

2C:35-16.1

LEGISLATIVE HISTORY CHECKLIST
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(Eviction--rental housing--
persons in certain crimes)

NJSA: 2C:35-16.1

LAWS OF: 1989 CHAPTER: 294

BILL NO: S 2687

SPONSOR(S): Dorsey

DATE INTRODUCED: June 20, 1989

COMMITTEE: ASSEMBLY: Housing
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 8, 1990
SENATE: December 19, 1989

DATE OF APPROVAL: January 12, 1990

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clipping--attached:

"Anti-drug bill for landlords ok'd," 1-9-90, Courier Post.

"Tenant evictions for drug cleared...", 1-9-90, Star Ledger.

"Measure permits eviction," 1-9-90, Asbury Park Press.

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P.L.1989. CHAPTER 294, *approved January 12, 1990*
1988 Senate No. 2687 (*Fourth Reprint*)

1 **AN ACT** to provide for the removal of tenants and other persons
2 from rented residential premises under certain circumstances
3 involving certain violations of the "New Jersey Code of
4 Criminal Justice." N.J.S.2C:1-1 et seq. and amending P.L.1974.
5 c.49.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the
8 *State of New Jersey*:

9 1. Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to
10 read as follows:

11 2. No lessee or tenant or the assigns, under-tenants or legal
12 representatives of such lessee or tenant may be removed by the
13 county district court or the Superior Court from any house,
14 building, mobile home or land in a mobile home park or tenement
15 leased for residential purposes, other than owner-occupied
16 premises with not more than two rental units or a hotel, motel or
17 other guest house or part thereof rented to a transient guest or
18 seasonal tenant, except upon establishment of one of the
19 following grounds as good cause:

20 a. The person fails to pay rent due and owing under the lease
21 whether the same be oral or written;

22 b. The person has continued to be, after written notice to
23 cease, so disorderly as to destroy the peace and quiet of the
24 occupants or other tenants living in said house or neighborhood;

25 c. The person has willfully or by reason of gross negligence
26 caused or allowed destruction, damage or injury to the premises;

27 d. The person has continued, after written notice to cease, to
28 substantially violate or breach any of the landlord's rules and
29 regulations governing said premises, provided such rules and
30 regulations are reasonable and have been accepted in writing by
31 the tenant or made a part of the lease at the beginning of the
32 lease term;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJI committee amendments adopted September 29, 1988.

² Senate floor amendments adopted October 24, 1988.

³ Assembly floor amendments adopted May 15, 1989.

⁴ Assembly floor amendments adopted June 22, 1989.

1 e. The person has continued, after written notice to cease, to
2 substantially violate or breach any of the covenants or
3 agreements contained in the lease for the premises where a right
4 of reentry is reserved to the landlord in the lease for a violation
5 of such covenant or agreement, provided that such covenant or
6 agreement is reasonable and was contained in the lease at the
7 beginning of the lease term;

8 f. The person has failed to pay rent after a valid notice to quit
9 and notice of increase of said rent, provided the increase in rent
10 is not unconscionable and complies with any and all other laws or
11 municipal ordinances governing rent increases;

12 g. The landlord or owner (1) seeks to permanently board up or
13 demolish the premises because he has been cited by local or State
14 housing inspectors for substantial violations affecting the health
15 and safety of tenants and it is economically unfeasible for the
16 owner to eliminate the violations; (2) seeks to comply with local
17 or State housing inspectors who have cited him for substantial
18 violations affecting the health and safety of tenants and it is
19 unfeasible to so comply without removing the tenant;
20 simultaneously with service of notice of eviction pursuant to this
21 clause, the landlord shall notify the Department of Community
22 Affairs of the intention to institute proceedings and shall provide
23 the department with such other information as it may require
24 pursuant to rules and regulations. The department shall inform
25 all parties and the court of its view with respect to the feasibility
26 of compliance without removal of the tenant and may in its
27 discretion appear and present evidence; (3) seeks to correct an
28 illegal occupancy because he has been cited by local or State
29 housing inspectors and it is unfeasible to correct such illegal
30 occupancy without removing the tenant; or (4) is a governmental
31 agency which seeks to permanently retire the premises from the
32 rental market pursuant to a redevelopment or land clearance plan
33 in a blighted area. In those cases where the tenant is being
34 removed for any reason specified in this subsection, no warrant
35 for possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et
36 seq.) and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied
37 with;

38 h. The owner seeks to retire permanently the residential
39 building or the mobile home park from residential use or use as a

1 mobile home park, provided this paragraph shall not apply to
2 circumstances covered under ³[paragraph] subsection³ g. of this
3 section:

4 i. The landlord or owner proposes, at the termination of a
5 lease, reasonable changes of substance in the terms and
6 conditions of the lease, including specifically any change in the
7 term thereof, which the tenant, after written notice, refuses to
8 accept; provided that in cases where a tenant has received a
9 notice of termination pursuant to ³subsection g. of³ section 3
10 ³[g.]³ of P.L.1974, c.49 (C.2A:18-61.2), or has a protected
11 tenancy status pursuant to section 9 of the "Senior Citizens and
12 Disabled Protected Tenancy Act," P.L.1981, c.226
13 (C.2A:18-61.22 et al.), the landlord or owner shall have the
14 burden of proving that any change in the terms and conditions of
15 the lease, rental or regulations both is reasonable and does not
16 substantially reduce the rights and privileges to which the tenant
17 was entitled prior to the conversion;

