

LEGISLATIVE HISTORY CHECKLIST
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(Senior citizens housing)

NJSA: 55:14I-6.1; 2A:42-113

LAWS OF: 1995 **CHAPTER:** 144

BILL NO: A342

SPONSOR(S): Gormley

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Senior Citizens
SENATE: Senior Citizens

AMENDED DURING PASSAGE: Yes Amendments denoted by
Third reprint enacted superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** January 27, 1995 Re-enacted 6-19-95
SENATE: November 10, 1995 Re-enacted 6-22-95

DATE OF APPROVAL: June 29, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBG:pp

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[THIRD REPRINT]
ASSEMBLY, No. 342

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman JONES and Assemblywoman GILL

1 AN ACT concerning the distribution of disclosure statements to
2 residents of certain senior citizen housing projects and
3 supplementing P.L.1965, c.92 (C.55:14I-1 et seq.) and chapter
4 42 of Title 2A of the New Jersey Statutes.

5

6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. Every nonprofit corporation owning or operating a senior
9 citizen rental housing project pursuant to the provisions of
10 P.L.1965, c.92 (C.55:14I-1 et seq.) shall give ³[a disclosure
11 statement]³ to each lessee at the time of the signing of the lease
12 or any renewal thereof ³[. The statement shall be of a form
13 prescribed by the Commissioner of Community Affairs and shall
14 present, in a clear, concise and easily understandable manner, the
15 rights and responsibilities of the tenants and owners of the senior
16 citizen rental housing project, as prescribed by law and
17 regulation. The statement also shall include a telephone number
18 for use by tenants in reporting housing emergencies or complaints
19 to the owners of the rental housing project and] , copies of the
20 statements required to be provided in accordance with P.L.1974,
21 c. 50 (C.46:8-27 et seq.) and P.L.1975, c.310 (C.46:8-43 et seq.),
22 together with a statement including³ the telephone ¹[number]
23 numbers¹ of ¹[a] the¹ State ¹[or] and¹ local office ¹for the
24 municipality designated to receive reports of housing
25 emergencies or complaints¹ where the tenant may report an
26 owner's failure to respond to a housing emergency or complaint.

27 Upon receipt of ³[the disclosure statement] these statements,
28 the lessee shall sign a form indicating that the owner delivered
29 the ³[statement] statements³ as required under the provisions of
30 this section ³, P.L.1974, c.50 (C.46:8-27 et seq.) and P.L.1975,
31 c.310 (C.46:8-43 et seq.)³. The owner shall keep the form on file
32 for one year.

33 The owner shall post ³[a copy of the disclosure statement]
34 copies of the statements³ in one or more locations so that the
35 ³[statement is] statements are³ prominently displayed and
36 accessible to all the tenants of the senior citizen rental housing
37 project.

38 ²Nothing contained in this section shall be construed as
39 affecting a right guaranteed, or a responsibility imposed, on any
40 person by any other law.²

41 2. a. As used in this section:

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:

¹ Assembly ASC committee amendments adopted January 20, 1994.

² Senate SSV committee amendments adopted March 10, 1994.

³ Assembly amendments adopted in accordance with Governor's recommendations June 12, 1995.

1 "Landlord" means, in the case of a senior citizen housing
2 project in which dwelling units are rented or offered for rent, the
3 person or persons who own or purport to own the building,
4 structure or complex of buildings or structures in which those
5 rental dwelling units are situated. In the case of a senior citizen
6 housing project that is organized or operated as a planned real
7 estate development, landlord means the governing board or body
8 of that development.

9 "Planned real estate development" means any real property
10 situated within the State, whether contiguous or not, which
11 consists of, or will consist of, separately owned areas,
12 irrespective of form, be it lots, parcels, units, or interests, and
13 which are offered or disposed of pursuant to a common
14 promotional plan, and providing for common or shared elements
15 or interests in real property. It shall include, but not be limited
16 to, property subject to the "Condominium Act," P.L.1969, c.257
17 (C.46:8B-1 et seq.), any form of homeowners' association, any
18 housing cooperative or any community trust or other trust device.

19 "Senior citizen" means a person 62 years of age or older and
20 shall include a surviving spouse if that surviving spouse is
21 55 years of age or over.

