied or intended to be occupied [exclu-  
70 sively] as such.

71       (k) The term "multiple dwelling" shall mean any building or  
72 structure of one or more stories [with or without central heating,]  
73 and any land appurtenant thereto, and any portion thereof, in  
74 which three or more units of dwelling space are [sold, rented or  
75 leased for occupancy, or are intended to be sold, rented or leased  
76 for occupancy, or are] occupied, *or are intended to be occupied* by  
77 three or more [families] *persons* who live independently of each  
78 other, [and who do their cooking upon the premises.] *provided,*  
79 *that this definition shall not be construed to include any building*  
80 *or structure defined as a hotel in this act, or, registered as a hotel*  
81 *with the Commissioner of Community Affairs as hereinafter*  
82 *provided, or occupied or intended to be occupied exclusively as such.*

83       [This definition shall also mean and include a group of two or  
84 more buildings or structures with central heating, and any land  
85 appurtenant thereto, and any portion thereof, in which units of  
86 dwelling space are sold, rented or leased for occupancy, or are  
87 intended to be sold, rented or leased for occupancy, or are occupied  
88 by six or more families who live independently of each other and  
89 who do their cooking upon the premises, and which are commonly  
90 known as "garden apartments;" provided that this definition shall  
91 not be construed to include any building or structure defined as a  
92 hotel in this act, registered as a hotel with the Commissioner of  
93 Community Affairs as hereinafter provided, and occupied or  
94 intended to be occupied exclusively as such.]

95       (l) The term "owner" shall mean the person[, association or  
96 corporation, or group thereof,] who [own] *owns*, [the fee simple  
97 interest in] *purports to own, or exercises control of* any hotel or  
98 multiple dwelling.

99 (m) The term "person" shall mean any individual, corporation,  
100 association, or other entity, as defined in R. S. 1:1-2.

101 (n) The term "continuing violation" shall mean any violation  
102 of this act or any regulation promulgated thereunder where notice  
103 is served within 2 years of the date of service of a previous notice  
104 and where violation, premise and person cited in both notices are  
105 substantially identical.

106 \*(o) The term "project" shall mean a group of buildings subject  
107 to the provisions of this act which are or are represented to be  
108 under common or substantially common ownership and which stand  
109 on a single parcel of land or parcels of land which are contiguous  
110 and which group of buildings is named, designated or advertised  
111 as a common entity. The contiguity of such parcels shall not be  
112 adversely affected by public rights-of-way incidental to such  
113 buildings.\*

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

3 6. The commissioner is hereby granted and shall have and ex-  
4 ercise, in addition to other powers herein granted, all the powers  
5 necessary and appropriate to carry out and execute the purposes  
6 of this act, including but not limited to, the power:

7 (a) To provide owners or groups of owners with such advisory  
8 consultation and educational services as will assist said owners or  
9 groups of owners to discharge their responsibilities under this  
10 act, and to suggest to said owners or groups of owners methods  
11 and procedures by which they may develop and implement health  
12 and safety programs;

13 (b) To enter and inspect, without prior notice, any hotel or  
14 multiple dwelling, and to make such investigation as is reasonably  
15 necessary to carry out the provisions of this act;

16 (c) To administer and enforce the provisions of existing law,  
17 and any amendments and supplements thereto, and any rules or  
18 regulations promulgated thereunder, concerning the regulation of  
19 multiple dwellings, also commonly known as tenements, and  
20 hotels;

21 (d) To issue subpoenas to any person subject to this act which  
22 shall compel attendance at any hearing as a witness and shall [To  
23 require the ] compel production of such reports, documents, books  
24 or papers [of the owner of any hotel or multiple dwelling], in  
25 any part of the State before the commissioner or a member of the  
26 department designated by him, as the commissioner may deem  
27 necessary to implement the purposes of this act[;]. In any case  
28 where a person neglects or refuses to obey the command of such

29 *subpæna, the commissioner may apply exparte to the Superior*  
 30 *Court for an order compelling a person to testify or to produce*  
 31 *files, books, papers, documents or other objects in accordance with*  
 32 *the subpæna issued by the commissioner and, in addition, said per-*  
 33 *son shall be subject to a penalty of \$100.00 for each instance in which*  
 34 *he does not comply with the subpæna issued by the commissioner,*  
 35 *said penalty to be recovered pursuant to section 18 of this act.*

36 (e) To issue and promulgate such rules and regulations as the  
 37 commissioner may deem necessary to implement the purposes of  
 38 this act, which rules and regulations shall have the force and effect  
 39 of law until revised, repealed or amended from time to time by the  
 40 commissioner in the exercise of his discretion; provided, that any  
 41 such rules and regulations shall be filed with the Secretary of State;

42 (f) To enforce and administer the provisions of this act, enter  
 43 complaints against any person[, association or corporation] vio-  
 44 lating the provisions of this act, and to prosecute *or cause to be*  
 45 *prosecuted* violations of the provisions of this act[; and] *in ad-*  
 46 *ministrative hearings and civil action in State or local courts;*

47 (g) To *assess penalties and to* compromise and settle any claim  
 48 for a penalty for any violation of the provisions of this act in such  
 49 amount in the discretion of the commissioner as may appear ap-  
 50 propriate and equitable under all of the \***[circumstances]**\* *\*cir-*  
 51 *cumstances\** of said violation *in any of the actions or proceeding*  
 52 *mentioned in subsection f;*

53 (h) To *institute an in rem action against the property upon which*  
 54 *a violation exists in cases where the owner, after diligent effort,*  
 55 *cannot be served;*

56 (i) To *institute a quasi-in rem action against the owner by attach-*  
 57 *ment of the property upon which a violation exists, followed by*  
 58 *service by publication, in cases where the owner, after diligent*  
 59 *effort, cannot be served;*

60 (j) To *hold and exercise all the rights and remedies available*  
 61 *to a judgment creditor where a judgment lien arises as a result of a*  
 62 *penalty action or an administrative proceeding taken pursuant to*  
 63 *enforcement of this act.*

1 4. Section 8 of P. L. 1967, chapter 76 (C. 55:13A-8) is amended  
 2 to read as follows:

3 8. (a) **[The commissioner shall, within the 180 days next succeed-**  
 4 **ing the effective date of this act, transmit copies of the proposed**  
 5 **regulations required to be issued and promulgated by section 7 of**  
 6 **this act, to the board for its review and recommendations. Within**  
 7 **30 days of the receipt of copies of said proposed regulations, the**  
 8 **board shall provide the commissioner with such written recom-**  
 9 **mendations thereon as it may have.]**

10 *Prior to the adoption, amendment, or repeal of any regulations*  
11 *pursuant to this act, the commissioner shall:*

12 (1) *Transmit copies of the proposed regulations to the board*  
13 *for its review and recommendations. Within 30 days of the*  
14 *receipt of copies of said proposed regulations, the board shall*  
15 *provide the commissioner with such written recommendations*  
16 *thereon as it may have;*

17 (2) *Publish in the New Jersey Register a general notice of*  
18 *intention to promulgate regulations, which notice shall include*  
19 *(1) a reference to the authority under which the regulations*  
20 *are proposed; (2) a statement of the purpose of the proposed*  
21 *regulations; (3) either the terms or substance of the proposed*  
22 *regulations or a description of the subjects and issues involved;*  
23 *(4) a statement that a copy of the proposed regulations may*  
24 *be obtained by any person upon written request to the bureau;*  
25 *and (5) a statement of the date, time and place for a public*  
26 *hearing on the proposed regulations, which date shall not be*  
27 *less than 20 days nor more than 30 days after the publication*  
28 *of the notice of intention to promulgate proposed regulations,*  
29 *and not less than 50 days after transmittal by the commissioner*  
30 *of copies of said proposed regulations to the board.*

31 (b) **Following the receipt by the commissioner of said written**  
32 **recommendations of the board, or upon the expiration of the 30**  
33 **days next succeeding the transmittal by the commissioner of copies**  
34 **of said proposed regulations to the board, the commissioner shall**  
35 **publish, in five newspapers of general circulation throughout this**  
36 **State, a general notice of intention to promulgate proposed regu-**  
37 **lations, which notice shall include (1) a reference to the authority**  
38 **under which the regulations are proposed; (2) a statement of the**  
39 **purpose of the proposed regulations; (3) either the terms or**  
40 **substance of the proposed regulations or a description of the sub-**  
41 **jects and issues involved; (4) a statement that a copy of the pro-**  
42 **posed regulations may be obtained by any person upon written**  
43 **request to the department; and (5) a statement of the date, time**  
44 **and place for a public hearing on the proposed regulations, which**  
45 **date shall not be less than 14 days nor more than 30 days after**  
46 **the publication of the notice of intention to promulgate proposed**  
47 **regulations.]** *(Deleted by amendment.)*

48 (c) Any person**,** association or corporation**]** appearing at said  
49 public hearing shall be afforded an opportunity to be heard, either  
50 through the submission of written data, views, or arguments or  
51 the oral presentation of the same. Upon the expiration of the 30



52 days next succeeding the date of said public hearing, the commis-  
53 sioner shall issue and promulgate the regulations required to be  
54 issued and promulgated by section 7 of this act, either as originally  
55 proposed or as amended or revised by the commissioner subsequent  
56 to said public hearings, which regulations shall be effective on such  
57 date as may be provided therein.

1 5. Section 12 of P. L. 1967, chapter 76 (C. 55:13A-12) is amended  
2 to 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 owner  
5 of each hotel, or of each multiple dwelling occupied or intended  
6 to be occupied by ~~【six】~~ *three* or more ~~【families】~~ *persons living*  
7 *independently of each other*, shall file with the commissioner, upon  
8 forms provided by the commissioner, an application for a certificate  
9 of registration. Each such application shall be accompanied by a  
10 fee of \$10.00 and shall ~~【state:~~ (1) the name and address or principal  
11 place of business of said owner; (2) such description of each hotel  
12 or multiple dwelling, by street number or otherwise, as will enable  
13 the commissioner easily to locate the same; (3) the name and  
14 address or principal place of business of the agent appointed by  
15 said owner pursuant to subsection (b) of this section for the pur-  
16 pose of receiving service of process and other orders or notices;  
17 and (4) the name and address or principal place of business of the  
18 person, association or corporation, if any, which manages or  
19 operates such hotel or multiple dwelling for or on behalf of said  
20 owner. ~~】 include such information as the commissioner shall pre-~~  
21 ~~scribe to enforce the provisions of this law.~~ Upon the receipt of  
22 said application and fee, the commissioner shall forthwith issue to  
23 the owner of such hotel or multiple dwelling a certificate of regis-  
24 tration, which certificate of registration shall be kept posted by  
25 the owner of such hotel or multiple dwelling in a conspicuous loca-  
26 tion therein. The certificate of registration shall be in such form  
27 as may be prescribed by the commissioner.

28 (b) Within 90 days of the effective date of this act, and thereafter  
29 as required by subsection (c) of this section, the owner of each  
30 hotel, or of each multiple dwelling occupied or intended to be  
31 occupied by ~~【six】~~ *three* or more ~~【families】~~ *persons living indepen-*  
32 *dently of each other* shall appoint an agent for the purpose of  
33 receiving service of process and such orders or notices as may be  
34 issued by the commissioner pursuant to this act. Each such agent  
35 so appointed shall be a resident of this State or a corporation  
36 licensed to do business in this State.

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

48 (d) *In any case where the owner of a hotel or multiple dwelling*  
 49 *subject to the provisions of this act has not fulfilled the require-*  
 50 *ments of this section, the commissioner shall notify the owner of*  
 51 *the violation of this section and order that registration be accom-*  
 52 *plished within 30 days. The notice and order shall include an*  
 53 *accurate restatement of the subsection with which the owner has*  
 54 *not complied. If the owner has not complied with the order of the*  
 55 *commissioner within 30 days, he shall be liable for a penalty of*  
 56 *\$200.00 for each registration which the commissioner shall have*  
 57 *ordered. The commissioner may issue a certificate to the clerk of*  
 58 *the superior court that an owner is indebted for the payment of*  
 59 *such penalty and thereupon the clerk shall immediately enter upon*  
 60 *his record of docketed judgments the name of such owner, and of*  
 61 *the state, a designation of the statute under which the penalty is*  
 62 *imposed, the amount of the penalty so certified and the date such*  
 63 *certification was made. The making of the entry shall have the same*  
 64 *force and effect as the entry of the docketed judgment in the office*  
 65 *of such clerk, and the commissioner shall have all of the remedies*  
 66 *and maintain all of the proceedings for the collection thereof which*  
 67 *may be had or taken upon the recovery of a judgment in a civil*  
 68 *action, but without prejudice to the owner's right of appeal.*

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

3 13. (a) The commissioner shall inspect each multiple dwelling  
 4 at least once in every 5 years, and each hotel **[annually]** *at least*  
 5 *once in every 3 years*, for the purpose of determining the extent to  
 6 which each hotel or multiple dwelling complies with the provisions  
 7 of this act and regulations promulgated hereunder.

8 (b) On or before January 1, 1968, and **[on or before January 1**  
 9 **of each year]** *within 90 days of the most recent inspection there-*  
 10 *after, the owner of each hotel shall file with the commissioner, upon*

11 forms provided by the commissioner, an application for a cer-  
 12 tificate of inspection. Said application shall [state: (1) the name  
 13 and address or principal place of business of the owner; (2) such  
 14 description of the hotel, by street number or otherwise, as will  
 15 enable the commissioner easily to locate the same; (3) the number  
 16 of units of dwelling space in said hotel; (4) the maximum number  
 17 of occupants of said units of dwelling space; and (5) the number  
 18 of the occupants of said units of dwelling space as of the date the  
 19 application for a certificate of inspection is filed.] *include such in-*  
 20 *formation as the commissioner shall prescribe to enforce the pro-*  
 21 *visions of this law.* Said application shall be accompanied by a fee  
 22 as follows: [where the number of units of dwelling space is 20 or  
 23 less or where the maximum number of occupants thereof is 25 or  
 24 less, \$10.00; where the number of units of dwelling space is over  
 25 20 and not more than 50 or where the maximum number of occu-  
 26 pants thereof is not in excess of 100 but greater than 25, \$30.00;  
 27 and where the number of units of dwelling space is more than 50  
 28 or where the maximum number of occupants thereof is greater  
 29 than 100, \$50.00] *a basic fee of \$50.00 for the inspection of the*  
 30 *common areas and \$10.00 per unit of dwelling space \* [with] \**  
 31 *\*provided that\* the maximum total fee \*is\* limited to \$350.00 \*for*  
 31A *each building. In the event there are more than three buildings*  
 31B *within a project, the fees for inspection of those buildings in excess*  
 31C *of three shall be as follows: the fee for the fourth building shall*  
 31D *not exceed 1/2 of the fee which could be charged for such inspec-*  
 31E *tion; the fee for the fifth building shall not exceed 1/4 of the fee*  
 31F *which could be charged for such inspection; the fee for the sixth*  
 31G *and all remaining buildings shall not exceed \$50.00 for each such*  
 31H *building, provided that in no event shall the total of such fees for*  
 31I *all buildings within a project exceed \*\*[\$1,250.00]\*\* \*\*\$750.00\*\*.*  
 31J *A certificate of inspection and the fees therefor shall not be re-*  
 31K *quired more often than once every 3 years.\**

