N.J. Stat. § 55:13A-1

Current through New Jersey 221st Second Annual Session, L. 2025, c. 152 and J.R. 11

LexisNexis® New Jersey Annotated Statutes > Title 55. Tenement Houses and Public Housing (Subts. 1 — 2) > Subtitle 1A. Hotels and Multiple Dwellings (Chs. 13A — 13C) > Chapter 13A. Hotels and Multiple Dwellings (§§ 55:13A-1 — 55:13A-31) > Article I (§§ 55:13A-1 — 55:13A-3)

§ 55:13A-1. Short title

This act shall be known as, and may be cited as, the “Hotel and Multiple Dwelling Law.”

History

L. 1967, c. 76, 1, eff. May 31, 1967; Amended by L. 1970, c. 138, 1.

Annotations

CASE NOTES

Civil Procedure: Pleading & Practice: Pleadings: Impleader

Governments: Local Governments: Duties & Powers

Real Property Law: Landlord & Tenant: Tenancies: General Overview

Real Property Law: Zoning & Land Use: General Overview

Real Property Law: Zoning & Land Use: Constitutional Limits

Real Property Law: Zoning & Land Use: Ordinances

Torts: Premises Liability & Property: General Premises Liability: General Overview

Torts: Premises Liability & Property: Lessees & Lessors: General Overview

Torts: Premises Liability & Property: Lessees & Lessors: Liability of Lessees

Civil Procedure: Pleading & Practice: Pleadings: Impleader

In an action by a buyer against a realtor alleging negligence in connection with the sale of a triplex, the trial court erred in denying the realtor’s motion to file a third party complaint against buyer’s attorney as a potential joint tortfeasor, where the realtor’s experts testified that it was the duty of the attorney for the buyer to assure proper compliance with the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. §§ 55:13A-1* to *55:13A-20*, and where the attorney’s malpractice might have been the basis of the negligence claim against the realtor. *Helmar v. Harsche, 296 N.J. Super. 194, 686 A.2d 766, 1996 N.J. Super. LEXIS 481 (App.Div. 1996)*.

Governments: Local Governments: Duties & Powers

Trial court properly dismissed a landlord's action in lieu of prerogative writs challenging a township's ordinance imposing certain registration obligations and other regulatory requirements on landlords within the township as the ordinance was not preempted by the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. §§ 55:13A-1* to — 28, and no invalid purpose was shown by the landlord, thus, the presumption of the ordinance's validity remained. *Lake Valley Associates, LLC v. Township Of Pemberton, 411 N.J. Super. 501, 987 A.2d 623, 2010 N.J. Super. LEXIS 15 (App.Div.)*, certif. denied, *202 N.J. 43, 994 A.2d 1039, 2010 N.J. LEXIS 443 (N.J. 2010)*.

Real Property Law: Landlord & Tenant: Tenancies: General Overview

Determination that a renter of a hotel room is an "occupant" under *N.J. Admin. Code §§ 5:10-2.2* and 5:10-5.1 does not automatically impose civil liability on her as a matter of law for damages sustained to a hotel room as a result of her guest's willful act, gross negligence, neglect, or abuse. Section *5:10-5.1* renders an occupant responsible for violations of N.J. Admin. Code tit. 5, ch.10 in certain instances, and presumably subject to the "violation penalties" enumerated in *N.J. Admin. Code § 5:10-1.17*, but § *5:10-5*.l, does not necessarily render the occupant liable for civil damages. *Calco Hotel Management Group, Inc. v. Gike, 420 N.J. Super. 495, 22 A.3d 60, 2011 N.J. Super. LEXIS 118 (App.Div.)*, certif. denied, *208 N.J. 600, 34 A.3d 782, 2011 N.J. LEXIS 1452 (N.J. 2011)*.

As a renter of a hotel room was an "occupant" under New Jersey's Hotel and Multiple Dwelling Law, N.J. Stat. Ann. §§ 55:13A-l to 55:13A -28, and its regulations, *N.J. Admin. Code §§ 5:10-1.1* to 5:10-28.1, she could be responsible for violation penalties as a result of a fire code hazard created by her guest even though the renter never entered the room and was not present when the conduct occurred. *Calco Hotel Management Group, Inc. v. Gike, 420 N.J. Super. 495, 22 A.3d 60, 2011 N.J. Super. LEXIS 118 (App.Div.)*, certif. denied, *208 N.J. 600, 34 A.3d 782, 2011 N.J. LEXIS 1452 (N.J. 2011)*.

Real Property Law: Zoning & Land Use: General Overview

Building ordinance which required the property owner to obtain a certificate of occupancy from the building inspector before any unit of the property owner's multi-family dwelling was re-rented to a new tenant or occupant, under the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. § 55:13A-1* et seq, was not authorized upon the mere re-rental; moreover, the provision deprived the property owner of its use without the due process requirement of prior notice and the opportunity to be heard. *State v. CIB International, 169 N.J. Super. 69, 404 A.2d 316, 1979 N.J. Super. LEXIS 820 (App.Div. 1979)*, rev'd, *83 N.J. 262, 416 A.2d 362, 1980 N.J. LEXIS 1353 (N.J. 1980)*.

Real Property Law: Zoning & Land Use: Constitutional Limits

Building ordinance which required the property owner to obtain a certificate of occupancy from the building inspector before any unit of the property owner's multi-family dwelling was re-rented to a new tenant or occupant, under the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. § 55:13A-1* et seq, was not authorized upon the mere re-rental; moreover, the provision deprived the property owner of its use without the due process requirement of prior notice and the opportunity to be heard. *State v. CIB International, 169 N.J. Super. 69, 404 A.2d 316, 1979 N.J. Super. LEXIS 820 (App.Div. 1979)*, rev'd, *83 N.J. 262, 416 A.2d 362, 1980 N.J. LEXIS 1353 (N.J. 1980)*.

Real Property Law: Zoning & Land Use: Ordinances

Trial court properly dismissed a landlord's action in lieu of prerogative writs challenging a township's ordinance imposing certain registration obligations and other regulatory requirements on landlords within the township as the ordinance was not preempted by the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. §§ 55:13A-1* to — 28, and no

invalid purpose was shown by the landlord, thus, the presumption of the ordinance's validity remained. *Lake Valley Associates, LLC v. Township Of Pemberton, 411 N.J. Super. 501, 987 A.2d 623, 2010 N.J. Super. LEXIS 15 (App.Div.)*, certif. denied, *202 N.J. 43, 994 A.2d 1039, 2010 N.J. LEXIS 443 (N.J. 2010)*.

Torts: Premises Liability & Property: General Premises Liability: General Overview

Firefighters' negligence action for injuries incurred while inspecting a fire escape was dismissed; former N.J. Stat. Ann. § 55:3-8 (see now *N.J. Stat. Ann. § 55:13A-1* et seq.), which had required that fire escapes be maintained in a safe condition, did not impose liability on the owner because the firemen had assumed the risk when they entered on the premises to inspect the fire escape. *Walsh v. Madison Park Properties, Ltd., 102 N.J. Super. 134, 245 A.2d 512, 1968 N.J. Super. LEXIS 468 (App.Div. 1968)*.

Torts: Premises Liability & Property: Lessees & Lessors: General Overview

Notwithstanding a landlord's duty under *N.J. Stat. Ann. § 55:13A-1* to keep the premises within a tenant's apartment in good repair, the landlord could not be held liable for injuries sustained by its tenant when the hot water faucet in the tenant's bathtub came out of the wall and the hot water gushing out of the pipe scalded her; because neither the landlord nor the 15-year tenant knew about the corroded condition of the hot water faucet, and because the tenant had not made a complaint to her landlord, liability for the latent defect could not attach. *Dwyer v. Skyline Apartments, Inc., 123 N.J. Super. 48, 301 A.2d 463, 1973 N.J. Super. LEXIS 593 (App.Div.)*, aff'd, *63 N.J. 577, 311 A.2d 1, 1973 N.J. LEXIS 218 (N.J. 1973)*.

Torts: Premises Liability & Property: Lessees & Lessors: Liability of Lessees

Determination that a renter of a hotel room is an "occupant" under *N.J. Admin. Code §§ 5:10-2.2* and 5:10-5.1 does not automatically impose civil liability on her as a matter of law for damages sustained to a hotel room as a result of her guest's willful act, gross negligence, neglect, or abuse. Section *5:10-5.1* renders an occupant responsible for violations of N.J. Admin. Code tit. 5, ch.10 in certain instances, and presumably subject to the "violation penalties" enumerated in *N.J. Admin. Code § 5:10-1.17*, but § *5:10-5*.l, does not necessarily render the occupant liable for civil damages. *Calco Hotel Management Group, Inc. v. Gike, 420 N.J. Super. 495, 22 A.3d 60, 2011 N.J. Super. LEXIS 118 (App.Div.)*, certif. denied, *208 N.J. 600, 34 A.3d 782, 2011 N.J. LEXIS 1452 (N.J. 2011)*.

As a renter of a hotel room was an "occupant" under New Jersey's Hotel and Multiple Dwelling Law, N.J. Stat. Ann. §§ 55:13A-l to 55:13A -28, and its regulations, *N.J. Admin. Code §§ 5:10-1.1* to 5:10-28.1, she could be responsible for violation penalties as a result of a fire code hazard created by her guest even though the renter never entered the room and was not present when the conduct occurred. *Calco Hotel Management Group, Inc. v. Gike, 420 N.J. Super. 495, 22 A.3d 60, 2011 N.J. Super. LEXIS 118 (App.Div.)*, certif. denied, *208 N.J. 600, 34 A.3d 782, 2011 N.J. LEXIS 1452 (N.J. 2011)*.

Research References & Practice Aids

Cross References:

Conversion of multiple dwelling into condominium, cooperative or fee simple ownership; notice to and rights to tenants, see *2A:18-61.8*.

Training courses on handling, response procedures, investigation, prosecution of human trafficking cases [Effective July 1, 2013], see *2C:13-12*.

Posting of sign at point of sale or display of prohibition of use in multiple dwellings or in residences in certain municipalities, see *2C:40-13*.

Definitions; host community benefit, see *40:14A-8.1*.

Definitions; host community benefit., see *40:14B-23.1*.

Year-round operation, see *40:55D-68.1*.

Definitions relative to solid waste collection services for multifamily dwellings, see *40:66-1.2*.

Definitions, see *40A:21-3*.

Application for registration of development, see *45:22A-27*.

Landlord, project defined, see *46:8-27*.

Provision of copy of certificate of registration to tenant, see *46:8-29*.

Registration under act if in compliance with L.1974, c. 50, or Hotel and Multiple Dwelling Law, see *46:8-28.3*.

Inapplicability of act to buildings and structures regulated by other acts, see *51:12-7*.

Definitions relative to lead hazard control, see *52:27D-437.3*.

Rules, regulations, see *52:27D-437.6*.

Definitions, see *55:13A-3*.

Violations, penalties, see *55:13A-19*.

Applicable provisions, see *55:13A-7.6*.

Installation of window guards, maintenance, violations, penalties, see *55:13A-7.13*.

Lead paint inspection requirements for single and two-family rental dwellings, see *55:13A-12.2*.

Retirement community; exclusion from definition of multiple dwelling; compliance with fire safety standards; self-inspection; filing checklist; certification; failure to comply; notice, see *55:13A-13.1*.

Conduct of inspections, see *55:13A-13a*.

Terms defined, see *55:13B-3*.

Continuance of powers and duties of commissioner under Hotel and Multiple Dwelling Law, see *55:13B-13*.

Findings, determinations, see *55:13C-1*.

Subject to regulation as hotel, see *55:13C-6*.

Administrative Code:

N.J.A.C. 5:10-1.1 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Title.

N.J.A.C. 5:10-1.7 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Force and effect of regulations.

N.J.A.C. 5:10-1B.2 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Types of licenses.

N.J.A.C. 5:10-2.2 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Definitions.

N.J.A.C. 5:23-2.24 (2013), CHAPTER UNIFORM CONSTRUCTION CODE, Conditions of certificate of occupancy.

N.J.A.C. 5:26, Appx. (2013), CHAPTER PLANNED REAL ESTATE DEVELOPMENT FULL DISCLOSURE ACT REGULATIONS, APPENDIX.

N.J.A.C. 5:42-3.1 (2013), CHAPTER STATE RENTAL ASSISTANCE PROGRAM, Housing quality standards.

N.J.A.C. 10:123-2.3 (2013), CHAPTER SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES, Definitions.

N.J.A.C. 10:123-3.3 (2013), CHAPTER SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES, Definitions.

NJ ICLE:

Commercial Real Estate Transactions in New Jersey 1.19 Special Transactions

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-2

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§ 55:13A-2. Declaration of policy; liberal construction

This act being deemed and hereby declared remedial legislation necessary for the protection of the health and welfare of the residents of this State in order to assure the provision therefor of decent, standard and safe units of dwelling space, shall be liberally construed to effectuate the purposes and intent thereof.

History

L. 1967, c. 76, 2, eff. May 31, 1967.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-3

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§ 55:13A-3. Definitions

The following terms whenever used or referred to in P.L.1967, c.76 (*C.55:13A-1* et seq.) shall have the following respective meanings for the purposes thereof, except in those instances where the context clearly indicates otherwise:

(a) The term "act" shall mean P.L.1967, c.76 (*C.55:13A-1* et seq.), any amendments or supplements thereto, and any rules and regulations promulgated thereunder.

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

(c) (Deleted by amendment, *P.L.2013, c.253*.)

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

(e) (Deleted by amendment.)

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

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

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

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

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

This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided, that this definition shall not be construed to include any building or structure defined as a multiple dwelling in P.L.1967, c.76 (*C.55:13A-1* et seq.), registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979,"

P.L.1979, c.496 (C.55:13B-1 et al.) or, except as otherwise set forth in P.L.1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as defined in this section.

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

(1) any building or structure defined as a hotel in P.L.1967, c.76 (C.55:13A-1 et seq.), or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such;

(2) a building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by the bureau in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.). A condominium association, or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or

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

(l) The term "owner" shall mean the person who owns, purports to own, or exercises control of any hotel or multiple dwelling. The term "owner" shall also mean and include any person who owns, purports to own, or exercises control over three or more dwelling units within a multiple dwelling.

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

(n) The term "continuing violation" shall mean any violation of P.L.1967, c.76 (C.55:13A-1 et seq.) or any regulation promulgated thereunder, where notice is served within two years of the date of service of a previous notice and where violation, premise and person cited in both notices are substantially identical.

(o) The term "project" shall mean a group of buildings subject to the provisions of P.L.1967, c.76 (C.55:13A-1 et seq.), which are or are represented to be under common or substantially common ownership and which stand on a single parcel of land or parcels of land which are contiguous and which group of buildings is named, designated or advertised as a common entity. The contiguity of such parcels shall not be adversely affected by public rights-of-way incidental to such buildings.

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

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

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

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

(t) “Potentially hazardous violation” means an imminent hazard to the health, safety, or welfare of the occupants or intended occupants thereof, or of the public generally, or a deteriorating structural, sanitary, or other condition that, if unaddressed, may result in an imminent hazard prior to the next scheduled inspection conducted pursuant to P.L.1967, c.76 (*C.55:13A-1* et seq.).

History

L. 1967, c. 76, § 3; amended 1970, c. 138, § 2; 1976, c. 40; 1983, c. 2, § 1; 1983, c. 154, § 1; 1983, c. 447; 1987, c. 270, § 1; *1997, c. 311*; *1999, c. 384*, § 1, eff. Jan. 14, 2000; *2013, c. 253*, § 53, eff. Jan. 17, 2014; *2023, c. 338*, § 1, effective April 1, 2024.

Annotations

Notes

Amendment Note:

2013 amendment, by Chapter 253, substituted “P.L.1967, c.76 (C.55:13A-1 et seq.)” for “this act” in the introductory language, in (a), in the second paragraph of (j), in (k)(1), in (n), and in the first sentence of (o); substituted “thereof” for “of this act” in the introductory language; deleted (c), which formerly read: “The term ‘board’ shall mean the Hotel and Multiple Dwelling Health and Safety Board created by subsection (a) of section 5 of this act in the Division of Housing and Development of the Department of Community Affairs”; substituted “Commissioner of Community Affairs” for “Commissioner of the Department of Community Affairs” in (f); and made a stylistic change.

