

## [N.J. Stat. § 46:8-28](#)

Current through New Jersey 220th First Annual Session, L. 2022, c. 130 and J.R. 10

**LexisNexis® New Jersey Annotated Statutes > Title 46. Property (Subts. 1 — 6) > Subtitle 2. Real Property Only (Chs. 3 — 11) > Chapter 8. Leasehold Estates; Landlord and Tenant (§§ 46:8-1 — 46:8-64)**

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

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

- a. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership the names of all general partners shall be provided;
- b. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation;
- c. If the address of any record owner is not located in the county in which the premises are located, the name and address of a person who resides in the county in which the premises are located and is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;
- d. The name and address of the managing agent of the premises, if any;
- e. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any;
- f. 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 therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency;
- g. The name and address of every holder of a recorded mortgage on the premises;
- h. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

### **History**

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L. 1974, c. 50, § 2; amended 1980, c. 170, § 8; 1981, c. 299, § 2; 1981, c. 442, § 2; 1981, c. 511, § 20; [2001, c. 264](#), § 1, eff. Dec. 11, 2001; [2003, c. 56](#), § 2, eff. Sept. 1, 2003.

Annotations

## Notes

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### Effective Dates:

Section 3 of L. [2003, c. 56](#) provides: “This act shall take effect on the first day of the fourth month following enactment.” Chapter 56, L. 2003, was approved on May 1, 2003.

## Research References & Practice Aids

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### Cross References:

Landlord, project defined, see [46:8-27](#).

Provision of copy of certificate of registration to tenant, see [46:8-29](#).

Certificate; indexing, filing; inspection; fee; validation, see [46:8-28.1](#).

Certificate of registration; amendment; filing, see [46:8-28.2](#).

Certificate of registration, fee; exceptions, see [46:8-28.5](#).

Certificate of registration; application; fee; appointment of agent; notice of violation, see [55:13A-12](#).

### Administrative Code:

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

### PRACTICE GUIDES & TREATISES:

[New Jersey Transaction Guide § 142.20](#) et seq. Nature and Purpose of Ground Lease

### PRACTICE FORMS:

8-142 [New Jersey Transaction Guide § 142.260](#), Certificate of Registration for Single-Unit Dwelling and Non-Owner-Occupied Two-Unit Dwelling

8-142 New Jersey Transaction Guide § 142.261, Certificate of Registration for Multiple Dwellings

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## [N.J. Stat. § 46:8-28.1](#)

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### § 46:8-28.1. Certificate; indexing, filing; inspection; fee; validation

In the case of a filing under section 2 of P.L. 1974, c. 50 ([C. 46:8-28](#)) with the municipal clerk, or with such other municipal official as is designated by the clerk, the clerk or designated official shall index and file the certificate and make it reasonably available for public inspection. In the case of a filing with the Bureau of Housing Inspection, the filing shall be accompanied by the filing fee required pursuant to section 12 of P.L. 1967, c. 76 ([C. 55:13A-12](#)). The bureau shall review the certificate and, if it is found to be in conformity with this law and any regulations promulgated hereunder, validate the certificate and issue a validated copy to the landlord and a validated copy to the clerk of the municipality in which the building or project is located. The clerk shall index the validated certificates, or forward them to the designated official for indexing, and the certificates shall be made available as with the certificates required of one and two dwelling unit nonowner occupied premises.

### History

L. 1981, c. 442, § 3; amended [2001, c. 264](#), § 2, eff. Dec. 11, 2001.

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## [N.J. Stat. § 46:8-28.2](#)

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### **§ 46:8-28.2. Certificate of registration; amendment; filing**

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Every landlord required to file a certificate of registration as described in section 2 of P.L.1974, c. 50 ([C. 46:8-28](#)) shall file an amended certificate of registration within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership of the premises is changed.

### **History**

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L. 1981, c. 442, 4.

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## [N.J. Stat. § 46:8-28.3](#)

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

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Nothing herein shall require a landlord who has heretofore complied with all provisions of P.L.1974, c. 50 ([C. 46:8-27](#) et seq.) or the “Hotel and Multiple Dwelling Law” (P.L.1967, c. 76, [C. 55:13A-1](#) et seq.), or both, applicable to any building or project to register the building or project again pursuant to this amendatory and supplementary act. Whenever, after the effective date of this amendatory and supplementary act, any owner or landlord shall be required to file an amended certificate of registration pursuant to the provisions of this amendatory and supplementary act, the “Hotel and Multiple Dwelling Law,” or P.L.1974, c. 50, then that filing shall be in accordance with this amendatory and supplementary act.