32 Within 90 days of the most recent inspection by the commissioner  
 33 of any multiple dwelling occupied or intended to be occupied by  
 34 [six] three or more [families] *persons living independently of*  
 35 *each other \* [occurring prior to January 1 of each calendar year] \*,*  
 36 the owner of each such multiple dwelling shall file with the commis-  
 37 sioner, upon forms provided by the commissioner, an application for  
 38 a certificate of inspection. Said application shall \* [state: (1) the  
 39 name and address or principal place of business of the owner; (2)  
 40 such description of the multiple dwelling, by street number or other-  
 41 wise, as will enable the commissioner easily to locate the same; (3)  
 42 the number of units of dwelling space in said multiple dwelling; (4)

43 the maximum number of families that could occupy said units of  
 44 dwelling space; and (5) the number of families that occupied said  
 45 units of dwelling space as of the date the application for a cer-  
 46 tificate of inspection is filed.] *include such information as the*  
 47 *commissioner shall prescribe to enforce the provisions of this law.*  
 48 Said application shall be accompanied by a fee as follows: [where  
 49 the maximum number of families that could occupy said units of  
 50 dwelling space is six or less, \$10.00; where the maximum number  
 51 of families that could occupy said units of dwelling space is not  
 52 in excess of 20, but greater than six, \$20.00; where the maximum  
 53 number of families that could occupy said units of dwelling space  
 54 is not in excess of 50 but greater than 20, \$30.00; where the maxi-  
 55 mum number of families that could occupy said units of dwelling  
 56 space is not in excess of 100, but greater than 50, \$40.00; and  
 57 where the maximum number of families that could occupy said units  
 58 of dwelling space is greater than 100, \$50.00.] *a basic fee of \$20.00*  
 59 *for the inspection of the common areas and \$15.00 per unit of dwell-*  
 60 *ing space, \* [with] \* \*provided that\* the maximum total fee \*is\**  
 60A *limited to \$350.00 \*for each building. In the event there are more*  
 60B *than three buildings within a project, the fees for inspection of*  
 60C *those buildings in excess of three shall be as follows: the fee for*  
 60D *the fourth building shall not exceed 1/2 of the fee which could be*  
 60E *charged for such inspection; the fee for the fifth building shall*  
 60F *not exceed 1/4 of the fee which could be charged for such inspec-*  
 60G *tion; the fee for the sixth and all remaining buildings shall not*  
 60H *exceed \$50.00 for each such building, provided that in no event*  
 60I *shall the total of such fees for all buildings within a project exceed*  
 60J *\$1,250.00. A certificate of inspection and the fees therefor shall not*  
 60K *be required more often than once every 5 years\*.*

61 (c) If the commissioner determines, as a result of the most recent  
 62 inspection of any hotel or multiple dwelling as required by sub-  
 63 section (a) of this section, that any hotel or multiple dwelling com-  
 64 plies with the provisions of this act and regulations promulgated  
 65 hereunder, then the commissioner shall issue to the owner thereof,  
 66 upon receipt of the application and fee as required by subsection  
 67 (b) of this section, a certificate of inspection. Any owner to whom  
 68 a certificate of inspection is issued shall keep said certificate posted  
 69 in a conspicuous location in the hotel or multiple dwelling to which  
 70 the certificate applies. The certificate of inspection shall be in such  
 71 form as may be prescribed by the commissioner.

72 (d) If the commissioner determines, as a result of the most  
 73 recent inspection of any hotel or multiple dwelling as required by  
 74 subsection (a) of this section, that any hotel or multiple dwelling

75 does not comply with the provisions of this act and regulations  
 76 promulgated thereunder, then the commissioner shall issue to the  
 77 owner thereof, \***[**upon receipt of the application and fee as required  
 78 by subsection (b) of this section,**]**\* a written notice stating the  
 79 manner in which any such hotel or multiple dwelling does not  
 80 comply with this act or regulations promulgated thereunder. Said  
 81 notice shall fix such date, not less than 60 days nor more than 180  
 82 days, on or before which any such hotel or multiple dwelling must  
 83 comply with the provisions of this act and regulations promulgated  
 84 thereunder. If any such hotel or multiple dwelling is made to  
 85 comply with the provisions of this act and regulations promulgated  
 86 thereunder on or before the date fixed in said notice, then the com-  
 87 missioner shall issue to the owner thereof a certificate of inspection  
 88 as described in subsection (c) of this section. If any such hotel or  
 89 multiple dwelling is not made to comply with the provisions of this  
 90 act and regulations promulgated thereunder on or before the date  
 91 fixed in said notice, then the commissioner shall not issue to the  
 92 owner thereof a certificate of inspection as described in subsection  
 93 (c) of this section, and shall enforce the provisions of this act  
 94 against the owner thereof.

1 7. Section 14 of P. L. 1967, chapter 76 (C. 55:13A-14) is hereby  
 2 repealed.

1 8. Section 15 of P. L. 1967, chapter 76 (C. 55:13A-15) is amended  
 2 to read as follows:

3 15. (a) No person**[**, association or corporation**]** shall construct,  
 4 or cause to be constructed, any hotel or multiple dwelling, or any  
 5 units of dwelling space therein, or any protective equipment,  
 6 therein, unless the plans and specifications therefor shall have been  
 7 submitted to, and approved by, the commissioner in accordance  
 8 with the provisions of this act and rules and regulations promul-  
 9 gated thereunder. Upon the approval by the commissioner of any  
 10 such construction plans and specifications submitted to him, the  
 11 person**[**, association or corporation**]** so submitting the plans and  
 12 specifications shall pay to the commissioner a fee as follows:  
 13 where the estimated cost of construction is \$10,000.00 or less,  
 14 \$10.00; where the estimated cost of construction exceeds \$10,000.00,  
 15 an additional fee of **[\$0.25]** \$2.50 shall be paid for each \$1,000.00,  
 16 or fraction thereof, in excess of the first \$10,000.00.

17 (b) No person**[**, association or corporation**]** shall convert or  
 18 alter, or cause to be converted or altered, a building not constructed  
 19 for use as a hotel or multiple dwelling, to such use, or any units  
 20 of dwelling space therein, or any protective equipment therein,  
 21 unless the plans and specifications therefor shall have been sub-

22 mitted to, and approved by, the commissioner in accordance with  
23 the provisions of this act and rules and regulations promulgated  
24 thereunder. Upon the approval by the commissioner of any such  
25 conversion or alteration plans and specifications submitted to him,  
26 the person **[, association or corporation]** so submitting the plans  
27 and specifications shall pay to the commissioner a fee as follows:  
28 where the estimated cost of conversion or alteration is \$10,000.00  
29 or less, \$10.00; where the estimated cost of conversion or altera-  
30 tion exceeds \$10,000.00, an additional fee of **[\$0.25]** \$2.50 shall be  
31 paid for each \$1,000.00, or fraction thereof, in excess of the first  
32 \$10,000.00.

33 **[Where the commissioner makes an inspection of a building not**  
34 **constructed for use as a hotel or multiple dwelling for the purpose**  
35 **of ascertaining the requirements necessary to the conversion or**  
36 **alteration of such building to use as a hotel or multiple dwelling,**  
37 **a fee of \$10.00 shall be charged.]**

38 (c) **[All plans and specifications submitted to the commissioner**  
39 **for his approval pursuant to subsections (a) and (b) of this sec-**  
40 **tion shall be accompanied by a \$5.00 filing fee, which fee shall be**  
41 **in addition to any fee required to be paid to the commissioner**  
42 **upon his approval of said plans and specifications.]**

43 *Upon the approval by the commissioner of the actual construc-*  
44 *tion, conversion, alteration or rehabilitation pursuant to plans filed*  
45 *as required by subsections (a) and (b) of this section, and the sub-*  
46 *mission of the fee specified in subsection (d) of this section, a cer-*  
47 *tificate of occupancy shall be issued and this certificate shall be*  
48 *equivalent to a certificate of inspection.*

49 (d) *The fee for the certificate of occupancy, which fee shall be*  
50 *in addition to any other fee required by this section, shall be as*  
51 *follows:*

52 (1) *For hotels, where the maximum number of units of*  
53 *dwelling space is 20 or less or where the maximum number of*  
54 *occupants thereof is 25 or less, \$150.00; where the number of*  
55 *units of dwelling space is over 20 and not more than 50 or*  
56 *where the maximum number of occupants thereof is not in*  
57 *excess of 100, but greater than 25, \$250.00; and where the*  
58 *number of units of dwelling space is more than 50 or where*  
59 *the maximum number of occupants thereof is greater than 100,*  
60 *\$400.00.*

61 (2) *For multiple dwellings, where the maximum number of*  
62 *persons, living independently of each other, that could occupy*  
63 *said units of dwelling space is six or less, \$50.00; where the*

64 *maximum number of families that could occupy said units of*  
 65 *dwelling space is not in excess of 20 but greater than six,*  
 66 *\$100.00; where the maximum number of families that could*  
 67 *occupy said units of dwelling space is not in excess of 50 but*  
 68 *greater than 20, \$200.00; where the maximum number of fam-*  
 69 *ilies that could occupy said units of dwelling space is not in*  
 70 *excess of 100 but greater than 50, \$350.00; and where the maxi-*  
 71 *imum number of families that could occupy said units of dwell-*  
 72 *ing space is greater than 100, \$500.00.*

72A *\*(3) Any fee paid for a certificate of occupancy with respect*  
 72B *to a newly-constructed building shall be credited in full against*  
 72C *the fees that may be required in connection with the first ap-*  
 72D *plication for a certificate of inspection for such building, pro-*  
 72E *vided that the person or party claiming such credit shall be the*  
 72F *same person or party who paid the fee for the certificate of*  
 72G *occupancy.\**

73 *(e) In any case where the owner of a hotel or multiple dwelling*  
 74 *subject to the provisions of this act has not submitted plans and*  
 75 *specifications or applied for a certificate of occupancy as required*  
 76 *by this section, he shall be liable for a penalty of \$100.00 for each*  
 77 *violation. The commissioner may, upon notice to the owner, issue*  
 78 *a certificate to the clerk of the superior court that an owner is in-*  
 79 *debted for the payment of such penalty and thereupon the clerk*  
 80 *shall immediately enter upon his record of docketed judgments the*  
 81 *name of such owner, and of the state, a designation of the statute*  
 82 *under which the penalty so certified and the date such certification*  
 83 *was made. The making of the entry shall have the same force and*  
 84 *effect as the entry of the docketed judgment in the office of such*  
 85 *clerk, and the commissioner shall have all of the remedies and*  
 86 *maintain all of the proceedings for the collection thereof which*  
 87 *may be had or taken upon the recovery of a judgment in a civil*  
 88 *action, but without prejudice to the owner's right of appeal.*

1 9. Section 17 of P. L. 1967, chapter 76 (C. 55:13A-17) is amended  
 2 to read as follows:

3 17. (a) If upon any inspection of any hotel or multiple dwelling  
 4 the commissioner shall discover any violation of the provisions of  
 5 this act or any rules and regulations promulgated thereunder,  
 6 which constitutes an imminent hazard to the health, safety or  
 7 welfare of the occupants or intended occupants thereof, or of the  
 8 public generally, the commissioner may issue and cause to be served  
 9 on the owner thereof a written order directing: (1) that any such  
 10 hotel or multiple dwelling be vacated forthwith or, (2) that the  
 11 violation be corrected within the period specified in the order. Such

12 written order shall state the nature of any such violation and the  
13 date and hour by which: (1) any such hotel or multiple dwelling  
14 must be vacated or (2) any such violation must be abated.

15 (b) Upon the receipt by the commissioner of written notice from  
16 the owner of any [such] hotel or multiple dwelling vacated or  
17 ordered to be vacated stating that any such violation has been  
18 terminated, the commissioner shall reinspect said hotel or multiple  
19 dwelling within 1 working day of the receipt of said notice. If upon  
20 any such reinspection the commissioner shall determine that any  
21 such violation has been terminated, the commissioner shall rescind  
22 any order requiring the vacation of said hotel or multiple dwelling,  
23 and occupancy thereof may be resumed forthwith; provided, that  
24 if any such reinspection is not made by the commissioner within 1  
25 working day of the receipt of said notice, occupancy of any such  
26 hotel or multiple dwelling may be resumed forthwith.

27 (c) Where the owner of any [such] hotel or multiple dwelling  
28 denies that any [such] violation justifying an order to vacate  
29 exists, said owner may apply to the commissioner for a reconsidera-  
30 tion hearing, which hearing must be afforded and a decision  
31 rendered by the commissioner within 48 hours of the receipt by  
32 the commissioner of the application for said hearing. If the com-  
33 missioner shall decide adversely to said owner, said owner may  
34 petition the Superior Court of this State for injunctive relief  
35 against any order of the commissioner directing that any such hotel  
36 or multiple dwelling be vacated forthwith. Such relief may be  
37 sought by an order to show cause and may be granted ex parte  
38 pending a hearing de novo; provided, that the only issue to be  
39 determined in [such proceeding] the hearing de novo shall be the  
40 existence of any violation of the provisions of this act, or rules and  
41 regulations promulgated thereunder, which constitutes an imminent  
42 hazard to the health, safety or welfare of the occupants or intended  
43 occupants of any such hotel or multiple dwelling, or to the public  
44 generally.

45 (d) Where the owner of any hotel or multiple dwelling denies  
46 that any violation justifying an order to abate within a specific  
47 period exist, said owner may seek injunctive relief by an order to  
48 show cause and said relief may be granted ex parte pending a  
49 hearing de novo provided, that the only issue to be determined  
50 in the hearing de novo shall be the existence of any violation of the  
51 provisions of this act, or rules and regulations promulgated there-  
52 under, which constitutes a hazard to the health, safety or welfare  
53 of the occupants or intended occupants of any such hotel or multiple  
54 dwelling, or to the public generally.



1 10. Section 18 of P. L. 1967, chapter 76 (C. 55:13A-18) is  
2 amended to read as follows:

3 18. Any person~~], association or corporation]~~ aggrieved by any  
4 ruling, action, order, or notice of the commissioner pursuant to  
5 this act, except any order ~~[of]~~ or notice issued by the commissioner  
6 pursuant to ~~[section]~~ sections 12(d), 15(e) and 17 of this act shall  
7 be entitled to a hearing before the commissioner. The application  
8 for such hearing must be filed with the commissioner within 15  
9 days of the receipt by the applicant thereof of notice of the ruling,  
10 action, order or notice complained of. No such hearing shall be  
11 held except upon 15 days' written notice to all interested parties,  
12 and each such hearing shall be held within 30 days of the receipt  
13 of the application therefor. ~~[Within 30 days after the completion~~  
14 ~~of such hearing, the commissioner shall issue an appropriate order~~  
15 ~~approving, modifying, and approving as so modified, or setting~~  
16 ~~aside in whole or in part the ruling, action, order or notice com-~~  
17 ~~plained of, a copy of which order shall be served on all interested~~  
18 ~~parties.]~~ *When a hearing officer is designated by the commissioner*  
19 *to conduct hearings, said hearing officer shall issue a recommended*  
20 *report and decision within 30 days after the completion of any*  
21 *hearing, a copy of which shall be filed with the commissioner and*  
22 *mailed to all parties of record. Each party of record shall be*  
23 *afforded 15 days in which to file exceptions, objections, and replies*  
24 *thereto, and to present argument to the commissioner. Within 15*  
25 *days thereafter, the commissioner shall issue an order which*  
26 *adopts, rejects, or modifies the recommended report and decision,*  
27 *a copy of which shall be served on all parties of record. Pending*  
28 *the determination of the commissioner, and upon application there-*  
29 *for, the commissioner may grant a stay of the ruling, action, order,*  
30 *or notice complained of; provided, that no such stay shall be*  
31 *granted except upon such terms and conditions as will adequately*  
32 *protect the occupants or intended occupants of the hotel or multiple*  
33 *dwelling involved, or the public generally.*

1 11. Section 19 of P. L. 1967, chapter 76 (C. 55:13A-19) is amended  
2 to read as follows:

3 19. (a) No person~~], association or corporation]~~ shall ~~[will-~~  
4 ~~fully]~~—

5 (1) Obstruct, hinder, delay or interfere with, by force or  
6 otherwise, the commissioner in the exercise of any power or the  
7 discharge of any function or duty under the provisions of this  
8 act; or

9 (2) Prepare, utter or render any false statement, report,  
10 document, plans or specifications permitted or required to be

11 prepared, uttered or rendered under the provisions of this  
12 act; or

13 (3) Render ineffective or inoperative any protective equip-  
14 ment installed, or intended to be installed, in any hotel or  
15 multiple dwelling; or

16 (4) Refuse or fail to comply with any lawful ruling, action,  
17 order or notice of the commissioner; or

18 (5) Violate, or cause to be violated, any of the provisions  
19 of this act.

