

55:13A-3

LEGISLATIVE HISTORY CHECKLIST

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(Exempts owner occupied condos)

NJSA: 55:13A-3

LAWS OF: 1997 CHAPTER: 311

BILL NO: A1842

SPONSOR(S): Wolfe and Kelly

DATE INTRODUCED: May 2, 1996

COMMITTEE: ASSEMBLY: Housing

SENATE: Community Affairs

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

DATE OF PASSAGE: ASSEMBLY: June 27, 1997

SENATE: December 18, 1997

DATE OF APPROVAL: January 8, 1998

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

P.L. 1997, CHAPTER 311, *approved January 8, 1998*  
Assembly, No. 1842 (*First 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 <sup>1</sup>**【Division of Housing and Development of the】**<sup>1</sup>  
24 Department of Community Affairs.

25 (e) (Deleted by amendment.)

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

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

30 (h) The term "unit of dwelling space" or the term "dwelling unit"  
31 shall mean any room or rooms, or suite or apartment thereof, whether

**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 June 10, 1996.**

1 furnished or unfurnished, which is occupied, or intended, arranged or  
2 designed to be occupied, for sleeping or dwelling purposes by one or  
3 more persons, including but not limited to the owner thereof, or any  
4 of his servants, agents or employees, and shall include all privileges,  
5 services, furnishings, furniture, equipment, facilities and improvements  
6 connected with the use or occupancy thereof.

7 (i) The term "protective equipment" shall mean any equipment,  
8 device, system or apparatus, whether manual, mechanical, electrical or  
9 otherwise, permitted or required by the commissioner to be  
10 constructed or installed in any hotel or multiple dwelling for the  
11 protection of the occupants or intended occupants thereof, or of the  
12 public generally.

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

20 This definition shall also mean and include any hotel, motor hotel,  
21 motel, or established guesthouse, which is commonly regarded as a  
22 hotel, motor hotel, motel, or established guesthouse, as the case may  
23 be, in the community in which it is located; provided, that this  
24 definition shall not be construed to include any building or structure  
25 defined as a multiple dwelling in this act, registered as a multiple  
26 dwelling with the Commissioner of Community Affairs as hereinafter  
27 provided, and occupied or intended to be occupied as such nor shall  
28 this definition be construed to include a rooming house or a boarding  
29 house as defined in the "Rooming and Boarding House Act of 1979,"  
30 P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth  
31 in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1,  
32 55:13A-13.2), any retreat lodging facility, as defined in this section.

33 (k) The term "multiple dwelling" shall mean any building or  
34 structure of one or more stories and any land appurtenant thereto, and  
35 any portion thereof, in which three or more units of dwelling space are  
36 occupied, or are intended to be occupied by three or more persons  
37 who live independently of each other. This definition shall also mean  
38 any group of ten or more buildings on a single parcel of land or on  
39 contiguous parcels under common ownership, in each of which two  
40 units of dwelling space are occupied or intended to be occupied by  
41 two persons or households living independently of each other, and any  
42 land appurtenant thereto, and any portion thereof. This definition shall  
43 not <sup>1</sup>be construed to<sup>1</sup> include <sup>1</sup>;

44 (1)<sup>1</sup> any building or structure defined as a hotel in this act, or  
45 registered as a hotel with the Commissioner of Community Affairs as  
46 hereinafter provided, or occupied or intended to be occupied

1 exclusively as such; <sup>1</sup> [nor shall this definition be construed to include  
2 any]

3 (2) a <sup>1</sup> building [section containing not more than two dwelling  
4 units] <sup>1</sup> [or group of buildings] section containing not more than four  
5 dwelling units, provided the building has at least two exterior walls  
6 unattached to any adjoining building section and the dwelling units are  
7 separated exclusively by walls of such fire-resistant rating as comports  
8 with the "State Uniform Construction Code Act," P.L.1975, c.217  
9 (C.52:27D-119 et seq.) at the time of their construction or with a  
10 rating as shall be established by the bureau in conformity with  
11 recognized standards and the building is <sup>1</sup> held under a condominium  
12 or cooperative form of ownership, or by a mutual housing corporation,  
13 <sup>1</sup> [where] and <sup>1</sup> all the occupied dwelling units [in the section] <sup>1</sup> in that  
14 building <sup>1</sup> are occupied by their owners, if a condominium, or by  
15 shareholders in the cooperative or mutual housing corporation [, and  
16 where such building section has at least two exterior walls unattached  
17 to any adjoining building section and is attached to any adjoining  
18 building sections exclusively by walls of such fire-resistant rating as  
19 shall be established by the bureau in conformity with recognized  
20 standards]; <sup>1</sup> [nor] or

21 (3) <sup>1</sup> any building of three stories or less, owned or controlled by  
22 a nonprofit corporation organized under any law of this State for the  
23 primary purpose to provide for its shareholders or members housing  
24 in a retirement community as same is defined under the provisions of  
25 the "Retirement Community Full Disclosure Act," P.L.1969, c.215  
26 (C.45:22A-1 et seq.), provided that the corporation meets the  
27 requirements of section 2 of [this amendatory and supplementary act]  
28 P.L.1983, c.154 (C.55:13A-13.1).