2023 amendment, by Chapter 338, added (t).

CASE NOTES

Governments: Legislation: Interpretation

Public Health & Welfare Law: Housing & Public Buildings: General Overview

Real Property Law: Zoning & Land Use: State & Regional Planning

Governments: Legislation: Interpretation

Where property holders owned one half of each of three buildings, each of which contained three apartments, and the other half of each building was owned by a corporation, such buildings were considered “multiple dwellings” as defined in *N.J. Stat. Ann. § 55:13A-3(k)* and therefore were subject to the regulatory authority of the Commissioner of Community Affairs under the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. § 55:13A-1* et seq., because common ownership of a building was not an element of the basic definition of a “multiple dwelling” under *N.J. Stat. Ann. § 55:13A-3(k)*. *Rothman v. Department of Community Affairs, Bureau of Housing Inspection, 226 N.J. Super. 229, 543 A.2d 1035, 1988 N.J. Super. LEXIS 258 (App.Div. 1988)*.

Public Health & Welfare Law: Housing & Public Buildings: General Overview

Private school dormitories came within the definition of the term “hotel” as defined by *N.J. Stat. Ann. § 55:13A-3(j)*. *Blair Academy v. Sheehan, 149 N.J. Super. 113, 373 A.2d 418, 1977 N.J. Super. LEXIS 839 (App.Div. 1977)*.

Building consisting of a single structure enclosed within four exterior walls with a single uninterrupted roof was a multiple dwelling as defined by *N.J. Stat. Ann. § 55:13A-3*, notwithstanding the fact that the two halves of the building were previously separately owned and taxed; the building was therefore subject to the regulations applicable to the construction and maintenance of multiple dwellings. *Bunting v. Sheehan, 156 N.J. Super. 14, 383 A.2d 429, 1976 N.J. Super. LEXIS 1064 (App.Div. 1976)*.

Country club was was a multiple dwelling as defined by *N.J. Stat. Ann. § 55:13A-3*, and was subject to the to the provisions of the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. § 55:13A-1* et seq., which required it to register with the Bureau of Housing Inspection and to pay the required registration and inspection fees. *Rumson Country Club v. Commissioner of Community Affairs, 134 N.J. Super. 54, 338 A.2d 219, 1975 N.J. Super. LEXIS 738 (App.Div.)*, certif. denied, *68 N.J. 482, 348 A.2d 523, 1975 N.J. LEXIS 777 (N.J. 1975)*.

Real Property Law: Zoning & Land Use: State & Regional Planning

The New Jersey Hotel & Multiple Dwelling Law, *N.J. Stat. Ann. § 55:13A-3(k)*, sets standards for safety and habitability of dwelling units, but only applies to multi-family residences containing three or more units. *399 Lincoln Assoc. v. Orange Township, 244 N.J. Super. 238, 581 A.2d 1364, 1990 N.J. Super. LEXIS 395 (App.Div. 1990)*.

Research References & Practice Aids

Cross References:

Inspection of buildings; ordinance; inapplicability of exemption in Hotel and Multiple Dwelling Law, see *40:48-2.12a1*.

Landlord, project defined, see *46:8-27*.

Certificate of registration; filing, contents, see *46:8-28*.

Evacuation plans for certain multiple dwellings, filing with municipality, see *52:27D-224.1*.

Definitions relative to lead hazard control, see *52:27D-437.3*.

Posting of drinking water test reports in multiple dwellings, see *55:13A-7.18*.

Retirement community; exclusion from definition of multiple dwelling; compliance with fire safety standards; self-inspection; filing checklist; certification; failure to comply; notice, see *55:13A-13.1*.

Tenants forum; State-subsidized rental housing, complaints, see *55:14K-7.3*.

Administrative Code:

N.J.A.C. 5:10-2.2 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Definitions.

N.J.A.C. 5:10-25.1 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Scope.

N.J.A.C. 5:24-1.2 (2013), CHAPTER CONDOMINIUM, FEE SIMPLE AND COOPERATIVE CONVERSION AND MOBILE HOME PARK RETIREMENT, Procedures; definitions.

N.J.A.C. 5:48-1.2 (2013), CHAPTER LEAD HAZARD CONTROL ASSISTANCE FUND, Definitions.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-4

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§ 55:13A-4. Supervisor of bureau of housing inspection; administration and enforcement of act

The Bureau of Housing Inspection heretofore constituted in the Division of Housing and Urban Renewal in the Department of Community Affairs by section 23 of chapter 293 of the laws of 1966 shall be under the immediate supervision of a supervisor, who shall administer and enforce the provisions of this act, subject to the supervision and control of the commissioner, and who shall perform such other duties as the commissioner may direct or as may be provided by law. Said supervisor shall be a licensed architect or professional engineer of this State who shall be appointed by the commissioner subject to the provisions of Title 11 of the Revised Statutes, Civil Service.

History

L. 1967, c. 76, 4, eff. May 31, 1967.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-5

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§ 55:13A-5. Board of Housing Inspection abolished; powers, functions, duties transferred

(a) The Board of Housing Inspection heretofore constituted in the Division of Housing and Urban Renewal in the Department of Community Affairs by section 23 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said Board of Housing Inspection are hereby transferred to and vested in the commissioner.

(b) The office of supervisor of hotel fire safety heretofore constituted in the Bureau of Housing Inspection of the Division of Housing and Urban Renewal in the Department of Community Affairs by section 24 of chapter 293 of the laws of 1966 is hereby abolished, except that the powers, functions and duties of said office of supervisor of hotel fire safety are hereby transferred to and vested in the commissioner.

History

L. 1967, c. 76, 5, eff. May 31, 1967; amended *2013, c. 253*, § 54, eff. Jan. 17, 2014.

Annotations

Notes

Amendment Note:

2013 amendment, by Chapter 253, rewrote (a).

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-6

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§ 55:13A-6. Powers of commissioner

The commissioner is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of P.L.1967, c.76 (*C.55:13A-1* et seq.), including but not limited to, the power:

(a) To provide owners or groups of owners with such advisory consultation and educational services as will assist said owners or groups of owners to discharge their responsibilities under P.L.1967, c.76 (*C.55:13A-1* et seq.), and to suggest to said owners or groups of owners methods and procedures by which they may develop and implement health and safety programs;

(b) To enter and inspect, without prior notice, any hotel or multiple dwelling as provided by P.L.1967, c.76 (*C.55:13A-1* et seq.), and to make such investigation as is reasonably necessary to carry out the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.);

(c) To administer and enforce the provisions of existing law, and any amendments and supplements thereto, and any rules or regulations promulgated thereunder, concerning the regulation of multiple dwellings, also commonly known as tenements, and hotels;

(d) To issue subpenas to any person subject to P.L.1967, c.76 (*C.55:13A-1* et seq.) which shall compel attendance at any hearing as a witness and shall compel production of such reports, documents, books or papers, in any part of the State before the commissioner or a member of the department designated by the commissioner, as the commissioner may deem necessary to implement the purposes of P.L.1967, c.76 (*C.55:13A-1* et seq.). In any case where a person neglects or refuses to obey the command of such subpena, the commissioner may apply ex parte to the Superior Court for an order compelling a person to testify or to produce files, books, papers, documents or other objects in accordance with the subpena issued by the commissioner and, in addition, said person shall be subject to a penalty of $100,000.00 for each instance in which the person does not comply with the subpena issued by the commissioner, said penalty to be recovered pursuant to section 18 of P.L.1967, c.76 (*C.55:13A-18*);

(e) To issue and promulgate such rules and regulations as the commissioner may deem necessary to implement the purposes of P.L.1967, c.76 (*C.55:13A-1* et seq.), which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the commissioner in the exercise of the commissioner's discretion; provided, that any such rules and regulations shall be filed with the Office of Administrative Law;

(f) To enforce and administer the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.), enter complaints against any person violating the provisions thereof, and to prosecute or cause to be prosecuted violations of the provisions thereof in administrative hearings and civil actions in State or local courts;

(g) To assess penalties and to compromise and settle any claim for a penalty for any violation of the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances of said violation in any of the actions or proceedings mentioned in subsection (f) of this section;

(h) To institute an in rem action against the property upon which a violation exists in cases where the owner, after diligent effort, cannot be served;

(i) To institute a quasi in rem action against the owner by attachment of the property upon which a violation exists, followed by service by publication, in cases where the owner, after diligent effort, cannot be served;

(j) To hold and exercise all the rights and remedies available to a judgment creditor where a judgment lien arises as a result of a penalty action or an administrative proceeding taken pursuant to enforcement of P.L.1967, c.76 (*C.55:13A-1* et seq.); and

(k) To adopt, amend and repeal rules concerning the qualifications and licensing of persons employed by local agencies and municipalities to enforce this amendatory and supplementary act and fees to cover the cost of any licensing program.

History

L. 1967, c. 76, § 6; amended L. 1970, c. 138, 3; 1987, c. 30, 1; *2013, c. 253*, § 55, eff. Jan. 17, 2014.

Annotations

Notes

Amendment Note:

2013 amendment, by Chapter 253, substituted “P.L.1967, c.76 (C.55:13A-1 et seq.)” for “this act” throughout in the introductory language, in (a), in the first sentence of (d), in (e) through (g), and in (j); in (b), substituted “by P.L.1967, c.76 (C.55:13A-1 et seq.)” for “by this amendatory and supplementary act” following “provided by” and substituted “P.L.1967, c.76 (C.55:13A-1 et seq.)” for “this act” at the end; substituted “P.L.1967, c.76 (C.55:13A-18)” for “this act” in the second sentence of (d); substituted “thereof” for “of this act” twice in f.; added “of this section” in (g); deleted “after consultation with the Hotel and Multiple Dwelling Health and Safety Board” following “amend and repeal” in (k); and made stylistic changes.

Opinion Notes

OPINIONS OF ATTORNEY GENERAL

FORMAL OPINION No. 4 — 1979, *1979 N.J. AG LEXIS 24*.

Research References & Practice Aids

Cross References:

Mortgage holder of record; notice of failure by owner to abate violations, see *55:13A-20.2*.

Administrative Code:

N.J.A.C. 5:10 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, 5, Chapter 10 — Chapter Notes.

N.J.A.C. 5:10-1.14 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Delegation of powers.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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Article III

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-7

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§ 55:13A-7. Rules, regulations

The commissioner shall issue and promulgate, in the manner specified in section 8 of P.L.1967, c.76 (*C.55:13A-8*), such regulations as the commissioner may deem necessary to assure that any hotel or multiple dwelling will be maintained in such manner as is consistent with, and will protect, the health, safety and welfare of the occupants or intended occupants thereof, or of the public generally.

Any such regulations issued and promulgated by the commissioner pursuant to this section shall provide standards and specifications for such maintenance materials, methods and techniques, fire warning and extinguisher systems, elevator systems, emergency egresses, and such other protective equipment as the commissioner shall deem reasonably necessary to the health, safety and welfare of the occupants or intended occupants of any units of dwelling space in any hotel or multiple dwelling, including but not limited to:

(a) Structural adequacy ratings;

(b) Methods of egress, including fire escapes, outside fireproof stairways, independent stairways, and handrails, railings, brackets, braces and landing platforms thereon, additional stairways, and treads, winders, and risers thereof, entrances and ramps;

(c) Bulkheads and scuttles, partitions, walls, ceilings and floors;

(d) Garbage and refuse collection and disposal, cleaning and janitorial services, repairs, and extermination services;

(e) Electrical wiring and outlets, and paints and the composition thereof;

(f) Doors, and the manner of opening thereof;

(g) Transoms, windows, shafts and beams;

(h) Chimneys, flues and central heating units;

(i) Roofing and siding materials;

(j) Lots, yards, courts and garages, including the size and location thereof;

(k) Intakes, open ducts, offsets and recesses;

(l) Windows, including the size and height thereof;

(m) Rooms, including the area and height thereof, and the permissible number of occupants thereof;

(n) Stairwells, skylights and alcoves;

(o) Public halls, including the lighting and ventilation thereof;

(p) Accessory passages to rooms;

(q) Cellars, drainage and air space;

(r) Water-closets, bathrooms and sinks;

(s) Water connections, including the provision of drinking and hot and cold running water;

(t) Sewer connections, privies, cesspools, and private sewers;

(u) Rain water and drainage conductors;

(v) Entrances and ramps; and

(w) Presence of lead-based paint hazards in multiple dwellings and in single-family and two-family dwellings, exclusive of owner-occupied dwelling units, subject to *P.L.2003, c.311* (*C.52:27D-437.1* et al.). In a common interest community, any inspection fee for and violation found within a unit which is solely related to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

History

L. 1967, c. 76, § 7; amended *2003, c. 311*, § 19, eff. Apr. 19, 2004; *2007, c. 251*, § 5, eff. Jan. 4, 2008.

Annotations

Notes

Effective Dates:

Section 26 of L. *2003, c. 311* provides: "This act shall take effect 90 days following enactment, except that section 6 shall take effect immediately." Chapter 311, L. 2003, was approved on January 20, 2004.

Amendment Note:

2007 amendment, by Chapter 251, inserted "and in single-family and two-family dwellings" in (w).

CASE NOTES

Governments: Legislation: Effect & Operation: General Overview

Real Property Law: Landlord & Tenant: General Overview

Real Property Law: Landlord & Tenant: Lease Agreements: Residential Leases

Torts: Negligence: General Overview

Torts: Negligence: Proof: Violations of Law: General Overview

Torts: Premises Liability & Property: General Premises Liability: General Overview

Torts: Premises Liability & Property: Lessees & Lessors: General Overview

Governments: Legislation: Effect & Operation: General Overview

Borough's ordinance requiring an apartment complex owner to staff his complex with a security guard was not invalid where it was tailored to meet the borough's need to handle crime as permitted by *N.J. Stat. Ann. § 40:48-2* and it was not preempted by the Hotel and Multiple Dwellings statute, *N.J. Stat. Ann. § 55:13A-1* et seq., as it dealt

with the field of law enforcement and not the structural aspects of the dwellings. *Sunrise Village Associates v. Roselle Park, 181 N.J. Super. 567, 438 A.2d 945, 1980 N.J. Super. LEXIS 795 (Law Div. 1980)*, aff'd, *181 N.J. Super. 565, 438 A.2d 944, 1981 N.J. Super. LEXIS 752 (App.Div. 1981)*.

Real Property Law: Landlord & Tenant: General Overview

Borough's ordinance requiring an apartment complex owner to staff his complex with a security guard was not invalid where it was tailored to meet the borough's need to handle crime as permitted by *N.J. Stat. Ann. § 40:48-2* and it was not preempted by the Hotel and Multiple Dwellings statute, *N.J. Stat. Ann. § 55:13A-1* et seq., as it dealt with the field of law enforcement and not the structural aspects of the dwellings. *Sunrise Village Associates v. Roselle Park, 181 N.J. Super. 567, 438 A.2d 945, 1980 N.J. Super. LEXIS 795 (Law Div. 1980)*, aff'd, *181 N.J. Super. 565, 438 A.2d 944, 1981 N.J. Super. LEXIS 752 (App.Div. 1981)*.

Real Property Law: Landlord & Tenant: Lease Agreements: Residential Leases

Landlord was under a statutory duty to maintain common areas in good repair under former N.J. Stat. Ann. § *55:7-1* (see now N.J. Stat. Ann. §n *55:13A-7*), which provides that every tenement house and all the parts thereof, shall be placed and maintained in good repair; landlord who breached this obligation, where the tenant was injured, the tenant had a right of action against the landlord for the damages sustained. *Morrocco v. Felton, 112 N.J. Super. 226, 270 A.2d 739, 1970 N.J. Super. LEXIS 356 (Law Div. 1970)*.

Landlord breached her duties under the Tenement House Act to maintain the premises in a safe condition, under former N.J. Rev. Stat. § *55:7-1* (see now *N.J. Stat. Ann. § 55:13a-7*), and to ensure the windows opened readily, under former N.J. Rev. Stat. § 55:5-11 (see now *N.J. Stat. Ann. § 55:13A-7.13*), and her tenant was injured as a result. *Rivera v. Grill, 65 N.J. Super. 253, 167 A.2d 638, 1961 N.J. Super. LEXIS 683 (App.Div.)*, certif. denied, *34 N.J. 471, 169 A.2d 745, 1961 N.J. LEXIS 306 (N.J. 1961)*.