20 (b) Any person[, association or corporation which] *who* vio-  
21 lates, or causes to be violated, any provision of subsection (a) of  
22 this section shall be liable to a penalty of not less than **[\$100.00]**  
23 *\$50.00* nor more than \$500.00 for **[the first offense]** *each violation,*  
24 and a penalty of not less than \$500.00 nor more than **[\$1,000.00]**  
25 *\$5,000.00* for **[a second or]** each **[subsequent offense]** *continuing*  
26 *violation[.]. Where any violation of subsection (a) of this section*  
27 *is of a continuing nature, each day during which such continuing*  
28 *violation remains unabated after the date fixed by the commissioner*  
29 *in any order or notice for the correction or termination of such*  
30 *continuing violation, shall constitute an additional, separate and*  
31 *distinct violation, except during the time an appeal from said order*  
32 *may be taken or is pending. The commissioner, in the exercise of*  
33 *his administrative authority pursuant to this act, may levy and*  
34 *collect penalties in the amounts set forth in this section. Where*  
35 *the administrative penalty order has not been satisfied within 30*  
36 *days of its issuance the [which] penalty [shall] may be sued for,*  
37 and recovered by and in the name of the commissioner in a  
38 civil action by a summary proceeding under the Penalty Enforce-  
39 ment Law (N. J. S. 2A:58-1 et seq.) **[.]** *in the Superior Court.*

40 (c) Any person[, association or corporation] shall be deemed to  
41 have violated, or to have caused to be violated, any provision of sub-  
42 section (a) of this section whenever any officer, agent or employee  
43 thereof, under the control of and with the knowledge of said per-  
44 son[, association or corporation,] shall have violated or caused to  
45 be violated any of the provisions of subsection (a) of this section.  
46 **[Where any violation of subsection (a) of this section is of a con-**  
47 **tinuing nature, each day during which such violation continues**  
48 **after the date fixed by the commissioner in any order or notice for**  
49 **the correction or termination of such violation, shall constitute**  
50 **an additional, separate and distinct offense, except during the time**  
51 **an appeal from said order may be taken or is pending.]**

52 **[(c)]** (d) The commissioner may cancel and revoke any permit,  
53 approval or certificate required or permitted to be granted or issued

54 to any person[, association or corporation] pursuant to the pro-  
 54A visions of this act if the commissioner shall find that any such  
 54B person[, association or corporation] has violated, or caused  
 55 to be violated, any of the provisions of subsection (a) of this  
 56 section.

1 12. Section 20 of P. L. 1967, chapter 76 (C. 55:13A-20) is amended  
 2 to read as follows:

3 20. [The posting in a conspicuous location in any hotel or  
 4 multiple dwelling of any ruling, notice or order required or per-  
 5 mitted to be issued and served pursuant to this act, together with  
 6 the mailing of a copy of such ruling, notice or order on the same  
 7 day that it is posted to the person, association or corporation to  
 8 be served, at the address or principal place of business as registered  
 9 with the commissioner pursuant to this act, or to the agent ap-  
 10 pointed by said person, association or corporation pursuant to this  
 11 act for the purpose of receiving service of process, shall be sufficient  
 12 service thereof.]

13 (a) *Notices required or permitted to be issued and served pur-*  
 14 *suant to this act shall be served as follows:*

15 (1). *On the owner:*

16 (i) *By mailing same by certified mail, return receipt*  
 17 *requested, to the person designated as owner or agent on*  
 18 *the certificate of registration or in the municipal tax records*  
 19 *or in the records of the Secretary of State.*

20 (ii) *If the above certified mailing is returned, the original*  
 21 *letter shall be remailed to the last known address by common*  
 22 *mail.*

23 (2). *On the occupant:*

24 (i) *By mailing same by certified mail, return receipt re-*  
 25 *quested, to said occupant, or*

26 (ii) *If the above certified mailing is returned the original*  
 27 *letter shall be remailed to the last known address by common*  
 28 *mail.*

29 (b) *Rules, Decisions and Orders required or permitted to be is-*  
 30 *sued and served pursuant to this act shall be served as follows:*

31 (1). *On the owner:*

32 (i) *By mailing same by certified mail, return receipt re-*  
 33 *quested, to the person designated as owner or agent on the*  
 34 *certificate or registration or in the municipal tax records*  
 35 *or in the records of the Secretary of State.*

36 (ii) *By serving same on the Secretary of State, who shall*  
 37 *be deemed the owner's agent for service of process, provided*  
 38 *however, that reasonable efforts have first been made to*

39        *serve the owner or his agent by certified mail and that a copy*  
40        *of such notice is posted in a conspicuous location on the*  
41        *premises. "Conspicuous location" shall include the walls*  
42        *of the front vestibule or in any common foyer or hallway*  
43        *immediately inside the main front entrance.*

44        *(2). On the occupant:*

45            *(i) By mailing same by certified mail, return receipt re-*  
46            *quested, address to the occupant at the premises, or*

47            *(ii) By leaving same at the dwelling unit of the occupant*  
48            *with a person of the age of 14.*

49        *(c) The date of service shall be considered the date of personal*  
50        *service or the date of the third day after mailing, whichever occurs*  
51        *later.*

1        13. *This act shall take effect on July 1, 1970.*

ASSEMBLY, No. 962

STATE OF NEW JERSEY

INTRODUCED APRIL 23, 1970

By Assemblymen PARKER, OWENS, MERLINO, KEAN, KALTENBACHER, WILSON, DENNIS, CAPUTO, FIORE, GOLDFARB, RINALDI, MABIE, COBB, Assemblywoman MARGETTS, Assemblymen DAWES, FRIEDLAND, DEVERIN and FAY

Referred to Committee on Commerce, Industry and Professions

AN ACT to amend "An act providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law," approved May 31, 1967 (P. L. 1967, c. 76) and repealing section 14 thereof.

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

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

3 1. This act shall be known as, and may be cited as, the "Hotel  
4 and Multiple Dwelling **[Health and Safety]** Law **[of 1967]**."

1 2. Section 3 of P. L. 1967, chapter 76 (C. 55:13A-3) is amended  
2 to read as follows:

3 3. The following terms whenever used or referred to in this act  
4 shall have the following respective meanings for the purposes of  
5 this act, except in those instances where the context clearly indicates  
6 otherwise:

7 (a) The term "act" shall mean this act, any amendments or  
8 supplements thereto, and any rules and regulations promulgated  
9 thereunder.

10 (b) The term "accessory building" shall mean any building  
11 which is used in conjunction with the main building of a hotel,  
12 whether separate therefrom or adjoining thereto**[**, and which  
13 contains one or more units of dwelling space**]**.

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

14 (c) The term "board" shall mean the Hotel and Multiple Dwell-  
 15 ing Health and Safety Board created by subsection (a) of section  
 16 5 of this act in the Division of Housing and Urban Renewal of the  
 17 Department of Community Affairs.

18 (d) The term "bureau" shall mean the Bureau of Housing  
 19 Inspection in the Division of Housing and Urban Renewal of the  
 20 Department of Community Affairs.

21 (e) **【**The term "central heating" shall mean the provision of  
 22 heat throughout a building or structures by means of one or more  
 23 heating units or furnaces centrally located in said building, rather  
 24 than by means of individual heating units or furnaces located in  
 25 some or all of the dwelling units in said building or structure.**】**  
 26 *(Deleted by amendment.)*

27 (f) The term "commissioner" shall mean the Commissioner of  
 28 the Department of Community Affairs.

29 (g) The term "department" shall mean the Department of  
 30 Community Affairs.

31 (h) The term "unit of dwelling space" or the term "*dwelling*  
 32 *unit*" shall mean any room or rooms, or suite or apartment thereof,  
 33 whether furnished or unfurnished, which is occupied, or intended,  
 34 arranged or designed to be occupied, for sleeping or dwelling  
 35 purposes by one or more persons, including but not limited to the  
 36 owner thereof, or any of his servants, agents or employees, and  
 37 shall include all privileges, services, furnishings, furniture, equip-  
 38 ment, facilities and improvements connected with the use or  
 39 occupancy thereof.

40 (i) The term "protective equipment" shall mean any equipment,  
 41 device, system or apparatus, whether manual, mechanical, electrical  
 42 or otherwise, permitted or required by the commissioner to be  
 43 constructed or installed in any hotel or multiple dwelling for the  
 44 protection of the occupants or intended occupants thereof, or of  
 45 the public generally.

46 (j) The term "hotel" shall mean any building, including but not  
 47 limited to any related structure, accessory building, and land  
 48 appurtenant thereto, and any part thereof, which**【—】**

49 **【**(1) Is kept, used, maintained, advertised as, or held out  
 50 to be, or intended to be kept, used, maintained, advertised as,  
 51 or held out to be, a place where sleeping or dwelling accom-  
 52 modations are available, for valuable consideration, to transient  
 53 or permanent guests, and in which 10 or more units of dwelling  
 54 space are rented, or intended to be rented, for the accommoda-  
 55 tion of such guests; or,**】**

56           **[(2) Is rented for hire to 25 or more persons for sleeping**  
 57           **or dwelling accommodations.]**

58 *contains 10 or more units of dwelling space or has sleeping facilities*  
 59 *for 25 or more persons and is kept, used, maintained, advertised*  
 60 *as, or held out to be, a place where sleeping or dwelling accom-*  
 61 *modations are available to transient or permanent guests.*

62 This definition shall also mean and include any motor hotel,  
 63 motel, or established guesthouse which is commonly regarded as  
 64 a motor hotel, motel, or established guesthouse, as the case may  
 65 be, in the community in which it is located; provided, that this  
 66 definition shall not be construed to include any building or structure  
 67 defined as a multiple dwelling in this act, registered as a multiple  
 68 dwelling with the Commissioner of Community Affairs as herein-  
 69 after provided, and occupied or intended to be occupied **[exclu-**  
 70 **sively]** as such.

71 (k) The term "multiple dwelling" shall mean any building or  
 72 structure of one or more stories **[with or without central heating,]**  
 73 and any land appurtenant thereto, and any portion thereof, in  
 74 which three or more units of dwelling space are **[sold, rented or**  
 75 **leased for occupancy, or are intended to be sold, rented or leased**  
 76 **for occupancy, or are]** occupied, *or are intended to be occupied* by  
 77 three or more **[families]** persons who live independently of each  
 78 other, **[and who do their cooking upon the premises.]** *provided,*  
 79 *that this definition shall not be construed to include any building*  
 80 *or structure defined as a hotel in this act, or, registered as a hotel*  
 81 *with the Commissioner of Community Affairs as hereinafter*  
 82 *provided, or occupied or intended to be occupied exclusively as such.*

83 **[This definition shall also mean and include a group of two or**  
 84 **more buildings or structures with central heating, and any land**  
 85 **appurtenant thereto, and any portion thereof, in which units of**  
 86 **dwelling space are sold, rented or leased for occupancy, or are**  
 87 **intended to be sold, rented or leased for occupancy, or are occupied**  
 88 **by six or more families who live independently of each other and**  
 89 **who do their cooking upon the premises, and which are commonly**  
 90 **known as "garden apartments;"** provided that this definition shall  
 91 not be construed to include any building or structure defined as a  
 92 hotel in this act, registered as a hotel with the Commissioner of  
 93 Community Affairs as hereinafter provided, and occupied or  
 94 intended to be occupied exclusively as such.]

95 (l) The term "owner" shall mean the person**[, association or**  
 96 **corporation, or group thereof,]** who **[own]** owns, **[the fee simple**  
 97 **interest in]** *purports to own, or exercises control of any hotel or*  
 98 *multiple dwelling.*

99 (m) *The term "person" shall mean any individual, corporation,*  
 100 *association, or other entity, as defined in R. S. 1:1-2.*

101 (n) *The term "continuing violation" shall mean any violation*  
 102 *of this act or any regulation promulgated thereunder where notice*  
 103 *is served within 2 years of the date of service of a previous notice*  
 104 *and where violation, premise and person cited in both notices are*  
 105 *substantially identical.*

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

3 6. The commissioner is hereby granted and shall have and ex-  
 4 ercise, in addition to other powers herein granted, all the powers  
 5 necessary and appropriate to carry out and execute the purposes  
 6 of this act, including but not limited to, the power:

7 (a) To provide owners or groups of owners with such advisory  
 8 consultation and educational services as will assist said owners or  
 9 groups of owners to discharge their responsibilities under this  
 10 act, and to suggest to said owners or groups of owners methods  
 11 and procedures by which they may develop and implement health  
 12 and safety programs;

13 (b) To enter and inspect, without prior notice, any hotel or  
 14 multiple dwelling, and to make such investigation as is reasonably  
 15 necessary to carry out the provisions of this act;

16 (c) To administer and enforce the provisions of existing law,  
 17 and any amendments and supplements thereto, and any rules or  
 18 regulations promulgated thereunder, concerning the regulation of  
 19 multiple dwellings, also commonly known as tenements, and  
 20 hotels;

21 (d) *To issue subpoenas to any person subject to this act which*  
 22 *shall compel attendance at any hearing as a witness and shall* **[To**  
 23 *require the* **]** *compel production of such reports, documents, books*  
 24 *or papers* **[of the owner of any hotel or multiple dwelling],** *in*  
 25 *any part of the State before the commissioner or a member of the*  
 26 *department designated by him, as the commissioner may deem*  
 27 *necessary to implement the purposes of this act***[;].** *In any case*  
 28 *where a person neglects or refuses to obey the command of such*  
 29 *subpœna, the commissioner may apply exparte to the Superior*  
 30 *Court for an order compelling a person to testify or to produce*  
 31 *files, books, papers, documents or other objects in accordance with*  
 32 *the subpœna issued by the commissioner and, in addition, said per-*  
 33 *son shall be subject to a penalty of \$100.00 for each instance in which*  
 34 *he does not comply with the subpœna issued by the commissioner,*  
 35 *said penalty to be recovered pursuant to section 18 of this act.*

36 (e) To issue and promulgate such rules and regulations as the



37 commissioner may deem necessary to implement the purposes of  
 38 this act, which rules and regulations shall have the force and effect  
 39 of law until revised, repealed or amended from time to time by the  
 40 commissioner in the exercise of his discretion; provided, that any  
 41 such rules and regulations shall be filed with the Secretary of State;

42 (f) To enforce and administer the provisions of this act, enter  
 43 complaints against any person, association or corporation] vio-  
 44 lating the provisions of this act, and to prosecute *or cause to be*  
 45 *prosecuted* violations of the provisions of this act; and] *in ad-*  
 46 *ministrative hearings and civil action in State or local courts;*

47 (g) To assess penalties and to compromise and settle any claim  
 48 for a penalty for any violation of the provisions of this act in such  
 49 amount in the discretion of the commissioner as may appear ap-  
 50 propriate and equitable under all of the circumstances of said  
 51 violation *in any of the actions or proceeding mentioned in sub-*  
 52 *section f;*

53 (h) *To institute an in rem action against the property upon which*  
 54 *a violation exists in cases where the owner, after diligent effort,*  
 55 *cannot be served;*

56 (i) *To institute a quasi-in rem action against the owner by attach-*  
 57 *ment of the property upon which a violation exists, followed by*  
 58 *service by publication, in cases where the owner, after diligent*  
 59 *effort, cannot be served;*

60 (j) *To hold and exercise all the rights and remedies available*  
 61 *to a judgment creditor where a judgment lien arises as a result of a*  
 62 *penalty action or an administrative proceeding taken pursuant to*  
 63 *enforcement of this act.*

1 4. Section 8 of P. L. 1967, chapter 76 (C. 55:13A-8) is amended  
 2 to read as follows:

3 8. (a) [The commissioner shall, within the 180 days next succeed-  
 4 ing the effective date of this act, transmit copies of the proposed  
 5 regulations required to be issued and promulgated by section 7 of  
 6 this act, to the board for its review and recommendations. Within  
 7 30 days of the receipt of copies of said proposed regulations, the  
 8 board shall provide the commissioner with such written recom-  
 9 mendations thereon as it may have.]