18 j. The person, after written notice to cease, has habitually and
19 without legal justification failed to pay rent which is due and
20 owing;

21 k. The landlord or owner of the building or mobile home park is
22 converting from the rental market to a condominium, cooperative
23 or fee simple ownership of two or more dwelling units or park
24 sites, except as hereinafter provided in subsection l. ³of this
25 section.³ Where the tenant is being removed pursuant to this
26 subsection, no warrant for possession shall be issued until this act
27 has been complied with. No action for possession shall be brought
28 pursuant to this subsection against a senior citizen tenant or
29 disabled tenant with protected tenancy status pursuant to the
30 "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981,
31 c.226 (C.2A:18-61.22 et al.), as long as the agency has not
32 terminated the protected tenancy status or the protected tenancy
33 period has not expired;

34 l. (1) The owner of a building or mobile home park, which is
35 constructed as or being converted to a condominium, cooperative
36 or fee simple ownership, seeks to evict a tenant or sublessee
37 whose initial tenancy began after the master deed, agreement
38 establishing the cooperative or subdivision plat was recorded,
39 because the owner has contracted to sell the unit to a buyer who

1 seeks to personally occupy it and the contract for sale calls for
2 the unit to be vacant at the time of closing. However, no action
3 shall be brought against a tenant under paragraph (1) of this
4 subsection unless the tenant was given a statement in accordance
5 with section 6 of ³[this amendatory act] P.L.1975, c.311
6 (C.2A:18-61.9)³;

7 (2) The owner of three or less condominium or cooperative
8 units seeks to evict a tenant whose initial tenancy began by
9 rental from an owner of three or less units after the master deed
10 or agreement establishing the cooperative was recorded, because
11 the owner seeks to personally occupy the unit, or has contracted
12 to sell the unit to a buyer who seeks to personally occupy it and
13 the contract for sale calls for the unit to be vacant at the time of
14 closing;

15 (3) The owner of a building of three residential units or less
16 seeks to personally occupy a unit, or has contracted to sell the
17 residential unit to a buyer who wishes to personally occupy it and
18 the contract for sale calls for the unit to be vacant at the time of
19 closing;

20 m. The landlord or owner conditioned the tenancy upon and in
21 consideration for the tenant's employment by the landlord or
22 owner as superintendent, janitor or in some other capacity and
23 such employment is being terminated;

24 n. The person has been convicted of or pleaded guilty to ², or if
25 a juvenile, ³[had] has³ been adjudicated delinquent on the basis of
26 an act which if committed by an adult would constitute² an
27 offense under the "Comprehensive Drug Reform Act of ³[1986]
28 1987³," N.J.S.2C:35-1 et al. involving the ²[use, possession,]²
29 ³use, possession,³ manufacture, dispensing or distribution of a
30 controlled dangerous substance ³, controlled dangerous substance
31 analog³ or drug paraphernalia within the meaning of that act
32 within or upon the leased premises or the building or complex of
33 buildings and land appurtenant thereto, or the mobile home park,
34 in which those premises are located ³, and has not in connection
35 with his sentence for that offense either (1) successfully
36 completed or (2) been admitted to and continued upon probation
37 while completing, a drug rehabilitation program pursuant to
38 N.J.S.2C:35-14³; or, being the tenant or lessee of such leased
39 premises, knowingly harbors therein a person who has been so

1 convicted or has so pleaded, or otherwise permits such a person
 2 to occupy those premises for residential purposes, whether
 3 continuously or intermittently ³, except that this subsection shall
 4 not apply to a person who harbors or permits a juvenile to occupy
 5 the premises if the juvenile has been adjudicated delinquent upon
 6 the basis of an act which if committed by an adult would
 7 constitute the offense of use or possession under the said act³.

8 o. The person has been convicted of or pleaded guilty to ², or if
 9 a juvenile has been adjudicated delinquent on the basis of an act
 10 which if committed by an adult would constitute² an offense
 11 under N.J.S.2C:12-1¹[,] ³[or¹],³ N.J.S.2C:12-3 ¹[or
 12 N.J.S.2C:33-4]¹ ⁴[³or N.J.S.2C:33-4³]⁴ involving assault ¹[,]
 13 ³[or¹],³ ⁴or⁴ terroristic threats ¹[or harassment]¹ ⁴[³or
 14 harassment³]⁴ against ⁴[¹a tenant or a member of a tenant's
 15 family or against¹]⁴ the landlord, a member of the landlord's
 16 family or an employee of the landlord; or, being the tenant or
 17 lessee of such leased premises, knowingly harbors therein a
 18 person who has been so convicted or has so pleaded, or otherwise
 19 permits such a person to occupy those premises for residential
 20 purposes, whether continuously or intermittently.