22 "Senior citizen housing project" means any building or
23 structure, and any land appurtenant thereto, having three or more
24 dwelling units, be they rental or owner occupied, intended for,
25 and solely occupied by, senior citizens; except that, it shall not
26 include owner-occupied premises having not more than three
27 dwelling units that are rented or offered for rent, or any health
28 care facility as defined in the "Health Care Facilities Planning
29 Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

30 b. Every landlord of a senior citizen housing project ³, and
31 every landlord of a unit within a senior citizen housing project
32 that is a planned unit development,³ shall give ³[a disclosure
33 statement] copies of the statements required by P.L.1974, c.50
34 (C.46:8-27 et seq.), P.L.1975, c.310 (C.46:8-43 et seq.) and
35 section 1 of this act³ to each resident at the time of the signing
36 of the lease and any renewal thereof, if the units in the project
37 are rented or offered for rent ³[, or annually at a date prescribed
38 by the governing board or body of the project, if] ³. If³ the
39 project is organized or operated as a planned real estate
40 development ³[. The statement shall be of a form prescribed by
41 the Commissioner of Community Affairs and shall present, in a
42 clear, concise, and easily understandable manner, the rights and
43 responsibilities of the residents and landlord of the senior citizen
44 rental housing project. The statement shall also include a
45 telephone number for use by residents in reporting housing
46 emergencies or complaints to the landlord of the senior citizen
47 housing project and the telephone ¹[number] numbers¹ of ¹[a]
48 the¹ State ¹[or] and¹ local office ¹for the municipality
49 designated to receive reports of housing emergencies or
50 complaints¹ of a State or local office where a resident may
51 report a landlord's failure to respond to a housing emergency or
52 complaint] , the governing board or body shall provide copies of
53 the public offering statement approved by the Department of
54 Community Affairs in accordance with P.L.1969, c.215

1 (C.45:22A-1 et seq.) or P.L.1977, c.419 (C.45:22A-21 et seq.) and
2 of the current bylaws of the planned real estate development to
3 all residents to whom copies of those documents were not
4 previously issued either by the developer or by the governing
5 board or body.³

6 Upon receipt of the ³[disclosure statement] statements or
7 documents, as the case may be,³ the resident shall sign a form
8 indicating that the landlord delivered the ³[statement]
9 statements or documents³ as required under the provisions of
10 this section. The owner shall keep the form on file for one year.

11 The landlord shall post ³[a copy of the disclosure statement]
12 copies of the statements and documents³ in one or more
13 locations so the ³[statement is] statements and documents are³
14 prominently displayed and accessible to all the residents of the
15 senior citizen housing project.

16 ²c. Nothing contained in this section shall be construed as
17 affecting a right guaranteed, or a responsibility imposed, on any
18 person by any other law.²

19 3. This act shall take effect immediately.

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21
22
23

24 Requires distribution of disclosure statements to residents of
25 certain senior citizen housing projects.

1 to, property subject to the "Condominium Act," P.L.1969, c.257
2 (C.46:8B-1 et seq.), any form of homeowners' association, any
3 housing cooperative or any community trust or other trust device.

4 "Senior citizen" means a person 62 years of age or older and
5 shall include a surviving spouse if that surviving spouse is 55
6 years of age or over.

7 "Senior citizen housing project" means any building or
8 structure, and any land appurtenant thereto, having three or more
9 dwelling units, be they rental or owner occupied, intended for,
10 and solely occupied by, senior citizens; except that, it shall not
11 include owner-occupied premises having not more than three
12 dwelling units that are rented or offered for rent, or any health
13 care facility as defined in the "Health Care Facilities Planning
14 Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

15 b. Every landlord of a senior citizen housing project shall give
16 a disclosure statement to each resident at the time of the signing
17 of the lease and any renewal thereof, if the units in the project
18 are rented or offered for rent, or annually at a date prescribed by
19 the governing board or body of the project, if the project is
20 organized or operated as a planned real estate development. The
21 statement shall be of a form prescribed by the Commissioner of
22 Community Affairs and shall present, in a clear, concise, and
23 easily understandable manner, the rights and responsibilities of
24 the residents and landlord of the senior citizen rental housing
25 project. The statement shall also include a telephone number for
26 use by residents in reporting housing emergencies or complaints
27 to the landlord of the senior citizen housing project and the
28 telephone number of a State or local office where a resident may
29 report a landlord's failure to respond to a housing emergency or
30 complaint.

