

40:52-13

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(Rooming and boarding homes)

**NJSA:** 40:52-13

**LAWS OF:** 1996 **CHAPTER:** 148

**BILL NO:** A2217

**SPONSOR(S):** Azzolina and others

**DATE INTRODUCED:** June 27, 1996

**COMMITTEE:** **ASSEMBLY:** Housing  
**SENATE:** Community Affairs

**AMENDED DURING PASSAGE:** Yes Amendments during passage denoted  
Second reprint enacted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** October 21, 1996

**SENATE:** November 7, 1996

**DATE OF APPROVAL:** December 23, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

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

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**  
**REPORTS:** No

**HEARINGS:** No

KBP:pp

[Second Reprint]  
ASSEMBLY, No. 2217

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblyman AZZOLINA, Assemblywoman J. SMITH,  
Assemblymen Corodemus, LeFevre and Blee

1 ANACT concerning the licensing of rooming and boarding homes and  
2 amending P.L.1993, c.290.

3

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

6

7 1. Section 5 of P.L.1993, c. 290 (C.40:52-13) is amended to read  
8 as follows:

9 5. It shall be the duty of the licensing authority to receive  
10 applications made pursuant to section 4 of this act and to conduct such  
11 investigations as may be necessary to establish:

12 a. With respect to the premises for which a license is sought (1)  
13 that they are in compliance with all applicable building, housing, health  
14 and safety codes and regulations; (2) that the location of the premises  
15 will not, in conjunction with the proximity of other rooming and  
16 boarding houses, lead to an excessive concentration of such facilities  
17 in the municipality or a particular section thereof;

18 b. With respect to the owner or owners of the premises: (1) if a  
19 natural person or persons, that he or they are 21 years of age or older,  
20 citizens of the United States and residents of the State of New Jersey,  
21 and never convicted, in this State or elsewhere, of a crime involving  
22 moral turpitude, or of any crime under any law of this State licensing  
23 or regulating a rooming or boarding house, and have never had a  
24 license required pursuant to P.L.1979, c.496 (C.55:13B-1 et al.)  
25 revoked; (2) if a corporation, that all officers and members of the  
26 board of directors, and every stockholder holding 10% or more of the  
27 stock of the corporation, directly or indirectly having a beneficial  
28 interest therein, have the same qualifications as set forth in this  
29 subsection for an applicant who is a natural person;

30 c. With respect to the operator or proposed operator, that he meets

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 AHO committee amendments adopted September 19, 1996.

<sup>2</sup> Senate SCO committee amendments adopted October 28, 1996.

1 the requirements for licensure by the Department of Community  
2 Affairs; **[and]**

3 d. That the owner and operator, either individually or jointly, have  
4 established sufficient guarantee of financial and other responsibility to  
5 assure appropriate relocation of the residents of the rooming or  
6 boarding house to suitable facilities in the event that the license is  
7 subsequently revoked or its renewal denied. The Department of  
8 Community Affairs shall determine, in the case of each type of  
9 rooming and boarding house under its jurisdiction, what constitutes  
10 suitable facilities for this purpose**[.]**; **and**

11 e. At the discretion of the licensing municipality and pursuant to  
12 an ordinance, that the owner has paid all municipal property taxes  
13 <sup>1</sup>[assessed] due and owing<sup>1</sup> on the rooming and boarding house, <sup>2</sup>or  
14 in the case of an initial application, the applicant has paid all municipal  
15 property taxes due and owing on any other rooming and boarding  
16 house located within the municipality and owned by the applicant,<sup>2</sup>  
17 provided that the owner has received written notice of <sup>1</sup>[the  
18 assessment] any payment delinquency<sup>1</sup> which has remained unpaid for  
19 more than 120 days. <sup>2</sup>The provisions of this subsection shall not be  
20 construed as denying or limiting the rights of any displaced residents  
21 to relocation assistance in accordance with P.L.1971, c.362 (C.20:4-  
22 1 et seq.).<sup>2</sup>

23 (cf: P.L.1993, c.290, s.5)

24

25 2. This act shall take effect immediately.

