

46:8-27

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 56

NJSA: 46:8-27 (Landlords to maintain list of tenants for emergencies)

BILL NO: S381 (Substituted for A3031)

SPONSOR(S): Sacco and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Housing and Local Government

SENATE: Community and Urban Affairs

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 10, 2003

SENATE: February 27, 2002

DATE OF APPROVAL: May 1, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

S381

[SPONSORS STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A3031

[SPONSORS STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S381

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)
Identical to Assembly Statement to S381

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 56, *approved May 1, 2003*
Senate, No. 381 (*First Reprint*)

1 **AN ACT** requiring landlords to maintain a list of tenants for
2 emergencies, excepting common interest associations from the
3 certificate of registration filing requirement under certain
4 circumstances and amending P.L.1974, c.50.

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

8
9 1. Section 1 of P.L.1974, c.50 (C.46:8-27) is amended to read as
10 follows:

11 1. The term "landlord" , as used in this act, shall mean the person
12 or persons who own or purport to own, or exercise control of any
13 building or project in which there is rented or offered for rent housing
14 space for living or dwelling purposes under either a written or oral
15 lease, provided that this definition shall not include owner-occupied
16 two unit premises. This definition shall include but not be limited to
17 any multiple dwelling subject to the "Hotel and Multiple Dwelling
18 Law" (P.L.1967, c.76; C.55:13A-1 et seq.).

19 Whenever: the owner of an apartment in a horizontal property
20 regime as defined in P.L.1963, c.168 (C.46:8A-1 et seq.), a unit owner
21 of a unit in a condominium as defined in P.L.1969, c.257 (C.46:8B-1
22 et seq.), an owner of a unit in a fee simple community as defined in
23 section 1 of P.L.1989, c.299 (C.40:67-23.2) or an owner in a
24 cooperative entity as defined in section 3 of P.L.1987, c.381
25 (C.46:8D-3) leases an apartment or unit to a tenant, that owner shall
26 be deemed the landlord for the purposes of filing the certificate of
27 registration as required by section 2 of P.L.1974, c.50 (C.46:8-28).
28 Nothing in P.L.1974, c.50 shall be construed as requiring a council of
29 co-owners of a horizontal property regime, a condominium
30 association, an association managing the common or shared elements
31 or interests in a fee simple community or a cooperative association to
32 comply with the certificate of registration requirement unless the
33 council or association is the owner or lessor of the apartment or unit.
34 Nothing in P.L.1974, c.50 shall be construed to require a cooperative
35 corporation to comply with the certificate of registration requirement
36 unless the corporation leases a unit to a person other than a
37 proprietary shareholder of the cooperative. ¹The foregoing provisions
38 notwithstanding, the council, association or cooperative corporation
39 having jurisdiction over a "multiple dwelling," as defined in section 3
40 of P.L.1967, c.76 (C.55:13A-3), shall comply with the registration

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:

¹ Assembly AHO committee amendments adopted January 9, 2003.

1 requirements of section 12 of P.L.1967, c.76 (C.55:13A-12) with
2 respect to the multiple dwelling as a whole.¹

3 The term "project" as used in this act shall mean a group of
4 buildings which are or are represented to be under common or
5 substantially common ownership and which stand on a single parcel of
6 land or parcels of land which are contiguous and which group of
7 buildings is named, designated or advertised as a common entity. The
8 contiguity of such parcels shall not be adversely affected by public
9 rights-of-way incidental to such buildings.

10 (cf: P.L.1981, c.442, s.1)

11

12 2. Section 2 of P.L.1974, c.50 (C.46:8-28) is amended to read as
13 follows:

14 2. Every landlord shall, within 30 days following the effective date
15 of this act, or at the time of the creation of the first tenancy in any
16 newly constructed or reconstructed building, file with the clerk of the
17 municipality, or with such other municipal official as is designated by
18 the clerk, in which the residential property is situated, in the case of a
19 one-dwelling unit rental or a two-dwelling unit non-owner occupied
20 premises, or with the Bureau of Housing Inspection in the Department
21 of Community Affairs in the case of a multiple dwelling as defined in
22 section 3 of the "Hotel and Multiple Dwelling Law" (C.55:13A-3),
23 a certificate of registration on forms prescribed by the Commissioner
24 of Community Affairs, which shall contain the following information:

25 a. The name and address of the record owner or owners of the
26 premises and the record owner or owners of the rental business if not
27 the same persons. In the case of a partnership the names of all general
28 partners shall be provided;

29 b. If the record owner is a corporation, the name and address of
30 the registered agent and corporate officers of said corporation;

31 c. If the address of any record owner is not located in the county
32 in which the premises are located, the name and address of a person
33 who resides in the county in which the premises are located and is
34 authorized to accept notices from a tenant and to issue receipts
35 therefor and to accept service of process on behalf of the record
36 owner;

37 d. The name and address of the managing agent of the premises, if
38 any;

39 e. The name and address, including the dwelling unit, apartment or
40 room number of the superintendent, janitor, custodian or other
41 individual employed by the record owner or managing agent to provide
42 regular maintenance service, if any;

43 f. The name, address and telephone number of an individual
44 representative of the record owner or managing agent who may be
45 reached or contacted at any time in the event of an emergency
46 affecting the premises or any unit of dwelling space therein, including

1 such emergencies as the failure of any essential service or system, and
2 who has the authority to make emergency decisions concerning the
3 building and any repair thereto or expenditure in connection therewith
4 and shall, at all times, have access to a current list of building tenants
5 that shall be made available to emergency personnel as required in the
6 event of an emergency;

7 g. The name and address of every holder of a recorded mortgage
8 on the premises;

9 h. If fuel oil is used to heat the building and the landlord furnishes
10 the heat in the building, the name and address of the fuel oil dealer
11 servicing the building and the grade of fuel oil used.

12 (cf: P.L.2001, c.264, s.1)

13

14 3. This act shall take effect on the first day of the fourth month
15 following enactment.

16

17

18

19

20 Requires landlords to maintain list of tenants for emergencies and
21 clarifies that unit owners rather than common interest associations are
22 required to file certificate of registration.

SENATE, No. 381

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Requires landlords to maintain list of tenants for emergencies and clarifies that unit owners rather than common interest associations are required to file certificate of registration.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S381 SACCO, BRYANT

2

1 AN ACT requiring landlords to maintain a list of tenants for
2 emergencies, excepting common interest associations from the
3 certificate of registration filing requirement under certain
4 circumstances and amending P.L.1974, c.50.

5

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

8

9 1. Section 1 of P.L.1974, c.50 (C.46:8-27) is amended to read as
10 follows:

11 1. The term "landlord" , as used in this act, shall mean the person
12 or persons who own or purport to own, or exercise control of any
13 building or project in which there is rented or offered for rent housing
14 space for living or dwelling purposes under either a written or oral
15 lease, provided that this definition shall not include owner-occupied
16 two unit premises. This definition shall include but not be limited to
17 any multiple dwelling subject to the "Hotel and Multiple Dwelling
18 Law" (P.L.1967, c.76; C.55:13A-1 et seq.).

19 Whenever: the owner of an apartment in a horizontal property
20 regime as defined in P.L.1963, c.168 (C.46:8A-1 et seq.), a unit owner
21 of a unit in a condominium as defined in P.L.1969, c.257 (C.46:8B-1
22 et seq.), an owner of a unit in a fee simple community as defined in
23 section 1 of P.L.1989, c.299 (C.40:67-23.2) or an owner in a
24 cooperative entity as defined in section 3 of P.L.1987, c.381
25 (C.46:8D-3) leases an apartment or unit to a tenant, that owner shall
26 be deemed the landlord for the purposes of filing the certificate of
27 registration as required by section 2 of P.L.1974, c.50 (C.46:8-28).
28 Nothing in P.L.1974, c.50 shall be construed as requiring a council of
29 co-owners of a horizontal property regime, a condominium
30 association, an association managing the common or shared elements
31 or interests in a fee simple community or a cooperative association to
32 comply with the certificate of registration requirement unless the
33 council or association is the owner or lessor of the apartment or unit.
34 Nothing in P.L.1974, c.50 shall be construed to require a cooperative
35 corporation to comply with the certificate of registration requirement
36 unless the corporation leases a unit to a person other than a
37 proprietary shareholder of the cooperative.