10 *Prior to the adoption, amendment, or repeal of any regulations*  
 11 *pursuant to this act, the commissioner shall:*

12 (1) *Transmit copies of the proposed regulations to the board*  
 13 *for its review and recommendations. Within 30 days of the*  
 14 *receipt of copies of said proposed regulations, the board shall*  
 15 *provide the commissioner with such written recommendations*  
 16 *thereon as it may have;*

31 occupied by [SIX] three or more [families] persons living indepen-  
 32 dently of each other shall appoint an agent for the purpose of  
 33 receiving service of process and such orders or notices as may be  
 34 issued by the commissioner pursuant to this act. Each such agent

17           (2) *Publish in the New Jersey Register a general notice of*  
 18 *intention to promulgate regulations, which notice shall include*  
 19 *(1) a reference to the authority under which the regulations*  
 20 *are proposed; (2) a statement of the purpose of the proposed*  
 21 *regulations; (3) either the terms or substance of the proposed*  
 22 *regulations or a description of the subjects and issues involved;*  
 23 *(4) a statement that a copy of the proposed regulations may*  
 24 *be obtained by any person upon written request to the bureau;*  
 25 *and (5) a statement of the date, time and place for a public*  
 26 *hearing on the proposed regulations, which date shall not be*  
 27 *less than 20 days nor more than 30 days after the publication*  
 28 *of the notice of intention to promulgate proposed regulations,*  
 29 *and not less than 50 days after transmittal by the commissioner*  
 30 *of copies of said proposed regulations to the board.*  
 31 (b) **Following the receipt by the commissioner of said written**

46 for the service of process pursuant to subsection (b) of this  
 47 section.

48           (d) *In any case where the owner of a hotel or multiple dwelling*  
 49 *subject to the provisions of this act has not fulfilled the require-*  
 50 *ments of this section, the commissioner shall notify the owner of*  
 51 *the violation of this section and order that registration be accom-*  
 52 *plished within 30 days. The notice and order shall include an*  
 53 *accurate restatement of the subsection with which the owner has*  
 54 *not complied. If the owner has not complied with the order of the*  
 55 *commissioner within 30 days, he shall be liable for a penalty of*  
 56 *\$200.00 for each registration which the commissioner shall have*  
 57 *ordered. The commissioner may issue a certificate to the clerk of*  
 58 *the superior court that an owner is indebted for the payment of*  
 59 *such penalty and thereupon the clerk shall immediately enter upon*  
 60 *his record of docketed judgments the name of such owner, and of*  
 61 *the state, a designation of the statute under which the penalty is*  
 62 *imposed, the amount of the penalty so certified and the date such*  
 63 *certification was made. The making of the entry shall have the same*  
 64 *force and effect as the entry of the docketed judgment in the office*  
 65 *of such clerk, and the commissioner shall have all of the remedies*  
 66 *and maintain all of the proceedings for the collection thereof which*  
 67 *may be had or taken upon the recovery of a judgment in a civil*  
 68 *action, but without prejudice to the owner's right of appeal.*

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

3           13. (a) The commissioner shall inspect each multiple dwelling  
 4 at least once in every 5 years, and each hotel **annually** *at least*  
 5 *once in every 3 years*, for the purpose of determining the extent to  
 6 which each hotel or multiple dwelling complies with the provisions  
 7 of this act and regulations promulgated hereunder.

8           (b) On or before January 1, 1968, and **on or before January 1**  
 9 **of each year** *within 90 days of the most recent inspection there-*

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 owner  
5 of each hotel, or of each multiple dwelling occupied or intended  
6 to be occupied by **[six]** *three* or more **[families]** *persons living*  
7 *independently of each other*, shall file with the commissioner, upon  
8 forms provided by the commissioner, an application for a certificate  
9 of registration. Each such application shall be accompanied by a  
10 fee of \$10.00 and shall **[state:** (1) the name and address or principal  
11 place of business of said owner; (2) such description of each hotel  
12 or multiple dwelling, by street number or otherwise, as will enable  
13 the commissioner easily to locate the same; (3) the name and  
14 address or principal place of business of the agent appointed by  
15 said owner pursuant to subsection (b) of this section for the pur-  
16 pose of receiving service of process and other orders or notices;  
17 and (4) the name and address or principal place of business of the  
18 person, association or corporation, if any, which manages or  
19 operates such hotel or multiple dwelling for or on behalf of said  
20 owner.] *include such information as the commissioner shall pre-*  
21 *scribe to enforce the provisions of this law.* Upon the receipt of  
22 said application and fee, the commissioner shall forthwith issue to  
23 the owner of such hotel or multiple dwelling a certificate of regis-  
24 tration, which certificate of registration shall be kept posted by  
25 the owner of such hotel or multiple dwelling in a conspicuous loca-  
26 tion therein. The certificate of registration shall be in such form  
27 as may be prescribed by the commissioner.

28 (b) Within 90 days of the effective date of this act, and thereafter  
29 as required by subsection (c) of this section, the owner of each  
30 hotel, or of each multiple dwelling occupied or intended to be  
31 occupied by **[six]** *three* or more **[families]** *persons living indepen-*  
32 *dently of each other* shall appoint an agent for the purpose of  
33 receiving service of process and such orders or notices as may be  
34 issued by the commissioner pursuant to this act. Each such agent  
35 so appointed shall be a resident of this State or a corporation  
36 licensed to do business in this State.

37 (c) In the case of any transfer of the **[fee simple interest]**  
38 *ownership* in any hotel, or of any multiple dwelling occupied or  
39 intended to be occupied by **[six]** *three* or more **[families]** *persons*  
40 *living independently of each other*, whether by sale, assignment,  
41 gift, intestate succession, testate devolution, reorganization, re-  
42 ceivership, foreclosure or execution process, it shall be the duty  
43 of the new owner thereof to file with the commissioner, within 30  
44 days of said transfer, an application for a certificate of registration  
45 pursuant to subsection (a) of this section, and to appoint an agent

46 for the service of process pursuant to subsection (b) of this  
47 section.

48 *(d) In any case where the owner of a hotel or multiple dwelling*  
49 *subject to the provisions of this act has not fulfilled the require-*  
50 *ments of this section, the commissioner shall notify the owner of*  
51 *the violation of this section and order that registration be accom-*  
52 *plished within 30 days. The notice and order shall include an*  
53 *accurate restatement of the subsection with which the owner has*  
54 *not complied. If the owner has not complied with the order of the*  
55 *commissioner within 30 days, he shall be liable for a penalty of*  
56 *\$200.00 for each registration which the commissioner shall have*  
57 *ordered. The commissioner may issue a certificate to the clerk of*  
58 *the superior court that an owner is indebted for the payment of*  
59 *such penalty and thereupon the clerk shall immediately enter upon*  
60 *his record of docketed judgments the name of such owner, and of*  
61 *the state, a designation of the statute under which the penalty is*  
62 *imposed, the amount of the penalty so certified and the date such*  
63 *certification was made. The making of the entry shall have the same*  
64 *force and effect as the entry of the docketed judgment in the office*  
65 *of such clerk, and the commissioner shall have all of the remedies*  
66 *and maintain all of the proceedings for the collection thereof which*  
67 *may be had or taken upon the recovery of a judgment in a civil*  
68 *action, but without prejudice to the owner's right of appeal.*

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

3 13. (a) The commissioner shall inspect each multiple dwelling  
4 at least once in every 5 years, and each hotel **[annually]** *at least*  
5 *once in every 3 years*, for the purpose of determining the extent to  
6 which each hotel or multiple dwelling complies with the provisions  
7 of this act and regulations promulgated hereunder.

8 (b) On or before January 1, 1968, and **[on or before January 1**  
9 **of each year]** *within 90 days of the most recent inspection there-*  
10 *after, the owner of each hotel shall file with the commissioner, upon*  
11 *forms provided by the commissioner, an application for a cer-*  
12 *tificate of inspection. Said application shall [state: (1) the name*  
13 *and address or principal place of business of the owner; (2) such*  
14 *description of the hotel, by street number or otherwise, as will*  
15 *enable the commissioner easily to locate the same; (3) the number*  
16 *of units of dwelling space in said hotel; (4) the maximum number*  
17 *of occupants of said units of dwelling space; and (5) the number*  
18 *of the occupants of said units of dwelling space as of the date the*  
19 *application for a certificate of inspection is filed.] include such in-*

20 *formation as the commissioner shall prescribe to enforce the pro-*  
 21 *visions of this law. Said application shall be accompanied by a fee*  
 22 *as follows: [where the number of units of dwelling space is 20 or*  
 23 *less or where the maximum number of occupants thereof is 25 or*  
 24 *less, \$10.00; where the number of units of dwelling space is over*  
 25 *20 and not more than 50 or where the maximum number of occu-*  
 26 *pants thereof is not in excess of 100 but greater than 25, \$30.00;*  
 27 *and where the number of units of dwelling space is more than 50*  
 28 *or where the maximum number of occupants thereof is greater*  
 29 *than 100, \$50.00] a basic fee of \$50.00 for the inspection of the*  
 30 *common areas and \$10.00 per unit of dwelling space with the maxi-*  
 31 *mum total fee limited to \$350.00.*

32 Within 90 days of the most recent inspection by the commissioner  
 33 of any multiple dwelling occupied or intended to be occupied by  
 34 ~~six~~ three or more ~~families~~ persons living independently of  
 35 each other occurring prior to January 1 of each calendar year, the  
 36 owner of each such multiple dwelling shall file with the commis-  
 37 sioner, upon forms provided by the commissioner, an application for  
 38 a certificate of inspection. Said application shall state: (1) the name  
 39 and address or principal place of business of the owner; (2) such  
 40 description of the multiple dwelling, by street number or otherwise,  
 41 as will enable the commissioner easily to locate the same; (3) the  
 42 number of units of dwelling space in said multiple dwelling; (4)  
 43 the maximum number of families that could occupy said units of  
 44 dwelling space; and (5) the number of families that occupied said  
 45 units of dwelling space as of the date the application for a cer-  
 46 tificate of inspection is filed.] *include such information as the*  
 47 *commissioner shall prescribe to enforce the provisions of this law.*  
 48 Said application shall be accompanied by a fee as follows: [where  
 49 the maximum number of families that could occupy said units of  
 50 dwelling space is six or less, \$10.00; where the maximum number  
 51 of families that could occupy said units of dwelling space is not  
 52 in excess of 20, but greater than six, \$20.00; where the maximum  
 53 number of families that could occupy said units of dwelling space  
 54 is not in excess of 50 but greater than 20, \$30.00; where the maxi-  
 55 mum number of families that could occupy said units of dwelling  
 56 space is not in excess of 100, but greater than 50, \$40.00; and  
 57 where the maximum number of families that could occupy said units  
 58 of dwelling space is greater than 100, \$50.00.] *a basic fee of \$20.00*  
 59 *for the inspection of the common areas and \$15.00 per unit of dwell-*  
 60 *ing space, with the maximum total fee limited to \$350.00.*

61 (c) If the commissioner determines, as a result of the most recent

62 inspection of any hotel or multiple dwelling as required by sub-  
63 section (a) of this section, that any hotel or multiple dwelling com-  
64 plies with the provisions of this act and regulations promulgated  
65 hereunder, then the commissioner shall issue to the owner thereof,  
66 upon receipt of the application and fee as required by subsection  
67 (b) of this section, a certificate of inspection. Any owner to whom  
68 a certificate of inspection is issued shall keep said certificate posted  
69 in a conspicuous location in the hotel or multiple dwelling to which  
70 the certificate applies. The certificate of inspection shall be in such  
71 form as may be prescribed by the commissioner.

72 (d) If the commissioner determines, as a result of the most  
73 recent inspection of any hotel or multiple dwelling as required by  
74 subsection (a) of this section, that any hotel or multiple dwelling  
75 does not comply with the provisions of this act and regulations  
76 promulgated thereunder, then the commissioner shall issue to the  
77 owner thereof, upon receipt of the application and fee as required  
78 by subsection (b) of this section, a written notice stating the  
79 manner in which any such hotel or multiple dwelling does not  
80 comply with this act or regulations promulgated thereunder. Said  
81 notice shall fix such date, not less than 60 days nor more than 180  
82 days, on or before which any such hotel or multiple dwelling must  
83 comply with the provisions of this act and regulations promulgated  
84 thereunder. If any such hotel or multiple dwelling is made to  
85 comply with the provisions of this act and regulations promulgated  
86 thereunder on or before the date fixed in said notice, then the com-  
87 missioner shall issue to the owner thereof a certificate of inspection  
88 as described in subsection (c) of this section. If any such hotel or  
89 multiple dwelling is not made to comply with the provisions of this  
90 act and regulations promulgated thereunder on or before the date  
91 fixed in said notice, then the commissioner shall not issue to the  
92 owner thereof a certificate of inspection as described in subsection  
93 (c) of this section, and shall enforce the provisions of this act  
94 against the owner thereof.

1 7. Section 14 of P. L. 1967, chapter 76 (C. 55:13A-14) is hereby  
2 repealed.

1 8. Section 15 of P. L. 1967, chapter 76 (C. 55:13A-15) is amended  
2 to read as follows:

3 15. (a) No person~~], association or corporation]~~ shall construct,  
4 or cause to be constructed, any hotel or multiple dwelling, or any  
5 units of dwelling space therein, or any protective equipment,  
6 therein, unless the plans and specifications therefor shall have been  
7 submitted to, and approved by, the commissioner in accordance

8 with the provisions of this act and rules and regulations promul-  
9 gated thereunder. Upon the approval by the commissioner of any  
10 such construction plans and specifications submitted to him, the  
11 person~~], association or corporation]~~ so submitting the plans and  
12 specifications shall pay to the commissioner a fee as follows:  
13 where the estimated cost of construction is \$10,000.00 or less,  
14 \$10.00; where the estimated cost of construction exceeds \$10,000.00,  
15 an additional fee of ~~[\$0.25]~~ \$2.50 shall be paid for each \$1,000.00,  
16 or fraction thereof, in excess of the first \$10,000.00.