Landlord was negligent and responsible for injuries suffered by tenant after the ceiling in her kitchen collapsed; tenant had reported the faulty ceiling and landlord was obligated to make the repair despite tenant's month-to-month tenancy. *Saracino v. Capital Properties Associates, Inc., 50 N.J. Super. 81, 141 A.2d 71, 1958 N.J. Super. LEXIS 473 (App.Div. 1958)*.

Former N.J. Rev. Stat. § *55:7-1* (see now *N.J. Stat. Ann. § 55:13A-7* et seq.) required that every tenement house and all parts thereof shall be placed and maintained in good repair. *Daniels v. Brunton, 9 N.J. Super. 294, 76 A.2d 73, 1950 N.J. Super. LEXIS 602 (App.Div. 1950)*, aff'd, *7 N.J. 102, 80 A.2d 547, 1951 N.J. LEXIS 200 (N.J. 1951)*.

Torts: Negligence: General Overview

Defendant's failure to maintain lights in the stair halls was in violation of former N.J. Stat. Ann. § 55:5-15 (now *N.J. Stat. Ann. § 55:13A-7*) and constituted evidence of negligence. *Webb v. Betta, 7 N.J. Super. 60, 71 A.2d 897, 1950 N.J. Super. LEXIS 747 (App.Div. 1950)*.

Torts: Negligence: Proof: Violations of Law: General Overview

On a guest's action for personal injury against the owner of an apartment house, alleging, negligence and maintenance of a nuisance, the owner's failure to maintain the heating apparatus in operable condition was in violation of former N.J. Stat. Ann. §§ *55:7-1*, 55:8-19, and 55:11-3 (now *N.J. Stat. Ann. §§ 55:13A-7* and *55:13A-9*), and, if shown to be the result of negligence on his part, was a fact the jury might have considered in determining the question of his liability for the injuries sustained. *Daniels v. Brunton, 7 N.J. 102, 80 A.2d 547, 1951 N.J. LEXIS 200 (N.J. 1951)*.

Torts: Premises Liability & Property: General Premises Liability: General Overview

Trial judge properly determined that former N.J. Stat. Ann. § 55:3-4 (now *N.J. Stat. Ann. § 55:13A-7*), which required fire escapes in certain tenement buildings, (as distinguished from defendants' duty to exercise reasonable care) had not been violated by the omission of a fire escape because nonfireproof tenements in existence on March 25, 1904 (as was the one here) were exempted from the requirement if provided with two independent stairways not adjacent to each other. *Ellis v. Caprice, 96 N.J. Super. 539, 233 A.2d 654, 1967 N.J. Super. LEXIS 511 (App.Div.)*, certif. denied, *50 N.J. 409, 235 A.2d 901, 1967 N.J. LEXIS 507 (N.J. 1967)*.

Torts: Premises Liability & Property: Lessees & Lessors: General Overview

Landlord was obligated to make dwelling secure and habitable, pursuant to the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. § 55:13A-1* et seq., and the absence of a lock on the front entrance, when ample evidence showed that criminal activity was reasonably foreseeable, demonstrated negligence. *Trentacost v. Brussel, 82 N.J. 214, 412 A.2d 436, 1980 N.J. LEXIS 1338 (N.J. 1980)*.

Because a landlord had a duty with respect to security measures, pursuant to the New Jersey Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. § 55:13A-1* and *N.J. Stat. Ann. § 55:13A-7*, the tenants were meritorious in their negligence action against a landlord for damages resulting from the theft of items from their apartment after the landlord ignored their repeated requests to have their door lock repaired; in light of the prior break-ins in the vicinity of the building, the landlord's failure to supply plaintiff with a working dead bolt or additional latch bolt was a violation of a penal statute N.J. Admin. Code. tit. 5 § 10-6.6(d)(7). *Braitman v. Overlook Terrace Corp., 68 N.J. 368, 346 A.2d 76, 1975 N.J. LEXIS 151 (N.J. 1975)*.

Where landlord had not voluntarily assumed a duty to light the hallways of an apartment building during the day, he was not liable for injury to a tenant's guest after she had fallen down the stairs. *Pitaresi v. Appello, 17 N.J. Super. 278, 85 A.2d 829, 1952 N.J. Super. LEXIS 1269 (Cty. Ct.)*, aff'd, *20 N.J. Super. 432, 90 A.2d 84, 1952 N.J. Super. LEXIS 900 (App.Div. 1952)*.

Pursuant to former N.J. Rev. Stat. § 55:5-15 (now *N.J. Stat. Ann. § 55:13A-7*) the statutorily required light was actually burning and that tenement resident had fallen due to lack of light from the vestibule lamp, the proofs and the pleading were at such odds that the correctness of a nonsuit was clear. *Meyers v. Otz, 123 N.J.L. 215, 8 A.2d 381, 1939 N.J. LEXIS 359 (E. & A. 1939)*.

Research References & Practice Aids

Cross References:

Rules, regulations, see *52:27D-437.6*.

Violations, penalties, see *55:13A-19*.

Administrative Code:

N.J.A.C. 5:10-1.14 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Delegation of powers.

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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§ 55:13A-7.1. Equipment with smoke detectors or alarms; rules and regulations

Every hotel and multiple dwelling shall be equipped with smoke detectors or smoke alarms or both in conformance with rules and regulations promulgated by the Commissioner of the Department of Community Affairs. Such rules and regulations shall specify the number, location, specifications, maintenance and periodic testing of smoke detectors and smoke alarms based upon the construction, size and design of such building, and any other rules and regulations which the commissioner considers necessary for the administration of this supplemental act.

History

L. 1979, c. 419, 1, eff. Feb. 8, 1980.

Annotations

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:10 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, 5, Chapter 10 — Chapter Notes.

JURY INSTRUCTIONS:

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Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.2

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§ 55:13A-7.2. No code or standard to exceed standards under "State Uniform Construction Code Act"

Nothing in this supplemental act shall permit the adoption of any code or standard which exceeds the standards adopted under the "State Uniform Construction Code Act," (P.L.1975, c. 217; *C. 52:27D-119* et seq.).

History

L. 1979, c. 419, 2, eff. Feb. 8, 1980.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.3

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§ 55:13A-7.3. Parking for persons with physical disabilities.

Any owner of a multiple dwelling which, as of the enactment of this act or at any time thereafter, provides parking to the occupants thereof, and in which a person with a physical disability resides, shall provide parking spaces for occupants who have physical disabilities located at the closest possible proximity to the principal accesses of the multiple dwelling.

A minimum of one percent of the total number of parking spaces provided for the occupants of the multiple dwelling, but not less than one parking space, shall be set aside as parking for persons with physical disabilities. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: “This space reserved for drivers with physical disabilities.” Where possible, the space shall be 12 feet wide to allow room for a person using a wheelchair, braces, or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking and shall be located so that a person using a wheelchair, braces, or crutches is not compelled to wheel or walk behind parked cars. Where applicable, curb ramps shall be provided to permit a person with a physical disability access from the parking area to the sidewalk.

For purposes of this section “physical disability” means a physical impairment for which a person uses a wheelchair, or which causes a person to walk with difficulty or walk insecurely; affects the sight or hearing of a person to the extent that a person functioning in public areas is insecure or exposed to danger; causes a person to have faulty coordination; or reduces mobility, flexibility, coordination, and perceptiveness of a person to the extent that facilities are needed to provide for the safety of that person.

History

L. 1985, c. 280, 1; amended by *2017, c. 131*, § 215, effective July 21, 2017.

Annotations

Notes

Amendment Notes

2017 amendment, by Chapter 131, substituted “person with a physical disability” for “handicapped person” in the first paragraph and last sentence of second paragraph; substituted “have physical disabilities” for “are handicapped disability” in the first paragraph; in the second paragraph, substituted “persons with physical disabilities” for “the handicapped” in the first sentence and substituted “drivers with physical disabilities” for “physically handicapped drivers” in the second sentence, in the third sentence, substituted “person using a wheelchair, braces” for “person in a wheelchair or on braces” and “person using a wheelchair, braces” for “person in a wheelchair or using braces”; in

the third paragraph, substituted “physical disability” for “handicapped”, “for which a person uses a wheelchair, or which causes” for “which confines a person to a wheelchair; causes”, and “walk insecurely” for “insecurity”, and inserted “of a person” twice and “a person to have.”

Research References & Practice Aids

JURY INSTRUCTIONS:

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Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.4

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§ 55:13A-7.4. 5-unit minimum

This act shall not apply to any multiple dwelling with fewer than 5 units.

History

L. 1985, c. 280, 2.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.5

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§ 55:13A-7.5. Internal security exemption

No regulation establishing unit door or other internal security requirements or any other requirement not substantially related to the protection of the health, safety or welfare of occupants or of the public generally shall be enforced in any retreat lodging facility.

History

L. 1987, c. 270, 4.

Annotations

Research References & Practice Aids

Cross References:

Definitions, see *55:13A-3*.

JURY INSTRUCTIONS:

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N.J. Stat. § 55:13A-7.6

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§ 55:13A-7.6. Applicable provisions

Except as otherwise set forth in sections 2, 3 and 4 of P.L. 1987, c. 270 (*C. 55:13A-12.1*, *55:13A-13.2*, *55:13A-7.5*), all provisions of P.L. 1967, c. 76 (*C. 55:13A-1* et seq.), as amended and supplemented, and of the regulations pursuant thereto, shall be applicable to retreat lodging facilities in the same manner as to hotels.

History

L. 1987, c. 270, 5.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

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N.J. Stat. § 55:13A-7.7

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§ 55:13A-7.7. Hotel room notices, procedures followed in event of fire or smoke

a. The owner of a hotel shall post, in a prominent place in each dwelling unit, a notice that states:

(1) The location of the nearest exits and fire alarms;

(2) The procedures to be followed when a smoke or fire alarm sounds;

(3) The procedures to be followed in the event of fire or smoke.

b. The Commissioner of the Department of Community Affairs shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (*C.52:14B-1* et seq.) to implement the provisions of this act.

History

L. *1991, c. 218*, § 1.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-7.8

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§ 55:13A-7.8. Indirect apportionment of heating costs

As used in this act, "indirect apportionment of heating costs" in a multiple dwelling means the charging to each dwelling unit within that multiple dwelling of a portion of the heating costs for the multiple dwelling as a whole on the basis of any method or device other than direct measurement of fuel or current consumption by separate metering devices, approved by the Board of Public Utilities pursuant to *R.S. 48:2-25*, for each such dwelling unit.

History

L. *1991, c. 453*, § 1.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

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Hierarchy Notes:

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N.J. Stat. § 55:13A-7.9

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§ 55:13A-7.9. Method or device, approval, requirements

a. Any method or device used, or intended to be used, for the indirect apportionment of heating costs in a multiple dwelling shall be subject to approval by the commissioner.

b. Except as provided in section 4 of this act, on and after the effective date of this act no method or device of measurement or calculation for the purpose of indirect apportionment of heating costs shall be installed or employed until the commissioner has certified, upon the basis of evidence and documentation presented in accordance with rules adopted pursuant to section 3 of this act, that:

(1) the method and any device proposed to be employed for that purpose are reliable and accurate;

(2) a schedule of inspection and maintenance sufficient to ensure the continued reliability and accuracy of the system will be maintained;

(3) the method of calculation and apportionment will result in an equitable distribution of heating costs among the dwelling units of the multiple dwelling upon the basis of actual usage;

(4) the system will incorporate a provision of individual thermostatic controls permitting heat usage in each dwelling unit to be varied by the tenants thereof;

(5) billing of heating costs to each dwelling unit shall include, for the period covered by each such billing, a statement of the actual fuel or current costs incurred during that period for the entire multiple dwelling and of the proportion thereof apportioned to each dwelling unit;

(6) no costs other than those for fuel or current shall be apportioned under this method.

c. Regulations adopted by the commissioner under authority of this act shall require adequate certification of the performance of inspection and maintenance pursuant to paragraph (2) of subsection b. of this section. Failure to maintain a required schedule of maintenance and inspection, or to correct promptly any failure or malfunction in the system of indirect apportionment of heating costs shall constitute a violation of the act to which this act is a supplement.

History

L. *1991, c. 453*, § 2.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

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N.J. Stat. § 55:13A-7.10

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§ 55:13A-7.10. Rules, regulations

The Commissioner of Community Affairs shall adopt and promulgate, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), all rules and regulations necessary or expedient to effectuate the provisions and purposes of this act.

History

L. 1991, c. 453, § 3.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

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N.J. Stat. § 55:13A-7.11

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§ 55:13A-7.11. Existing systems, use

Notwithstanding the provisions of section 2 of this act, in any multiple dwelling where a system of indirect apportionment of heating costs is in use upon the effective date of this act, that system may continue in use pending application for and issuance of approval by the commissioner, for not more than six months following that effective date.

History

L. *1991, c. 453*, § 4.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

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N.J. Stat. § 55:13A-7.12

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§ 55:13A-7.12. Definitions relative to child-protection window guards

As used in this act [C.55:13A-7.12 through C.55:13A-7.16]:

"child-protection window guard" or "window guard" means a bar, screen or grille assembly designed to be installed in a window for the purpose of preventing accidental fall or ejection of a child through the window. It shall be so designed, constructed and installed that no person of the age of 10 years or younger may through accident, ignorance or inadvertence, remove, open or dislodge it so as to permit such fall or ejection. Such window guards shall conform to specifications developed by the commissioner regarding design, construction and installation so as to accomplish the purpose of this act. A municipality may adopt standards that afford tenants greater protections than are provided pursuant to the commissioner's specifications.

The commissioner's specifications for double hung windows shall ensure that window guards protect the full openable area of each lower window. The specifications shall provide that all window guards shall be designed and installed as to ensure that any space between the lowest section of the top horizontal bar of the window guard and the bottom of the upper sash is less than four inches. Installation of rigid metal stops in the upper tracks of a bottom window or other attempts to limit the ability to raise the bottom window shall not be an acceptable method of satisfying the specifications provided for in this section. Window stops may be utilized as a safety enhancement when used in addition to installed window guards.

"common interest community" means a horizontal property regime, condominium, cooperative, or mutual housing corporation in which some of the property, known as common elements, is owned as tenants-in-common by all of the property owners.

"unit owners' association" means the association organized for the purpose of management of the common elements and facilities of a common interest community.

History

L. 1995, c. 120, § 1; amended 2006, c. 55, § 1, eff. July 31, 2006.

Annotations

Notes

Publisher's Note:

The bracketed material was added by the Publisher to provide a reference.

Amendment Note:

2006 amendment, by Chapter 55, substituted a colon for a comma following the introductory clause "As used in this act" and moved the clause into a separate introductory paragraph; in the first full paragraph, inserted "or 'window guard' " near the beginning and added the last sentence; and added the three paragraphs following the first full paragraph.

Research References & Practice Aids

Cross References:

Violations, penalties, see *55:13A-19*.

Installation of window guards, maintenance, violations, penalties, see *55:13A-7.13*.

Leases, required notices advising of availability; delivery, posting, see *55:13A-7.14*.

Rules, regulations; guidelines for use, orientation programs, see *55:13A-7.16*.

Short title, see *55:13A-7.12a*.

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N.J. Stat. § 55:13A-7.12a

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§ 55:13A-7.12a. Short title

P.L.1995, c.120(*C.55:13A-7.12* et seq.) shall be known and may be cited as the "Robert E. Dwight, Jr., Raquan Ellis and Zahir Atkins Memorial Child-Protection Window Guard Law."

History

L. *2006, c. 55*, § 7, eff. July 31, 2006.

Annotations

Notes

OLS Corrections:

Pursuant to *R.S.1:3-1*, the Office of Legislative Services, through its Legislative Counsel and with the concurrence of the Attorney General, corrected a technical error in L. *2006, c. 55*, § 7.

Research References & Practice Aids

Cross References:

Leases, required notices advising of availability; delivery, posting, see *55:13A-7.14*.

