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CORRECTED COPY  
P.L. 1999, CHAPTER 384, *approved January 14, 2000*  
Assembly, No. 2545 (*Second Reprint*)

1 AN ACT concerning multiple dwellings and amending P.L.1967, c.76.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State  
4 of New Jersey:

5

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

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

12 (a) The term "act" shall mean this act, any amendments or  
13 supplements thereto, and any rules and regulations promulgated  
14 thereunder.

15 (b) The term "accessory building" shall mean any building which is  
16 used in conjunction with the main building of a hotel, whether separate  
17 therefrom or adjoining thereto.

18 (c) The term "board" shall mean the Hotel and Multiple Dwelling  
19 Health and Safety Board created by subsection (a) of section 5 of this  
20 act in the Division of Housing and Development of the Department of  
21 Community Affairs.

22 (d) The term "bureau" shall mean the Bureau of Housing  
23 Inspection in the Department of Community Affairs.

24 (e) (Deleted by amendment.)

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

27 (g) The term "department" shall mean the Department of  
28 Community Affairs.

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

37 (i) The term "protective equipment" shall mean any equipment,  
38 device, system or apparatus, whether manual, mechanical, electrical or

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALH committee amendments adopted May 3, 1999.

<sup>2</sup> Assembly floor amendments adopted November 15, 1999.

1 otherwise, permitted or required by the commissioner to be  
2 constructed or installed in any hotel or multiple dwelling for the  
3 protection of the occupants or intended occupants thereof, or of the  
4 public generally.

5 (j) The term "hotel" shall mean any building, including but not  
6 limited to any related structure, accessory building, and land  
7 appurtenant thereto, and any part thereof, which contains 10 or more  
8 units of dwelling space or has sleeping facilities for 25 or more persons  
9 and is kept, used, maintained, advertised as, or held out to be, a place  
10 where sleeping or dwelling accommodations are available to transient  
11 or permanent guests.

12 This definition shall also mean and include any hotel, motor hotel,  
13 motel, or established guesthouse, which is commonly regarded as a  
14 hotel, motor hotel, motel, or established guesthouse, as the case may  
15 be, in the community in which it is located; provided, that this  
16 definition shall not be construed to include any building or structure  
17 defined as a multiple dwelling in this act, registered as a multiple  
18 dwelling with the Commissioner of Community Affairs as hereinafter  
19 provided, and occupied or intended to be occupied as such nor shall  
20 this definition be construed to include a rooming house or a boarding  
21 house as defined in the "Rooming and Boarding House Act of 1979,"  
22 P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth  
23 in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1,  
24 55:13A-13.2), any retreat lodging facility, as defined in this section.

25 (k) The term "multiple dwelling" shall mean any building or  
26 structure of one or more stories and any land appurtenant thereto, and  
27 any portion thereof, in which three or more units of dwelling space are  
28 occupied, or are intended to be occupied by three or more persons  
29 who live independently of each other. This definition shall also mean  
30 any group of ten or more buildings on a single parcel of land or on  
31 contiguous parcels under common ownership, in each of which two  
32 units of dwelling space are occupied or intended to be occupied by  
33 two persons or households living independently of each other, and any  
34 land appurtenant thereto, and any portion thereof. This definition shall  
35 not include:

36 (1) any building or structure defined as a hotel in this act, or  
37 registered as a hotel with the Commissioner of Community Affairs as  
38 hereinafter provided, or occupied or intended to be occupied  
39 exclusively as such;

40 (2) a building section containing not more than four dwelling units,  
41 provided the building has at least two exterior walls unattached to any  
42 adjoining building section and the dwelling units are separated  
43 exclusively by walls of such fire-resistant rating as comports with the  
44 "State Uniform Construction Code Act," P.L.1975, c.217  
45 (C.52:27D-119 et seq.) at the time of their construction or with a  
46 rating as shall be established by the bureau in conformity with