17 (b) No person~~], association or corporation]~~ shall convert or  
18 alter, or cause to be converted or altered, a building not constructed  
19 for use as a hotel or multiple dwelling, to such use, or any units  
20 of dwelling space therein, or any protective equipment therein,  
21 unless the plans and specifications therefor shall have been sub-  
22 mitted to, and approved by, the commissioner in accordance with  
23 the provisions of this act and rules and regulations promulgated  
24 thereunder. Upon the approval by the commissioner of any such  
25 conversion or alteration plans and specifications submitted to him,  
26 the person~~], association or corporation]~~ so submitting the plans  
27 and specifications shall pay to the commissioner a fee as follows:  
28 where the estimated cost of conversion or alteration is \$10,000.00  
29 or less, \$10.00; where the estimated cost of conversion or altera-  
30 tion exceeds \$10,000.00, an additional fee of ~~[\$0.25]~~ \$2.50 shall be  
31 paid for each \$1,000.00, or fraction thereof, in excess of the first  
32 \$10,000.00.

33 ~~Where the commissioner makes an inspection of a building not~~  
34 ~~constructed for use as a hotel or multiple dwelling for the purpose~~  
35 ~~of ascertaining the requirements necessary to the conversion or~~  
36 ~~alteration of such building to use as a hotel or multiple dwelling,~~  
37 ~~a fee of \$10.00 shall be charged.]~~

38 (c) ~~All plans and specifications submitted to the commissioner~~  
39 ~~for his approval pursuant to subsections (a) and (b) of this sec-~~  
40 ~~tion shall be accompanied by a \$5.00 filing fee, which fee shall be~~  
41 ~~in addition to any fee required to be paid to the commissioner~~  
42 ~~upon his approval of said plans and specifications.]~~

43 *Upon the approval by the commissioner of the actual construc-*  
44 *tion, conversion, alteration or rehabilitation pursuant to plans filed*  
45 *as required by subsections (a) and (b) of this section, and the sub-*  
46 *mission of the fee specified in subsection (d) of this section, a cer-*  
47 *tificate of occupancy shall be issued and this certificate shall be*  
48 *equivalent to a certificate of inspection.*

49 (d) *The fee for the certificate of occupancy, which fee shall be*

50 in addition to any other fee required by this section, shall be as  
51 follows:

52 (1) For hotels, where the maximum number of units of  
53 dwelling space is 20 or less or where the maximum number of  
54 occupants thereof is 25 or less, \$150.00; where the number of  
55 units of dwelling space is over 20 and not more than 50 or  
56 where the maximum number of occupants thereof is not in  
57 excess of 100, but greater than 25, \$250.00; and where the  
58 number of units of dwelling space is more than 50 or where  
59 the maximum number of occupants thereof is greater than 100,  
60 \$400.00.

61 (2) For multiple dwellings, where the maximum number of  
62 persons, living independently of each other, that could occupy  
63 said units of dwelling space is six or less, \$50.00; where the  
64 maximum number of families that could occupy said units of  
65 dwelling space is not in excess of 20 but greater than six,  
66 \$100.00; where the maximum number of families that could  
67 occupy said units of dwelling space is not in excess of 50 but  
68 greater than 20, \$200.00; where the maximum number of fam-  
69 ilies that could occupy said units of dwelling space is not in  
70 excess of 100 but greater than 50, \$350.00; and where the maxi-  
71 mum number of families that could occupy said units of dwell-  
72 ing space is greater than 100, \$500.00.

73 (e) In any case where the owner of a hotel or multiple dwelling  
74 subject to the provisions of this act has not submitted plans and  
75 specifications or applied for a certificate of occupancy as required  
76 by this section, he shall be liable for a penalty of \$100.00 for each  
77 violation. The commissioner may, upon notice to the owner, issue  
78 a certificate to the clerk of the superior court that an owner is in-  
79 debted for the payment of such penalty and thereupon the clerk  
80 shall immediately enter upon his record of docketed judgments the  
81 name of such owner, and of the state, a designation of the statute  
82 under which the penalty so certified and the date such certification  
83 was made. The making of the entry shall have the same force and  
84 effect as the entry of the docketed judgment in the office of such  
85 clerk, and the commissioner shall have all of the remedies and  
86 maintain all of the proceedings for the collection thereof which  
87 may be had or taken upon the recovery of a judgment in a civil  
88 action, but without prejudice to the owner's right of appeal.

1 9. Section 17 of P. L. 1967, chapter 76 (C. 55:13A-17) is amended  
2 to read as follows:

3 17. (a) If upon any inspection of any hotel or multiple dwelling



4 the commissioner shall discover any violation of the provisions of  
5 this act or any rules and regulations promulgated thereunder,  
6 which constitutes an imminent hazard to the health, safety or  
7 welfare of the occupants or intended occupants thereof, or of the  
8 public generally, the commissioner may issue and cause to be served  
9 on the owner thereof a written order directing: (1) that any such  
10 hotel or multiple dwelling be vacated forthwith or, (2) that the  
11 violation be corrected within the period specified in the order. Such  
12 written order shall state the nature of any such violation and the  
13 date and hour by which: (1) any such hotel or multiple dwelling  
14 must be vacated or (2) any such violation must be abated.

15 (b) Upon the receipt by the commissioner of written notice from  
16 the owner of any [such] hotel or multiple dwelling vacated or  
17 ordered to be vacated stating that any such violation has been  
18 terminated, the commissioner shall reinspect said hotel or multiple  
19 dwelling within 1 working day of the receipt of said notice. If upon  
20 any such reinspection the commissioner shall determine that any  
21 such violation has been terminated, the commissioner shall rescind  
22 any order requiring the vacation of said hotel or multiple dwelling,  
23 and occupancy thereof may be resumed forthwith; provided, that  
24 if any such reinspection is not made by the commissioner within 1  
25 working day of the receipt of said notice, occupancy of any such  
26 hotel or multiple dwelling may be resumed forthwith.

27 (c) Where the owner of any [such] hotel or multiple dwelling  
28 denies that any [such] violation justifying an order to vacate  
29 exists, said owner may apply to the commissioner for a reconsidera-  
30 tion hearing, which hearing must be afforded and a decision  
31 rendered by the commissioner within 48 hours of the receipt by  
32 the commissioner of the application for said hearing. If the com-  
33 missioner shall decide adversely to said owner, said owner may  
34 petition the Superior Court of this State for injunctive relief  
35 against any order of the commissioner directing that any such hotel  
36 or multiple dwelling be vacated forthwith. Such relief may be  
37 sought by an order to show cause and may be granted ex parte  
38 pending a hearing de novo; provided, that the only issue to be  
39 determined in [such proceeding] the hearing de novo shall be the  
40 existence of any violation of the provisions of this act, or rules and  
41 regulations promulgated thereunder, which constitutes an imminent  
42 hazard to the health, safety or welfare of the occupants or intended  
43 occupants of any such hotel or multiple dwelling, or to the public  
44 generally.

45 (d) Where the owner of any hotel or multiple dwelling denies

46 *that any violation justifying an order to abate within a specific*  
 47 *period exist, said owner may seek injunctive relief by an order to*  
 48 *show cause and said relief may be granted ex parte pending a*  
 49 *hearing de novo provided, that the only issue to be determined*  
 50 *in the hearing de novo shall be the existence of any violation of the*  
 51 *provisions of this act, or rules and regulations promulgated there-*  
 52 *under, which constitutes a hazard to the health, safety or welfare*  
 53 *of the occupants or intended occupants of any such hotel or multiple*  
 54 *dwelling, or to the public generally.*

1 10. Section 18 of P. L. 1967, chapter 76 (C. 55:13A-18) is  
 2 amended to read as follows:

3 18. Any person, association or corporation aggrieved by any  
 4 ruling, action, order, or notice of the commissioner pursuant to  
 5 this act, except any order of or notice issued by the commissioner  
 6 pursuant to section sections 12(d), 15(e) and 17 of this act shall  
 7 be entitled to a hearing before the commissioner. The application  
 8 for such hearing must be filed with the commissioner within 15  
 9 days of the receipt by the applicant thereof of notice of the ruling,  
 10 action, order or notice complained of. No such hearing shall be  
 11 held except upon 15 days' written notice to all interested parties,  
 12 and each such hearing shall be held within 30 days of the receipt  
 13 of the application therefor. Within 30 days after the completion  
 14 of such hearing, the commissioner shall issue an appropriate order  
 15 approving, modifying, and approving as so modified, or setting  
 16 aside in whole or in part the ruling, action, order or notice com-  
 17 plained of, a copy of which order shall be served on all interested  
 18 parties. When a hearing officer is designated by the commissioner  
 19 to conduct hearings, said hearing officer shall issue a recommended  
 20 report and decision within 30 days after the completion of any  
 21 hearing, a copy of which shall be filed with the commissioner and  
 22 mailed to all parties of record. Each party of record shall be  
 23 afforded 15 days in which to file exceptions, objections, and replies  
 24 thereto, and to present argument to the commissioner. Within 15  
 25 days thereafter, the commissioner shall issue an order which  
 26 adopts, rejects, or modifies the recommended report and decision,  
 27 a copy of which shall be served on all parties of record. Pending  
 28 the determination of the commissioner, and upon application there-  
 29 for, the commissioner may grant a stay of the ruling, action, order,  
 30 or notice complained of; provided, that no such stay shall be  
 31 granted except upon such terms and conditions as will adequately  
 32 protect the occupants or intended occupants of the hotel or multiple  
 33 dwelling involved, or the public generally.

1 11. Section 19 of P. L. 1967, chapter 76 (C. 55:13A-19) is amended  
2 to read as follows:

3 19. (a) No person~~[], association or corporation]~~ shall ~~will-~~  
4 ~~fully]~~—

5 (1) Obstruct, hinder, delay or interfere with, by force or  
6 otherwise, the commissioner in the exercise of any power or the  
7 discharge of any function or duty under the provisions of this  
8 act; or

9 (2) Prepare, utter or render any false statement, report,  
10 document, plans or specifications permitted or required to be  
11 prepared, uttered or rendered under the provisions of this  
12 act; or

13 (3) Render ineffective or inoperative any protective equip-  
14 ment installed, or intended to be installed, in any hotel or  
15 multiple dwelling; or

16 (4) Refuse or fail to comply with any lawful ruling, action,  
17 order or notice of the commissioner; or

18 (5) Violate, or cause to be violated, any of the provisions  
19 of this act.

20 (b) Any person~~[], association or corporation which]~~ *who* vio-  
21 *lates, or causes to be violated, any provision of subsection (a) of*  
22 *this section shall be liable to a penalty of not less than ~~[\$100.00]~~*  
23 *\$50.00 nor more than \$500.00 for ~~[the first offense]~~ each violation,*  
24 *and a penalty of not less than \$500.00 nor more than ~~[\$1,000.00]~~*  
25 *\$5,000.00 for ~~[a second or]~~ each ~~[subsequent offense]~~ continuing*  
26 *violation~~[,].~~ Where any violation of subsection (a) of this section*  
27 *is of a continuing nature, each day during which such continuing*  
28 *violation remains unabated after the date fixed by the commissioner*  
29 *in any order or notice for the correction or termination of such*  
30 *continuing violation, shall constitute an additional, separate and*  
31 *distinct violation, except during the time an appeal from said order*  
32 *may be taken or is pending. The commissioner, in the exercise of*  
33 *his administrative authority pursuant to this act, may levy and*  
34 *collect penalties in the amounts set forth in this section. Where*  
35 *the administrative penalty order has not been satisfied within 30*  
36 *days of its issuance the ~~[which]~~ penalty ~~[shall]~~ may be sued for,*  
37 *and recovered by and in the name of the commissioner in a*  
38 *civil action by a summary proceeding under the Penalty Enforce-*  
39 *ment Law (N. J. S. 2A:58-1 et seq.) ~~[.]~~ in the Superior Court.*

40 (c) Any person~~[], association or corporation]~~ shall be deemed to  
41 have violated, or to have caused to be violated, any provision of sub-  
42 section (a) of this section whenever any officer, agent or employee  
43 thereof, under the control of and with the knowledge of said per-

44 son[, association or corporation,] shall have violated or caused to  
 45 be violated any of the provisions of subsection (a) of this section.  
 46 [Where any violation of subsection (a) of this section is of a con-  
 47 tinuing nature, each day during which such violation continues  
 48 after the date fixed by the commissioner in any order or notice for  
 49 the correction or termination of such violation, shall constitute  
 50 an additional, separate and distinct offense, except during the time  
 51 an appeal from said order may be taken or is pending.]

52 [(c)] (d) The commissioner may cancel and revoke any permit,  
 53 approval or certificate required or permitted to be granted or issued  
 54 to any person[, association or corporation] pursuant to the pro-  
 54A visions of this act if the commissioner shall find that any such  
 54B person[, association or corporation] has violated, or caused  
 55 to be violated, any of the provisions of subsection (a) of this  
 56 section.

1 12. Section 20 of P. L. 1967, chapter 76 (C. 55 :13A-20) is amended  
 2 to read as follows:

3 20. [The posting in a conspicuous location in any hotel or  
 4 multiple dwelling of any ruling, notice or order required or per-  
 5 mitted to be issued and served pursuant to this act, together with  
 6 the mailing of a copy of such ruling, notice or order on the same  
 7 day that it is posted to the person, association or corporation to  
 8 be served, at the address or principal place of business as registered  
 9 with the commissioner pursuant to this act, or to the agent ap-  
 10 pointed by said person, association or corporation pursuant to this  
 11 act for the purpose of receiving service of process, shall be sufficient  
 12 service thereof.]

13 (a) *Notices required or permitted to be issued and served pur-*  
 14 *suant to this act shall be served as follows:*

15 (1). *On the owner:*

16 (i) *By mailing same by certified mail, return receipt*  
 17 *requested, to the person designated as owner or agent on*  
 18 *the certificate of registration or in the municipal tax records*  
 19 *or in the records of the Secretary of State.*

20 (ii) *If the above certified mailing is returned, the original*  
 21 *letter shall be remailed to the last known address by common*  
 22 *mail.*

23 (2). *On the occupant:*

24 (i) *By mailing same by certified mail, return receipt re-*  
 25 *quested, to said occupant, or*

26 (ii) *If the above certified mailing is returned the original*  
 27 *letter shall be remailed to the last known address by common*  
 28 *mail.*

29 (b) *Rules, Decisions and Orders required or permitted to be is-*  
30 *sued and served pursuant to this act shall be served as follows:*

31 (1). *On the owner:*

32 (i) *By mailing same by certified mail, return receipt re-*  
33 *quested, to the person designated as owner or agent on the*  
34 *certificate or registration or in the municipal tax records*  
35 *or in the records of the Secretary of State.*

36 (ii) *By serving same on the Secretary of State, who shall*  
37 *be deemed the owner's agent for service of process, provided*  
38 *however, that reasonable efforts have first been made to*  
39 *serve the owner or his agent by certified mail and that a copy*  
40 *of such notice is posted in a conspicuous location on the*  
41 *premises. "Conspicuous location" shall include the walls*  
42 *of the front vestibule or in any common foyer or hallway*  
43 *immediately inside the main front entrance.*

44 (2). *On the occupant:*

45 (i) *By mailing same by certified mail, return receipt re-*  
46 *quested, address to the occupant at the premises, or*

47 (ii) *By leaving same at the dwelling unit of the occupant*  
48 *with a person of the age of 14.*

49 (c) *The date of service shall be considered the date of personal*  
50 *service or the date of the third day after mailing, whichever occurs*  
51 *later.*

1 13. *This act shall take effect on July 1, 1970.*

ASSEMBLY COMMITTEE AMENDMENTS TO  
**ASSEMBLY, No. 962**

**STATE OF NEW JERSEY**

ADOPTED APRIL 30, 1970

Amend page 4, section 2, line 105, after subsection "(n)", insert a new subsection "(o)" to read as follows:

"(o) The term 'project' shall mean a group of buildings subject to the provisions of this act which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings."