Hierarchy Notes:

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§ 55:13A-7.13. Installation of window guards, maintenance, violations, penalties

a.

(1) Except as provided in subsection b. of this section, the owner, lessor, agent or other person who manages or controls a multiple dwelling, other than a multiple dwelling which is part of a common interest community, shall, upon the written request of a tenant of a unit in which a child or children 10 years of age or under reside or will reside or are regularly present for a substantial period of time, provide, install and maintain approved child-protection window guards on the windows of the dwelling unit and on any windows in the public halls of a multiple dwelling in which any child or children of such age reside or are regularly present for a substantial period of time.

(2)

(a) Except as provided in subsection b. of this section, the owner, lessor, agent or other person who controls a unit of dwelling space in a multiple dwelling within a common interest community, upon the written request of a tenant of a unit in which a child or children 10 years of age or under reside or will reside or are regularly present for a substantial period of time, shall provide, install and maintain child-protection window guards on the windows of the unit.

(b) The owner, lessor, agent or other person who controls a unit of dwelling space in a multiple dwelling within a common interest community shall provide written notice to the unit owners' association whenever a tenant of a unit, in which a child or children 10 years of age or under reside or will reside or are regularly present for a substantial period of time, has requested that child-protection window guards be installed on the windows in the common areas of the common interest community.

(3)

(a) Except as provided in subsection b. of this section, upon the written request of an owner or an occupant of a dwelling unit of a multiple dwelling within a common interest community, in which dwelling unit a child or children 10 years of age or under reside or will reside or are regularly present for a substantial period of time, the unit owners' association shall install and maintain child-protection window guards on the windows which are determined to be in common areas of the community property and maintained by the association.

(b) A unit owners' association shall not adopt or seek to enforce any restrictions or architectural controls which would prohibit or impede the installation of a window guard in compliance with *P.L.1995, c.120* (*C.55:13A-7.12* et seq.).

b.

(1) The requirements of subsection a. of this section shall apply to all windows, except those windows which give access to a fire escape, which are not designed to open, or which are on the first floor; provided, however, that the requirements of subsection a. of this section shall apply to first floor windows in such circumstances as the commissioner may provide by rule.

(2) The requirements of subsection a. of this section shall not apply to seasonal rental units. “Seasonal rental unit” means a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere, but shall not include use or rental of living quarters by migrant, temporary or seasonal workers in connection with any work or place where work is being performed. The owner, lessor, agent or other person who controls a dwelling unit shall have the burden of proving that the rental is seasonal.

c. Any child-protection window guard installed pursuant to *P.L.1995, c.120* (*C.55:13A-7.12* et seq.) shall conform to the requirements of the State Uniform Construction Code with respect to means of emergency egress, and a window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool or excessive force. Window guards installed on all other windows shall be designed, constructed, and installed so that they may not deliberately or through accident, ignorance or inadvertence, be removed, opened, or dislodged without the use of a key or tool.

d.

(1) Upon installation of a child-protection window guard in a dwelling unit, and annually thereafter, the owner, lessor, agent or other person who manages and controls that dwelling unit shall provide the tenant with an orientation concerning the safe use and manipulation of window guards in accordance with guidelines established by the Commissioner of Community Affairs pursuant to section 5 of *P.L.1995, c.120* (*C.55:13A-7.16*).

(2) Upon installation of a child-protection window guard in the common areas of a multiple dwelling, and annually thereafter, the owner, lessor, unit owners’ association, agent or other person who manages and controls the common areas of the multiple dwelling shall provide the occupants of the multiple dwelling with an orientation concerning the safe use and manipulation of window guards in accordance with guidelines established by the Commissioner of Community Affairs pursuant to section 5 of *P.L.1995, c.120* (*C.55:13A-7.16*).

e. At least twice annually, the owner, lessor, unit owners’ association, agent or other person who manages and controls a unit of dwelling space in a multiple dwelling, the common areas of the multiple dwelling, or both, in which child protection window guards have been installed, shall inspect each such window guard under their control to ensure that it remains sound and in conformance with the provisions of *P.L.1995, c.120* (*C.55:13A-7.12* et seq.), and shall enter a record of such inspection in a log, which shall be maintained as a permanent record so long as the window guard remains installed, and for five years thereafter, and which shall be available upon request to the department or its duly authorized representative.

f. A tenant or unit owner may file a complaint with the commissioner for the failure to comply with the provisions of *P.L.1995, c.120* (*C.55:13A-7.12* et seq.). The commissioner shall investigate complaints within a reasonable time period. The commissioner may impose penalties authorized under the “Hotel and Multiple Dwelling Law,” P.L.1967, c.76 (*C.55:13A-1* et seq.) for violations concerning the installation of child-protection window guards and may institute a criminal complaint for a repeat conviction after the imposition of a $5,000 civil penalty for a continuing violation pursuant to section 19 of P.L.1967, c.76 (*C.55:13A-19*).

g. To the extent that a violation of *P.L.1995, c.120* (*C.55:13A-7.12* et seq.) has occurred within a rental unit in a common interest community, such violation shall be noticed to, and resultant penalties imposed upon, the unit owner of such rental unit and not the unit owners’ association.

h. To the extent that a violation of *P.L.1995, c.120* (*C.55:13A-7.12* et seq.) has occurred within the common areas of a common interest community, such violation shall be noticed to, and resultant penalties imposed upon, the unit owners’ association.

History

L. *1995, c. 120*, § 2; amended *2006, c. 55*, § 2, eff. July 31, 2006.

Annotations

Notes

Editor's Notes

New Jersey Uniform Construction Code, see *N.J.A.C. 5:23-1.1* et seq.

Amendment Note:

2006 amendment, by Chapter 55, redesignated former a. as a.(1) and rewrote the paragraph, which formerly read: “Except as provided in subsection b. of this section, the owner, lessor, agent or other person who manages or controls a multiple dwelling shall, upon the written request of a tenant, provide, install and maintain a child-protection window guard on the windows of each dwelling unit in which a child or children 10 years of age or under reside and on any windows in the public halls of a multiple dwelling in which any child or children of such age reside”; added a.(2) and a.(3); redesignated former b. as b.(1) and rewrote the paragraph, which formerly read: “The requirements of subsection a. of this section shall apply to all windows, except those windows which give access to a fire escape or which are on the first floor. In addition, the provisions of this act shall not apply to any window in (1) an owner occupied dwelling unit, (2) a dwelling unit which is a part of a condominium or which is held by a proprietary lessee under a cooperative form of ownership, or (3) a dwelling unit occupied by a shareholder in a mutual housing corporation”; added b.(2); in the first sentence of c., substituted “P.L.1995, c.120 (C.55:13A-7.12 et seq.)” for “this act”; and added d. through h.

Research References & Practice Aids

Cross References:

Leases, required notices advising of availability; delivery, posting, see *55:13A-7.14*.

Noninterference with window guards; removal, certain, see *55:13A-7.15*.

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§ 55:13A-7.14. Leases, required notices advising of availability; delivery, posting

a. All leases offered to tenants in multiple dwellings shall contain a notice, conspicuously set forth therein in prominent boldface type, advising tenants and prospective tenants of the availability of window guards under *P.L.1995, c.120* (*C.55:13A-7.12* et seq.) and the need for a tenant to request in writing the installation of window guards. In the case of a cooperative, as defined in P.L.1987, c.381 (*C.46:8D-1* et seq.), formed prior to the effective date [July 31, 2006] of *P.L.2006, c.55* (*C.55:13A-7.12a* et al.), the notice required by this subsection shall not be required in proprietary leases.

b.

(1) At the time of lease signing, the owner, lessor, agent or other person who manages or controls a unit of dwelling space in a multiple dwelling shall verbally inform the tenant of the tenant's right to request the installation of window guards under *P.L.1995, c.120* (*C.55:13A-7.12* et seq.). Verification that this verbal notice was provided and understood shall be set forth in a written document, aside from the lease document itself, which written document shall acknowledge that the tenant was made aware of the right to request the installation of window guards and which shall be signed by both the tenant and the owner, lessor, agent or other person who manages or controls the unit of dwelling space.

(2)

(a) The owner, lessor, agent or other person who manages or controls a multiple dwelling unit or a rental unit within a common interest community shall cause to be delivered to each dwelling unit so managed or controlled, twice annually, a notice, in form and manner prescribed by the commissioner, advising occupants of the obligation of the said owner, lessor, agent or other person to install child-protection window guards pursuant to section 2 of *P.L.1995, c.120* (*C.55:13A-7.13*). For the purposes of this section, an owner of a rental unit located within a common interest community, and not the unit owners' association, shall be deemed to be the managing agent of that rental unit. A lease provision notifying a tenant of the availability of window guards may satisfy one of the notice requirements of this subparagraph.

(b) The owner, lessor, unit owners' association, agent or other person who manages or controls the common areas of a multiple dwelling shall cause to be delivered to each dwelling unit, twice annually, a notice, in form and manner prescribed by the commissioner, advising occupants of the obligation of the said owner, lessor, unit owners' association, agent or other person to install child-protection window guards pursuant to section 2 of *P.L.1995, c.120* (*C.55:13A-7.13*). A lease provision notifying a tenant of the availability of window guards may satisfy one of the notice requirements of this subparagraph.

(3) The owner, lessor, unit owners' association, agent or other person who manages or controls the common areas of a multiple dwelling shall cause to be conspicuously posted and prominently displayed in the common areas of that dwelling a notice advising the occupants of the obligation of the owner, lessor, unit owners' association, agent or other person to install child-protection window guards pursuant to section 2 of *P.L.1995, c.120* (*C.55:13A-7.13*) and advising tenants to check their window

guards on a regular basis and to report any problems or concerns to the owner, lessor, unit owners' association, agent or other person who manages or controls the multiple dwelling.

c. Notwithstanding any municipal ordinance to the contrary, expenditures not exceeding $20 per window guard installed in a dwelling unit that are made pursuant to *P.L.1995, c.120* (*C.55:13A-7.12* et seq.) may be passed on to the tenant who requested installation of the window guard.

History

L. *1995, c. 120*, § 3; amended *2006, c. 55*, § 3, eff. July 31, 2006.

Annotations

Notes

OLS Corrections:

Pursuant to *R.S.1:3-1*, the Office of Legislative Services, through its Legislative Counsel and with the concurrence of the Attorney General, corrected a technical error in L. *2006, c. 55*, § 3.

Publisher's Note:

The bracketed material was added by the Publisher to provide a reference.

Amendment Note:

2006 amendment, by Chapter 55, in a., inserted "in prominent boldface type" in the first sentence, substituted "P.L.1995, c.120 (C.55:13A-7.12 et seq.)" for "this act" in the first sentence, and added the second sentence; in b., added b.(1), redesignated former b. as the first sentence of b.(2)(a) and in that sentence, substituted "multiple dwelling unit" for "multiple dwelling", inserted "or a rental unit within a common interest community", substituted "so managed and controlled, twice annually, a notice" for "therein an annual notice", and substituted "section 2 of P.L.1995, c.120 (C.55:13A-7.13)" for "section 2 of this act", added the second and third sentences of b.(2)(a), and added b.(2)(b) and b.(3); and rewrote c., which formerly read: "Notwithstanding any municipal ordinance to the contrary, expenditures made pursuant to this act shall be deemed to be capital improvement costs, which may be passed on to the tenants of the multiple dwelling."

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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§ 55:13A-7.14. Leases, required notices advising of availability; delivery, posting

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N.J. Stat. § 55:13A-7.15

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§ 55:13A-7.15. Noninterference with window guards; removal, certain

No tenant or occupant of a multiple dwelling unit, or any other person, shall obstruct or interfere with the installation of child-protection window guards required under section 2 of *P.L.1995, c.120* (*C.55:13A-7.13*), nor shall any person remove or otherwise render ineffective such window guards; provided, however, that the owner or the representative of the owner may remove window guards from an unoccupied unit or, with the consent of the tenant, from a unit in which no child 10 years of age or under resides or is regularly present for a substantial period of time; and provided, further, that the owner or the representative of the owner shall remove window guards when requested to do so by the tenant in writing.

History

L. *1995, c. 120*, § 4; amended *2006, c. 55*, § 4, eff. July 31, 2006.

Annotations

Notes

Amendment Note:

2006 amendment, by Chapter 55, substituted “section 2 of P.L.1995, c.120 (C.55:13A-7.13)” for “section 2 of this act”; and added the language beginning “provided, however.”

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.16

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§ 55:13A-7.16. Rules, regulations; guidelines for use, orientation programs

a. The commissioner is hereby authorized to make and promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), all regulations necessary to carry out P.L.1995, c.120 (C.55:13A-7.12 et seq.), including, but not limited to, regulations regarding the design, construction, and installation of window guards. The commissioner shall promulgate model forms and lease provisions for the notices required to be provided pursuant to P.L.1995, c.120 (C.55:13A-7.12 et seq.) and specifications for inspections and log-keeping requirements.

b. The commissioner shall establish guidelines for orientation programs designed to educate tenants about the safe use and manipulation of window guards and their rights concerning child-protection window guards pursuant to P.L.1995, c.120 (C.55:13A-7.12 et seq.) and ensure that an orientation program is offered annually prior to March 1 of each year in the following:

(1) every multiple dwelling of at least four stories in height which was built with public funds or public assistance, or financed, in whole or in part, by a loan guaranteed or insured by the federal government or any agency thereof, including the allocation of low-income tax credits; and

(2) every multiple dwelling of at least four stories in height in which a recipient of State or federal rental assistance resides.

Notice of the orientation program shall be posted in appropriate common areas of the building at least two weeks prior to the date of the program.

History

L. 1995, c. 120, § 5; amended 2006, c. 55, § 5, eff. July 31, 2006.

Annotations

Notes

Amendment Note:

2006 amendment, by Chapter 55, added b.; designated the former provision as a. and added the second sentence in a.; and substituted "P.L.1995, c.120 (C.55:13A-7.12 et seq.)" for "this act" in the first sentence of a.

Research References & Practice Aids

Cross References:

§ 55:13A-7.16. Rules, regulations; guidelines for use, orientation programs

Definitions relative to child-protection window guards, see *55:13A-7.12*.

Installation of window guards, maintenance, violations, penalties, see *55:13A-7.13*.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.17

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§ 55:13A-7.17. Carbon monoxide sensor devices required in hotel, multiple dwelling

Every unit of dwelling space in a hotel and multiple dwelling shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories standard 2034, or its equivalent, unless it is determined that no potential carbon monoxide hazard exists for that unit. Any such installation or determination shall be made in accordance with the rules promulgated by the Commissioner of Community Affairs.

History

L. *1999, c. 15*, § 2, eff. Feb. 8, 1999.

Annotations

Research References & Practice Aids

Cross References:

Rules, regulations, see *52:27D-133.4*.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.18

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§ 55:13A-7.18. Posting of drinking water test reports in multiple dwellings

a. The owner of a multiple dwelling who is required to prepare a Consumer Confidence Report pursuant to the "Safe Drinking Water Act Amendments of 1996," *42 U.S.C. § 300f* et al., or who receives a Consumer Confidence Report from the owner or operator of a public community water system, shall post each Consumer Confidence Report it prepares or receives in each common area routinely used by the tenants living in the multiple dwelling unit, or, if there is no common area routinely used by the tenants, the owner of the multiple dwelling shall transmit a copy of the Consumer Confidence Report to each dwelling unit.

b. The owner of a multiple dwelling unit who is a supplier of water but is not required to prepare a Consumer Confidence Report pursuant to the "Safe Drinking Water Act Amendments of 1996," and who is required to conduct tests of its drinking water by the Department of Environmental Protection, shall post a chart setting forth the results of the water tests, including the level of detection and, as appropriate for each contaminant, the maximum contaminant level, highest level allowed, action level, treatment technique, or other expression of an acceptable level, for each contaminant, in each common area routinely used by the tenants living in the multiple dwelling unit, or, if there is no common area routinely used by the tenants, the owner of the multiple dwelling shall transmit a copy of the chart to each dwelling unit. The chart also shall include in bold print the statement required to be included in a Consumer Confidence Report pursuant to *40 CFR 141.154 (a)*. The chart shall not include contaminants that are not detected.

c. The Commissioner of the Department of Community Affairs shall include in the statement of the established rights and responsibilities of residential tenants and landlords prepared pursuant to section 3 of P.L. 1975, c. 310 (*C. 46:8-45*) the requirements imposed on owners of multiple dwellings pursuant to subsection a. and subsection b. of this section. The Department of Community Affairs shall enforce the provisions of this section. The Department of Community Affairs shall not be required to conduct on-site inspections to determine compliance with this section more frequently than any on-site inspections of multiple dwellings are conducted by the department pursuant to any other law.

d. As used in this section, "multiple dwelling" and "dwelling unit" shall have the same meaning as in section 3 of P.L. 1967, c. 76 (*C. 55:13A-3*).