21 p. The person has been found, by a preponderance of the
 22 evidence, liable in a civil action for removal commenced under
 23 this act for an offense ¹[set forth in paragraph n. or o. of this
 24 section]¹ ³under N.J.S.2C:12-1⁴[,] or⁴ N.J.S.2C:12-3 ⁴[or
 25 N.J.S.2C:33-4]⁴ involving assault⁴[,] or⁴ terroristic threats ⁴[or
 26 harassment]⁴ against ⁴[a tenant or member of a tenant's family
 27 or against]⁴ the landlord, a member of the landlord's family or an
 28 employee of the landlord, or³ under the "Comprehensive Drug
 29 Reform Act of ³[1986] 1987³," N.J.S.2C:35-1 et al., involving the
 30 ³use, possession,³ manufacture, dispensing or distribution of a
 31 controlled dangerous substance ³, controlled dangerous substance
 32 analog³ or drug paraphernalia within the meaning of that act
 33 within or upon the leased premises or the building or complex of
 34 buildings and land appurtenant thereto, or the mobile home park,
 35 in which those premises are located¹ ³, and has not in connection
 36 with his sentence for that offense either (1) successfully
 37 completed or (2) been admitted to and continued upon probation
 38 while completing a drug rehabilitation program pursuant to
 39 N.J.S.2C:35-14³; or, being the tenant or lessee of such leased

1 premises, knowingly harbors therein a person who committed
2 ¹such¹ an offense ¹[set forth in paragraphs n. or o. of this
3 section]¹, or otherwise permits such a person to occupy those
4 premises for residential purposes, whether continuously or
5 intermittently ³[.], except that this subsection shall not apply to
6 a person who harbors or permits a juvenile to occupy the premises
7 if the juvenile has been adjudicated delinquent upon the basis of
8 an act which is committed by an adult would constitute the
9 offense of use or possession under the said "Comprehensive Drug
10 Reform Act of 1987."³

11 (cf: P.L.1981, c.226, s.13)

12 2. Section 3 of P.L.1974, c.49 (C.2A:18-61.2) is amended to
13 read as follows:

14 3. No judgment of possession shall be entered for any premises
15 covered by section 2 of this act, except in the nonpayment of
16 rent under paragraph a. or f. of section 2, unless the landlord has
17 made written demand and given written notice for delivery of
18 possession of the premises. The following notice shall be required:

19 a. For an action alleging disorderly conduct under paragraph b.
20 of section 2, or injury to the premises under paragraph c. of
21 section 2 or any grounds under paragraph m., n., o. or p. of
22 section 2, three days' notice prior to the institution of the action
23 for possession;

24 b. For an action alleging continued violation of rules and
25 regulations under paragraph d. of section 2, or substantial breach
26 of covenant under paragraph e. of section 2, or habitual failure to
27 pay rent, one month's notice prior to the institution of the action
28 for possession;

29 c. For an action alleging any grounds under paragraph g. of
30 section 2, three months' notice prior to the institution of the
31 action;

32 d. For an action alleging permanent retirement under
33 paragraph h. of section 2, 18 months' notice prior to the
34 institution of the action and, provided that, where there is a lease
35 in effect, no action may be instituted until the lease expires;

36 e. For an action alleging refusal of acceptance of reasonable
37 lease changes under paragraph i. of section 2, one month's notice
38 prior to institution of action;

39 f. For an action alleging any grounds under paragraph 1. of

1 section 2. two months' notice prior to the institution of the
2 action and, provided that where there is a written lease in effect
3 no action shall be instituted until the lease expires;

4 g. For an action alleging any grounds under paragraph k. of
5 section 2. three years' notice prior to the institution of action,
6 and provided that where there is a written lease in effect, no
7 action shall be instituted until the lease expires.

8 The notice in each of the foregoing instances shall specify in
9 detail the cause of the termination of the tenancy and shall be
10 served either personally upon the tenant or lessee or such person
11 in possession by giving him a copy thereof, or by leaving a copy
12 thereof at his usual place of abode with some member of his
13 family above the age of 14 years, or by certified mail; if the
14 certified letter is not claimed, notice shall be sent by regular
15 mail.

16 (cf: P.L.1986. c.138, s.1)

17 33. (New section) 4[a.]⁴ The court in which any conviction is
18 had or any plea of guilty entered to a charge of an offense under
19 the "Comprehensive Drug Reform Act of 1987." N.J.S.2C:35-1 et
20 al.. involving the use, possession, manufacture, dispensing or
21 distribution of a controlled dangerous substance, controlled
22 dangerous substance analog or drug paraphernalia, or in which any
23 adjudication of juvenile delinquency is made on the basis of an
24 act which if committed by an adult would constitute such an
25 offense, shall ascertain whether the offense or act took place
26 upon leased residential premises in which the defendant was a
27 resident at the time of the offense or act, and upon ascertaining
28 that it did so occur shall cause notice of the conviction, plea or
29 adjudication to be forthwith transmitted to the owner of those
30 premises or his appropriate agent.

31 4(b. The court in which any conviction is had or any plea of
32 guilty entered to a charge of an offense under N.J.S.2C:12-1,
33 N.J.S.2C:12-3 or N.J.S.2C:33-4 involving assault, terroristic
34 threats or harassment, or in which any adjudication of juvenile
35 delinquency is made on the basis of an act which if committed by
36 an adult would constitute such an offense, shall ascertain whether
37 any victim of the offense or act was a tenant of the same
38 residential premises in which the defendant was resident at the

1 time of the offense or act, or the landlord of those premises, a
2 member of the landlord's family or an employee of the landlord,
3 and upon ascertaining that any victim was of that description
4 shall cause notice of the conviction, plea or adjudication to be
5 forthwith transmitted to the owner of those premises or his
6 appropriate agent.³⁾⁴

7 ^{3[3.] 4.}³ This act shall take effect immediately.