38 The term "project" as used in this act shall mean a group of
39 buildings which are or are represented to be under common or
40 substantially common ownership and which stand on a single parcel of
41 land or parcels of land which are contiguous and which group of
42 buildings is named, designated or advertised as a common entity. The
43 contiguity of such parcels shall not be adversely affected by public

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Matter underlined thus is new matter.

1 rights-of-way incidental to such buildings.

2 (cf: P.L.1981, c.442, s.1)

3

4 2. Section 2 of P.L.1974, c.50 (C.46:8-28) is amended to read as
5 follows:

6 2. Every landlord shall, within 30 days following the effective date
7 of this act, or at the time of the creation of the first tenancy in any
8 newly constructed or reconstructed building, file with the clerk of the
9 municipality in which the residential property is situated, in the case of
10 a one-dwelling unit rental or a two-dwelling unit non-owner occupied
11 premises, or with the Bureau of Housing Inspection in the Department
12 of Community Affairs in the case of a multiple dwelling as defined in
13 section 3 of the "Hotel and Multiple Dwelling Law" (C.55:13A-3),
14 a certificate of registration on forms prescribed by the Commissioner
15 of Community Affairs, which shall contain the following information:

16 a. The name and address of the record owner or owners of the
17 premises and the record owner or owners of the rental business if not
18 the same persons. In the case of a partnership the names of all general
19 partners shall be provided;

20 b. If the record owner is a corporation, the name and address of
21 the registered agent and corporate officers of said corporation;

22 c. If the address of any record owner is not located in the county
23 in which the premises are located, the name and address of a person
24 who resides in the county in which the premises are located and is
25 authorized to accept notices from a tenant and to issue receipts
26 therefor and to accept service of process on behalf of the record
27 owner;

28 d. The name and address of the managing agent of the premises, if
29 any;

30 e. The name and address, including the dwelling unit, apartment or
31 room number of the superintendent, janitor, custodian or other
32 individual employed by the record owner or managing agent to provide
33 regular maintenance service, if any;

34 f. The name, address and telephone number of an individual
35 representative of the record owner or managing agent who may be
36 reached or contacted at any time in the event of an emergency
37 affecting the premises or any unit of dwelling space therein, including
38 such emergencies as the failure of any essential service or system, and
39 who has the authority to make emergency decisions concerning the
40 building and any repair thereto or expenditure in connection therewith
41 and shall, at all times, have access to a current list of building tenants
42 that shall be made available to emergency personnel as required in the
43 event of an emergency;

44 g. The name and address of every holder of a recorded mortgage
45 on the premises;

46 h. If fuel oil is used to heat the building and the landlord furnishes

1 the heat in the building, the name and address of the fuel oil dealer
2 servicing the building and the grade of fuel oil used.
3 (cf: P.L.1981, c.511, s.20)

4

5 3. This act shall take effect on the first day of the fourth month
6 following enactment.

7

8

9

STATEMENT

10

11 This bill would require every landlord's representative, which
12 current law requires to be available in the event of emergency and to
13 be named on certificate of registration forms that must be filed with
14 the clerk of the municipality, to maintain a current list of building
15 tenants. The landlord's representative would be required to provide
16 the list to emergency personnel as may be required in the event of an
17 emergency.

18 The need for a mechanism to ascertain the populations of multiple
19 dwellings was highlighted by a housing complex fire in which several
20 residents perished. The determination of whether to continue
21 searching for survivors was made more difficult because no one
22 maintained a list of the tenants' names or the total number of tenants
23 in the complex. This bill will help establish a policy which will aid
24 emergency response personnel in carrying out their duties.

25 The bill also clarifies that whenever the owner of a unit in one of
26 the various types of common interest ownership housing authorized in
27 this State leases a unit to a tenant, the unit owner is required to
28 comply with the certificate of registration requirements required by
29 section 2 of P.L.1974, c.50 (C.46:8-28), rather than the council of co-
30 owners, cooperative association, cooperative corporation,
31 condominium association, or association managing the common or
32 shared elements or interests.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 381

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2003

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Senate Bill No. 381.