History

L. *1999, c. 362*, § 8, eff. Jan. 14, 2001.

Annotations

Notes

Effective Dates:

Section 11 of L. *1999, c. 362* provides: "This act shall take effect immediately except that sections 3 through 8 shall take effect one year following enactment." Chapter 362, L. 1999, was approved on January 14, 2000.

Research References & Practice Aids

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-7.19

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§ 55:13A-7.19. Posting of emergency contact information, instructions on accessing comprehensive social services information in tenant-occupied multiple dwelling

a. The following information shall be posted in at least one conspicuous area, where the information is most likely to be viewed by tenants, of a tenant-occupied multiple dwelling and on the Internet website of any management company that manages a tenant-occupied multiple dwelling:

(1) emergency contact instructions, and the name, address, and telephone number of an individual representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space, in accordance with the landlord registration requirements set forth in subsection f. of section 2 of P.L.1974, c.50 (*C.46:8-28*); and

(2) instructions on how to access and use the comprehensive social services information toll-free telephone hotline, established pursuant to section 1 of P.L.1991, c.542 (*C.30:1-1.1*).

b. The following information shall be contained in a printed notice, conspicuously set forth in prominent boldface type, in every lease offered to a tenant in a multiple dwelling:

(1) the Internet website address of the management company that manages the multiple dwelling; and

(2) instructions on how to access and use the comprehensive social services information toll-free telephone hotline, established pursuant to section 1 of P.L.1991, c.542 (*C.30:1-1.1*).

c. The information provided to tenants in accordance with subsections a. and b. of this section shall be made available in English and Spanish.

History

L. *2021, c. 269*, § 1, effective February 1, 2022.

Annotations

Notes

Effective Dates

Section 2 of L. *2021, c. 269* provides: “This act shall take effect on the first day of the third month next following enactment.” Chapter 269, L. 2021, was approved on Nov. 8, 2021.

Research References & Practice Aids

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-8

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§ 55:13A-8. Transmittal of copies of regulations to board; publication; hearing; effective date

(a) Prior to the adoption, amendment, or repeal of any regulations pursuant to this act, the commissioner shall:

(1) Transmit copies of the proposed regulations to the board for its review and recommendations. Within 30 days of the receipt of copies of said proposed regulations, the board shall provide the commissioner with such written recommendations thereon as it may have;

(2) Publish in the New Jersey Register a general notice of intention to promulgate regulations, which notice shall include (1) a reference to the authority under which the regulations are proposed; (2) a statement of the purpose of the proposed regulations; (3) either the terms or substance of the proposed regulations or a description of the subjects and issues involved; (4) a statement that a copy of the proposed regulations may be obtained by any person upon written request to the bureau; and (5) a statement of the date, time and place for a public hearing on the proposed regulations, which date shall not be less than 20 days nor more than 30 days after the publication of the notice of intention to promulgate proposed regulations, and not less than 50 days after transmittal by the commissioner of copies of said proposed regulations to the board.

(b) (Deleted by amendment.)

(c) Any person appearing at said public hearing shall be afforded an opportunity to be heard, either through the submission of written data, views, or arguments or the oral presentation of the same. Upon the expiration of the 30 days next succeeding the date of said public hearing, the commissioner shall issue and promulgate the regulations required to be issued and promulgated by section 7 of this act, either as originally proposed or as amended or revised by the commissioner subsequent to said public hearings, which regulations shall be effective on such date as may be provided therein.

History

L. 1967, c. 76, 8, eff. May 31, 1967; Amended by L. 1970, c. 138, 4.

Annotations

Research References & Practice Aids

Cross References:

Rules, regulations, see *55:13A-7*.

Administrative Code:

N.J.A.C. 5:10-1.14 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Delegation of powers.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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N.J. Stat. § 55:13A-9

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§ 55:13A-9. Effect of regulations; revision, repeal or amendment

(a) Any regulations issued by the commissioner pursuant to sections 7 and 8 of this act shall have the force and effect of law until revised, repealed or amended by the commissioner as hereinafter provided.

(b) The commissioner may, from time to time subsequent to the issuance and promulgation of regulations pursuant to sections 7 and 8 of this act, revise, repeal or amend any such regulation as he may deem necessary. No such regulation shall be revised, repealed or amended by the commissioner except pursuant to the provisions of section 8 of this act.

History

L. 1967, c. 76, 9, eff. May 31, 1967.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-10. Construction of hotels or multiple dwellings; conversion or alteration; compliance with regulations

(a) Any hotel or multiple dwelling the construction of which shall be commenced, or any building not constructed for use as a hotel or multiple dwelling but the conversion or alteration of which to such use shall be commenced, subsequent to the effective date of any regulations required to be issued and promulgated pursuant to sections 7 and 8 of this act, shall be subject to, and shall fully comply with, said regulations.

(b) Any hotel or multiple dwelling the construction of which shall have been commenced in good faith, or any hotel or multiple dwelling which is used or occupied, or any building not constructed for use as a hotel or multiple dwelling but the conversion or alteration of which to such use shall have been commenced in good faith, on or before the effective date of any regulations required to be issued and promulgated pursuant to sections 7 and 8 of this act, shall be subject to, and shall fully comply with, said regulations on or before the first anniversary of the effective date of said regulations.

History

L. 1967, c. 76, 10, eff. May 31, 1967.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

Hierarchy Notes:

N.J. Stat. Title 55, Subtit. 1A, Ch. 13A, Art. III

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§ 55:13A-11. Conversion or alteration of existing buildings; exception from regulations; written notice to occupants of exceptions which affect safety

(a) Upon the application of the owner of any hotel or multiple dwelling, or any building not constructed for use as a hotel or multiple dwelling but which has been or shall be converted or altered to such use, the commissioner may grant exceptions from the literal requirements of any regulation issued pursuant to sections 7 and 8 of this act. No such exceptions shall be granted in any particular case unless the commissioner shall find: (1) that strict compliance with any such regulation, if required, would result in undue hardship to such owner; and (2) that the exception, if granted, will not unreasonably jeopardize the health, safety and welfare of intended occupants and the public generally.

(b) An application for an exception pursuant to this section shall be filed in writing with the commissioner, and shall set forth specifically: (1) a statement of the requirements of the regulation from which an exception is sought; (2) a statement of the manner by which strict compliance with said regulation would result in undue hardship; (3) a statement of the nature and extent of such undue hardship; and (4) a statement of feasible alternatives to the requirements of the regulation which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally.

(c) Within the 30 days next succeeding the receipt by the commissioner of an application for an exception, the commissioner shall grant or deny said application by written order, stating therein the reason or reasons for the grant or denial of said application. The commissioner shall maintain records of all applications for exceptions, and the action taken thereon, and shall make such records reasonably available for public inspection.

(d) The owner of each hotel or of each multiple dwelling granted an exception to any regulation which shall be deemed to affect the safety of the occupants of the structure by the commissioner shall provide to every applicant or occupant of such hotel or multiple dwelling a written notice citing the specific regulation for which an exception has been granted and stating the exceptions thereto granted by the commissioner to the owner of such hotel or multiple dwelling. Such written notice shall, in the case of a hotel or motel, be posted in a prominent place freely accessible to the occupants and to the general public, and, in the case of a multiple dwelling, such written notice shall be attached to the lease of each affected dwelling unit, and, in the case of a school dormitory, such written notice shall be attached to the housing agreement of each affected housing unit. In the case of exceptions granted to common areas in a multiple dwelling or in a school dormitory, such written notice shall be attached to all leases or housing agreements, as appropriate.

History

L. 1967, c. 76, 11, eff. May 31, 1967; Amended by L. 1979, c. 65, 1.

Annotations

CASE NOTES

Real Property Law: Landlord & Tenant: Lease Agreements: Residential Leases

Multiple dwelling owner's application for exception to requirement of a second means of egress was denied; financial hardship alone did not rise to the level of the "undue hardship" contemplated by *N.J. Stat. Ann. § 55:13A-11(a)*. *Renan Realty Corp. v. State, Dep't of Community Affairs, Bureau of Housing Inspection, 182 N.J. Super. 415, 442 A.2d 614, 1981 N.J. Super. LEXIS 797 (App.Div. 1981)*.

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:10-1.2 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Purpose.

N.J.A.C. 5:10-1.15 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Applications for exceptions.

N.J.A.C. 5:10-22.5 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Required ceiling height.

JURY INSTRUCTIONS:

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§ 55:13A-12. Certificate or registration; application; fee; annual certification; appointment of agent; notice of violation

(a)

(1) The owner of each hotel, or of each multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, shall file with the commissioner, upon forms provided by the commissioner, a certificate of registration. Each such certificate of registration shall be accompanied by a reasonable fee established by rule by the commissioner to cover the associated administrative costs and shall include such information as the commissioner shall prescribe to enforce the provisions of this law; provided, however, that in the case of a multiple dwelling, the information required shall be at least that required pursuant to section 2 of P.L.1974, c.50 (*C.46:8-28*). The established fee may be increased to the extent permitted under subsection (e) of section 13 of P.L.1967, c.76 (*C.55:13A-13*). Upon the receipt of said certificate of registration and fee, the commissioner shall forthwith validate and issue to the owner of such hotel or multiple dwelling a validated copy of the certificate of registration, which validated copy shall be kept posted by the owner of such hotel or multiple dwelling at all times in the lobby or other conspicuous place on the premises. The posted certificate shall be reasonably protected from removal, alteration, defacement or damage by the elements in such manner as the commissioner may prescribe.

(2) An owner required to file a certificate of registration pursuant to paragraph (1) of this subsection shall annually file, on or before July 1, or as established by rule by the commissioner, a certification confirming that the information on the certificate of registration is current and accurate. Each annual certification shall be accompanied by a reasonable fee established by rule by the commissioner to cover the associated administrative costs. Once established by rule, the fee may be increased to the extent permitted under subsection (e) of section 13 of P.L.1967, c.76 (*C.55:13A-13*).

(3) An owner required to file a certificate of registration pursuant to paragraph (1) of this subsection shall file an amended certificate of registration within 20 days after any change in the information required to be included thereon. Each amended certificate of registration shall be accompanied by a reasonable fee established by rule by the commissioner to cover the associated administrative costs. Once established by rule, the fee may be increased to the extent permitted under subsection (e) of section 13 of P.L.1967, c.76 (*C.55:13A-13*).

(b) The owner of each hotel, or of each multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other shall appoint an agent for the purpose of receiving service of process and such orders or notices as may be issued by the commissioner pursuant to this act. Each such agent so appointed shall be a resident of the county in which the hotel or multiple dwelling is located or shall have an office in the county. If the agent is a corporation, it shall be licensed to do business in this State.

(c) In the case of any transfer of the ownership in any hotel, or of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, whether by sale, assignment, gift, intestate succession, testate devolution, reorganization, receivership, foreclosure or

execution process, it shall be the duty of the new owner thereof to file with the commissioner, within 20 days of said transfer, a certificate of registration pursuant to subsection (a) of this section, and to appoint an agent for the service of process pursuant to subsection (b) of this section.

(d) In any case whether the owner of a hotel or multiple dwelling subject to the provisions of this act has not fulfilled the requirements of this section, the commissioner shall notify the owner of the violation of this section and order that registration be accomplished within 30 days. The notice and order shall include an accurate restatement of the subsection with which the owner has not complied. If the owner has not complied with the order of the commissioner within 30 days, he shall be liable for a penalty of $200.00 for each registration which the commissioner shall have ordered. The commissioner may issue a certificate to the clerk of the superior court that an owner is indebted for the payment of such penalty and thereupon the clerk shall immediately enter upon his record of docketed judgments the name of such owner, and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty so certified and the date such certification was made. The making of the entry shall have the same force and effect as the entry of the docketed judgment in the office of such clerk, and the commissioner shall have all of the remedies and maintain all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in a civil action, but without prejudice to the owner's right of appeal.

History

L. 1967, c. 76, 12, eff. May 31, 1967; Amended by L. 1970, c. 138, 5; L. 1981, c. 442, 6; *2019, c. 202*, § 1, effective August 5, 2019.

Annotations

Notes

Amendment Notes

2019 amendment, by Chapter 202, redesignated former (a) as (a)(1); in (a)(1), substituted "reasonable fee established by rule by the commissioner to cover the associated administrative costs" for "fee of $10.00" in the second sentence and inserted the third sentence; and added (a)(2) and (a)(3).

CASE NOTES

Governments: Local Governments: Duties & Powers

Real Property Law: Zoning & Land Use: Ordinances

Governments: Local Governments: Duties & Powers

Trial court properly dismissed a landlord's action in lieu of prerogative writs challenging a township's ordinance imposing certain registration obligations and other regulatory requirements on landlords within the township as the ordinance was not preempted by the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. §§ 55:13A-1* to — 28, and no invalid purpose was shown by the landlord, thus, the presumption of the ordinance's validity remained. *Lake Valley Associates, LLC v. Township Of Pemberton, 411 N.J. Super. 501, 987 A.2d 623, 2010 N.J. Super. LEXIS 15 (App.Div.)*, certif. denied, *202 N.J. 43, 994 A.2d 1039, 2010 N.J. LEXIS 443 (N.J. 2010)*.

Real Property Law: Zoning & Land Use: Ordinances

Trial court properly dismissed a landlord's action in lieu of prerogative writs challenging a township's ordinance imposing certain registration obligations and other regulatory requirements on landlords within the township as the ordinance was not preempted by the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. §§ 55:13A-1* to — 28, and no invalid purpose was shown by the landlord, thus, the presumption of the ordinance's validity remained. *Lake Valley Associates, LLC v. Township Of Pemberton, 411 N.J. Super. 501, 987 A.2d 623, 2010 N.J. Super. LEXIS 15 (App.Div.)*, certif. denied, *202 N.J. 43, 994 A.2d 1039, 2010 N.J. LEXIS 443 (N.J. 2010)*.

Research References & Practice Aids

Cross References:

Serving of complaint, see *2A:42-119*.

Landlord, project defined, see *46:8-27*.

Certificate; indexing, filing; inspection; fee; validation, see *46:8-28.1*.

Certificate of registration, fee; exceptions, see *46:8-28.5*.

Retreat lodging facilities, see *55:13A-12.1*.

Administrative Code:

N.J.A.C. 5:10-1.11 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Certificate of registration.

N.J.A.C. 5:29-1.1 (2013), CHAPTER LANDLORD-TENANT RELATIONS, Applicability.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-12.1

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§ 55:13A-12.1. Retreat lodging facilities

Retreat lodging facilities shall be subject to registration pursuant to section 12 of P.L. 1967, c. 76 (*C. 55:13A-12*) in the same manner as hotels; provided, however, that the certificate of registration shall designate the building as a retreat lodging facility.

History

L. 1987, c. 270, 2.

Annotations

Research References & Practice Aids

Cross References:

Applicable provisions, see *55:13A-7.6*.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-12.2. Lead paint inspection requirements for single and two-family rental dwellings [Repealed]

History

L. 2007, c. 251, § 1, eff. Jan. 4, 2008; amended by 2021, c. 182, § 6, effective July 22, 2022; repealed by 2024, c. 74, § 3, effective September 12, 2024.