Amend page 5, section 3, line 50, delete "circumstances", insert "circumstances".

Amend page 9, section 6, line 30, after the word "space", delete the word "with", and insert the words "provided that".

Amend page 9, section 6, line 31, after "fee", insert "is".

Amend page 9, section 6, line 31, after "\$350.00", delete ".", and insert "for each building. In the event there are more than three buildings within a project, the fees for inspection of those buildings in excess of three shall be as follows: the fee for the fourth building shall not exceed  $\frac{1}{2}$  of the fee which could be charged for such inspection; the fee for the fifth building shall not exceed  $\frac{1}{4}$  of the fee which could be charged for such inspection; the fee for the sixth and all remaining buildings shall not exceed \$50.00 for each such building, provided that in no event shall the total of such fees for all buildings within a project exceed \$1,250.00. A certificate of inspection and the fees therefor shall not be required more often than once every 3 years."

Amend page 9, section 6, line 35, delete "occurring prior to January 1 of each calendar year".

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

Amend page 9, section 6, line 38, after the word "shall", insert "[ ]".

Amend page 9, section 6, line 60, delete the word "with", and insert the words "provided that".

Amend page 9, section 6, line 60, after "fee", insert "is".

Amend page 9, section 6, line 60, after "\$350.00", delete ".", and insert "for each building. In the event there are more than three buildings within a project, the fees for inspection of those buildings in excess of three shall be as follows: the fee for the fourth building shall not exceed  $\frac{1}{2}$  of the fee which could be charged for such inspection; the fee for the fifth building shall not exceed  $\frac{1}{4}$  of the fee which could be charged for such inspection; the fee for the sixth and all remaining buildings shall not exceed \$50.00 for each such building, provided that in no event shall the total of such fees for all buildings within a project exceed \$1,250.00. A certificate of inspection and the fees therefor shall not be required more often than once every 5 years."

Amend page 10, section 6, lines 77-78, delete "upon receipt of the application and fee as required by subsection (b) of this section,".

Amend page 12, section 8, after line 72, insert:

"(3) Any fee paid for a certificate of occupancy with respect to a newly-constructed building shall be credited in full against the fees that may be required in connection with the first application for a certificate of inspection for such building, provided that the person or party claiming such credit shall be the same person or party who paid the fee for the certificate of occupancy."

[OFFICIAL COPY REPRINT]  
**ASSEMBLY, No. 962**

**STATE OF NEW JERSEY**

INTRODUCED APRIL 23, 1970

By Assemblymen PARKER, OWENS, MERLINO, KEAN, KALTENBACHER, WILSON, DENNIS, CAPUTO, FIORE, GOLDFARB, RINALDI, MABIE, COBB, Assemblywoman MARGETTS, Assemblymen DAWES, FRIEDLAND, DEVERIN and FAY

Referred to Committee on Commerce, Industry and Professions

AN ACT to amend "An act providing for the regulation of the construction and maintenance of hotels and multiple dwellings by the Commissioner of Community Affairs, creating within the Department of Community Affairs an advisory board to be known as the Hotel and Multiple Dwelling Health and Safety Board, prescribing penalties for certain violations, and repealing certain sections of the statutory law," approved May 31, 1967 (P. L. 1967, c. 76) and repealing section 14 thereof.

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

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

3 1. This act shall be known as, and may be cited as, the "Hotel  
4 and Multiple Dwelling **Health and Safety** Law **of 1967**."

1 2. Section 3 of P. L. 1967, chapter 76 (C. 55:13A-3) is amended  
2 to read as follows:

3 3. The following terms whenever used or referred to in this act  
4 shall have the following respective meanings for the purposes of  
5 this act, except in those instances where the context clearly indicates  
6 otherwise:

7 (a) The term "act" shall mean this act, any amendments or  
8 supplements thereto, and any rules and regulations promulgated  
9 thereunder.

10 (b) The term "accessory building" shall mean any building  
11 which is used in conjunction with the main building of a hotel,  
12 whether separate therefrom or adjoining thereto, and which  
13 contains one or more units of dwelling space.

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



14 (c) The term "board" shall mean the Hotel and Multiple Dwell-  
 15 ing Health and Safety Board created by subsection (a) of section  
 16 5 of this act in the Division of Housing and Urban Renewal of the  
 17 Department of Community Affairs.

18 (d) The term "bureau" shall mean the Bureau of Housing  
 19 Inspection in the Division of Housing and Urban Renewal of the  
 20 Department of Community Affairs.

21 (e) **【**The term "central heating" shall mean the provision of  
 22 heat throughout a building or structures by means of one or more  
 23 heating units or furnaces centrally located in said building, rather  
 24 than by means of individual heating units or furnaces located in  
 25 some or all of the dwelling units in said building or structure.**】**  
 26 *(Deleted by amendment.)*

27 (f) The term "commissioner" shall mean the Commissioner of  
 28 the Department of Community Affairs.

29 (g) The term "department" shall mean the Department of  
 30 Community Affairs.

31 (h) The term "unit of dwelling space" or the term "*dwelling*  
 32 *unit*" shall mean any room or rooms, or suite or apartment thereof,  
 33 whether furnished or unfurnished, which is occupied, or intended,  
 34 arranged or designed to be occupied, for sleeping or dwelling  
 35 purposes by one or more persons, including but not limited to the  
 36 owner thereof, or any of his servants, agents or employees, and  
 37 shall include all privileges, services, furnishings, furniture, equip-  
 38 ment, facilities and improvements connected with the use or  
 39 occupancy thereof.

40 (i) The term "protective equipment" shall mean any equipment,  
 41 device, system or apparatus, whether manual, mechanical, electrical  
 42 or otherwise, permitted or required by the commissioner to be  
 43 constructed or installed in any hotel or multiple dwelling for the  
 44 protection of the occupants or intended occupants thereof, or of  
 45 the public generally.

46 (j) The term "hotel" shall mean any building, including but not  
 47 limited to any related structure, accessory building, and land  
 48 appurtenant thereto, and any part thereof, which**【--】**

49 **【**(1) Is kept, used, maintained, advertised as, or held out  
 50 to be, or intended to be kept, used, maintained, advertised as,  
 51 or held out to be, a place where sleeping or dwelling accom-  
 52 modations are available, for valuable consideration, to transient  
 53 or permanent guests, and in which 10 or more units of dwelling  
 54 space are rented, or intended to be rented, for the accommoda-  
 55 tion of such guests; or,**】**

56           **[(2) Is rented for hire to 25 or more persons for sleeping**  
 57           **or dwelling accommodations.]**

58 *contains 10 or more units of dwelling space or has sleeping facilities*  
 59 *for 25 or more persons and is kept, used, maintained, advertised*  
 60 *as, or held out to be, a place where sleeping or dwelling accom-*  
 61 *modations are available to transient or permanent guests.*

62       This definition shall also mean and include any motor hotel,  
 63 motel, or established guesthouse which is commonly regarded as  
 64 a motor hotel, motel, or established guesthouse, as the case may  
 65 be, in the community in which it is located; provided, that this  
 66 definition shall not be construed to include any building or structure  
 67 defined as a multiple dwelling in this act, registered as a multiple  
 68 dwelling with the Commissioner of Community Affairs as herein-  
 69 after provided, and occupied or intended to be occupied **[exclu-**  
 70 **sively]** as such.

71       (k) The term "multiple dwelling" shall mean any building or  
 72 structure of one or more stories **[with or without central heating,]**  
 73 and any land appurtenant thereto, and any portion thereof, in  
 74 which three or more units of dwelling space are **[sold, rented or**  
 75 **leased for occupancy, or are intended to be sold, rented or leased**  
 76 **for occupancy, or are]** occupied, *or are intended to be occupied by*  
 77 *three or more [families] persons who live independently of each*  
 78 *other, [and who do their cooking upon the premises.] provided,*  
 79 *that this definition shall not be construed to include any building*  
 80 *or structure defined as a hotel in this act, or, registered as a hotel*  
 81 *with the Commissioner of Community Affairs as hereinafter*  
 82 *provided, or occupied or intended to be occupied exclusively as such.*

83       **[This definition shall also mean and include a group of two or**  
 84 **more buildings or structures with central heating, and any land**  
 85 **appurtenant thereto, and any portion thereof, in which units of**  
 86 **dwelling space are sold, rented or leased for occupancy, or are**  
 87 **intended to be sold, rented or leased for occupancy, or are occupied**  
 88 **by six or more families who live independently of each other and**  
 89 **who do their cooking upon the premises, and which are commonly**  
 90 **known as "garden apartments;" provided that this definition shall**  
 91 **not be construed to include any building or structure defined as a**  
 92 **hotel in this act, registered as a hotel with the Commissioner of**  
 93 **Community Affairs as hereinafter provided, and occupied or**  
 94 **intended to be occupied exclusively as such.]**

95       (1) The term "owner" shall mean the person**[, association or**  
 96 **corporation, or group thereof,]** who **[own] owns, [the fee simple**  
 97 **interest in] purports to own, or exercises control of any hotel or**  
 98 **multiple dwelling.**

99 (m) The term "person" shall mean any individual, corporation,  
100 association, or other entity, as defined in R. S. 1:1-2.

101 (n) The term "continuing violation" shall mean any violation  
102 of this act or any regulation promulgated thereunder where notice  
103 is served within 2 years of the date of service of a previous notice  
104 and where violation, premise and person cited in both notices are  
105 substantially identical.

106 \*(o) The term "project" shall mean a group of buildings subject  
107 to the provisions of this act which are or are represented to be  
108 under common or substantially common ownership and which stand  
109 on a single parcel of land or parcels of land which are contiguous  
110 and which group of buildings is named, designated or advertised  
111 as a common entity. The contiguity of such parcels shall not be  
112 adversely affected by public rights-of-way incidental to such  
113 buildings.\*

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

3 6. The commissioner is hereby granted and shall have and ex-  
4 ercise, in addition to other powers herein granted, all the powers  
5 necessary and appropriate to carry out and execute the purposes  
6 of this act, including but not limited to, the power:

7 (a) To provide owners or groups of owners with such advisory  
8 consultation and educational services as will assist said owners or  
9 groups of owners to discharge their responsibilities under this  
10 act, and to suggest to said owners or groups of owners methods  
11 and procedures by which they may develop and implement health  
12 and safety programs;

13 (b) To enter and inspect, without prior notice, any hotel or  
14 multiple dwelling, and to make such investigation as is reasonably  
15 necessary to carry out the provisions of this act;

16 (c) To administer and enforce the provisions of existing law,  
17 and any amendments and supplements thereto, and any rules or  
18 regulations promulgated thereunder, concerning the regulation of  
19 multiple dwellings, also commonly known as tenements, and  
20 hotels;

21 (d) To issue subpoenas to any person subject to this act which  
22 shall compel attendance at any hearing as a witness and shall [To  
23 require the ] compel production of such reports, documents, books  
24 or papers [of the owner of any hotel or multiple dwelling], in  
25 any part of the State before the commissioner or a member of the  
26 department designated by him, as the commissioner may deem  
27 necessary to implement the purposes of this act[;]. In any case  
28 where a person neglects or refuses to obey the command of such

29 *subpœna, the commissioner may apply ex parte to the Superior*  
 30 *Court for an order compelling a person to testify or to produce*  
 31 *files, books, papers, documents or other objects in accordance with*  
 32 *the subpœna issued by the commissioner and, in addition, said per-*  
 33 *son shall be subject to a penalty of \$100.00 for each instance in which*  
 34 *he does not comply with the subpœna issued by the commissioner,*  
 35 *said penalty to be recovered pursuant to section 18 of this act.*

36 (e) To issue and promulgate such rules and regulations as the  
 37 commissioner may deem necessary to implement the purposes of  
 38 this act, which rules and regulations shall have the force and effect  
 39 of law until revised, repealed or amended from time to time by the  
 40 commissioner in the exercise of his discretion; provided, that any  
 41 such rules and regulations shall be filed with the Secretary of State;

42 (f) To enforce and administer the provisions of this act, enter  
 43 complaints against any person[, association or corporation] vio-  
 44 lating the provisions of this act, and to prosecute *or cause to be*  
 45 *prosecuted* violations of the provisions of this act[; and] *in ad-*  
 46 *ministrative hearings and civil action in State or local courts;*

47 (g) To assess penalties and to compromise and settle any claim  
 48 for a penalty for any violation of the provisions of this act in such  
 49 amount in the discretion of the commissioner as may appear ap-  
 50 propriate and equitable under all of the \***[circumstances]**\* *\*cir-*  
 51 *cumstances\** of said violation *in any of the actions or proceeding*  
 52 *mentioned in subsection f;*

53 (h) *To institute an in rem action against the property upon which*  
 54 *a violation exists in cases where the owner, after diligent effort,*  
 55 *cannot be served;*

56 (i) *To institute a quasi-in rem action against the owner by attach-*  
 57 *ment of the property upon which a violation exists, followed by*  
 58 *service by publication, in cases where the owner, after diligent*  
 59 *effort, cannot be served;*

60 (j) *To hold and exercise all the rights and remedies available*  
 61 *to a judgment creditor where a judgment lien arises as a result of a*  
 62 *penalty action or an administrative proceeding taken pursuant to*  
 63 *enforcement of this act.*

1 4. Section 8 of P. L. 1967, chapter 76 (C. 55:13A-8) is amended  
 2 to read as follows:

3 8. (a) **[The commissioner shall, within the 180 days next succeed-**  
 4 **ing the effective date of this act, transmit copies of the proposed**  
 5 **regulations required to be issued and promulgated by section 7 of**  
 6 **this act, to the board for its review and recommendations. Within**  
 7 **30 days of the receipt of copies of said proposed regulations, the**  
 8 **board shall provide the commissioner with such written recom-**  
 9 **mendations thereon as it may have.]**

10 *Prior to the adoption, amendment, or repeal of any regulations*  
11 *pursuant to this act, the commissioner shall:*

12 *(1) Transmit copies of the proposed regulations to the board*  
13 *for its review and recommendations. Within 30 days of the*  
14 *receipt of copies of said proposed regulations, the board shall*  
15 *provide the commissioner with such written recommendations*  
16 *thereon as it may have;*

17 *(2) Publish in the New Jersey Register a general notice of*  
18 *intention to promulgate regulations, which notice shall include*  
19 *(1) a reference to the authority under which the regulations*  
20 *are proposed; (2) a statement of the purpose of the proposed*  
21 *regulations; (3) either the terms or substance of the proposed*  
22 *regulations or a description of the subjects and issues involved;*  
23 *(4) a statement that a copy of the proposed regulations may*  
24 *be obtained by any person upon written request to the bureau;*  
25 *and (5) a statement of the date, time and place for a public*  
26 *hearing on the proposed regulations, which date shall not be*  
27 *less than 20 days nor more than 30 days after the publication*  
28 *of the notice of intention to promulgate proposed regulations,*  
29 *and not less than 50 days after transmittal by the commissioner*  
30 *of copies of said proposed regulations to the board.*

31 (b) ~~Following the receipt by the commissioner of said written~~  
32 ~~recommendations of the board, or upon the expiration of the 30~~  
33 ~~days next succeeding the transmittal by the commissioner of copies~~  
34 ~~of said proposed regulations to the board, the commissioner shall~~  
35 ~~publish, in five newspapers of general circulation throughout this~~  
36 ~~State, a general notice of intention to promulgate proposed regu-~~  
37 ~~lations, which notice shall include (1) a reference to the authority~~  
38 ~~under which the regulations are proposed; (2) a statement of the~~  
39 ~~purpose of the proposed regulations; (3) either the terms or~~  
40 ~~substance of the proposed regulations or a description of the sub-~~  
41 ~~jects and issues involved; (4) a statement that a copy of the pro-~~  
42 ~~posed regulations may be obtained by any person upon written~~  
43 ~~request to the department; and (5) a statement of the date, time~~  
44 ~~and place for a public hearing on the proposed regulations, which~~  
45 ~~date shall not be less than 14 days nor more than 30 days after~~  
46 ~~the publication of the notice of intention to promulgate proposed~~  
47 ~~regulations.] (Deleted by amendment.)~~

48 (c) Any person~~, association or corporation~~ appearing at said  
49 public hearing shall be afforded an opportunity to be heard, either  
50 through the submission of written data, views, or arguments or  
51 the oral presentation of the same. Upon the expiration of the 30

52 days next succeeding the date of said public hearing, the commis-  
 53 sioner shall issue and promulgate the regulations required to be  
 54 issued and promulgated by section 7 of this act, either as originally  
 55 proposed or as amended or revised by the commissioner subsequent  
 56 to said public hearings, which regulations shall be effective on such  
 57 date as may be provided therein.