8

9

10

HOUSING

11

Landlord - Tenant and Condominiums

12

13

Provides for the eviction of those involved in certain criminal

14

offenses from rental housing.

SENATE, No. 1408

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator GORMLEY

1 **AN ACT** to provide for the removal of tenants and other persons
2 from rented residential premises under certain circumstances
3 involving violations of the "New Jersey Controlled Dangerous
4 Substances Act" (P.L. 1970, c. 226), amending P.L. 1974, c. 49.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. Section 2 of P.L. 1974, c. 49 (C. 2A:18-61.1) is amended to
9 read as follows:

10 2. No lessee or tenant or the assigns, under-tenants or legal
11 representatives of such lessee or tenant may be removed by the
12 county district court or the Superior Court from any house,
13 building, mobile home or land in a mobile home park or
14 tenement leased for residential purposes, other than
15 owner-occupied premises with not more than two rental units or
16 a hotel, motel or other guest house or part thereof rented to a
17 transient guest or seasonal tenant, except upon establishment of
18 one of the following grounds as good cause:

19 a. The person fails to pay rent due and owing under the lease
20 whether the same be oral or written;

21 b. The person has continued to be, after written notice to
22 cease, so disorderly as to destroy the peace and quiet of the
23 occupants or other tenants living in said house or neighborhood;

24 c. The person has willfully or by reason of gross negligence
25 caused or allowed destruction, damage or injury to the premises;

26 d. The person has continued, after written notice to cease, to
27 substantially violate or breach any of the landlord's rules and
28 regulations governing said premises, provided such rules and
29 regulations are reasonable and have been accepted in writing by
30 the tenant or made a part of the lease at the beginning of the
31 lease term;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 e. The person has continued, after written notice to cease, to
substantially violate or breach any of the covenants or
3 agreements contained in the lease for the premises where a
right of reentry is reserved to the landlord in the lease for a
5 violation of such covenant or agreement, provided that such
covenant or agreement is reasonable and was contained in the
7 lease at the beginning of the lease term;

f. The person has failed to pay rent after a valid notice to
9 quit and notice of increase of said rent, provided the increase in
rent is not unconscionable and complies with any and all other
11 laws or municipal ordinances governing rent increases;

g. The landlord or owner (1) seeks to permanently board up or
13 demolish the premises because he has been cited by local or
State housing inspectors for substantial violations affecting the
15 health and safety of tenants and it is economically unfeasible
for the owner to eliminate the violations; (2) seeks to comply
17 with local or State housing inspectors who have cited him for
substantial violations affecting the health and safety of tenants
19 and it is unfeasible to so comply without removing the tenant;
simultaneously with service of notice of eviction pursuant to
21 this clause, the landlord shall notify the Department of
Community Affairs of the intention to institute proceedings and
23 shall provide the department with such other information as it
may require pursuant to rules and regulations. The department
25 shall inform all parties and the court of its view with respect to
the feasibility of compliance without removal of the tenant and
27 may in its discretion appear and present evidence; (3) seeks to
correct an illegal occupancy because he has been cited by local
29 or State housing inspectors and it is unfeasible to correct such
illegal occupancy without removing the tenant; or (4) is a
31 governmental agency which seeks to permanently retire the
premises from the rental market pursuant to a redevelopment or
33 land clearance plan in a blighted area. In those cases where the
tenant is being removed for any reason specified in this
35 subsection, no warrant for possession shall be issued until P. L.
1967, c. 79 (C. 52:31B-1 et seq.) and P. L. 1971, c. 362 (C.
37 20:4-1 et seq.) have been complied with;

h. The owner seeks to retire permanently the residential
39 building or the mobile home park from residential use or use as a

1 mobile home park, provided this paragraph shall not apply to
circumstances covered under paragraph g. of this section;

3 i. The landlord or owner proposes, at the termination of a
lease, reasonable changes of substance in the terms and
5 conditions of the lease, including specifically any change in the
term thereof, which the tenant, after written notice, refuses to
7 accept; provided that in cases where a tenant has received a
notice of termination pursuant to section 3 g. of P. L. 1974, c.
9 49 (C. 2A:18-61.2), or has a protected tenancy status pursuant
to section 9 of the "Senior Citizens and Disabled Protected
11 Tenancy Act," P. L. 1981, c. 226 (C. 2A:18-61.22 et al.), the
landlord or owner shall have the burden of proving that any
13 change in the terms and conditions of the lease, rental or
regulations both is reasonable and does not substantially reduce
15 the rights and privileges to which the tenant was entitled prior
to the conversion;