29 (l) The term "owner" shall mean the person who owns, purports to  
30 own, or exercises control of any hotel or multiple dwelling.

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

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

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

45 (p) The term "mutual housing corporation" means a corporation  
46 not-for-profit incorporated under the laws of New Jersey on a mutual

1 or cooperative basis within the scope of Title VI, §607 of the "Lanham  
2 Public War Housing Act," 54 Stat. 1125, 42 U.S.C. §1501 et seq., as  
3 amended, which acquired a National Defense Housing Project  
4 pursuant to said act.

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

7 (r) "Cooperative" means a housing corporation or association  
8 which entitles the holder of a share or membership interest thereof to  
9 possess and occupy for dwelling purposes a house, apartment or other  
10 structure owned or leased by said corporation or association, or to  
11 lease or purchase a dwelling constructed or to be constructed by said  
12 corporation or association.

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

24 (cf: P.L.1987, c.270, s.1)

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26 2. This act shall take effect immediately <sup>1</sup> and apply to inspections  
27 occurring after that date<sup>1</sup>.

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32 Exempts certain owner-occupied condominiums, cooperatives and  
33 mutual housing corporations from the Hotel and Multiple Dwelling  
34 Law.

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2 and land appurtenant thereto, and any part thereof, owned by a  
3 nonprofit corporation or association which has tax-exempt charitable  
4 status under the federal Internal Revenue Code and which has sleeping  
5 facilities used exclusively on a transient basis by persons participating  
6 in programs of a religious, cultural or educational nature, conducted  
7 under the sole auspices of one or more corporations or associations  
8 having tax-exempt charitable status under the federal Internal Revenue  
9 Code, which are made available without any mandatory charge to such  
10 participants.

11 (cf: P.L.1987, c.270, s.1)

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13 2. This act shall take effect immediately.

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#### STATEMENT

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18 This bill would exempt from the requirements of the "Hotel and  
19 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.) all those  
20 condominiums, cooperatives and mutual housing corporations that are  
21 occupied entirely by owners of the condominium units or shareholders  
22 in the cooperative or mutual corporation. It broadens the existing  
23 exemption that was enacted by P.L.1983, c.2, but limited at that time  
24 to certain "garden apartment" type structures.

25 The bill is based upon the premise that the protective purposes of  
26 the act are inappropriate to these circumstances, in which the  
27 occupants of the dwelling units are, in effect, their own landlords.

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32 Exempts owner-occupied condominiums, cooperatives and mutual  
33 housing corporations from the Hotel and Multiple Dwelling Law.

# ASSEMBLY HOUSING COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1842**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 10, 1996

The Assembly Housing Committee reports favorably Assembly Bill No. 1842, with committee amendments.

This bill, as amended by the committee, would exempt from the requirements of the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), certain condominiums, cooperatives and mutual housing corporations that are occupied entirely by owners of the condominium units or shareholders in the cooperative or mutual corporation. It broadens the existing exemption that was enacted by P.L.1983, c.2, but limited at that time to certain "garden apartment" type structures of two units or less.

The committee amended the bill to broaden the exemption which currently exists in statute for condominiums, cooperatives and mutual housing corporations buildings that consist of two attached units, to exempt buildings consisting of no more than four units, provided the units are separated by a fire wall of fire resistency that meets the State Uniform Construction Code at the time of the unit's construction, or standards established by the Bureau of Housing Inspection.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1842**

**STATE OF NEW JERSEY**

DATED: DECEMBER 11, 1997

The Senate Community Affairs Committee reports favorably Assembly Bill No. 1842 (1R).

This bill would exempt from the requirements of the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), certain condominiums, cooperatives, and mutual housing corporations that are occupied entirely by owners of the condominium units or shareholders in the cooperative or mutual corporation. It broadens the existing exemption that was enacted by P.L.1983, c.2, but limited at that time to certain "garden apartment" type structures of two units or less.

The bill would broaden the exemption, which currently exists in statute for condominiums, cooperatives, and mutual housing corporations buildings that consist of two attached units, to include buildings consisting of no more than four units, provided the units are separated by a fire wall of fire resistency that meets the State Uniform Construction Code at the time of the unit's construction, or meets standards established by the Bureau of Housing Inspection.