31 Upon receipt of the disclosure statement, the resident shall
32 sign a form indicating that the landlord delivered the statement
33 as required under the provisions of this section. The owner shall
34 keep the form on file for one year.

35 The landlord shall post a copy of the disclosure statement in
36 one or more locations so the statement is prominently displayed
37 and accessible to all the residents of the senior citizen housing
38 project.

39 3. This act shall take effect immediately.

40 41 42 STATEMENT

43
44 This bill would require owners and operators of senior citizen
45 housing facilities, including those operated by nonprofit
46 corporations, to give their residents a disclosure statement. In
47 the case of rental properties, the statement is to be distributed
48 each time the tenant signs a lease or a lease renewal. In the case
49 of a project organized as a planned real estate development, the
50 statement is to be distributed once a year on a date determined
51 by the governing board or body of the development.

52 The statement is to contain a clear, concise and easily
53 understandable summary of the respective rights and
54 responsibilities of the residents, owners and operators of senior

1 citizen housing facilities. The statement is also to contain two
2 telephone numbers, one for the resident to use to report any
3 housing emergencies or complaints to the facility owner or
4 landlord, and a second which the resident may use to notify a
5 State or local office that an owner or landlord has failed to
6 respond to a housing emergency or complaint.

7 Under the provisions of the bill, the owner or landlord also is
8 required to post a copy of the disclosure statement in one or
9 more locations so that it is prominently displayed and accessible
10 to all the tenants.

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15 _____
16 Requires distribution of disclosure statements to residents of
certain senior citizen housing projects.

ASSEMBLY SENIOR CITIZENS AND
SOCIAL SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 342

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 20, 1994

The Assembly Senior Citizens and Social Services Committee favorably reports Assembly Bill No. 342 with committee amendments.

As amended, this bill would require owners and operators of senior citizen housing facilities, including those operated by nonprofit corporations, to give their residents a disclosure statement. In the case of rental properties, the statement is to be distributed each time the tenant signs a lease or a lease renewal. In the case of a project organized as a planned real estate development, the statement is to be distributed once a year on a date determined by the governing board or body of the development.

The statement is to contain a clear, concise and easily understandable summary of the respective rights and responsibilities of the residents, owners and operators of senior citizen housing facilities. The statement is also to contain one telephone number for the resident to use to report any housing emergencies or complaints to the facility owner or landlord, and additional telephone numbers which the resident may use to notify the State and local office for the municipality designated to receive emergencies or complaints that an owner or landlord has failed to respond to a housing emergency or complaint.

Under the provisions of the bill, the owner or landlord also is required to post a copy of the disclosure statement in one or more locations so that it is prominently displayed and accessible to all the tenants.

The amendments clarify that the statement shall include the telephone numbers of the State and local office for the municipality designated to receive reports of housing emergency calls and complaints so that residents may more easily report a landlord's failure to respond to a housing emergency or complaint.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE SENIOR CITIZENS, VETERANS
AFFAIRS AND AGRICULTURE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 342

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 1994

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee reports favorably and with committee amendments Assembly No.342(1R).

This bill would require owners and operators of senior citizen housing facilities, including those operated by nonprofit corporations, to give their residents a disclosure statement. In the case of rental properties, the statement is to be distributed each time the tenant signs a lease or a lease renewal. In the case of a project organized as a planned real estate development, the statement is to be distributed once a year on a date determined by the governing board or body of the development.

The statement is to contain a clear, concise and easily understandable summary of the respective rights and responsibilities of the residents, owners and operators of senior citizen housing facilities. The statement is also to contain one telephone number for the resident to use to report any housing emergencies or complaints to the facility owner or landlord, and additional telephone numbers which the resident may use to notify the State and local office for the municipality designated to receive emergencies or complaints that an owner or landlord has failed to respond to a housing emergency or complaint.

Under the provisions of the bill, the owner or landlord also is required to post a copy of the disclosure statement in one or more locations so that it is prominently displayed and accessible to all the tenants.

The bill also provides that its provisions shall not be construed as affecting a right guaranteed, or a responsibility imposed, on any person by another law.