17 j. The person, after written notice to cease, has habitually
and without legal justification failed to pay rent which is due
19 and owing;

k. The landlord or owner of the building or mobile home park
21 is converting from the rental market to a condominium,
cooperative or fee simple ownership of two or more dwelling
23 units or park sites, except as hereinafter provided in subsection
1. Where the tenant is being removed pursuant to this
25 subsection, no warrant for possession shall be issued until this
act has been complied with. No action for possession shall be
27 brought pursuant to this subsection against a senior citizen
tenant or disabled tenant with protected tenancy status pursuant
29 to the "Senior Citizens and Disabled Protected Tenancy Act," P.
L. 1981, c. 226 (C. 2A:18-61.22 et al.), as long as the agency has
31 not terminated the protected tenancy status or the protected
tenancy period has not expired;

33 l. (1) The owner of a building or mobile home park, which is
constructed as or being converted to a condominium,
35 cooperative or fee simple ownership, seeks to evict a tenant or
sublessee whose initial tenancy began after the master deed,
37 agreement establishing the cooperative or subdivision plat was
recorded, because the owner has contracted to sell the unit

1 to a buyer who seeks to personally occupy it and the contract
for sale calls for the unit to be vacant at the time of closing.
3 However, no action shall be brought against a tenant under
paragraph (1) of this subsection unless the tenant was given a
5 statement in accordance with section 6 of this amendatory act;

(2) The owner of three or less condominium or cooperative
7 units seeks to evict a tenant whose initial tenancy began by
rental from an owner of three or less units after the master
9 deed or agreement establishing the cooperative was recorded,
because the owner seeks to personally occupy the unit, or has
11 contracted to sell the unit to a buyer who seeks to personally
occupy it and the contract for sale calls for the unit to be
13 vacant at the time of closing;

(3) The owner of a building of three residential units or less
15 seeks to personally occupy a unit, or has contracted to sell the
residential unit to a buyer who wishes to personally occupy it
17 and the contract for sale calls for the unit to be vacant at the
time of closing;

19 m. The landlord or owner conditioned the tenancy upon and in
consideration for the tenant's employment by the landlord or
21 owner as superintendent, janitor or in some other capacity and
such employment is being terminated;

23 n. The person has been convicted of or pleaded guilty to an
offense under the "New Jersey Controlled Dangerous Substances
25 Act," P.L. 1970, c. 226 (C. 24:21-1 et seq.) involving the use,
possession, manufacture, dispensing or distribution of a
27 controlled dangerous substance or drug paraphernalia within the
meaning of that act within or upon the leased premises or the
29 building or complex of buildings and land appurtenant thereto, or
the mobile home park, in which those premises are located; or,
31 being the tenant or lessee of such leased premises, knowingly
harbors therein a person who has been so convicted or has so
33 pleaded, or otherwise permits such a person to occupy those
premises for residential purposes, whether continuously or
35 intermittently.

2. Section 3 of P. L. 1974, c. 49 (C. 2A:18-61.2) is amended
37 to read as follows:

3. No judgment of possession shall be entered for any
39 premises covered by section 2 of this act, except in the
nonpayment of rent under paragraph a. or f. of section 2.

1 unless the landlord has made written demand and given written
notice for delivery of possession of the premises. The following
3 notice shall be required:

5 a. For an action alleging disorderly conduct under paragraph
b. of section 2, or injury to the premises under paragraph c. of
section 2 or any grounds under paragraph m. or n. of section 2,
7 three days' notice prior to the institution of the action for
possession;

9 b. For an action alleging continued violation of rules and
regulations under paragraph d. of section 2, or substantial
11 breach of covenant under paragraph e. of section 2, or habitual
failure to pay rent, one month's notice prior to the institution
13 of the action for possession;

15 c. For an action alleging any grounds under paragraph g. of
section 2, three months' notice prior to the institution of the
action;

17 d. For an action alleging permanent retirement under
paragraph h. of section 2, [six months' notice, in the case of a
19 residential building and, in the case of a mobile home park,] 18
months' notice prior to the institution of the action and,
21 provided that, where there is a lease in effect, no action may be
instituted until the lease expires;

23 e. For an action alleging refusal of acceptance of reasonable
lease changes under paragraph i. of section 2, one month's
25 notice prior to institution of action;

27 f. For an action alleging any grounds under paragraph 1. of
section 2, two months' notice prior to the institution of the
action and, provided that where there is a written lease in
29 effect no action shall be instituted until the lease expires;

31 g. For an action alleging any grounds under paragraph k. of
section 2, three years' notice prior to the institution of action,
and provided that where there is a written lease in effect, no
33 action shall be instituted until the lease expires.

35 The notice in each of the foregoing instances shall specify in
detail the cause of the termination of the tenancy and shall be
served either personally upon the tenant or lessee or such person
37 in possession by giving him a copy thereof, or by leaving a copy
thereof at his usual place of abode with some member of his

1 family above the age of 14 years, or by certified mail; if the
certified letter is not claimed, notice shall be sent by regular
3 mail.

3. This act shall take effect immediately.

5

7

STATEMENT

9 This bill amends the statute governing eviction for cause to
permit the eviction of a tenant who is found or pleads guilty to a
11 drug related offense under the "New Jersey Controlled
Dangerous Substances Act." To evict, the offense would have to
13 have been committed on the leased residential premises or
within the building, complex or mobile home park in which the
15 leased premises are located. Eviction could also occur in cases
where a tenant knowingly harbors, within the leased premises, a
17 person who was convicted of or pleaded guilty to such a
drug-related offense. The bill requires that three days' notice
19 be provided prior to entry of judgement for eviction.