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§ 55:13A-13. Inspection; fees

(a) Each multiple dwelling and each hotel shall be inspected for the purpose of determining the extent to which each hotel or multiple dwelling complies with the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) and regulations promulgated hereunder. The commissioner shall establish by regulation the frequency of inspections, which shall be conducted as follows:

(1) each hotel shall be inspected at least once every five years; and

(2) each multiple dwelling shall be categorized into the following tiers based upon the number of reinspections required to abate the violations that were served upon the owner following an initial inspection:

(i) a multiple dwelling in which no violations are found or all violations have been abated by the first reinspection shall be placed in the highest tier and shall next be inspected in seven years, and the inspection fee shall be due at that time;

(ii) a multiple dwelling in which all violations have been abated by the second or third reinspection shall be placed in the middle tier and shall next be inspected in five years, and the inspection fee shall be due at that time;

(iii) a multiple dwelling in which all violations have not been abated by the third reinspection shall be placed in the lowest tier and shall next be inspected in two years, and the inspection fee shall be due at that time.

(3) notwithstanding the provisions of paragraph (2) of this section to the contrary, if the commissioner determines that tiered inspection schedules do not adequately protect the health and safety of residents of multiple dwellings, the commissioner may, by regulation, require that cyclical inspections for multiple dwellings occur once every five years.

(b) Within 30 days of the most recent inspection, the owner of each hotel shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee as follows: $15 per unit of dwelling space for the first 20 units of dwelling space in any building or project, $12 per unit of dwelling space for the 21st through 100th unit in any building or project, $8 per unit of dwelling space for the 101st through 250th unit in any building or project, and $5 per unit of dwelling space for all units over 250 in any building or project, except that in the case of hotels open and operating less than six months in each year the fee shall be one-half that which would otherwise be required, or, as the case may be, the fees established by rule for each of the foregoing pursuant to subsection (e) of this section. A certificate of inspection and the fees therefor shall not be required more often than once each inspection cycle.

Additionally, there shall be reinspection fees for hotels in the amount of $10 for each dwelling unit reinspected or, as the case may be, the fees established by rule for each of the foregoing pursuant to subsection (e) of this section.

§ 55:13A-13. Inspection; fees

Within 30 days of the most recent inspection of any multiple dwelling occupied or intended to be occupied by three or more persons living independently of each other, the owner of each such multiple dwelling shall file with the commissioner, upon forms provided by the commissioner, an application for a certificate of inspection. Said application shall include such information as the commissioner shall prescribe to enforce the provisions of this law. Said application shall be accompanied by a fee of $33 per unit of dwelling space for the first 7 units in any building or project, $21 per unit of dwelling space for the 8th through the 24th unit in any building or project, $18 per unit for the 25th through the 48th unit in any building or project, and $12 per unit of dwelling space for all units of dwelling space over 48 in any building or project, provided that the maximum total fee for owner-occupied three-unit multiple dwellings shall be limited to $65 for owners having a household income that is less than 80 percent of the median income for households of similar size in the county in which the multiple dwelling is located, and the maximum total fee for owner-occupied four-unit multiple dwellings shall be limited to $80 for owners having a household income that is less than 80 percent of the median income for households of similar size in the county in which the multiple dwelling is located, or, as the case may be, the fees established by rule for each of the foregoing pursuant to subsection (e) of this section. A certificate of inspection and the fees therefor shall not be required more often than once each inspection cycle.

Additionally, there shall be reinspection fees for multiple dwellings in the amount of $40 for each dwelling unit reinspected, or, as the case may be, the fees established by rule pursuant to subsection (e) of this section, but only after the first reinspection.

The commissioner may waive the inspection fee for any unit upon a finding that the unit has been thoroughly inspected within the previous 12-month period under a municipal ordinance requiring inspection upon change of occupancy in accordance with the maintenance standards established by the commissioner under P.L.1967, c.76 (*C.55:13A-1* et seq.), and has received a municipal certificate of occupancy as a result of that inspection.

If the commissioner finds that (1) a building has been thoroughly inspected prior to resale since the most recent inspection in accordance with this section, (2) the inspection prior to resale was conducted by the municipality in accordance with the maintenance standards established by the commissioner under P.L.1967, c.76 (*C.55:13A-1* et seq.), and (3) a municipal certificate of occupancy was issued as a result of that inspection, the commissioner may accept the inspection done prior to resale in lieu of a current inspection under this section. If the commissioner accepts an inspection prior to resale in lieu of a current inspection, no fee shall be charged for any inspection done by the commissioner within the years remaining in the applicable inspection cycle after the date of the inspection so accepted.

(c) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling complies with the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) and regulations promulgated hereunder, then the commissioner shall issue to the owner thereof, upon receipt of the application and fee as required by subsection (b) of this section, a certificate of inspection. Any owner to whom a certificate of inspection is issued shall keep said certificate posted in a conspicuous location in the hotel or multiple dwelling to which the certificate applies. The certificate of inspection shall be in such form as may be prescribed by the commissioner.

The commissioner may, upon finding a consistent pattern of compliance with the maintenance standards established under P.L.1967, c.76 (*C.55:13A-1* et seq.) in at least 20 percent of the units in a building or project, issue a certificate of inspection for the building or project, in which case the inspection fee shall be charged on the basis of the number of units inspected.

The commissioner may by rule establish standards for self-inspection by condominium associations exercising control over buildings of not more than three stories, constructed after 1976, and certified by the local enforcing agency having jurisdiction as being in compliance with the Uniform Fire Code promulgated pursuant to P.L.1983, c.383 (*C.52:27D-192* et seq.), in which at least 80 percent of the dwelling units are occupied by the unit owners. The commissioner shall issue a certificate of acceptance, which shall be in

lieu of a certificate of inspection, upon acceptance of any such self-inspection and upon payment of a fee of $25.

(d)

(1) If the commissioner determines, as a result of the most recent inspection of any hotel or multiple dwelling as required by subsection (a) of this section, that any hotel or multiple dwelling does not comply with the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) and regulations promulgated thereunder, then the commissioner shall issue to the owner thereof a written notice stating the manner in which any such hotel or multiple dwelling does not comply with P.L.1967, c.76 (*C.55:13A-1* et seq.) or regulations promulgated thereunder. Said notice shall fix such date, not less than 60 days nor more than 180 days, on or before which any such hotel or multiple dwelling must comply with the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) and regulations promulgated thereunder. If any such hotel or multiple dwelling is made to comply with the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall issue to the owner thereof a certificate of inspection as described in subsection (c) of this section. If any such hotel or multiple dwelling is not made to comply with the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) and regulations promulgated thereunder on or before the date fixed in said notice, then the commissioner shall not issue to the owner thereof a certificate of inspection as described in subsection (c) of this section, and shall enforce the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) against the owner thereof.

(2) In addition to complying with the requirements of paragraph (1) of this subsection, if the commissioner determines that a violation of P.L.1967, c.76 (*C.55:13A-1* et seq.) is a potentially hazardous violation, then the commissioner shall comply with this paragraph, and shall immediately send, by certified or ordinary mail, and by electronic mail, a written notice, stating the manner in which the hotel or multiple dwelling does not comply with P.L.1967, c.76 (*C.55:13A-1* et seq.) or regulations promulgated thereunder and setting a date upon which the owner shall be required to address the potentially hazardous violation. Such notice shall be sent to:

(i) The mayor of the municipality in which the hotel or multiple dwelling is located;

(ii) The administrator, business administrator, city manager, township manager, municipal manager, or other municipal official with executive authority not vested in the mayor of the municipality in which the hotel or multiple dwelling is located, as is applicable to the municipality;

(iii) All members of the governing body of the municipality in which the hotel or multiple dwelling is located;

(iv) The clerk, public information officer, or other municipal official responsible for the distribution of communications to the residents of the municipality, as applicable to the municipality; and

(v) The owner and operator of the hotel or multiple dwelling, including, if applicable, to the property owner’s last known address, as determined through a review of local property tax and other available records.

(3) If a notice issued by the commissioner pursuant to this subsection concerns a potentially hazardous violation, then, in addition to complying with paragraphs (1) and (2) of this subsection, the commissioner and the owner and operator of a hotel or multiple dwelling shall comply with this paragraph, and the commissioner shall include as a part of the notice, a mailing notification, which shall contain large, easily readable text, clearly include the date by which the owner shall be required to address the potentially hazardous violation, and be presented on distinctly colored paper or other paper that is easily distinguishable from other notices or communications otherwise sent by the commissioner.

(4) The owner or operator of the hotel or multiple dwelling shall address the potentially hazardous violation prior to the date required by the commissioner in the notice issued pursuant to paragraphs (2) and (3) of this subsection, and shall notify the municipality and the department who may conduct an

inspection, in the case of the municipality, or a reinspection, in the case of the department, of the hotel or multiple dwelling to determine whether the potentially hazardous violation has been abated.

(5) If the owner or operator of the multiple dwelling fails to abate the potentially hazardous violation by the date ordered by the commissioner, then the owner or operator of the multiple dwelling shall provide a hard copy of said mailing notification to each existing resident of the multiple dwelling. The owner or operator of the multiple dwelling shall additionally post a copy of the notification in a conspicuous location in the lobby or common area of the multiple dwelling, in which the information is most likely to be viewed by residents or guests; and within 10 feet of the elevator on each floor of the multiple dwelling, or, if the multiple dwelling does not have an elevator, within 10 feet of, or in, the main stairwell of each floor. A notification posted in a common area of the multiple dwelling, pursuant to this subsection, may be removed only after the commissioner issues to the owner and operator a certificate of inspection as described in subsection (c) of this section. For a hotel room or dwelling unit impacted by a potentially hazardous violation, the owner or operator of any hotel or multiple dwelling shall not enter a new lease for non-owner occupancy, or make available for the same, such unit for such time as the hotel or multiple dwelling is made to comply with the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.) and regulations promulgated thereunder and the commissioner has issued to the owner and operator thereof a certificate of inspection as described in subsection (c) of this section. An administrator, business administrator, city manager, township manager, municipal manager, or other appropriate municipal official of the municipality in which the hotel or multiple dwelling is located may, in their discretion, verify that the owner or operator of the multiple dwelling has posted the notification in compliance with this subsection.

(6) Once the owner or operator of the multiple dwelling abates the potentially hazardous violation, then the owner or operator of the multiple dwelling shall provide a notification to each existing resident of the multiple dwelling describing the violation and the steps taken to address it. The owner or operator of the multiple dwelling shall additionally post a copy of the notification in a conspicuous location in the lobby or common area of the multiple dwelling, in which the information is most likely to be viewed by residents or guests; and within 10 feet of the elevator on each floor of the multiple dwelling, or, if the multiple dwelling does not have an elevator, within 10 feet of, or in, the main stairwell of each floor. An administrator, business administrator, city manager, township manager, municipal manager, or other appropriate municipal official of the municipality in which the multiple dwelling is located may, in their discretion, verify that the owner or operator of the multiple dwelling has posted the notification in compliance with this subsection.

(e) The commissioner shall annually review the cost of implementing and enforcing P.L.1967, c.76 (*C.55:13A-1* et seq.), including the cost to municipalities of carrying out inspections pursuant to section 21 of P.L.1967, c.76 (*C.55:13A-21*), and shall establish by rule, not more frequently than once every three years, such fees as may be necessary to cover the costs of such implementation and enforcement; provided, however, that any increase or decrease shall be applied as a uniform percentage to each category of fee established herein, and provided, further, that the percentage amount of any increase shall not exceed the percentage increase in salaries paid to State employees since the then current fee schedule was established. The commissioner shall provide by rule to owners the option of paying inspection fees in installments in the form of an annual fee. The commissioner shall annually prepare and file with the presiding officers of the Senate and General Assembly and the legislative committees having jurisdiction in housing matters a report setting forth the amounts of fees and penalties received by the Bureau of Housing Inspection, the cost to the bureau of enforcing P.L.1967, c.76 (*C.55:13A-1* et seq.), and information concerning the productivity of the bureau. Copies of the report shall also be submitted to the Office of Administrative Law for publication in the New Jersey Register. If in any State fiscal year the fee revenue received by the bureau exceeds the cost of enforcement of P.L.1967, c.76 (*C.55:13A-1* et seq.), the excess revenue shall be distributed pro rata to persons who paid inspection fees during that fiscal year. Such distribution shall be made within three months after the end of the fiscal year.

(f) Except as otherwise provided in section 2 of *P.L.1991, c.179* (*C.55:13A-26.1*), the fees established by or pursuant to the provisions of this section are dedicated to meeting the costs of implementing and

enforcing P.L.1967, c.76 (C.55:13A-1 et seq.) and shall not be used for any other purpose. All receipts in excess of $2,200,000 are hereby appropriated for the purposes of P.L.1967, c.76 (C.55:13A-1 et seq.).

History

L. 1967, c. 76, § 13; amended 1970, c. 138, § 6; 1971, c. 229; 1987, c. 30, § 2; 1991, c. 179, § 1; 2013, c. 253, § 56, eff. Jan. 17, 2014; 2019, c. 202, § 2, effective August 5, 2019; 2023, c. 338, § 2, effective April 1, 2024.

Annotations

Notes

Effective Dates

Section 4 of L. 2019, c. 202 provides: “This act shall take effect immediately and shall be first applicable to the next new inspection cycle for a hotel or multiple dwelling following the date of enactment.” Chapter 202, L. 2019, was approved on Aug. 5, 2019.

Amendment Note:

2013 amendment, by Chapter 253, substituted “P.L.1967, c.76 (C.55:13A-1 et seq.)” for “this act” throughout (a) through (d), in the final sentence of (e), and in (f); and in (e), in the first sentence, substituted “enforcing P.L.1967, c.76 (C.55:13A-1 et seq.)” for “enforcing this act” and “section 21 of P.L.1967, c.76 (C.55:13A-21)” for “section 21 of this act” and deleted “and to the members of the Hotel and Multiple Dwelling Health and Safety Board” at the end of the fourth sentence.

2019 amendment, by Chapter 202, rewrote (a); in (b), in the first and third paragraphs, substituted “30 days” for “90 days” in the first sentence, added “or, as the case may be, the fees established by rule for each of the foregoing pursuant to subsection (e) of this section” in the third sentence, and substituted “each inspection cycle” for “every five years,” rewrote the second paragraph, inserted “or, as the case may be, the fees established by rule for each of the foregoing pursuant to subsection (e) of this section” in the fourth paragraph, and substituted “the years remaining in the applicable inspection cycle” for “five years” in the second sentence of the last paragraph; and substituted “P.L.1967, c.76 (C.55:13A-1 et seq.)” for “this act” in the third sentence of (e).

2023 amendment, by Chapter 338, redesignated former (d) as (d)(1); and added (d)(2) through (d)(6).

CASE NOTES

Governments: Local Governments: Duties & Powers

Real Property Law: Zoning & Land Use: Ordinances

Governments: Local Governments: Duties & Powers

Trial court properly dismissed a landlord’s action in lieu of prerogative writs challenging a township’s ordinance imposing certain registration obligations and other regulatory requirements on landlords within the township as the ordinance was not preempted by the Hotel and Multiple Dwelling Law, N.J. Stat. Ann. §§ 55:13A-1 to — 28, and no invalid purpose was shown by the landlord, thus, the presumption of the ordinance’s validity remained. Lake Valley

Associates, LLC v. Township Of Pemberton, 411 N.J. Super. 501, 987 A.2d 623, 2010 N.J. Super. LEXIS 15 (App.Div.), certif. denied, *202 N.J. 43, 994 A.2d 1039, 2010 N.J. LEXIS 443 (N.J. 2010)*.

Real Property Law: Zoning & Land Use: Ordinances

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Research References & Practice Aids

Cross References:

Additional fee per unit inspected, see *52:27D-437.10*.

Fee exemption, see *55:13A-13.2*.

Administrative Code:

N.J.A.C. 5:10-1.12 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Certificate of inspection.

N.J.A.C. 5:10-1A.4 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Local enforcing agencies; administration.