1 recognized standards and the building is held under a condominium or  
2 cooperative form of ownership, or by a mutual housing corporation **],**  
3 and all the occupied dwelling units in that building are occupied by  
4 their owners, if a condominium, or by shareholders in the cooperative  
5 or mutual housing corporation **]** <sup>1</sup>, provided that if any units within  
6 such a building section are not occupied by an owner of the unit, then  
7 that unit <sup>2</sup> and the common areas within that building section <sup>2</sup> shall not  
8 be exempted from the definition of a multiple dwelling for the  
9 purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium  
10 association, or a cooperative or mutual housing corporation shall  
11 provide the bureau with any information necessary to justify an  
12 exemption for a dwelling unit pursuant to this paragraph <sup>1</sup>; or

13 (3) any building of three stories or less, owned or controlled by a  
14 nonprofit corporation organized under any law of this State for the  
15 primary purpose to provide for its shareholders or members housing  
16 in a retirement community as same is defined under the provisions of  
17 the "Retirement Community Full Disclosure Act," P.L.1969, c.215  
18 (C.45:22A-1 et seq.), provided that the corporation meets the  
19 requirements of section 2 of P.L.1983, c.154 (C.55:13A-13.1).

20 (l) The term "owner" shall mean the person who owns, purports to  
21 own, or exercises control of any hotel or multiple dwelling. <sup>1</sup>The term  
22 "owner" shall also mean and include any person who owns, purports  
23 to own, or exercises control over three or more dwelling units within  
24 a multiple dwelling. <sup>1</sup>

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

27 (n) The term "continuing violation" shall mean any violation of this  
28 act or any regulation promulgated thereunder, where notice is served  
29 within two years of the date of service of a previous notice and where  
30 violation, premise and person cited in both notices are substantially  
31 identical.

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

39 (p) The term "mutual housing corporation" means a corporation  
40 not-for-profit incorporated under the laws of New Jersey on a mutual  
41 or cooperative basis within the scope of Title VI, s.607 of the  
42 "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C. s.1501  
43 et seq., as amended, which acquired a National Defense Housing  
44 Project pursuant to said act.

45 (q) "Condominium" means the form of ownership so defined in the  
46 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

1 (r) "Cooperative" means a housing corporation or association  
2 which entitles the holder of a share or membership interest thereof to  
3 possess and occupy for dwelling purposes a house, apartment or other  
4 structure owned or leased by said corporation or association, or to  
5 lease or purchase a dwelling constructed or to be constructed by said  
6 corporation or association.

7 (s) "Retreat lodging facility" means a building or structure,  
8 including but not limited to any related structure, accessory building,  
9 and land appurtenant thereto, and any part thereof, owned by a  
10 nonprofit corporation or association which has tax-exempt charitable  
11 status under the federal Internal Revenue Code and which has sleeping  
12 facilities used exclusively on a transient basis by persons participating  
13 in programs of a religious, cultural or educational nature, conducted  
14 under the sole auspices of one or more corporations or associations  
15 having tax-exempt charitable status under the federal Internal Revenue  
16 Code, which are made available without any mandatory charge to such  
17 participants.

18 (cf: P.L.1997, c.311, s.1)

19

20 2. This act shall take effect immediately.

21

22

23

24

25 Exempts certain owner-occupied units in condominiums, cooperatives,  
26 or mutual housing corporations from definition of multiple dwelling.

# ASSEMBLY, No. 2545

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## STATE OF NEW JERSEY

### 208th LEGISLATURE

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INTRODUCED OCTOBER 29, 1998

**Sponsored by:**

**Assemblyman JOSEPH AZZOLINA**

**District 13 (Middlesex and Monmouth)**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Removes occupancy as a condition of exemption from definition of multiple dwelling.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/5/1999)

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39 otherwise, permitted or required by the commissioner to be  
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41 protection of the occupants or intended occupants thereof, or of the  
42 public generally.

43 (j) The term "hotel" shall mean any building, including but not

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**Matter underlined thus is new matter.**



1 limited to any related structure, accessory building, and land  
2 appurtenant thereto, and any part thereof, which contains 10 or more  
3 units of dwelling space or has sleeping facilities for 25 or more persons  
4 and is kept, used, maintained, advertised as, or held out to be, a place  
5 where sleeping or dwelling accommodations are available to transient  
6 or permanent guests.