This bill, as amended, would require every landlord's representative, which current law requires to be available in the event of emergency and to be named on certificate of registration forms that must be filed with the clerk of the municipality, to maintain a current list of building tenants. The landlord's representative would be required to provide the list to emergency personnel as may be required in the event of an emergency.

The need for a mechanism to ascertain the populations of multiple dwellings was highlighted by a housing complex fire in which several residents perished. The determination of whether to continue searching for survivors was made more difficult because no one maintained a list of the tenants' names or the total number of tenants in the complex. This bill will help establish a policy which will aid emergency response personnel in carrying out their duties.

The bill also clarifies that whenever the owner of a unit in one of the various types of common interest ownership housing authorized in this State leases a unit to a tenant, the unit owner is required to comply with the certificate of registration requirements required by section 2 of P.L.1974, c.50 (C.46:8-28), rather than the council of co-owners, cooperative association, cooperative corporation, condominium association, or association managing the common or shared elements or interests. Such an association will continue to be required to register with the Bureau of Housing Inspection in the Department of Community Affairs if the development is not exempt from inspection under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).

COMMITTEE AMENDMENTS

Committee amendments to the bill:

(1) Clarify that a homeowners' association will not be considered a landlord for the purposes of landlord registration under section 2 of P.L.1974, c.50 (C.46:8-28), but will still be required to register the development for the purposes of inspection under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) if the buildings are not exempted from the definition of multiple dwellings under that act.

The bill as amended is identical to Assembly Bill No. 3031 with Assembly committee amendments, which also was amended by the committee and reported on January 9, 2003.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 381

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2002

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 381.

This bill would require every landlord's representative, which current law requires to be available in the event of emergency and to be named on certificate of registration forms that must be filed with the clerk of the municipality, to maintain a current list of building tenants. The landlord's representative would be required to provide the list to emergency personnel as may be required in the event of an emergency.

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This bill was prefiled for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY, No. 3031

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED NOVEMBER 25, 2002

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

Co-Sponsored by:

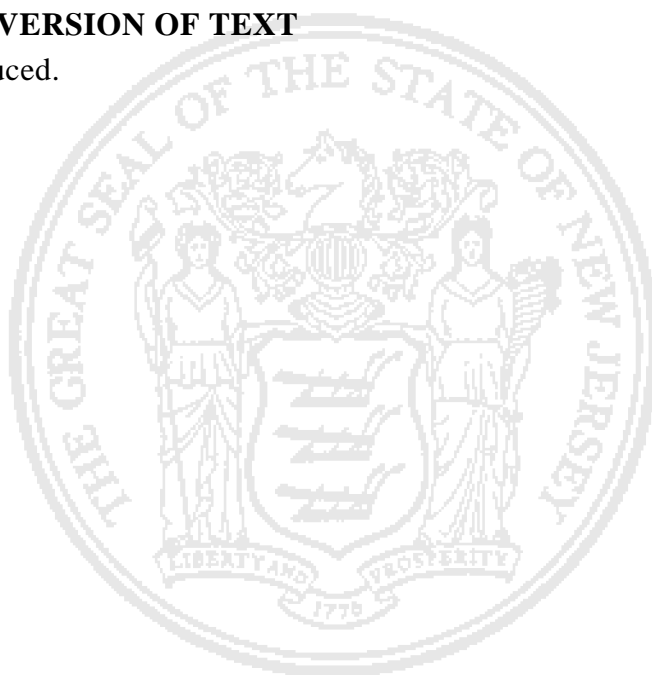
Assemblyman Green

SYNOPSIS

Requires landlords to maintain list of tenants for emergencies and clarifies that unit owners rather than common interest associations are required to file certificate of registration.

CURRENT VERSION OF TEXT

As introduced.



A3031 QUIGLEY, IMPREVEDUTO

2

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2 emergencies, excepting common interest associations from the
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7 of New Jersey:

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15 lease, provided that this definition shall not include owner-occupied
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17 any multiple dwelling subject to the "Hotel and Multiple Dwelling
18 Law" (P.L.1967, c.76; C.55:13A-1 et seq.).