NJ ICLE:

Commercial Real Estate Transactions in New Jersey 1.19 Special Transactions

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-13a

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§ 55:13A-13a. Conduct of inspections

a. Any inspection required under P.L. 1967, c. 76 (*C. 55:13A-1* et seq.) shall be conducted by the commissioner except as provided in subsection b. of this section or where a municipality has a cooperative arrangement, with the bureau to perform these inspections in which case the inspection shall be conducted by the municipality; provided, however, that nothing in this section shall preclude the bureau from conducting inspections in any municipality for the purpose of monitoring or auditing the performance of local agencies, as provided hereinafter, or inspectors, or for the purpose of dealing with imminent hazards.

b. In any municipality which maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances and regulations concerning buildings and structures within the municipality, and such agency is supervised by, and has all hotel and multiple dwelling inspections performed by persons licensed by, the commissioner under this act, the municipal governing body may by ordinance designate that agency to conduct the inspections and enforce the regulations prescribed by or pursuant to P.L. 1967, c. 76 (*C. 55:13A-1* et seq.). Where an ordinance is in effect all inspections required pursuant to P.L. 1967, c. 76 within the territorial limits of the municipality shall be conducted by the agency so designated, subject to the supervision and control of the commissioner; and all applications otherwise directed by law to be filed with the commissioner, and all fees and penalties otherwise to be imposed or collected by the commissioner, shall in such a municipality be filed with, or imposed or collected by, the local agency designated by ordinance pursuant to this subsection; provided, that in no case shall the local agency collect or impose a penalty in excess of the minimum amount which the commissioner is authorized by law to collect or impose for the same violation, or to assess a continuing penalty, without the written prior approval of the bureau. The commissioner shall have the power to order corrective action as may be necessary where a local agency is found to be failing to carry out its responsibilities under this act and to suspend the authority of the local agency under this subsection where the local agency repeatedly or habitually fails to enforce the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 (*C. 55:13A-1* et seq.) and the regulations adopted pursuant thereto.

c. Any person affected by the determinations made pursuant to any inspection conducted under P.L. 1967, c. 76 (*C. 55:13A-1* et seq.) may appeal those determinations to the Office of Administrative Law with the final decision to be issued by the commissioner; provided, however, that the cost of any such hearing to the department shall be borne by the local agency in any case where the inspection fee is required to be paid to a local agency or in which the notice, order or decision being contested was issued by a local agency.

History

L. 1987, c. 30, 3.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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N.J. Stat. § 55:13A-13.1

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§ 55:13A-13.1. Retirement community; exclusion from definition of multiple dwelling; compliance with fire safety standards; self-inspection; filing checklist; certification; failure to comply; notice

a. Any retirement community as defined in the "Retirement Community Full Disclosure Act," P.L.1969, c. 215 (*C. 45:22A-1* et seq.) shall be exempt from inclusion in the definition of multiple dwellings contained in paragraph (k) of section 3 of P.L.1967, c. 76 (*C. 55:13A-3*), provided that the retirement community complies with the basic standards relating directly to fire safety which are established for its buildings by rule or regulation of the commissioner and provided further, that the retirement community files with the commissioner, at least once every five years, as evidence of a satisfactory self-inspection, a completed checklist, which shall be provided by the commissioner, of items established under the fire safety regulations. The retirement community shall also file a certification, from the municipal fire protection subcode official or an equally competent person selected and paid by the municipality in which the retirement community is located, that the self-inspection has been properly carried out. A fee schedule for certification may be established by the municipality providing for a charge of up to $8.00 per dwelling unit for each of the first 100 units inspected and up to $5.00 per unit for each unit inspected thereafter.

b. The commissioner may require common area smoke detectors in buildings, and the retirement community may utilize detector units which are either (1) of the alternating current (AC) constantly active electric circuit type, which cannot be deactivated by the operation of any interconnected switching device and which comply with the latest NJPA-70 (National Electrical Code) requirements or (2) of the battery-powered single station type. The owners of each unit utilizing any common area shall be jointly responsible for inspecting the detector unit in the common area and for ensuring that its battery is inspected periodically and replaced at least annually.

c. If the municipality determines, as a result of the most recent self-inspection of any building or unit as required by this amendatory and supplementary act, that any building or unit does not comply with the provisions of this amendatory and supplementary act and regulations promulgated thereunder, then the municipality shall issue to the nonprofit corporation a written notice stating the manner in which a building or unit does not comply with this amendatory and supplementary act or regulations promulgated thereunder. The notice shall fix a date, not less than 60 days nor more then 180 days, upon which a building or unit shall comply with the provisions of this amendatory and supplementary act and regulations promulgated, thereunder. If building or unit does not comply with the provisions of this amendatory and supplementary act and regulations promulgated, on or before the date fixed in the notice, the municipality shall notify the commissioner, who shall enforce the provisions of P.L.1967, c. 76 (*C. 55:13A-1* et seq.) against the nonprofit corporation or the unit owner thereof, based on their respective liabilities as contained in the nonprofit corporation's master deed, bylaws, and rules and regulations.

History

L. 1983, c. 154, 2, eff. April 22, 1983.

Annotations

Research References & Practice Aids

Cross References:

Definitions, see *55:13A-3*.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-13.2. Fee exemption

No fee shall be charged for the inspection of any retreat lodging facility, as otherwise required pursuant to section 13 of P.L. 1967, c. 76 (*C. 55:13A-13*).

History

L. 1987, c. 270, 3.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-14. Repealed by L.1970, c. 138, § 7

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§ 55:13A-15. Repealed by L.1987, c. 30, § 4, eff. Jan. 27, 1987

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N.J. Stat. § 55:13A-16

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§ 55:13A-16. Violations; order to terminate; injunctive relief

(a) If the commissioner shall discover any violation of the provisions of this act or any rules and regulations promulgated thereunder upon any inspection of any hotel or multiple dwelling, then the commissioner shall issue and cause to be served on the owner thereof a written order requiring said owner to terminate, or cause to be terminated, any such violation. Such written order shall state the nature of any such violation and a reasonable specified time within which any such violation must be terminated. Such written order shall also require and direct the owner to whom it is issued to take, or cause to be taken, such affirmative action as may be necessary to correct any such violation.

(b) The commissioner may petition the Superior Court of this State for mandatory injunctive relief enforcing any order issued by the commissioner pursuant to subsection (a) of this section. In any such proceeding the Superior Court may proceed in a summary manner or otherwise, and shall have power to grant such temporary relief or restraining order as it may deem just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part any order issued by the commissioner pursuant to subsection (a) of this section.

History

L. 1967, c. 76, 16, eff. May 31, 1967.

Annotations

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:10-1A.4 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Local enforcing agencies; administration.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-17. Order to vacate; reinspection; hearing; injunctive relief

(a) If upon any inspection of any hotel or multiple dwelling the commissioner shall discover any violation of the provisions of this act or any rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants thereof, or of the public generally, the commissioner may issue and cause to be served on the owner thereof a written order directing: (1) that any such hotel or multiple dwelling be vacated forthwith or, (2) that the violation be corrected within the period specified in the order. Such written order shall state the nature of any such violation and the date and hour by which: (1) any such hotel or multiple dwelling must be vacated or (2) any such violation must be abated.

(b) Upon the receipt by the commissioner of written notice from the owner of any hotel or multiple dwelling vacated or ordered to be vacated stating that any such violation has been terminated, the commissioner shall reinspect said hotel or multiple dwelling within 1 working day of the receipt of said notice. If upon any such reinspection the commissioner shall determine that any such violation has been terminated, the commissioner shall rescind any order requiring the vacation of said hotel or multiple dwelling, and occupancy thereof may be resumed forthwith; provided, that if any such reinspection is not made by the commissioner within 1 working day of the receipt of said notice, occupancy of any such hotel or multiple dwelling may be resumed forthwith.

(c) Where the owner of any hotel or multiple dwelling denies that any violation justifying an order to vacate exists, said owner may apply to the commissioner for a reconsideration hearing, which hearing must be afforded and a decision rendered by the commissioner within 48 hours of the receipt by the commissioner of the application for said hearing. If the commissioner shall decide adversely to said owner, said owner may petition the Superior Court of this State for injunctive relief against any order of the commissioner directing that any such hotel or multiple dwelling be vacated forthwith. Such relief may be sought by an order to show cause and may be granted ex parte pending a hearing de novo; provided, that the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes an imminent hazard to the health, safety or welfare of the occupants or intended occupants of any such hotel or multiple dwelling, or to the public generally.

(d) Where the owner of any hotel or multiple dwelling denies that any violation justifying an order to abate within a specific period exists, said owner may seek injunctive relief by an order to show cause and said relief may be granted ex parte pending a hearing de novo provided, that the only issue to be determined in the hearing de novo shall be the existence of any violation of the provisions of this act, or rules and regulations promulgated thereunder, which constitutes a hazard to the health, safety or welfare of the occupants or intended occupants of any such hotel or multiple dwelling, or to the public generally.

History

L. 1967, c. 76, 17, eff. May 31, 1967; Amended by L. 1970, c. 138, 9.

Annotations

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:10-1A.4 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Local enforcing agencies; administration.

N.J.A.C. 5:10-26.2 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Buildings ordered vacated.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-18. Aggrieved persons; hearing; notice

Any person aggrieved by any ruling, action, order, or notice of the commissioner pursuant to this act, except any order or notice issued by the commissioner pursuant to sections 12(d), 15(e) and 17 of this act shall be entitled to a hearing before the commissioner. The application for such hearing must be filed with the commissioner within 15 days of the receipt by the applicant thereof of notice of the ruling, action, order or notice complained of. No such hearing shall be held except upon 15 days' written notice to all interested parties, and each such hearing shall be held within 30 days of the receipt of the application therefor. When a hearing officer is designated by the commissioner to conduct hearings, said hearing officer shall issue a recommended report and decision within 30 days after the completion of any hearing, a copy of which shall be filed with the commissioner and mailed to all parties of record. Each party of record shall be afforded 15 days in which to file exceptions, objections, and replies thereto, and to present argument to the commissioner. Within 15 days thereafter, the commissioner shall issue an order which adopts, rejects, or modifies the recommended report and decision, a copy of which shall be served on all parties of record. Pending the determination of the commissioner, and upon application therefor, the commissioner may grant a stay of the ruling, action, order, or notice complained of; provided, that no such stay shall be granted except upon such terms and conditions as will adequately protect the occupants or intended occupants of the hotel or multiple dwelling involved, or the public generally.

History

L. 1967, c. 76, 18, eff. May 31, 1967; Amended by L. 1970, c. 138, 10.

Annotations

CASE NOTES

Administrative Law: Agency Adjudication: Hearings: General Overview

Where fines were assessed against building owner for violation of hotel and motel dwelling laws and where building owner submitted a belated request for an administrative hearing regarding such fines, building owner was not denied due process when the hearing was denied because the time within which the Department of Community Affairs could entertain a hearing was statutorily mandated, which did not empower the Department to entertain a belated request. *State, Dep't of Community Affairs v. Wertheimer, 177 N.J. Super. 595, 427 A.2d 592, 1980 N.J. Super. LEXIS 779 (App.Div. 1980)*.

Research References & Practice Aids

§ 55:13A-18. Aggrieved persons; hearing; notice

Administrative Code:

N.J.A.C. 5:10-1.14 (2013), CHAPTER MAINTENANCE OF HOTELS AND MULTIPLE DWELLINGS, Delegation of powers.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-19. Violations, penalties

(a) No person shall

(1) Obstruct, hinder, delay or interfere with, by force or otherwise, the commissioner in the exercise of any power or the discharge of any function or duty under the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.); or

(2) Prepare, utter or render any false statement, report, document, plans or specifications permitted or required to be prepared, uttered or rendered under the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.); or

(3) Render ineffective or inoperative any protective equipment installed, or intended to be installed, in any hotel or multiple dwelling; or

(4) Refuse or fail to comply with any lawful ruling, action, order or notice of the commissioner; or

(5) Violate, or cause to be violated, any of the provisions of P.L.1967, c.76 (*C.55:13A-1* et seq.).

(b) Any person who violates, or causes to be violated, any provision of subsection (a) of this section shall be liable to a penalty of not less than $50.00 nor more than $500.00 for each violation, and a penalty of not less than $500.00 nor more than $5,000.00 for each continuing violation. Penalties imposed for violations relating to child-protection window guards pursuant to the provisions of *P.L.1995, c.120* (*C.55:13A-7.12* et seq.) shall be no less than $100 for each window or incident. Whenever a violator is convicted of knowingly continuing to violate a provision of *P.L.1995, c.120* (*C.55:13A-7.12* et seq.) relating to child-protection window guards after the imposition of a penalty of $5,000 pursuant to this section, the violator shall be guilty of a crime of the fourth degree. Where any violation of subsection (a) of this section is of a continuing nature, each day during which such continuing violation remains unabated after the date fixed by the commissioner in any order or notice for the correction or termination of such continuing violation, shall constitute an additional, separate and distinct violation, except during the time an appeal from said order may be taken or is pending. The commissioner, in the exercise of his administrative authority pursuant to this act, may levy and collect penalties in the amounts set forth in this section. Where the administrative penalty order has not been satisfied within 30 days of its issuance the penalty may be sued for, and recovered by and in the name of the commissioner in a civil action by a summary proceeding under "The Penalty Enforcement Law of 1999," *P.L.1999, c.274* (*C.2A:58-10* et seq.) in the Superior Court.

(c) Any person shall be deemed to have violated, or to have caused to be violated, any provision of subsection (a) of this section whenever any officer, agent or employee thereof, under the control of and with the knowledge of said person shall have violated or caused to be violated any of the provisions of subsection (a) of this section.

(d) The commissioner may cancel and revoke any permit, approval or certificate required or permitted to be granted or issued to any person pursuant to the provisions of this act if the commissioner shall find that any such person has violated, or caused to be violated, any of the provisions of subsection (a) of this section.

(e) Any penalties collected pursuant to this section levied as the result of a violation of subsection (w) of section 7 of P.L.1967, c.76 (*C.55:13A-7*) and which occurred pursuant to inspection for lead-based paint hazards shall be deposited in the Lead Hazard Control Assistance fund established pursuant to section 4 of *P.L.2003, c.311* (*C.52:27D-437.4*). Penalties levied as the result of multiple violations shall be allocated to the Lead Hazard Control Assistance fund in such proportion as the commissioner shall prescribe.

History

L. 1967, c. 76, § 19; amended 1970, c. 138, § 11; *2003, c. 311*, § 20, eff. Apr. 19, 2004; *2006, c. 55*, § 6, eff. July 31, 2006.

Annotations

Notes

OLS Corrections:

Pursuant to *R.S.1:3-1*, the Office of Legislative Services, through its Legislative Counsel and with the concurrence of the Attorney General, corrected a technical error in L. *2006, c. 55*, § 6.

Effective Dates:

Section 26 of L. *2003, c. 311* provides: “This act shall take effect 90 days following enactment, except that section 6 shall take effect immediately.” Chapter 311, L. 2003, was approved on January 20, 2004.

Amendment Note:

2006 amendment, by Chapter 55, substituted “P.L.1967, c.76 (C.55:13A-1 et seq.)” for “this act” in (a)(1), (a)(2), and (a)(5); and inserted the second and third sentences in (b).

Research References & Practice Aids

Cross References:

Powers of association, see *46:8B-15*.

Installation of window guards, maintenance, violations, penalties, see *55:13A-7.13*.

Deposit of 50% of penalty moneys in Revolving Housing Development and Demonstration Grant Fund, see *55:13A-26.1*.

JURY INSTRUCTIONS:

NJ Civil JI 5.20C, Duty Of Owner To Tenant Leasing Entire Premises And To Others On Premises (A) As To Residential Premises (B) Repairs By Landlord (C) Non-Residential Land and Buildings (D) Repairs By Landlord of Non-Residential Land and Buildings

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§ 55:13A-20. Service of notices, rules, decisions, orders

(a) Notices, rules, decisions, and orders required or permitted to be issued and served pursuant to P.L.1967, c.76 (*C.55:13A-1* et seq.), except as otherwise provided for a notice of noncompliance issued for a potentially hazardous violation pursuant to paragraph (2) or (3) of subsection (d) of section 13 of P.L.1967, c.76 (*C.55:13A-13*), shall be served as follows:

(1) On the owner:

(i) By mailing same by certified or ordinary mail to the person designated as owner or agent on the certificate of registration or in the municipal tax records or in the records of the Department of the Treasury; or

(ii) By serving same on the owner, or upon a person authorized to accept service on behalf of the owner in a civil matter, in accordance with the Rules of Court.

