

CHAPTER 10
MULTIPLE DWELLING REPORTS

Authority

N.J.S.A. 10:5-8 and 10:5-12.

Source and Effective Date

R.2010 d.055, effective March 16, 2010.
See: 42 N.J.R. 45(a), 42 N.J.R. 797(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 10, Multiple Dwelling Reports, expires on March 16, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 10, Multiple Dwelling Reports, was adopted as R.1970 d.114, effective September 21, 1970. See: 2 N.J.R. 36(a), 2 N.J.R. 86(a). Pursuant to Executive Order No. 66(1978), Chapter 10 expired on March 15, 1984.

Chapter 10, Multiple Dwelling Reports, was readopted as new rules by R.1984 d.169, effective May 7, 1984. See: 16 N.J.R. 415(a), 16 N.J.R. 1095(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Multiple Dwelling Reports, was readopted as R.1989 d.211, effective March 27, 1989. See: 21 N.J.R. 11(b), 21 N.J.R. 1016(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Multiple Dwelling Reports, was readopted as R.1994 d.203, effective March 25, 1994. See: 26 N.J.R. 901(a), 26 N.J.R. 1666(b). Pursuant to Executive Order No. 66(1978), Chapter 10 expired on March 25, 1999.

Chapter 10, Multiple Dwelling Reports, was adopted as new rules by R.1999 d.178, effective June 7, 1999. See: 31 N.J.R. 518(a), 31 N.J.R. 1495(a).

Chapter 10, Multiple Dwelling Reports, was readopted as R.2004 d.479, effective November 24, 2004. See: 36 N.J.R. 3228(a), 36 N.J.R. 5685(b).

Chapter 10, Multiple Dwelling Reports, was readopted as R.2010 d.055, effective March 16, 2010. See: Source and Effective Date.

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SUBCHAPTER 1. DEFINITIONS

13:10-1.1 Words and phrases defined

The following words and phrases, when used in this chapter, shall have the following meanings, unless the context

clearly indicates otherwise. (Unless the context indicates to the contrary all terms used in this rule have the same meanings as in N.J.S.A. 10:5-1 et seq.)

“Apartment rental turn-over” means a change of leaseholder.

“Applicant” means any person who appears before either the owner, lessor, agent or other principal or operator of a multiple apartment development for the purpose of renting an apartment.

“Barrier free” means adequate and sufficient features which are available in buildings or structures so as to make them accessible to and usable by people with physical disabilities.

“Leaseholder” means the party with whom the landlord has contracted for the apartment rental, whether the contracting be orally or in writing. It shall include any sublettee or assignee of the contract where notice or approval of subletting or assignment is a condition of the contract.

“Multiple apartment development” means one or more buildings situated at the same general location and operated under one management or with ownership in common. It shall include, but not be limited to, an apartment building or buildings and garden apartments.

“Racial/ethnic designation” means designation in one or more of the following classifications:

1. Black or African American: a person having origins in any of the original peoples of Africa;
2. American Indian or Alaska Native: a person having origins in any of the original peoples of North or South America;
3. Asian: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam;
4. Hispanic or Latino: a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish origin or culture, or a person having a Spanish surname;
5. Native Hawaiian or Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and/or
6. White or Caucasian: a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Amended by R.1994 d.203, effective April 18, 1994.
See: 26 N.J.R. 901(a), 26 N.J.R. 1666(b).

SUBCHAPTER 2. REPORTING

13:10-2.1 Purpose

The provisions of this chapter are adopted to enable the Division on Civil Rights to study patterns of housing occupancy, investigate practices of discrimination and affirmatively administer the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

Amended by R.1994 d.203, effective April 18, 1994.
See: 26 N.J.R. 901(a), 26 N.J.R. 1666(b).

Case Notes

Rules upheld as rational approach to enforcing Law Against Discrimination: rules do not violate statute's prohibition against property owners recording tenants' protected specifications (race, creed, etc.). *New Jersey Builders, Owners and Managers Ass'n v. Blair*, 60 N.J. 330, 288 A.2d 855 (1972).

13:10-2.2 Persons required to report

(a) The owner or owners of every multiple apartment development which has 25 units or more shall file an annual report with the Division on Civil Rights concerning the racial/ethnic composition of the multiple dwelling, whether any of its buildings or developments are barrier-free, and factors affecting its composition.

(b) Where there are multiple owners of a development and the development is operated as one unit, a consolidated report may be filed.

Amended by R.1994 d.203, effective April 18, 1994.
See: 26 N.J.R. 901(a), 26 N.J.R. 1666(b).