1 5. Section 12 of P. L. 1967, chapter 76 (C. 55:13A-12) is amended  
 2 to 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 owner  
 5 of each hotel, or of each multiple dwelling occupied or intended  
 6 to be occupied by ~~【six】~~ *three* or more ~~【families】~~ *persons living*  
 7 *independently of each other*, shall file with the commissioner, upon  
 8 forms provided by the commissioner, an application for a certificate  
 9 of registration. Each such application shall be accompanied by a  
 10 fee of \$10.00 and shall ~~【state:~~ (1) the name and address or principal  
 11 place of business of said owner; (2) such description of each hotel  
 12 or multiple dwelling, by street number or otherwise, as will enable  
 13 the commissioner easily to locate the same; (3) the name and  
 14 address or principal place of business of the agent appointed by  
 15 said owner pursuant to subsection (b) of this section for the pur-  
 16 pose of receiving service of process and other orders or notices;  
 17 and (4) the name and address or principal place of business of the  
 18 person, association or corporation, if any, which manages or  
 19 operates such hotel or multiple dwelling for or on behalf of said  
 20 owner. ~~】 include such information as the commissioner shall pre-~~  
 21 ~~scribe to enforce the provisions of this law.~~ Upon the receipt of  
 22 said application and fee, the commissioner shall forthwith issue to  
 23 the owner of such hotel or multiple dwelling a certificate of regis-  
 24 tration, which certificate of registration shall be kept posted by  
 25 the owner of such hotel or multiple dwelling in a conspicuous loca-  
 26 tion therein. The certificate of registration shall be in such form  
 27 as may be prescribed by the commissioner.

28 (b) Within 90 days of the effective date of this act, and thereafter  
 29 as required by subsection (c) of this section, the owner of each  
 30 hotel, or of each multiple dwelling occupied or intended to be  
 31 occupied by ~~【six】~~ *three* or more ~~【families】~~ *persons living indepen-*  
 32 *dently of each other* shall appoint an agent for the purpose of  
 33 receiving service of process and such orders or notices as may be  
 34 issued by the commissioner pursuant to this act. Each such agent  
 35 so appointed shall be a resident of this State or a corporation  
 36 licensed to do business in this State.

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

48 (d) *In any case where the owner of a hotel or multiple dwelling*  
 49 *subject to the provisions of this act has not fulfilled the require-*  
 50 *ments of this section, the commissioner shall notify the owner of*  
 51 *the violation of this section and order that registration be accom-*  
 52 *plished within 30 days. The notice and order shall include an*  
 53 *accurate restatement of the subsection with which the owner has*  
 54 *not complied. If the owner has not complied with the order of the*  
 55 *commissioner within 30 days, he shall be liable for a penalty of*  
 56 *\$200.00 for each registration which the commissioner shall have*  
 57 *ordered. The commissioner may issue a certificate to the clerk of*  
 58 *the superior court that an owner is indebted for the payment of*  
 59 *such penalty and thereupon the clerk shall immediately enter upon*  
 60 *his record of docketed judgments the name of such owner, and of*  
 61 *the state, a designation of the statute under which the penalty is*  
 62 *imposed, the amount of the penalty so certified and the date such*  
 63 *certification was made. The making of the entry shall have the same*  
 64 *force and effect as the entry of the docketed judgment in the office*  
 65 *of such clerk, and the commissioner shall have all of the remedies*  
 66 *and maintain all of the proceedings for the collection thereof which*  
 67 *may be had or taken upon the recovery of a judgment in a civil*  
 68 *action, but without prejudice to the owner's right of appeal.*

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

3 13. (a) The commissioner shall inspect each multiple dwelling  
 4 at least once in every 5 years, and each hotel **annually** *at least*  
 5 *once in every 3 years*, for the purpose of determining the extent to  
 6 which each hotel or multiple dwelling complies with the provisions  
 7 of this act and regulations promulgated hereunder.

8 (b) On or before January 1, 1968, and **on or before January 1**  
 9 **of each year** *within 90 days of the most recent inspection there-*  
 10 *after, the owner of each hotel shall file with the commissioner, upon*

11 forms provided by the commissioner, an application for a cer-  
 12 tificate of inspection. Said application shall [state: (1) the name  
 13 and address or principal place of business of the owner; (2) such  
 14 description of the hotel, by street number or otherwise, as will  
 15 enable the commissioner easily to locate the same; (3) the number  
 16 of units of dwelling space in said hotel; (4) the maximum number  
 17 of occupants of said units of dwelling space; and (5) the number  
 18 of the occupants of said units of dwelling space as of the date the  
 19 application for a certificate of inspection is filed.] *include such in-*  
 20 *formation as the commissioner shall prescribe to enforce the pro-*  
 21 *visions of this law.* Said application shall be accompanied by a fee  
 22 as follows: [where the number of units of dwelling space is 20 or  
 23 less or where the maximum number of occupants thereof is 25 or  
 24 less, \$10.00; where the number of units of dwelling space is over  
 25 20 and not more than 50 or where the maximum number of occu-  
 26 pants thereof is not in excess of 100 but greater than 25, \$30.00;  
 27 and where the number of units of dwelling space is more than 50  
 28 or where the maximum number of occupants thereof is greater  
 29 than 100, \$50.00] *a basic fee of \$50.00 for the inspection of the*  
 30 *common areas and \$10.00 per unit of dwelling space \* [with] \**  
 31 *\*provided that\* the maximum total fee \*is\* limited to \$350.00 \*for*  
 31A *each building. In the event there are more than three buildings*  
 31B *within a project, the fees for inspection of those buildings in excess*  
 31C *of three shall be as follows: the fee for the fourth building shall*  
 31D *not exceed 1/2 of the fee which could be charged for such inspec-*  
 31E *tion; the fee for the fifth building shall not exceed 1/4 of the fee*  
 31F *which could be charged for such inspection; the fee for the sixth*  
 31G *and all remaining buildings shall not exceed \$50.00 for each such*  
 31H *building, provided that in no event shall the total of such fees for*  
 31I *all buildings within a project exceed \$1,250.00. A certificate of*  
 31J *inspection and the fees therefor shall not be required more often*  
 31K *than once every 3 years.\**

32 Within 90 days of the most recent inspection by the commissioner  
 33 of any multiple dwelling occupied or intended to be occupied by  
 34 [six] three or more [families] *persons living independently of*  
 35 *each other \* [occurring prior to January 1 of each calendar year] \**,  
 36 the owner of each such multiple dwelling shall file with the commis-  
 37 sioner, upon forms provided by the commissioner, an application for  
 38 a certificate of inspection. Said application shall \*[state: (1) the  
 39 name and address or principal place of business of the owner; (2)  
 40 such description of the multiple dwelling, by street number or other-  
 41 wise, as will enable the commissioner easily to locate the same; (3)  
 42 the number of units of dwelling space in said multiple dwelling; (4)



43 the maximum number of families that could occupy said units of  
 44 dwelling space; and (5) the number of families that occupied said  
 45 units of dwelling space as of the date the application for a cer-  
 46 tificate of inspection is filed.】 *include such information as the*  
 47 *commissioner shall prescribe to enforce the provisions of this law.*  
 48 Said application shall be accompanied by a fee as follows: 【where  
 49 the maximum number of families that could occupy said units of  
 50 dwelling space is six or less, \$10.00; where the maximum number  
 51 of families that could occupy said units of dwelling space is not  
 52 in excess of 20, but greater than six, \$20.00; where the maximum  
 53 number of families that could occupy said units of dwelling space  
 54 is not in excess of 50 but greater than 20, \$30.00; where the maxi-  
 55 mum number of families that could occupy said units of dwelling  
 56 space is not in excess of 100, but greater than 50, \$40.00; and  
 57 where the maximum number of families that could occupy said units  
 58 of dwelling space is greater than 100, \$50.00.】 *a basic fee of \$20.00*  
 59 *for the inspection of the common areas and \$15.00 per unit of dwell-*  
 60 *ing space, \*【with】\* \*provided that\* the maximum total fee \*is\**  
 60A *limited to \$350.00 \*for each building. In the event there are more*  
 60B *than three buildings within a project, the fees for inspection of*  
 60C *those buildings in excess of three shall be as follows: the fee for*  
 60D *the fourth building shall not exceed 1/2 of the fee which could be*  
 60E *charged for such inspection; the fee for the fifth building shall*  
 60F *not exceed 1/4 of the fee which could be charged for such inspec-*  
 60G *tion; the fee for the sixth and all remaining buildings shall not*  
 60H *exceed \$50.00 for each such building, provided that in no event*  
 60I *shall the total of such fees for all buildings within a project exceed*  
 60J *\$1,250.00. A certificate of inspection and the fees therefor shall not*  
 60K *be required more often than once every 5 years\*.*

61 (c) If the commissioner determines, as a result of the most recent  
 62 inspection of any hotel or multiple dwelling as required by sub-  
 63 section (a) of this section, that any hotel or multiple dwelling com-  
 64 plies with the provisions of this act and regulations promulgated  
 65 hereunder, then the commissioner shall issue to the owner thereof,  
 66 upon receipt of the application and fee as required by subsection  
 67 (b) of this section, a certificate of inspection. Any owner to whom  
 68 a certificate of inspection is issued shall keep said certificate posted  
 69 in a conspicuous location in the hotel or multiple dwelling to which  
 70 the certificate applies. The certificate of inspection shall be in such  
 71 form as may be prescribed by the commissioner.

72 (d) If the commissioner determines, as a result of the most  
 73 recent inspection of any hotel or multiple dwelling as required by  
 74 subsection (a) of this section, that any hotel or multiple dwelling

75 does not comply with the provisions of this act and regulations  
 76 promulgated thereunder, then the commissioner shall issue to the  
 77 owner thereof, \***[**upon receipt of the application and fee as required  
 78 by subsection (b) of this section,**]**\* a written notice stating the  
 79 manner in which any such hotel or multiple dwelling does not  
 80 comply with this act or regulations promulgated thereunder. Said  
 81 notice shall fix such date, not less than 60 days nor more than 180  
 82 days, on or before which any such hotel or multiple dwelling must  
 83 comply with the provisions of this act and regulations promulgated  
 84 thereunder. If any such hotel or multiple dwelling is made to  
 85 comply with the provisions of this act and regulations promulgated  
 86 thereunder on or before the date fixed in said notice, then the com-  
 87 missioner shall issue to the owner thereof a certificate of inspection  
 88 as described in subsection (c) of this section. If any such hotel or  
 89 multiple dwelling is not made to comply with the provisions of this  
 90 act and regulations promulgated thereunder on or before the date  
 91 fixed in said notice, then the commissioner shall not issue to the  
 92 owner thereof a certificate of inspection as described in subsection  
 93 (c) of this section, and shall enforce the provisions of this act  
 94 against the owner thereof.

1 7. Section 14 of P. L. 1967, chapter 76 (C. 55:13A-14) is hereby  
 2 repealed.

1 8. Section 15 of P. L. 1967, chapter 76 (C. 55:13A-15) is amended  
 2 to read as follows:

3 15. (a) No person**[**, association or corporation**]** shall construct,  
 4 or cause to be constructed, any hotel or multiple dwelling, or any  
 5 units of dwelling space therein, or any protective equipment,  
 6 therein, unless the plans and specifications therefor shall have been  
 7 submitted to, and approved by, the commissioner in accordance  
 8 with the provisions of this act and rules and regulations promul-  
 9 gated thereunder. Upon the approval by the commissioner of any  
 10 such construction plans and specifications submitted to him, the  
 11 person**[**, association or corporation**]** so submitting the plans and  
 12 specifications shall pay to the commissioner a fee as follows:  
 13 where the estimated cost of construction is \$10,000.00 or less,  
 14 \$10.00; where the estimated cost of construction exceeds \$10,000.00,  
 15 an additional fee of **[\$0.25]** \$2.50 shall be paid for each \$1,000.00,  
 16 or fraction thereof, in excess of the first \$10,000.00.

17 (b) No person**[**, association or corporation**]** shall convert or  
 18 alter, or cause to be converted or altered, a building not constructed  
 19 for use as a hotel or multiple dwelling, to such use, or any units  
 20 of dwelling space therein, or any protective equipment therein,  
 21 unless the plans and specifications therefor shall have been sub-

22 mitted to, and approved by, the commissioner in accordance with  
23 the provisions of this act and rules and regulations promulgated  
24 thereunder. Upon the approval by the commissioner of any such  
25 conversion or alteration plans and specifications submitted to him,  
26 the person **[, association or corporation]** so submitting the plans  
27 and specifications shall pay to the commissioner a fee as follows:  
28 where the estimated cost of conversion or alteration is \$10,000.00  
29 or less, \$10.00; where the estimated cost of conversion or altera-  
30 tion exceeds \$10,000.00, an additional fee of **[\$0.25]** \$2.50 shall be  
31 paid for each \$1,000.00, or fraction thereof, in excess of the first  
32 \$10,000.00.