7 This definition shall also mean and include any hotel, motor hotel,  
8 motel, or established guesthouse, which is commonly regarded as a  
9 hotel, motor hotel, motel, or established guesthouse, as the case may  
10 be, in the community in which it is located; provided, that this  
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18 in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1,  
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42 recognized standards and the building is held under a condominium or  
43 cooperative form of ownership, or by a mutual housing corporation[,  
44 and all the occupied dwelling units in that building are occupied by  
45 their owners, if a condominium, or by shareholders in the cooperative  
46 or mutual housing corporation]; or

1 (3) any building of three stories or less, owned or controlled by a  
2 nonprofit corporation organized under any law of this State for the  
3 primary purpose to provide for its shareholders or members housing  
4 in a retirement community as same is defined under the provisions of  
5 the "Retirement Community Full Disclosure Act," P.L.1969, c.215  
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22 entity. The contiguity of such parcels shall not be adversely affected  
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28 et seq., as amended, which acquired a National Defense Housing  
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35 structure owned or leased by said corporation or association, or to  
36 lease or purchase a dwelling constructed or to be constructed by said  
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38 (s) "Retreat lodging facility" means a building or structure,  
39 including but not limited to any related structure, accessory building,  
40 and land appurtenant thereto, and any part thereof, owned by a  
41 nonprofit corporation or association which has tax-exempt charitable  
42 status under the federal Internal Revenue Code and which has sleeping  
43 facilities used exclusively on a transient basis by persons participating  
44 in programs of a religious, cultural or educational nature, conducted  
45 under the sole auspices of one or more corporations or associations  
46 having tax-exempt charitable status under the federal Internal Revenue

1 Code, which are made available without any mandatory charge to such  
2 participants.

3 (cf: P.L.1997, c.311, s.1)

4

5 2. This act shall take effect immediately.

6

7

8

#### STATEMENT

9

10 This bill would remove a condition that all units in certain  
11 condominiums be occupied by their owners in order to not fall under  
12 the definition of a multiple dwelling in the "Hotel and Multiple  
13 Dwelling Law," (HMDL), P.L.1967, c.76 (C.55:13A-1 et seq.). The  
14 Legislature recently amended the law (P.L.1997, c.311) concerning the  
15 exemption for semi-detached condominiums with a certain  
16 configuration of fire walls which increased from two to four units the  
17 number of units which were exempt from the definition. However, an  
18 error was made in amending the law by omitting the word "section"  
19 regarding building sections which resulted in the elimination of the  
20 exemption for certain condominiums which previously had been  
21 exempt. This bill, by removing the clause concerning who must occupy  
22 a dwelling unit, rectifies that error, while retaining the intent behind  
23 P.L.1997, c.311 to exclude a certain type of building configuration  
24 from being considered a multiple dwelling.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2545**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 3, 1999

The Assembly Local Government and Housing Committee reports favorably Assembly Bill No. 2545, with committee amendments.

As amended, Assembly Bill No. 2545 would remove a condition that all units in certain condominiums be occupied by their owners in order to not fall under the definition of a multiple dwelling in the "Hotel and Multiple Dwelling Law," (HMDL), P.L.1967, c.76 (C.55:13A-1 et seq.). The Legislature recently amended the law (P.L.1997, c.311) concerning the exemption for semi-detached condominiums with a certain configuration of fire walls which increased from two to four units the number of units which were exempt from the definition. However, an error was made in amending the law by omitting the word "section" regarding building sections which resulted in the elimination of the exemption for certain condominiums which previously had been exempt. This bill, as amended, will exempt units which are contained within the building configuration delineated above, provided the units are owner-occupied. Units within a building section that are occupied by tenants will remain under the definition of multiple dwelling, and thus be subject to the inspections required by the law. The bill requires a condominium association or a cooperative or mutual housing corporation managing the common property for such housing units to inform the bureau of housing inspection concerning which units should be exempted from inspection. Owners of three or more units within a multiple dwelling will be responsible for the inspection of those units, rather than an association or corporation managing common property of the development.