13:10-2.3 Form and contents of report

(a) The report shall be submitted on forms approved by the Attorney General and said forms shall be available on the website of the Division on Civil Rights (www.NJCivilRights.org).

(b) The report may include information concerning:

1. Racial/ethnic designation of applicants for apartment rental;
2. Racial/ethnic designation of apartment leaseholders;
3. Apartment rental turn-overs;
4. Apartment rental recruiting techniques;
5. Rental rates and apartment sizes;
6. Whether the multiple apartment development is barrier-free; and
7. Such other information as the Attorney General determines is necessary to effectuate the purposes of this rule.

Amended by R.1994 d.203, effective April 18, 1994.
See: 26 N.J.R. 901(a), 26 N.J.R. 1666(b).
Amended by R.2004 d.126, effective April 5, 2004.
See: 35 N.J.R. 5366(a), 36 N.J.R. 1813(a).

In (a), inserted a reference to the Division on Civil Rights website.

Amended by R.2008 d.246, effective August 18, 2008.
See: 39 N.J.R. 3715(a), 40 N.J.R. 4818(b).

In (a), deleted “, at any office of the Division on Civil Rights or other place so designated by the Attorney General” from the end.

13:10-2.4 Filing of reports

(a) One copy of the report shall be filed with the Division on Civil Rights on a yearly basis. The report shall be filed electronically using the website of the Division on Civil Rights.

(b) The report shall be due on January 30 of each year. Each annual report shall include information for January 1 through December 31 of the preceding year.

(c) The date of filing of a report filed through the Division on Civil Rights website shall be the date the report is submitted in full on the website and an acknowledgment of receipt is issued.

Amended by R.1979 d.112, effective March 15, 1979.
See: 11 N.J.R. 203(a).

Amended by R.1994 d.203, effective April 18, 1994.

See: 26 N.J.R. 901(a), 26 N.J.R. 1666(b).

Amended by R.2004 d.126, effective April 5, 2004.

See: 35 N.J.R. 5366(a), 36 N.J.R. 1813(a).

In (a), added the second sentence; rewrote (b); added (c).

Amended by R.2008 d.246, effective August 18, 2008.

See: 39 N.J.R. 3715(a), 40 N.J.R. 4818(b).

In (a), substituted “shall” for “may” and deleted “or by delivering a copy of the report to the Division’s office” from the end; and in (c), deleted the former last sentence.

13:10-2.5 Maintenance of records

(a) The owner or owners of the multiple apartment development shall be responsible to have maintained at all times the following records:

1. Racial/ethnic designation of each applicant for apartment rental;
2. Racial/ethnic designation of each apartment leaseholder;
3. Racial/ethnic designation of each new leaseholder;
4. Apartment rental recruiting techniques employed; and
5. Such other records as the Attorney General determines is necessary to effectuate the purposes of these provisions.

(b) Such records shall be kept on file for a period of three years and shall be produced for inspection upon request of the Division on Civil Rights during business hours.

13:10-2.6 Violations

Failure to comply with this chapter shall constitute a violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

Amended by R.1994 d.203, effective April 18, 1994.
See: 26 N.J.R. 901(a), 26 N.J.R. 1666(b).

13:10-2.7 Late filing fees

(a) An owner or owners of a multiple apartment development who files a report more than 15 calendar days after the time for filing reports set forth in N.J.A.C. 13:10-2.4, but not later than 30 calendar days after such time for filing, shall be subject to a penalty for late filing of \$100.00.

(b) An owner or owners of a multiple apartment development who files a report more than 30 calendar days after the time for filing reports set forth in N.J.A.C. 13:10-2.4, but not later than 60 calendar days after such time for filing, shall be subject to a penalty for late filing of \$250.00.

(c) An owner or owners of a multiple apartment development who files a report more than 60 calendar days after

the time for filing reports set forth in N.J.A.C. 13:10-2.4, but not later than 90 calendar days after such time for filing, shall be subject to a penalty for late filing of \$500.00.

(d) An owner or owners of a multiple apartment development who files a report more than 90 calendar days after the time for filing reports set forth in N.J.A.C. 13:10-2.4 shall be subject to a penalty in an amount designated by the Director of the Division on Civil Rights pursuant to N.J.S.A. 10:5-14.1a.

(e) Payment of the fees under (a), (b) and (c) above shall be transmitted in the form of a check made payable to "Treasurer—State of New Jersey."

New Rule, R.2004 d.126, effective April 5, 2004.
See: 35 N.J.R. 5366(a), 36 N.J.R. 1813(a).