26

27

28

29

30 \_\_\_\_\_  
31 Permits municipalities to deny licenses to rooming and boarding  
houses for unpaid property taxes.

1 established sufficient guarantee of financial and other responsibility to  
2 assure appropriate relocation of the residents of the rooming or  
3 boarding house to suitable facilities in the event that the license is  
4 subsequently revoked or its renewal denied. The Department of  
5 Community Affairs shall determine, in the case of each type of  
6 rooming and boarding house under its jurisdiction, what constitutes  
7 suitable facilities for this purpose[.]; and

8 e. At the discretion of the licensing municipality and pursuant to  
9 an ordinance, that the owner has paid all municipal property taxes  
10 assessed on the rooming and boarding house, provided that the owner  
11 has received written notice of the assessment which has remained  
12 unpaid for more than 120 days.

13 (cf: P.L.1993, c.290, s.5)

14  
15 2. This act shall take effect immediately.

16  
17  
18 STATEMENT

19  
20 This bill would permit those municipalities which have opted to  
21 license rooming and boarding houses, to deny licenses or refuse to  
22 renew licenses of those rooming and boarding houses for which  
23 property taxes have not been paid. Under current law, the reasons a  
24 municipality may deny a license are limited to those pertaining to  
25 density issues or for fitness of the premises for a rooming and boarding  
26 house. In some instances, municipalities have been unable to deny  
27 licenses to owners of rooming and boarding homes who fail to pay  
28 significant amounts of property taxes assessed against the facilities.  
29 Thus, this bill will provide an enforcement tool for licensing  
30 municipalities to better regulate those rooming and boarding houses  
31 under their control.

32  
33  
34 \_\_\_\_\_  
35  
36 Permits municipalities to deny licenses to rooming and boarding  
37 houses for unpaid property taxes.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2217**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 1996

The Assembly Housing Committee reports favorably Assembly Bill No. 2217, with committee amendments.

This bill, as amended, would permit municipalities which have opted to license rooming and boarding houses to deny licenses or refuse to renew licenses of those rooming and boarding houses for which property taxes have not been paid. The bill will provide an enforcement tool for licensing municipalities to better regulate those rooming and boarding houses under their control. Under current law, the reasons a municipality may deny a license are limited to those pertaining to density issues or fitness of the premises for a rooming and boarding house. In some instances, municipalities have been unable to deny licenses to owners of rooming and boarding homes who failed to pay significant amounts of property taxes assessed against the facilities.

The committee amended the bill to correct terminology referring to the payment of property taxes.

# SENATE COMMUNITY AFFAIRS COMMITTEE

## STATEMENT TO

[First Reprint]

### **ASSEMBLY, No. 2217**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 28, 1996

The Senate Community Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2217 (1R).

As amended by the committee, this bill would permit municipalities that have opted to license rooming and boarding houses, to deny licenses or refuse to renew licenses of those rooming and boarding houses for which property taxes have not been paid. The bill will provide an enforcement tool for licensing municipalities to better regulate those rooming and boarding houses under their control. Under current law, the reasons a municipality may deny a license are limited to those pertaining to density issues or fitness of the premises for a rooming and boarding house. In some instances, municipalities have been unable to deny licenses to owners of rooming and boarding homes who failed to pay significant amounts of property taxes assessed against the facilities.

The committee amended the bill to clarify that a municipality may deny an initial license to a prospective rooming and boarding house owner if the applicant owns any other rooming and boarding homes in the municipality for which property taxes have not been paid. The amendments also specify that the law as amended is not to be construed as denying or limiting the rights of displaced tenants to relocation assistance in accordance with P.L.1971, c.362 (C.20:4-1 et seq.).

As amended, this bill is identical to Senate, No. 1572 with committee amendments which was also favorably reported by this committee this on October 28, 1996.