The committee amended the bill to exempt those building sections containing four or fewer units within conforming fire wall configurations from the definition of multiple dwelling, except that if any unit within such a building section is tenant occupied, it would remain subject to the HMDL, and the inspections required by that act. The amendments create a presumption that the unit will be inspected unless the association or corporation managing the community advises

the Department of Community Affairs that the unit is owner-occupied and should be exempted from inspection. In addition, the amendments would require that an owner of more than three units within a multiple dwelling complex, which could include condominiums, cooperatives or mutual housing corporations, would be responsible for the inspection of the units, instead of the association or corporation managing the common elements of such property.

# STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 2545**

with Assembly Floor Amendments  
(Proposed By Assemblyman AZZOLINA)

ADOPTED: NOVEMBER 15, 1999

These amendments specify that whenever a condominium unit falls under the definition of a multiple dwelling under the "Hotel and Multiple Dwelling Law," P. L.1967, c. 76 (C. 55:13A-1 et seq.), and cannot qualify for the exemption from the inspection required under that act, the common areas within the building section surrounding that unit will also be subject to inspection under the act.

**SENATE, No. 1483**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED NOVEMBER 16, 1998

**Sponsored by:**

**Senator JOSEPH M. KYRILLOS, JR.**

**District 13 (Middlesex and Monmouth)**

**SYNOPSIS**

Removes occupancy as a condition of exemption from definition of multiple dwelling.

**CURRENT VERSION OF TEXT**

As introduced.



S1483 KYRILLOS

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34 of his servants, agents or employees, and shall include all privileges,  
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S1483 KYRILLOS

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2 appurtenant thereto, and any part thereof, which contains 10 or more  
3 units of dwelling space or has sleeping facilities for 25 or more persons  
4 and is kept, used, maintained, advertised as, or held out to be, a place  
5 where sleeping or dwelling accommodations are available to transient  
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7 This definition shall also mean and include any hotel, motor hotel,  
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43 cooperative form of ownership, or by a mutual housing corporation [,  
44 and all the occupied dwelling units in that building are occupied by  
45 their owners, if a condominium, or by shareholders in the cooperative  
46 or mutual housing corporation]; or

**S1483 KYRILLOS**

1 (3) any building of three stories or less, owned or controlled by a  
2 nonprofit corporation organized under any law of this State for the  
3 primary purpose to provide for its shareholders or members housing  
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9 own, or exercises control of any hotel or multiple dwelling.

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

12 (n) The term "continuing violation" shall mean any violation of this  
13 act or any regulation promulgated thereunder, where notice is served  
14 within two years of the date of service of a previous notice and where  
15 violation, premise and person cited in both notices are substantially  
16 identical.

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

24 (p) The term "mutual housing corporation" means a corporation  
25 not-for-profit incorporated under the laws of New Jersey on a mutual  
26 or cooperative basis within the scope of Title VI, s.607 of the  
27 "Lanham Public War Housing Act," 54 Stat. 1125, 42 U.S.C. s.1501  
28 et seq., as amended, which acquired a National Defense Housing  
29 Project pursuant to said act.

30 (q) "Condominium" means the form of ownership so defined in the  
31 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

32 (r) "Cooperative" means a housing corporation or association  
33 which entitles the holder of a share or membership interest thereof to  
34 possess and occupy for dwelling purposes a house, apartment or other  
35 structure owned or leased by said corporation or association, or to  
36 lease or purchase a dwelling constructed or to be constructed by said  
37 corporation or association.