33 **[Where the commissioner makes an inspection of a building not**  
34 **constructed for use as a hotel or multiple dwelling for the purpose**  
35 **of ascertaining the requirements necessary to the conversion or**  
36 **alteration of such building to use as a hotel or multiple dwelling,**  
37 **a fee of \$10.00 shall be charged.]**

38 (c) **[All plans and specifications submitted to the commissioner**  
39 **for his approval pursuant to subsections (a) and (b) of this sec-**  
40 **tion shall be accompanied by a \$5.00 filing fee, which fee shall be**  
41 **in addition to any fee required to be paid to the commissioner**  
42 **upon his approval of said plans and specifications.]**

43 *Upon the approval by the commissioner of the actual construc-*  
44 *tion, conversion, alteration or rehabilitation pursuant to plans filed*  
45 *as required by subsections (a) and (b) of this section, and the sub-*  
46 *mission of the fee specified in subsection (d) of this section, a cer-*  
47 *tificate of occupancy shall be issued and this certificate shall be*  
48 *equivalent to a certificate of inspection.*

49 (d) *The fee for the certificate of occupancy, which fee shall be*  
50 *in addition to any other fee required by this section, shall be as*  
51 *follows:*

52 (1) *For hotels, where the maximum number of units of*  
53 *dwelling space is 20 or less or where the maximum number of*  
54 *occupants thereof is 25 or less, \$150.00; where the number of*  
55 *units of dwelling space is over 20 and not more than 50 or*  
56 *where the maximum number of occupants thereof is not in*  
57 *excess of 100, but greater than 25, \$250.00; and where the*  
58 *number of units of dwelling space is more than 50 or where*  
59 *the maximum number of occupants thereof is greater than 100,*  
60 *\$400.00.*

61 (2) *For multiple dwellings, where the maximum number of*  
62 *persons, living independently of each other, that could occupy*  
63 *said units of dwelling space is six or less, \$50.00; where the*

64 *maximum number of families that could occupy said units of*  
 65 *dwelling space is not in excess of 20 but greater than six,*  
 66 *\$100.00; where the maximum number of families that could*  
 67 *occupy said units of dwelling space is not in excess of 50 but*  
 68 *greater than 20, \$200.00; where the maximum number of fam-*  
 69 *ilies that could occupy said units of dwelling space is not in*  
 70 *excess of 100 but greater than 50, \$350.00; and where the maxi-*  
 71 *imum number of families that could occupy said units of dwell-*  
 72 *ing space is greater than 100, \$500.00.*

72A *\*(3) Any fee paid for a certificate of occupancy with respect*  
 72B *to a newly-constructed building shall be credited in full against*  
 72C *the fees that may be required in connection with the first ap-*  
 72D *plication for a certificate of inspection for such building, pro-*  
 72E *vided that the person or party claiming such credit shall be the*  
 72F *same person or party who paid the fee for the certificate of*  
 72G *occupancy.\**

73 *(e) In any case where the owner of a hotel or multiple dwelling*  
 74 *subject to the provisions of this act has not submitted plans and*  
 75 *specifications or applied for a certificate of occupancy as required*  
 76 *by this section, he shall be liable for a penalty of \$100.00 for each*  
 77 *violation. The commissioner may, upon notice to the owner, issue*  
 78 *a certificate to the clerk of the superior court that an owner is in-*  
 79 *debted for the payment of such penalty and thereupon the clerk*  
 80 *shall immediately enter upon his record of docketed judgments the*  
 81 *name of such owner, and of the state, a designation of the statute*  
 82 *under which the penalty so certified and the date such certification*  
 83 *was made. The making of the entry shall have the same force and*  
 84 *effect as the entry of the docketed judgment in the office of such*  
 85 *clerk, and the commissioner shall have all of the remedies and*  
 86 *maintain all of the proceedings for the collection thereof which*  
 87 *may be had or taken upon the recovery of a judgment in a civil*  
 88 *action, but without prejudice to the owner's right of appeal.*

1 9. Section 17 of P. L. 1967, chapter 76 (C. 55:13A-17) is amended  
 2 to read as follows:

3 17. (a) If upon any inspection of any hotel or multiple dwelling  
 4 the commissioner shall discover any violation of the provisions of  
 5 this act or any rules and regulations promulgated thereunder,  
 6 which constitutes an imminent hazard to the health, safety or  
 7 welfare of the occupants or intended occupants thereof, or of the  
 8 public generally, the commissioner may issue and cause to be served  
 9 on the owner thereof a written order directing: (1) that any such  
 10 hotel or multiple dwelling be vacated forthwith or, (2) that the  
 11 violation be corrected within the period specified in the order. Such

12 written order shall state the nature of any such violation and the  
13 date and hour by which: (1) any such hotel or multiple dwelling  
14 must be vacated or (2) any such violation must be abated.

15 (b) Upon the receipt by the commissioner of written notice from  
16 the owner of any [such] hotel or multiple dwelling *vacated or*  
17 *ordered to be vacated* stating that any such violation has been  
18 terminated, the commissioner shall reinspect said hotel or multiple  
19 dwelling within 1 working day of the receipt of said notice. If upon  
20 any such reinspection the commissioner shall determine that any  
21 such violation has been terminated, the commissioner shall rescind  
22 any order requiring the vacation of said hotel or multiple dwelling,  
23 and occupancy thereof may be resumed forthwith; provided, that  
24 if any such reinspection is not made by the commissioner within 1  
25 working day of the receipt of said notice, occupancy of any such  
26 hotel or multiple dwelling may be resumed forthwith.

27 (c) Where the owner of any [such] hotel or multiple dwelling  
28 denies that any [such] violation *justifying an order to vacate*  
29 exists, said owner may apply to the commissioner for a reconsidera-  
30 tion hearing, which hearing must be afforded and a decision  
31 rendered by the commissioner within 48 hours of the receipt by  
32 the commissioner of the application for said hearing. If the com-  
33 missioner shall decide adversely to said owner, said owner may  
34 petition the Superior Court of this State for injunctive relief  
35 against any order of the commissioner directing that any such hotel  
36 or multiple dwelling be vacated forthwith. Such relief may be  
37 sought by an order to show cause and may be granted *ex parte*  
38 pending a hearing *de novo*; provided, that the only issue to be  
39 determined in [such proceeding] *the hearing de novo* shall be the  
40 existence of any violation of the provisions of this act, or rules and  
41 regulations promulgated thereunder, which constitutes an imminent  
42 hazard to the health, safety or welfare of the occupants or intended  
43 occupants of any such hotel or multiple dwelling, or to the public  
44 generally.

45 (d) Where the owner of any hotel or multiple dwelling denies  
46 that any violation *justifying an order to abate within a specific*  
47 *period exist*, said owner may seek injunctive relief by an order to  
48 show cause and said relief may be granted *ex parte* pending a  
49 hearing *de novo* provided, that the only issue to be determined  
50 in the hearing *de novo* shall be the existence of any violation of the  
51 provisions of this act, or rules and regulations promulgated there-  
52 under, which constitutes a hazard to the health, safety or welfare  
53 of the occupants or intended occupants of any such hotel or multiple  
54 dwelling, or to the public generally.

1 10. Section 18 of P. L. 1967, chapter 76 (C. 55:13A-18) is  
2 amended to read as follows:

3 18. Any person**【, association or corporation】** aggrieved by any  
4 ruling, action, order, or notice of the commissioner pursuant to  
5 this act, except any order **【of】** or notice issued by the commissioner  
6 pursuant to **【section】** *sections 12(d), 15(e) and 17* of this act shall  
7 be entitled to a hearing before the commissioner. The application  
8 for such hearing must be filed with the commissioner within 15  
9 days of the receipt by the applicant thereof of notice of the ruling,  
10 action, order or notice complained of. No such hearing shall be  
11 held except upon 15 days' written notice to all interested parties,  
12 and each such hearing shall be held within 30 days of the receipt  
13 of the application therefor. **【Within 30 days after the completion**  
14 **of such hearing, the commissioner shall issue an appropriate order**  
15 **approving, modifying, and approving as so modified, or setting**  
16 **aside in whole or in part the ruling, action, order or notice com-**  
17 **plained of, a copy of which order shall be served on all interested**  
18 **parties.】** *When a hearing officer is designated by the commissioner*  
19 *to conduct hearings, said hearing officer shall issue a recommended*  
20 *report and decision within 30 days after the completion of any*  
21 *hearing, a copy of which shall be filed with the commissioner and*  
22 *mailed to all parties of record. Each party of record shall be*  
23 *afforded 15 days in which to file exceptions, objections, and replies*  
24 *thereto, and to present argument to the commissioner. Within 15*  
25 *days thereafter, the commissioner shall issue an order which*  
26 *adopts, rejects, or modifies the recommended report and decision,*  
27 *a copy of which shall be served on all parties of record. Pending*  
28 *the determination of the commissioner, and upon application there-*  
29 *for, the commissioner may grant a stay of the ruling, action, order,*  
30 *or notice complained of; provided, that no such stay shall be*  
31 *granted except upon such terms and conditions as will adequately*  
32 *protect the occupants or intended occupants of the hotel or multiple*  
33 *dwelling involved, or the public generally.*

1 11. Section 19 of P. L. 1967, chapter 76 (C. 55:13A-19) is amended  
2 to read as follows:

3 19. (a) No person**【, association or corporation】** shall **【will-**  
4 **fully】**—

5 (1) Obstruct, hinder, delay or interfere with, by force or  
6 otherwise, the commissioner in the exercise of any power or the  
7 discharge of any function or duty under the provisions of this  
8 act; or

9 (2) Prepare, utter or render any false statement, report,  
10 document, plans or specifications permitted or required to be

11 prepared, uttered or rendered under the provisions of this  
12 act; or

13 (3) Render ineffective or inoperative any protective equip-  
14 ment installed, or intended to be installed, in any hotel or  
15 multiple dwelling; or

16 (4) Refuse or fail to comply with any lawful ruling, action,  
17 order or notice of the commissioner; or

18 (5) Violate, or cause to be violated, any of the provisions  
19 of this act.

20 (b) Any person~~], association or corporation which]~~ *who* vio-  
21 lates, or causes to be violated, any provision of subsection (a) of  
22 this section shall be liable to a penalty of not less than ~~[\$100.00]~~  
23 ~~\$50.00~~ nor more than \$500.00 for ~~[the first offense]~~ *each violation,*  
24 and a penalty of not less than \$500.00 nor more than ~~[\$1,000.00]~~  
25 ~~\$5,000.00~~ for ~~[a second or]~~ *each [subsequent offense] continuing*  
26 *violation~~].~~* *Where any violation of subsection (a) of this section*  
27 *is of a continuing nature, each day during which such continuing*  
28 *violation remains unabated after the date fixed by the commissioner*  
29 *in any order or notice for the correction or termination of such*  
30 *continuing violation, shall constitute an additional, separate and*  
31 *distinct violation, except during the time an appeal from said order*  
32 *may be taken or is pending. The commissioner, in the exercise of*  
33 *his administrative authority pursuant to this act, may levy and*  
34 *collect penalties in the amounts set forth in this section. Where*  
35 *the administrative penalty order has not been satisfied within 30*  
36 *days of its issuance the [which] penalty [shall] may be sued for,*  
37 and recovered by and in the name of the commissioner in a  
38 civil action by a summary proceeding under the Penalty Enforce-  
39 ment Law (N. J. S. 2A:58-1 et seq.) ~~[.]~~ *in the Superior Court.*

40 (c) Any person~~], association or corporation]~~ shall be deemed to  
41 have violated, or to have caused to be violated, any provision of sub-  
42 section (a) of this section whenever any officer, agent or employee  
43 thereof, under the control of and with the knowledge of said per-  
44 son~~], association or corporation,]~~ shall have violated or caused to  
45 be violated any of the provisions of subsection (a) of this section.  
46 ~~[Where any violation of subsection (a) of this section is of a con-~~  
47 ~~tinuing nature, each day during which such violation continues~~  
48 ~~after the date fixed by the commissioner in any order or notice for~~  
49 ~~the correction or termination of such violation, shall constitute~~  
50 ~~an additional, separate and distinct offense, except during the time~~  
51 ~~an appeal from said order may be taken or is pending.]~~

52 ~~[(c)]~~ (d) The commissioner may cancel and revoke any permit,  
53 approval or certificate required or permitted to be granted or issued

54 to any person[, association or corporation] pursuant to the pro-  
 54A visions of this act if the commissioner shall find that any such  
 54B person[, association or corporation] has violated, or caused  
 55 to be violated, any of the provisions of subsection (a) of this  
 56 section.

1 12. Section 20 of P. L. 1967, chapter 76 (C. 55:13A-20) is amended  
 2 to read as follows:

3 20. [The posting in a conspicuous location in any hotel or  
 4 multiple dwelling of any ruling, notice or order required or per-  
 5 mitted to be issued and served pursuant to this act, together with  
 6 the mailing of a copy of such ruling, notice or order on the same  
 7 day that it is posted to the person, association or corporation to  
 8 be served, at the address or principal place of business as registered  
 9 with the commissioner pursuant to this act, or to the agent ap-  
 10 pointed by said person, association or corporation pursuant to this  
 11 act for the purpose of receiving service of process, shall be sufficient  
 12 service thereof.]

13 (a) *Notices required or permitted to be issued and served pur-*  
 14 *suant to this act shall be served as follows:*

15 (1). *On the owner:*

16 (i) *By mailing same by certified mail, return receipt*  
 17 *requested, to the person designated as owner or agent on*  
 18 *the certificate of registration or in the municipal tax records*  
 19 *or in the records of the Secretary of State.*

20 (ii) *If the above certified mailing is returned, the original*  
 21 *letter shall be remailed to the last known address by common*  
 22 *mail.*

23 (2). *On the occupant:*

24 (i) *By mailing same by certified mail, return receipt re-*  
 25 *quested, to said occupant, or*

26 (ii) *If the above certified mailing is returned the original*  
 27 *letter shall be remailed to the last known address by common*  
 28 *mail.*

29 (b) *Rules, Decisions and Orders required or permitted to be is-*  
 30 *sued and served pursuant to this act shall be served as follows:*

31 (1). *On the owner:*

32 (i) *By mailing same by certified mail, return receipt re-*  
 33 *quested, to the person designated as owner or agent on the*  
 34 *certificate or registration or in the municipal tax records*  
 35 *or in the records of the Secretary of State.*

36 (ii) *By serving same on the Secretary of State, who shall*  
 37 *be deemed the owner's agent for service of process, provided*  
 38 *however, that reasonable efforts have first been made to*



39           *serve the owner or his agent by certified mail and that a copy*  
40           *of such notice is posted in a conspicuous location on the*  
41           *premises. "Conspicuous location" shall include the walls*  
42           *of the front vestibule or in any common foyer or hallway*  
43           *immediately inside the main front entrance.*

44           (2). *On the occupant:*

45           (i) *By mailing same by certified mail, return receipt re-*  
46           *quested, address to the occupant at the premises, or*

47           (ii) *By leaving same at the dwelling unit of the occupant*  
48           *with a person of the age of 14.*

49           (c) *The date of service shall be considered the date of personal*  
50           *service or the date of the third day after mailing, whichever occurs*  
51           *later.*

1           13. *This act shall take effect on July 1, 1970.*

ASSEMBLY AMENDMENT TO  
**ASSEMBLY, No. 962**

[OFFICIAL COPY REPRINT]

—•—  
**STATE OF NEW JERSEY**  
—•—

ADOPTED MAY 7, 1970

Amend page 9, section 6, line 31r, delete "\$1,250.00", insert in lieu thereof "\$750.00".

ch 138  
FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: JULY 9, 1970

RE: A-962

Governor William T. Cahill today signed into law a bill which allows the Bureau of Housing Inspection to increase its fees for inspection and licensing and to issue certificates of occupancy.

The effect of the new law is to generate \$1 million through a more self-supporting fee system rather than receive its total operating budget from general appropriations -- which comes out of the taxpayers' dollars.

At present the Bureau, which functions as a part of the Department of Community Affairs, has a budget of \$1.8 million.

The new law is an outgrowth of the Governor's budget message in which he recommended that no more than \$800,000 of the Bureau's budget be spent unless legislation is enacted to generate the remaining funds through increased fees.

Under the bill, the Commissioner of Community Affairs can assess penalties through administrative hearings instead of seeking court action for violations, the Governor noted.

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