

2:58-23.1

LEGISLATIVE FACT SHEET

ON *Tenant Removal*

N.J.R.S. *Not enacted into law*

[2:58-23.1] (Amendment)

LAWS OF 1946

CHAPTER 325

Oct. 1, 1946

SENATE

ASSEMBLY

<sup>2nd</sup>

SSA 3

[This bill not bound w/ 1946 or 1947 bills]

INTRODUCED

BY W. H. Jones

STATEMENT

~~YES~~

NO

AMENDED DURING PASSAGE

~~YES~~

NO

HEARING

VETO

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2nd SSA 3 W. H. Jones Sept. 30—(Without Reference) Provides procedure to regulate issuance of warrants in removal actions involving dwellings.  
Sept. 30—Passed in Assembly.  
Sept. 30—Passed in Senate.  
Oct. 1—Approved, Chapter 325.

at such an election in favor of the sanction of this act, then all of the provisions of this act shall take effect forthwith.

Sections  
effective.

19. This section and section eighteen of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in the preceding section.

Approved October 1, 1946.

### CHAPTER 325

AN ACT concerning the issuance of warrants for removal in actions to recover possession of premises used for dwelling purposes.

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

C. 2:58-23.1.  
Warrants  
of removal.

1. Notwithstanding any other provisions of law, in any action brought by a landlord against a tenant to recover possession of premises used for dwelling purposes, the judge of the court having jurisdiction shall use sound discretion in the issuance of a warrant for removal, and if it shall appear that by the issuance of the warrant the tenant will suffer hardship because of the unavailability of other dwelling accommodations the judge may stay the issuance of the warrant and cause the same to issue at such time as he shall deem proper under the circumstances; *provided, however,* that in no case shall the issuance of the warrant be stayed or the stay thereof be longer continued, as the case may be, if the tenant should (a) fail to pay to the landlord all arrears in rent or the amount that would have been payable as rent if the tenancy had not been interrupted, or both, together with the accrued costs of the action; or (b) during the stay, fail to continue to pay to the landlord the

Proviso.

amount that would be due if the tenancy had not been interrupted; or (c) during the stay, become so disorderly as to destroy the peace and quiet of the other tenants living in the same building or in the neighborhood; or (d) during the stay, willfully destroy, damage or injure the premises.

2. In no event shall any payment made by the tenant to the landlord for continued occupancy of the premises, as provided in section one of this act, be deemed to create a new tenancy.

C. 2:58-23.2.  
Payment not  
to create a  
new tenancy.

3. Each judge may adopt his own procedure for inquiring into and determining whether issuance of a warrant for removal should be stayed or the stay thereof longer continued, as the case may be.

C. 2:58-23.3.  
Procedure.

4. This act shall take effect immediately but shall become inoperative on and after July first, one thousand nine hundred and forty-eight.

C. 2:58-23.4.  
Act  
inoperative.

Approved October 1, 1946.