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21 of a unit in a condominium as defined in P.L.1969, c.257 (C.46:8B-1
22 et seq.), an owner of a unit in a fee simple community as defined in
23 section 1 of P.L.1989, c.299 (C.40:67-23.2) or an owner in a
24 cooperative entity as defined in section 3 of P.L.1987, c.381
25 (C.46:8D-3) leases an apartment or unit to a tenant, that owner shall
26 be deemed the landlord for the purposes of filing the certificate of
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38 The term "project" as used in this act shall mean a group of
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40 substantially common ownership and which stand on a single parcel of
41 land or parcels of land which are contiguous and which group of
42 buildings is named, designated or advertised as a common entity. The

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A3031 QUIGLEY, IMPREVEDUTO

1 contiguity of such parcels shall not be adversely affected by public
2 rights-of-way incidental to such buildings.

3 (cf: P.L.1981, c.442, s.1)

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11 the clerk, in which the residential property is situated, in the case of a
12 one-dwelling unit rental or a two-dwelling unit non-owner occupied
13 premises, or with the Bureau of Housing Inspection in the Department
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24 c. If the address of any record owner is not located in the county
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26 who resides in the county in which the premises are located and is
27 authorized to accept notices from a tenant and to issue receipts
28 therefor and to accept service of process on behalf of the record
29 owner;

30 d. The name and address of the managing agent of the premises, if
31 any;

32 e. The name and address, including the dwelling unit, apartment or
33 room number of the superintendent, janitor, custodian or other
34 individual employed by the record owner or managing agent to provide
35 regular maintenance service, if any;

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A3031 QUIGLEY, IMPREVEDUTO

1 g. The name and address of every holder of a recorded mortgage
2 on the premises;

3 h. If fuel oil is used to heat the building and the landlord furnishes
4 the heat in the building, the name and address of the fuel oil dealer
5 servicing the building and the grade of fuel oil used.

6 (cf: P.L.2001, c.264, s.1)

7

8 3. This act shall take effect on the first day of the fourth month
9 following enactment.

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STATEMENT

13

14 This bill would require every landlord's representative, which
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21 The need for a mechanism to ascertain the populations of multiple
22 dwellings was highlighted by a housing complex fire in which several
23 residents perished. The determination of whether to continue
24 searching for survivors was made more difficult because no one
25 maintained a list of the tenants' names or the total number of tenants
26 in the complex. This bill will help establish a policy which will aid
27 emergency response personnel in carrying out their duties.

28 The bill also clarifies that whenever the owner of a unit in one of
29 the various types of common interest ownership housing authorized in
30 this State leases a unit to a tenant, the unit owner is required to
31 comply with the certificate of registration requirements required by
32 section 2 of P.L.1974, c.50 (C.46:8-28), rather than the council of co-
33 owners, cooperative association, cooperative corporation,
34 condominium association, or association managing the common or
35 shared elements or interests.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3031

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2003

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3031.

This bill, as amended, would require every landlord's representative, which current law requires to be available in the event of emergency and to be named on certificate of registration forms that must be filed with the clerk of the municipality, to maintain a current list of building tenants. The landlord's representative would be required to provide the list to emergency personnel as may be required in the event of an emergency.

The need for a mechanism to ascertain the populations of multiple dwellings was highlighted by a housing complex fire in which several residents perished. The determination of whether to continue searching for survivors was made more difficult because no one maintained a list of the tenants' names or the total number of tenants in the complex. This bill will help establish a policy which will aid emergency response personnel in carrying out their duties.

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COMMITTEE AMENDMENTS:

Committee Amendments to the bill:

(1) Clarify that a homeowners' association will not be considered a landlord for the purposes of landlord registration under section 2 of P.L.1974, c.50 (C.46:8-28), but will still be required to register the development for the purposes of inspection under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) if the buildings are not exempted from the definition of multiple dwellings under that act.

The bill as amended is identical to Senate Bill No. 381 with Assembly committee amendments, which also was amended and reported by the committee on January 9, 2003.