(2) On the occupant:

(i) By mailing same by certified or ordinary mail to said occupant;

(ii) By serving same on the Department of the Treasury, who shall be deemed the owner's agent for service of process, provided however, that reasonable efforts have first been made to serve the owner or his agent by certified mail and that a copy of such notice is posted in a conspicuous location on the premises. "Conspicuous location" shall include the walls of the front vestibule or in any common foyer or hallway immediately inside the main front entrance; or

(iii) By leaving same at the dwelling unit of the occupant with a competent member of the household of the age of 14 or over.

(b) The date of service shall be considered the date of personal service, the date of other method of service authorized under this section, or the date of the third day after mailing, whichever occurs first.

History

L. 1967, c. 76, 20, eff. May 31, 1967; Amended by L. 1970, c. 138, 12; *2019, c. 202*, § 3, effective August 5, 2019; *2023, c. 338*, § 3, effective April 1, 2024.

Annotations

Notes

Effective Dates

Section 4 of L. *2019, c. 202* provides: “This act shall take effect immediately and shall be first applicable to the next new inspection cycle for a hotel or multiple dwelling following the date of enactment.” Chapter 202, L. 2019, was approved on Aug. 5, 2019.

Amendment Notes

2019 amendment, by Chapter 202, in the introductory language of (a), inserted “rules, decisions, and orders” and substituted “P.L.1967, c.76 (C.55:13A-1 et seq.)” for “this act”; in (1)(i), substituted “or ordinary mail” for “mail, return receipt requested” and “Department of the Treasury; or” for “Secretary of State; rewrote (1)(ii); rewrote (a)(2)(i); deleted former (a)(2)(ii); rewrote (b); redesignated former (c) as (b); and in (b), added “the date of other method of service authorized under this section” and substituted “occurs first” for “occurs later.”

2023 amendment, by Chapter 338, substituted “decisions” for “decision” in the section heading; and added “except as otherwise provided for a notice of noncompliance issued for a potentially hazardous violation pursuant to paragraph (2) or (3) of subsection (d) of section 13 of P.L.1967, c.76 (C.55:13A-13)” in the introductory language of (a).

CASE NOTES

Civil Procedure: Pleading & Practice: Service of Process: General Overview

“Service” of an order under *N.J. Stat. Ann. § 55:13A-20*, requiring the abatement of violations by the owner of a multi-unit dwelling, effectuated by serving the Secretary of State and posting a copy on the premises was sufficient to satisfy the notice requirements of *N.J. Stat. Ann. § 55:13A-18*; notice sufficient to satisfy constitutional due process was all the notice required and was what the service provisions of § *55:13A-20* provided. *Svilokos v. State, Dep't of Community Affairs, Div. of Housing & Dev., 220 N.J. Super. 441, 532 A.2d 743, 1987 N.J. Super. LEXIS 1343 (App.Div. 1987)*.

Research References & Practice Aids

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§ 55:13A-20.1. Short title

This act shall be known and may be cited as the “Violation Disclosure Act.”

History

L. 1975, c. 191, 1, eff. Aug. 16, 1975.

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§ 55:13A-20.2. Mortgage holder of record; notice of failure by owner to abate violations

Whenever the Attorney General files an action in the Superior Court, on behalf of the Commissioner of Community Affairs, pursuant to section 6 (*C. 55:13A-6*) of the "Hotel and Multiple Dwelling Law" P.L.1967, c. 76 or the Penalty Enforcement Law (*N.J.S. 2A:58-1* et seq.) following the failure of an owner of a building subject to the Hotel and Multiple Dwelling Law to abate violations of the regulations promulgated pursuant to the law after receipt of notices and orders to terminate violations as required by the law or the failure of the owner to pay a civil penalty assessed pursuant to the laws after receipt of notice and order to pay penalty the Commissioner of Community Affairs shall cause to be forwarded, by regular first class mail, to any mortgage holder of record a notice of filing of the action and copies of any notices and orders which provide the cause for said action. The mortgage holder of record shall be any holder of record as filed with the municipal clerk pursuant to P.L.1974, c. 50 (*C. 46:8-27* et seq.).

History

L. 1975, c. 191, 2, eff. Aug. 16, 1975.

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§ 55:13A-21. Enforcement of provisions

Each municipality of this State is hereby authorized to enforce the provisions of this act, and any rules or regulations promulgated thereunder, within the corporate limits thereof, subject to the control and supervision of the commissioner and in accordance with such rules and regulations as the commissioner may issue and promulgate. The commissioner shall consult with and advise any municipality which enforces the provisions of this act, and any rules and regulations promulgated hereunder, and each such municipality shall furnish the commissioner with such reports, data and information as the commissioner may deem necessary.

History

L. 1967, c. 76, 21, eff. May 31, 1967.

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§ 55:13A-22. Offenses

No offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred, prior to the repeal or revision of any act or any part thereof by the enactment of this act, shall be discharged, released or affected by the repeal or revision of the act or part thereof under which such offense, liability, penalty or forfeiture was incurred, and indictments, prosecutions and actions for such offenses, liabilities, penalties or forfeitures committed or incurred prior to the effective date of this act shall be commenced or continued and be proceeded with in all respects as if the act or part thereof had not been repealed or revised; and all such matters or proceedings pending on the effective date of this act shall be continued by the commissioner.

History

L. 1967, c. 76, 22, eff. May 31, 1967.

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N.J. Stat. § 55:13A-23

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§ 55:13A-23. Actions or proceedings; records

The record or determination of any action or proceeding under this act, or any statement, report or record of any kind whatsoever obtained or received by the commissioner in connection with the administration or enforcement of the provisions of this act, shall be public records and reasonably available for public inspection.

History

L. 1967, c. 76, 23, eff. May 31, 1967.

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§ 55:13A-24. Hearings; rules of evidence

In any hearing under this act required or permitted to be held before the commissioner, the commissioner shall not be bound to apply the strict rules of evidence prevailing in civil actions in courts of competent jurisdiction.

History

L. 1967, c. 76, 24, eff. May 31, 1967.

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N.J. Stat. § 55:13A-25

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§ 55:13A-25. Powers and duties of local boards of health not impaired

(a) This act is not intended, and nothing in this act shall be construed, to abrogate or impair the powers and duties of local boards of health, of the Department of Health under chapter 177 of the laws of 1947.

(b) This act is not intended, and nothing in this act shall be construed, to preclude the right of any municipality to adopt and enforce ordinances or regulations more restrictive than this act or any rules or regulations promulgated thereunder.

History

L. 1967, c. 76, 25, eff. May 31, 1967.

Annotations

CASE NOTES

Governments: Legislation: Interpretation

Governments: Local Governments: Duties & Powers

Governments: State & Territorial Governments: Relations With Governments

Real Property Law: Zoning & Land Use: Ordinances

Governments: Legislation: Interpretation

N.J. Stat. Ann. § 55:13A-25(b), which expressly made enforceable municipal ordinances that were "more restrictive" than the minimum requirements set by the Hotel and Multiple Dwelling Law, § *55:13A-1* et seq., was construed to preclude the enforcement of a municipal ordinance that imposed on motel premises, inter alia, certain exterior and interior maintenance requirements, and space requirements for each room; because the ordinance requirements were not as specific or as certain in nearly all of its provisions when they were compared with those contained in the statute, they were consequently not "more restrictive" than the statutory requirements and, thus, could not survive. *Cinnaminson Motel Owners Asso. v. Cinnaminson, 231 N.J. Super. 163, 554 A.2d 1372, 1987 N.J. Super. LEXIS 1481 (Law Div. 1987)*.

Governments: Local Governments: Duties & Powers

§ 55:13A-25. Powers and duties of local boards of health not impaired

Trial court properly dismissed a landlord's action in lieu of prerogative writs challenging a township's ordinance imposing certain registration obligations and other regulatory requirements on landlords within the township as the ordinance was not preempted by the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. §§ 55:13A-1* to — 28, and no invalid purpose was shown by the landlord, thus, the presumption of the ordinance's validity remained. *Lake Valley Associates, LLC v. Township Of Pemberton, 411 N.J. Super. 501, 987 A.2d 623, 2010 N.J. Super. LEXIS 15 (App.Div.)*, certif. denied, *202 N.J. 43, 994 A.2d 1039, 2010 N.J. LEXIS 443 (N.J. 2010)*.

Governments: State & Territorial Governments: Relations With Governments

State has preempted the field of regulation of multiple dwellings with one exception that is found in *N.J. Stat. Ann. § 55:13A-25(b)* and provides that this act is not intended, and nothing in this act shall be construed, to preclude the right of any municipality to adopt and enforce ordinances or regulations more restrictive than this act or any rules or regulations promulgated thereunder. *Boulevard Apartments, Inc. v. Hasbrouck Heights, 111 N.J. Super. 408, 268 A.2d 359, 1970 N.J. Super. LEXIS 441 (Law Div. 1970)*.

Real Property Law: Zoning & Land Use: Ordinances

Trial court properly dismissed a landlord's action in lieu of prerogative writs challenging a township's ordinance imposing certain registration obligations and other regulatory requirements on landlords within the township as the ordinance was not preempted by the Hotel and Multiple Dwelling Law, *N.J. Stat. Ann. §§ 55:13A-1* to — 28, and no invalid purpose was shown by the landlord, thus, the presumption of the ordinance's validity remained. *Lake Valley Associates, LLC v. Township Of Pemberton, 411 N.J. Super. 501, 987 A.2d 623, 2010 N.J. Super. LEXIS 15 (App.Div.)*, certif. denied, *202 N.J. 43, 994 A.2d 1039, 2010 N.J. LEXIS 443 (N.J. 2010)*.

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N.J. Stat. § 55:13A-26

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§ 55:13A-26. Fees and penalties; deposit

The commissioner shall deposit with the State Treasurer for inclusion in the State Treasury any fee or penalty required or permitted to be paid to and received by the commissioner pursuant to the provisions of this act.

History

L. 1967, c. 76, 26, eff. May 31, 1967.

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§ 55:13A-26.1. Deposit of 50% of penalty moneys in Revolving Housing Development and Demonstration Grant Fund

Fifty percent of all penalty moneys collected by the commissioner pursuant to section 19 of P.L.1967, c.76 (*C.55:13A-19*) shall be deposited in the Revolving Housing Development and Demonstration Grant fund established by section 5 of P.L.1967, c.82 (*C.52:27D-63*).

History

L. *1991, c. 179*, § 2.

Annotations

Research References & Practice Aids

Cross References:

Inspection; fees, see *55:13A-13*.

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N.J. Stat. § 55:13A-26.2

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§ 55:13A-26.2. Appropriation for Revolving Housing Development and Demonstration Grant Fund

In the fiscal year beginning July 1, 1993, and in each fiscal year thereafter, there shall be appropriated to the Revolving Housing Development and Demonstration Grant Fund established by section 5 of P.L.1967, c.82 (*C.52:27D-63*) an amount not less than the amount by which hotel and multiple dwelling inspection program costs during the next preceding fiscal year exceeded inspection fee revenue under the program received by the Department of Community Affairs during Fiscal Year 1991.

History

L. *1991, c. 179*, § 3.

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§ 55:13A-27. Partial invalidity

If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgments shall have been rendered.

History

L. 1967, c. 76, 27, eff. May 31, 1967.

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§ 55:13A-28. Repeal

(a) The following acts and parts of acts are repealed: chapters 9, 10 and 12 of Title 55 of the Revised Statutes; sections *55:11-1* to 55:11-8, both inclusive, of the Revised Statutes; sections 55:11-11 to 55:11-17, both inclusive, of the Revised Statutes; and sections 1, 2, 29, 31, 32, 33, 34, 35, 36, 38 and 40 of chapter 340 of the laws of 1948.

(b) The following acts and parts of acts are repealed: chapters 1, 2, 5, 6, 7, 8, and 13 of Title 55 of the Revised Statutes; sections *55:3-1* to 55:3-22, both inclusive, of the Revised Statutes; sections 55:3-23 to 55:3-60, both inclusive, of the Revised Statutes; sections *55:4-1* to 55:4-13, both inclusive, of the Revised Statutes; sections 55:4-14 to 55:4-27, both inclusive, of the Revised Statutes; section 1 of chapter 23 of the laws of 1958; chapter 172 of the laws of 1958; and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 30 of chapter 340 of the laws of 1948.

History

L. 1967, c. 76, 28.

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N.J. Stat. § 55:13A-29

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§ 55:13A-29. Definitions relative to hotel sanitation

As used in this act:

“Front desk” means the physical location in a hotel where a guest may check-into or reserve a room.

“Guest room” means a private room made available by a hotel for occupancy by a guest. A guest room may be comprised of several interconnected rooms, such as a bathroom, living room, or multiple bedrooms, in the case of a suite.

“Guest touch-point” means any surface in a public space in hotel that is regularly touched by a hotel or motel guest. A guest touch-point includes, but is not limited to, doorknobs, door handles, counters, desks, tables, chairs, sofas, and electronics.

“Occupied guest room” means that a guest is currently checked in to a guest room regardless of whether the guest is physically present in the room.

“Public space” means any space accessible to a guest within a hotel including, but not limited to, the lobby, including a lobby bathroom, a dining area, a hallway, an elevator, and a bathroom. A public space does not include a guest room.

History

L. *2020, c. 37*, § 1, effective June 25, 2020.

Annotations

Notes

Effective Dates

Section 4 of L. *2020, c. 37* provides: “This act shall take effect 14 days following enactment, except that the commissioner may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.” Chapter 37, L. 2020, was approved on June 11, 2020.

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N.J. Stat. § 55:13A-30

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§ 55:13A-30. Protocols for hotel sanitation

a. The Commissioner of Health shall issue protocols for the sanitization of each hotel in the State. These protocols shall include, but not be limited to, directives requiring hotels to:

(1) maintain continuous 24 hour, seven day a week coverage of a front desk by at least one employee, and by at least one additional employee per every 200 guest rooms;

(2) train a front desk employee to respond to a guests' inquiry related to health and safety, including but not limited to, the location of hospitals in the vicinity of the hotel, emergency telephone numbers, and options for seeking treatment or testing for virus diseases during a public health crisis;

(3) ensure that every guest room is cleaned and sanitized and provided with an adequate supply of clean towels, sheets, and pillowcases prior to occupancy by a new guest;

(4) ensure that every occupied guest room is cleaned and sanitized every day, and that the room is provided with an adequate supply of clean towels, sheets, and pillowcases and that the towels, sheets, and pillowcases are changed no less frequently than once every day;

(5) ensure that all public spaces are cleaned and sanitized at least once every day, and that all guest touch-points are cleaned and sanitized regularly throughout each day;

(6) provide their employees with anti-microbial cleaning products certified by the United States Environmental Protection Agency that are approved for use against the coronavirus disease 2019 (COVID-19), other coronaviruses, influenza viruses, or other viral diseases. These products shall be used when cleaning and sanitizing each guest room, guest touch-point, and public space; and

(7) train its employees on the proper use of anti-microbial cleaning products and on proper cleaning protocols that maximize the sanitary condition of each guest room, guest touch-point, and public space.

b. The Bureau of Housing Inspection in the Department of Community Affairs shall distribute the guidelines developed by the Department of Health pursuant to subsection a. of this section, and shall inspect each hotel in the State for the purpose of determining the extent to which each hotel complies with the provisions of this act [*C.55:13A-29* et seq.] and the regulations promulgated hereunder.

History

L. *2020, c. 37*, § 2, effective June 25, 2020.

Annotations

Notes

Publisher's Notes

The bracketed material was added by the Publisher to provide a reference.

Effective Dates

Section 4 of L. *2020, c. 37* provides: “This act shall take effect 14 days following enactment, except that the commissioner may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.” Chapter 37, L. 2020, was approved on June 11, 2020.

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§ 55:13A-31. Rules, regulations

The Commissioner of Health, in consultation with the Department of Community Affairs, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (*C.52:14B-1* et seq.) shall adopt rules and regulations necessary to effectuate the purposes of this act [*C.55:13A-29* et seq.].

History

L. *2020, c. 37*, § 3, effective June 25, 2020.

Annotations

Notes

Publisher's Notes

The bracketed material was added by the Publisher to provide a reference.

Effective Dates

Section 4 of L. *2020, c. 37* provides: "This act shall take effect 14 days following enactment, except that the commissioner may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act." Chapter 37, L. 2020, was approved on June 11, 2020.

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