21

HOUSING

Landlord - Tenant and Condominiums

23

Provides for eviction of drug offenders from rental housing.

SENATE, No. 2687

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1988

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By Senators DORSEY and HURLEY

1 AN ACT to provide for the removal of tenants and other persons
2 from rented residential premises under certain circumstances
3 involving certain violations of the "New Jersey Code of
4 Criminal Justice," N.J.S. 2C:1-1 et seq. and amending P.L.
5 1974, c. 49.

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

9 1. Section 2 of P.L. 1974, c. 49 (C. 2A:18-61.1) is amended to
10 read as follows:

11 2. No lessee or tenant or the assigns, under-tenants or legal
12 representatives of such lessee or tenant may be removed by the
13 county district court or the Superior Court from any house,
14 building, mobile home or land in a mobile home park or
15 tenement leased for residential purposes, other than
16 owner-occupied premises with not more than two rental units or
17 a hotel, motel or other guest house or part thereof rented to a
18 transient guest or seasonal tenant, except upon establishment of
19 one of the following grounds as good cause:

20 a. The person fails to pay rent due and owing under the lease
21 whether the same be oral or written;

22 b. The person has continued to be, after written notice to
23 cease, so disorderly as to destroy the peace and quiet of the
24 occupants or other tenants living in said house or neighborhood;

25 c. The person has willfully or by reason of gross negligence
26 caused or allowed destruction, damage or injury to the premises;

27 d. The person has continued, after written notice to cease, to
28 substantially violate or breach any of the landlord's rules and
29 regulations governing said premises, provided such rules and
30 regulations are reasonable and have been accepted in writing by
31 the tenant or made a part of the lease at the beginning of the
32 lease term;

33 e. The person has continued, after written notice to cease, to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 substantially violate or breach any of the covenants or
2 agreements contained in the lease for the premises where a
3 right of reentry is reserved to the landlord in the lease for a
4 violation of such covenant or agreement, provided that such
5 covenant or agreement is reasonable and was contained in the
6 lease at the beginning of the lease term;

7 f. The person has failed to pay rent after a valid notice to
8 quit and notice of increase of said rent, provided the increase in
9 rent is not unconscionable and complies with any and all other
10 laws or municipal ordinances governing rent increases;

11 g. The landlord or owner (1) seeks to permanently board up or
12 demolish the premises because he has been cited by local or
13 State housing inspectors for substantial violations affecting the
14 health and safety of tenants and it is economically unfeasible
15 for the owner to eliminate the violations; (2) seeks to comply
16 with local or State housing inspectors who have cited him for
17 substantial violations affecting the health and safety of tenants
18 and it is unfeasible to so comply without removing the tenant;
19 simultaneously with service of notice of eviction pursuant to
20 this clause, the landlord shall notify the Department of
21 Community Affairs of the intention to institute proceedings and
22 shall provide the department with such other information as it
23 may require pursuant to rules and regulations. The department
24 shall inform all parties and the court of its view with respect to
25 the feasibility of compliance without removal of the tenant and
26 may in its discretion appear and present evidence; (3) seeks to
27 correct an illegal occupancy because he has been cited by local
28 or State housing inspectors and it is unfeasible to correct such
29 illegal occupancy without removing the tenant; or (4) is a
30 governmental agency which seeks to permanently retire the
31 premises from the rental market pursuant to a redevelopment or
32 land clearance plan in a blighted area. In those cases where the
33 tenant is being removed for any reason specified in this
34 subsection, no warrant for possession shall be issued until P. L.
35 1967, c. 79 (C. 52:31B-1 et seq.) and P. L. 1971, c. 362 (C.
36 20:4-1 et seq.) have been complied with;

37 h. The owner seeks to retire permanently the residential
38 building or the mobile home park from residential use or use as a
39 mobile home park, provided this paragraph shall not apply to

1 circumstances covered under paragraph g. of this section;

3 i. The landlord or owner proposes, at the termination of a
5 lease, reasonable changes of substance in the terms and
7 conditions of the lease, including specifically any change in the
9 term thereof, which the tenant, after written notice, refuses to
11 accept; provided that in cases where a tenant has received a
13 notice of termination pursuant to section 3 g. of P. L. 1974, c.
15 49 (C. 2A:18-61.2), or has a protected tenancy status pursuant
17 to section 9 of the "Senior Citizens and Disabled Protected
19 Tenancy Act," P. L. 1981, c. 226 (C. 2A:18-61.22 et al.), the
21 landlord or owner shall have the burden of proving that any
23 change in the terms and conditions of the lease, rental or
25 regulations both is reasonable and does not substantially reduce
27 the rights and privileges to which the tenant was entitled prior
29 to the conversion;

31 j. The person, after written notice to cease, has habitually
33 and without legal justification failed to pay rent which is due
35 and owing;

37 k. The landlord or owner of the building or mobile home park
39 is converting from the rental market to a condominium,
cooperative or fee simple ownership of two or more dwelling
units or park sites, except as hereinafter provided in subsection
l. Where the tenant is being removed pursuant to this
subsection, no warrant for possession shall be issued until this
act has been complied with. No action for possession shall be
brought pursuant to this subsection against a senior citizen
tenant or disabled tenant with protected tenancy status pursuant
to the "Senior Citizens and Disabled Protected Tenancy Act," P.
L. 1981, c. 226 (C. 2A:18-61.22 et al.), as long as the agency has
not terminated the protected tenancy status or the protected
tenancy period has not expired;

l. (1) The owner of a building or mobile home park, which is
constructed as or being converted to a condominium,
cooperative or fee simple ownership, seeks to evict a tenant or
sublessee whose initial tenancy began after the master deed,
agreement establishing the cooperative or subdivision plat was
recorded, because the owner has contracted to sell the unit to a
buyer who seeks to personally occupy it and the contract for
sale calls for the unit to be vacant at the time of closing.