38 (s) "Retreat lodging facility" means a building or structure,  
39 including but not limited to any related structure, accessory building,  
40 and land appurtenant thereto, and any part thereof, owned by a  
41 nonprofit corporation or association which has tax-exempt charitable  
42 status under the federal Internal Revenue Code and which has sleeping  
43 facilities used exclusively on a transient basis by persons participating  
44 in programs of a religious, cultural or educational nature, conducted  
45 under the sole auspices of one or more corporations or associations  
46 having tax-exempt charitable status under the federal Internal Revenue

1 Code, which are made available without any mandatory charge to such  
2 participants.

3 (cf: P.L.1997, c.311, s.1)

4

5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill would remove a condition that all units in certain  
11 condominiums be occupied by their owners in order to not fall under  
12 the definition of a multiple dwelling in the "Hotel and Multiple  
13 Dwelling Law," (HMDL), P.L.1967, c.76 (C.55:13A-1 et seq.). The  
14 Legislature recently amended the law (P.L.1997, c.311) concerning the  
15 exemption for semi-detached condominiums with a certain  
16 configuration of fire walls which increased from two to four units the  
17 number of units which were exempt from the definition. However, an  
18 error was made in amending the law by omitting the word "section"  
19 regarding building sections which resulted in the elimination of the  
20 exemption for certain condominiums which previously had been  
21 exempt. This bill, by removing the clause concerning who must occupy  
22 a dwelling unit, rectifies that error, while retaining the intent behind  
23 P.L.1997, c.311 to exclude a certain type of building configuration  
24 from being considered a multiple dwelling.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1483**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 6, 1999

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1483 with committee amendments.

Senate Bill No.1483, as amended by the committee, would modify the definition of a multiple dwelling under the "Hotel and Multiple Dwelling Law," (HMDL), P.L.1967, c.76 (C.55:13A-1 et seq.). Specifically, the bill, as amended, would change the conditions under which certain condominium units are exempted from the definition of a "multiple dwelling."

Until 1997, building sections containing not more than two dwelling units held under cooperative or condominium ownership which were owner occupied and whose fire walls were configured in a certain way were exempt from the definition of "multiple dwelling." With amendments to the law adopted by P.L.1997, c.311, the accidental omission of the word "section" resulted in the elimination of the exemption for certain condominiums which previously had been exempt from the definition. The effect of being included within the definition of "multiple dwelling" is to invoke the inspection and regulatory requirements of that law as it applies to multiple dwellings.

This bill, as amended, would clarify the nature of the exemption from the definition of a multiple dwelling in connection with a building section containing not more than four dwelling units in a building with at least two exterior walls unattached to any adjoining building section and where the dwelling units are separated exclusively by walls of fire-resistant ratings consistent with the State Uniform Construction Code. If units within such a building section are not occupied by an owner of the unit, then that unit shall not be exempted from the definition of a multiple dwelling. In other words, if a unit within a building section as described above is either tenanted or vacant, all of the other units within that section shall fall within the definition of a multiple dwelling.

The bill requires a condominium association or a cooperative or mutual housing corporation managing the common property for such housing units to inform the bureau of housing inspection concerning which units should be exempted from inspection. In addition, the bill, as amended, extends the definition of "owner" to include any person

who owns or purports to own or who exercises control over three or more dwelling units within a multiple dwelling.

The committee amendments exempt those building sections containing four or fewer units within conforming fire wall configurations from the definition of multiple dwelling, except that if any unit within such a building section is tenant occupied, it would remain subject to the HMDL, and the inspections required by that act. The amendments create a presumption that the unit will be inspected unless the association or corporation managing the community advises the Department of Community Affairs that the unit is owner-occupied and should be exempted from inspection.

In addition, the amendments extend the definition of "owner" to include any person who owns or purports to own or who exercises control over three or more dwelling units within a multiple dwelling.

STATEMENT TO

[First Reprint]

**SENATE, No. 1483**

with Senate Floor Amendments  
(Proposed By Senator KYRILLOS)

ADOPTED: NOVEMBER 15, 1999

These amendments specify that whenever a condominium unit falls under the definition of a multiple dwelling under the "Hotel and Multiple Dwelling Law," P. L.1967, c.76 (C.55:13A-1 et seq.), and cannot qualify for the exemption from the inspection required under that act, the common areas within the building section surrounding that unit will also be subject to inspection under the act.