COMMITTEE AMENDMENTS

The committee amended the bill to clarify that its provisions shall not be construed as affecting a right guaranteed, or a responsibility imposed, on any person by any other law.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 23, 1995

ASSEMBLY BILL NO. 342
(SECOND REPRINT)

To the Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 342 (Second Reprint) with my objections for reconsideration.

Summary of Bill

This bill would require that owners and operators of senior citizen housing facilities, including those operated by nonprofit corporations, provide their residents with a disclosure statement. When the housing facility is operated as a rental property, the statement would have to be distributed each time a tenant signed a lease or lease renewal. The statement is to include a summary of the rights and responsibilities of the residents, owners and operators of the housing facilities. Further, the statement would have to contain telephone numbers advising the senior citizen residents where to report a housing emergency or make a complaint, and would have to provide numbers for those State or local offices that are charged with handling such complaints.

Recommended Action

While the policy underlying the bill -- informing and protecting our senior citizen community -- is salutary, the bill's protective provisions overlap with the existing Truth-In-Renting law, codified at N.J.S.A. 46:8-43-49. The bill does contain a provision stating that nothing contained in it shall affect existing rights or requirements. However, I am advised by the Commissioner of Community

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Affairs that this provision does not adequately clarify the interplay of the bill with existing law. In order to avoid the confusion and potential expense that may result from the imposition of overlapping and duplicative requirements, I recommend that the bill be amended to incorporate by reference certain provisions of the Truth-In-Renting law.

Therefore, I herewith return Assembly Bill No. 342 (Second Reprint) and recommend that it be amended as follows:

<u>Page 1, Section 1, Line 10:</u>	Delete "a disclosure"
<u>Page 1, Section 1, Line 11:</u>	Delete "statement"
<u>Page 1, Section 1, Lines 12-18:</u>	Delete in their entirety.
<u>Page 1, Section 1, Line 19:</u>	Delete "to the owners of the rental housing project and" and insert ", copies of the statements required to be provided in accordance with P.L. 1974, c.50 (C. 46:8-27 et seq.) and P.L. 1975, c.310 (C. 46:8-43 et seq.), together with a statement including"
<u>Page 1, Section 1, Line 24:</u>	After "of" delete "the disclosure statement" and insert "these statements"
<u>Page 1, Section 1, Line 25:</u>	Delete "statement" and insert "statements"
<u>Page 1, Section 1, Line 26:</u>	After "section" delete "." and insert ", P.L. 1974, c.50 (C.46:8-27 et seq.) and P.L. 1975, c.310 (C. 46:8-43 et seq.)."
<u>Page 1, Section 1, Line 28:</u>	After "post" delete "a copy of the disclosure statement" and insert "copies of the statements"
<u>Page 1, Section 1, Line 29:</u>	Delete "statement is" and insert "statements are"

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- Page 2, Section 2, Line 22: After "project" insert ", and every landlord of a unit within a senior citizen housing project that is a planned unit development,"
- Page 2, Section 2, Line 23: Delete "a disclosure statement" and insert "copies of the statements required by P.L. 1974, c.50 (C.46:8-27 et seq.), P.L. 1975, c.310 (C.46:8-43 et seq.) and section 1 of this act"
- Page 2, Section 2, Line 25: Delete ", or annually at a date prescribed by"
- Page 2, Section 2, Line 26: Delete "the governing board or body of the project, if" insert ". If"
- Page 2, Section 2, Line 27: Delete ". The"
- Page 2, Section 2, Lines 28-39: Delete in their entirety, and insert ", the governing board or body shall provide copies of the public offering statement approved by the Department of Community Affairs in accordance with P.L. 1969, c.215 (C.45:22A-1 et seq) or P.L. 1977, c.419 (C.45:22A-21 et seq.) and of the current bylaws of the planned real estate development to all residents to whom copies of those documents were not previously issued either by the developer or by the governing board or body."
- Page 2, Section 2, Line 40: Delete "disclosure statement" and insert "statements or documents, as the case may be"
- Page 2, Section 2, Line 41: Delete "statement" and insert "statements or documents"

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Page 2, Section 2, Line 44:

Delete "a copy of the disclosure statement" and insert "copies of the statements and documents"

Page 2, Section 2, Line 45:

Delete "statement is" and insert "statements and documents are"

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Peter Verniero

Chief Counsel to the Governor