1 However, no action shall be brought against a tenant under
paragraph (1) of this subsection unless the tenant was given a
3 statement in accordance with section 6 of this amendatory act;

(2) The owner of three or less condominium or cooperative
5 units seeks to evict a tenant whose initial tenancy began by
rental from an owner of three or less units after the master
7 deed or agreement establishing the cooperative was recorded,
because the owner seeks to personally occupy the unit, or has
9 contracted to sell the unit to a buyer who seeks to personally
occupy it and the contract for sale calls for the unit to be
11 vacant at the time of closing;

(3) The owner of a building of three residential units or less
13 seeks to personally occupy a unit, or has contracted to sell the
residential unit to a buyer who wishes to personally occupy it
15 and the contract for sale calls for the unit to be vacant at the
time of closing;

17 m. The landlord or owner conditioned the tenancy upon and in
consideration for the tenant's employment by the landlord or
19 owner as superintendent, janitor or in some other capacity and
such employment is being terminated;

21 n. The person has been convicted of or pleaded guilty to an
offense under the "Comprehensive Drug Reform Act of 1986,"
23 N.J.S. 2C:35-1 et al. involving the use, possession, manufacture,
dispensing or distribution of a controlled dangerous substance or
25 drug paraphernalia within the meaning of that act within or upon
the leased premises or the building or complex of buildings and
27 land appurtenant thereto, or the mobile home park, in which
those premises are located; or, being the tenant or lessee of
29 such leased premises, knowingly harbors therein a person who
has been so convicted or has so pleaded, or otherwise permits
31 such a person to occupy those premises for residential purposes,
whether continuously or intermittently.

33 o. The person has been convicted of or pleaded guilty to an
offense under N.J.S.2C:12-1, N.J.S.2C:12-3 or N.J.S.2C:33-4
35 involving assault, terroristic threats or harassment against the
landlord, a member of the landlord's family or an employee of
37 the landlord; or, being the tenant or lessee of such leased
premises, knowingly harbors therein a person who has been so
39 convicted or has so pleaded, or otherwise permits such a person

1 to occupy those premises for residential purposes, whether
2 continuously or intermittently.

3 p. The person has been found, by a preponderance of the
4 evidence, liable in a civil action for removal commenced under
5 this act for an offense set forth in paragraph n. or o. of this
6 section; or, being the tenant or lessee of such leased premises,
7 knowingly harbors therein a person who committed an offense
8 set forth in paragraphs n. or o. of this section, or otherwise
9 permits such a person to occupy those premises for residential
10 purposes, whether continuously or intermittently.

11 (cf: P.L. 1981, c. 226, s. 13)

12 2. Section 3 of P. L. 1974, c. 49 (C. 2A:18-61.2) is amended
13 to read as follows:

14 3. No judgment of possession shall be entered for any
15 premises covered by section 2 of this act, except in the
16 nonpayment of rent under paragraph a. or f. of section 2, unless
17 the landlord has made written demand and given written notice
18 for delivery of possession of the premises. The following notice
19 shall be required:

20 a. For an action alleging disorderly conduct under paragraph
21 b. of section 2, or injury to the premises under paragraph c. of
22 section 2 or any grounds under paragraph m., n., o. or p. of
23 section 2, three days' notice prior to the institution of the
24 action for possession;

25 b. For an action alleging continued violation of rules and
26 regulations under paragraph d. of section 2, or substantial
27 breach of covenant under paragraph e. of section 2, or habitual
28 failure to pay rent, one month's notice prior to the institution
29 of the action for possession;

30 c. For an action alleging any grounds under paragraph g. of
31 section 2, three months' notice prior to the institution of the
32 action;

33 d. For an action alleging permanent retirement under
34 paragraph h. of section 2, 18 months' notice prior to the
35 institution of the action and, provided that, where there is a
36 lease in effect, no action may be instituted until the lease
37 expires;

38 e. For an action alleging refusal of acceptance of reasonable
39 lease changes under paragraph i. of section 2, one month's

1 notice prior to institution of action;

2 f. For an action alleging any grounds under paragraph 1. of
3 section 2, two months' notice prior to the institution of the
4 action and, provided that where there is a written lease in
5 effect no action shall be instituted until the lease expires;

6 g. For an action alleging any grounds under paragraph k. of
7 section 2, three years' notice prior to the institution of action,
8 and provided that where there is a written lease in effect, no
9 action shall be instituted until the lease expires.