### **History**

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L. 1981, c. 442, 8.

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## [N.J. Stat. § 46:8-28.4](#)

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### **§ 46:8-28.4. Inapplicability of act to current proceedings, liabilities or penalties**

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This amendatory and supplementary act shall not affect any current proceedings, liabilities or penalties involving violations of the sections amended or repealed by this amendatory and supplementary act. All such proceedings, liabilities or penalties existing on the effective date of this amendatory and supplementary act shall be commenced or continued and be proceeded with in all respects as if the section had not been amended or repealed.

### **History**

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L. 1981, c. 442, 9.

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## [N.J. Stat. § 46:8-28.5](#)

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

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- a. Except as otherwise provided in subsection b. of this section, every owner of a tenant-occupied single-family or two-family residential property, including, without limitation, a two-family property in which one unit is owner-occupied, shall file a certificate of registration on forms prescribed by the Commissioner of Community Affairs, in accordance with section 2 of P.L.1974, c.50 ([C.46:8-28](#)), with the Bureau of Housing Inspection in the Department of Community Affairs. Any such filing shall be accompanied by a filing fee not exceeding the filing for hotels and multiple dwellings established by section 12 of P.L.1967, c.76 ([C.55:13A-12](#)).
- b. Subsection a. of this section shall not apply to any owner-occupied two-family residential property that:
- (1) has been certified to be free of lead-based paint;
  - (2) was constructed during or after 1978;
  - (3) is a seasonal rental unit which is rented for less than six months' duration each year; or
  - (4) has been certified as having a lead-free interior by a certified inspector.
- c. Any owner who fails to comply with an order of the commissioner to register any property subject to this section shall be liable for a penalty of \$200 for each registration ordered by the commissioner. The commissioner may issue a certificate to the clerk of the Superior Court that an owner is indebted to the department for the payment of such penalty and thereupon the clerk shall enter upon the record of docketed judgments the name of the 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 of such certification. The making of the entry shall have the same force and effect as the entry of a docketed judgment in the office of such clerk.

### **History**

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L. [2007, c. 251](#), § 2, eff. Jan. 4, 2008.

Annotations

### **Notes**

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#### **Editor's Notes**

Lead paint inspection requirements for single and two-family rental dwellings, see [55:13A-12.2](#).

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## [N.J. Stat. § 46:8-29](#)

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### § 46:8-29. Provision of copy of certificate of registration to tenant

Within 30 days following the effective date hereof, and at the time of the creation of a new tenancy, every landlord shall provide each occupant or tenant in his building or project a copy of the certificate of registration required by section 2 of this act ([C. 46:8-28](#)). If an amended certificate is filed the landlord shall furnish each occupant or tenant with a copy of the amended certificate within seven days after the amended certificate is filed with the municipal clerk, or with such other municipal official as is designated by the clerk, in the case of a tenant occupied one family dwelling or a non-owner occupied two family dwelling and within seven days of receipt of a validated certificate from the Bureau of Housing Inspection in the case of a building or project subject to the "Hotel and Multiple Dwelling Law," P.L. 1967, c. 76 ([C. 55:13A-1](#) et seq.).

### History

L. 1974, c. 50, § 3; amended 1981, c. 442, § 5; [2001, c. 264](#), § 3, eff. Dec. 11, 2001.

Annotations

### Research References & Practice Aids

#### **Administrative Code:**

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

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## [N.J. Stat. § 46:8-29.1](#)

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### **§ 46:8-29.1. Tenants advised of list**

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Within 30 days following notification by the municipal clerk pursuant to section 1 of [P.L.2017, c.266 \(C.40:48-2.67\)](#), and thereafter, at the time of creation of a tenancy, a landlord shall advise each tenant that the clerk of the municipality maintains a list containing the names and addresses of municipal residents who identify themselves as being in need of special assistance in the event of an emergency, and who request that this information be maintained on their behalf, for public safety purposes.

The landlord shall provide each tenant with a copy of the notice including information as to how a tenant may be added to the list.

### **History**

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L. [2017, c. 266](#), § 2, effective January 8, 2018.

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