10 The notice in each of the foregoing instances shall specify in
11 detail the cause of the termination of the tenancy and shall be
12 served either personally upon the tenant or lessee or such person
13 in possession by giving him a copy thereof, or by leaving a copy
14 thereof at his usual place of abode with some member of his
15 family above the age of 14 years, or by certified mail; if the
16 certified letter is not claimed, notice shall be sent by regular
17 mail.

(cf: P.L. 1986, c. 138, s. 1)

18 3. This act shall take effect immediately.

21

Spencer STATEMENT

23

24 This bill amends the statute governing eviction for cause to
25 permit the eviction of a tenant who is found or pleads guilty to a
26 drug related criminal offense committed on the rental premises
27 or is found or pleads guilty to a criminal offense involving
28 assault, terroristic threats or harassment against the landlord, a
29 member of the landlord's family or an employee of the landlord.
30 The bill also provided that a tenant could be evicted if the
31 tenant harbors another person who was convicted or plead guilty
32 to one of the above described offenses.

33 Additionally, the bill provides for eviction in a civil action if
34 the court determines by a preponderance of the evidence that
35 the tenant is liable for one of the enumerated criminal offenses
36 or if the tenant harbors another person liable for one of those
37 offenses.

S2687

7

1

HOUSING

Landlord-Tenant and Condominiums

3

Provides for the eviction of those involved in certain criminal offenses from rental housing.

5

ASSEMBLY AHO COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2687(2R) and 1408
STATE OF NEW JERSEY

DATED: MAY 8, 1989

The Assembly Housing Committee reports Senate Bills Nos. 2687(2R) and 1408 favorably, by committee substitute.

New Jersey's "eviction for cause" statute, P.L.1974, c.49 (C.2A:18-61.1 et al.) lists various circumstances (i.e. failure to pay rent; disorderly conduct; damage to premises) which would permit a landlord to evict residential tenants. This bill would add two grounds to the list of causes for eviction:

First, a tenant could be evicted if the tenant was convicted of or pleaded guilty to a criminal offense involving drugs or drug paraphernalia on the rental premises, or if the tenant permits a person who has been convicted of or pleaded guilty to a drug-related offense to occupy the rental premises. Adjudication of juvenile delinquency on the basis of an act that would constitute a criminal offense in an adult is considered equivalent such an offense for purposes of the bill.

Second, the tenant could be evicted if the tenant was convicted of or pleaded guilty to a criminal offense involving assault, terroristic threats or harassment against the landlord, a member of the landlord's family or an employee of the landlord, or against any other tenant or member of a tenant's family, or if the tenant permits a person convicted of a similar offense to occupy the rental premises. In such cases, too, adjudication of juvenile delinquency on the basis of an act that would constitute a criminal offense by an adult is considered equivalent to such an offense for purposes of the bill.

In cases where the guilty party is a juvenile, the bill provides that his conviction, plea or adjudication shall not result in eviction of his family. It also allows a previously convicted person to return to the premises after he has completed a drug rehabilitation program, or when he is on probation while undergoing such a program.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1408

STATE OF NEW JERSEY

DATED: MAY 26, 1988

The Senate Judiciary Committee reports favorably Senate Bill No. 1408.

New Jersey's "eviction for cause statute" (N.J.S.A. 2A:18-61.1) lists various circumstances (i.e. failure to pay rent; disorderly conduct; damage to premises) which would permit the eviction of residential tenants. This bill would add to the grounds for eviction listed in N.J.S.A. 2A:18-61.1 that the tenant was convicted of a criminal offense involving drugs or drug paraphernalia provided that the offense was committed on the rental premises.

The bill also would permit the eviction of a tenant if the tenant permits another person who has been convicted of a drug-related offense to occupy the rental premises.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2687

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1988

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2687.

New Jersey's "eviction for cause statute" (N.J.S.A.2A:18-61.1) lists various circumstances (i.e. failure to pay rent; disorderly conduct; damage to premises) which would permit a landlord to evict residential tenants. This bill would add two grounds to the list of causes for eviction:

First, a tenant could be evicted if the tenant was convicted of a criminal offense involving drugs or drug paraphernalia on the rental premises or that the tenant permits a person who has been convicted of a drug-related offense to occupy the rental premises.

Second, the tenant could be evicted if the tenant was convicted of a criminal offense involving assault or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord or that the tenant permits a person convicted of a similar offense to occupy the rental premises. By amendments, the committee expanded this provision to include assault or terroristic threats against a tenant or a member of a tenants family. The committee also deleted the offense of harrassment from this section.

In addition, the bill would permit eviction of a tenant if in a civil proceeding, the landlord can show, by a preponderance of the evidence, that the tenant is liable for one of the criminal offenses described above or if the tenant harbors another person liable for one of those offenses. The committee amended this section to provide that this civil proceeding would only be available if the offense involved the sale or manufacture of illegal drugs or drug paraphernalia.

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The bill contains a provision requiring a court in which a person is convicted of such offenses involving drugs, assault, threats or harassment shall notify the defendant's landlord of the conviction, plea or adjudication.

In addition, the bill would permit eviction of a tenant if in a civil proceeding the landlord can show, by a preponderance of the evidence, that the tenant is liable for one of the criminal offenses described above or that the tenant harbors another person liable for one of those offenses.