

2A: 6-34 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:6-34 et al. (Housing matters — jurisdiction — transfer to municipal court in first class cities)

LAWS OF: 1983 CHAPTER: 207

Bill No: A1618

Sponsor(s): Janiszewski

Date Introduced: June 14, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Judiciary

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: Dec. 6, 1982

Senate: March 7, 1983

Date of Approval: June 10, 1983

Following statements are attached if available:

Sponsor statement: Yes // Also attached: Senate amendments, adopted 2-24-83 (with statement)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

CHAPTER 207 LAWS OF N. J. 1983  
APPROVED 6-10-83 ✓

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1618

# STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1982

By Assemblyman JANISZEWSKI

AN ACT concerning municipal court jurisdiction of housing matters in cities of the first class *\*\*\*that have established full-time municipal housing courts\*\*\** amending N. J. S. 2A:6-34\*\*, P. L. 1971, c. 224,\*\* and P. L. 1966, c. 168 and supplementing chapter 8 of Title 2A of the New Jersey Statutes.

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

1 1. N. J. S. 2A:6-34 is amended to read as follows:

2 2A:6-34. (a) Every action of a civil nature at law, other than a  
3 proceeding in lieu of a prerogative writ, and every action to recover  
4 any penalty imposed or authorized by any law of this State, where  
5 the debt, balance, penalty, damage or other matter in dispute does  
6 not exceed, exclusive of costs, the sum or value of \$5,000.00, ex-  
7 clusive of costs, shall be cognizable in the county district courts  
8 of this State.

9 (b) County district courts shall also have jurisdiction [in actions  
10 between landlords and tenants;] in actions of replevin where the  
11 value of the goods or chattels of which replevin is sought does not  
12 exceed the value of \$5,000.00, exclusive of costs; [and] in actions  
13 of attachment, for a sum not exceeding \$5,000.00, exclusive of costs;  
14 *and in actions between landlords and tenants, except that an action*  
15 *for eviction involving property located in a city of the first class*  
15A *\*\*\*that has established a full-time municipal housing court\*\*\**  
16 *may be transferred \* [before it comes to trial to the municipal*  
17 *court of that city. Either party to the action may apply for the*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendment adopted November 29, 1982.

\*\*—Senate committee amendments adopted January 24, 1983.

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18 transfer.]\* \*to the municipal \*\*\*housing\*\*\* court of that city  
 19 before it comes to trial; if the county district court decides to trans-  
 19A fer the matter, either upon its own initiative, or in response to a  
 19B request from the municipal \*\*\*housing\*\*\* court to have the matter  
 19C transferred.\* After the transfer has been made, the municipal  
 19D \*\*\*housing\*\*\* court shall have exclusive jurisdiction over the  
 19E action.

20 (c) County district courts shall have jurisdiction of actions by  
 21 or against [boards of chosen freeholders] county governing bodies,  
 22 quasi, domestic, foreign and municipal corporations, equally with  
 23 natural persons, of actions by creditors of a decedent against the  
 24 heirs or devisees of the decedent where the amount in dispute,  
 25 exclusive of costs, does not exceed the sum or value of \$5,000.00,  
 26 and of such other actions or proceedings as are now or may here-  
 27 after be given by law.

28 (d) In any action transferred to the county district court from  
 29 the Superior Court, the county district court shall have jurisdiction  
 30 to enter judgment in such amount as the judge or jury shall de-  
 31 termine the damages to be, notwithstanding that such damages  
 32 exceed the sum of \$5,000.00; provided that such jurisdiction shall  
 33 not be considered in determining whether costs shall be denied in  
 34 the Superior Court pursuant to [section] N. J. S. 2A:15-62 [of the  
 35 New Jersey Statutes].

1 2. Section 6 of P. L. 1966, c. 168 (C. 2A:42-79) is amended to  
 2 read as follows:

3 6. Any ordinance adopted under this act may provide that in the  
 4 event the owner of a substandard multiple dwelling fails to comply  
 5 with an order for repair, alteration or improvement after notice and  
 6 reasonable opportunity to do so and where such failure to comply  
 7 results in the continuation of a condition or conditions harmful to  
 8 the health and safety of the occupants of the multiple dwelling or to  
 9 the general public, the public officer may, by and with the approval  
 10 of the governing body of the municipality, bring an action in the  
 11 Superior Court, or, in cases involving property located in cities of  
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 13 courts\*\*\*, in the municipal \*\*\*housing\*\*\* court of the city in which  
 14 that property is located, to be appointed receiver ex officio of the  
 15 rents and income from such property and expend the same for the  
 16 purpose of making such repairs, alterations or improvements as are  
 17 necessary to correct said harmful condition or conditions. The said  
 18 rents and income so collected by the said receiver shall also be  
 19 available for the payment of such costs and expenses of the receiver-  
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21 municipality of any fines or penalties which may have been imposed  
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 24 the action in a summary manner or otherwise. Such receiver shall  
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1     **\*\*3.** Section 3 of P. L. 1971, c. 224 (C. 2A:42-87) is amended to  
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 11 situated. *In cases involving real property located in cities of the*  
 12 *first class \*\*\*that have established full-time municipal housing*  
 13 *courts\*\*\*, the proceedings may be brought in the municipal*  
 14 *\*\*\*housing\*\*\* court of the city in which the property is located.\*\**

1     **\*\*[3.]\*\*** **\*\*4.\*\*** (New section) Municipal *\*\*\*housing\*\*\** courts  
 2 in cities of the first class *\*\*\*that have established full-time munici-*  
 3 *pal housing courts\*\*\** shall have exclusive jurisdiction over ac-  
 4 tions**\*\*[**:

5     a. For**]***\*\*\*for\*\** eviction transferred to the municipal *\*\*\*hous-*  
 5A *ing\*\*\** court by the county district court pursuant to the provisions  
 5B of subsection b. of N. J. S. 2A:6-34; and

6     **\*\*[b. To]***\*\*\*shall have concurrent jurisdiction to\*\** appoint  
 7 receivers pursuant to section 6 of P. L. 1966, c. 168 (C. 2A:42-79)  
 8 *\*\*and to enforce the provisions of P. L. 1971, c. 224 (C. 2A:42-85*  
 9 *et seq.).\*\**

1     **\*\*[4.]\*\*** **\*\*5.\*\*** This act shall take effect immediately.

ASSEMBLY, No. 1618  
STATE OF NEW JERSEY

INTRODUCED JUNE 14, 1982

By Assemblyman JANISZEWSKI

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16 *may be transferred before it comes to trial to the municipal court*  
17 *of that city. Either party to the action may apply for the transfer.*  
18 *After the transfer has been made, the municipal court shall have*  
19 *exclusive jurisdiction over the action.*

20 (c) County district courts shall have jurisdiction of actions by  
21 or against [boards of chosen freeholders] *county governing bodies,*  
22 quasi, domestic, foreign and municipal corporations, equally with  
23 natural persons, of actions by creditors of a decedent against the  
24 heirs or devisees of the decedent where the amount in dispute,

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25 exclusive of costs, does not exceed the sum or value of \$5,000.00,  
 26 and of such other actions or proceedings as are now or may here-  
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28 (d) In any action transferred to the county district court from  
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 34 the Superior Court pursuant to [section] *N. J. S. 2A:15-62* [of the  
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1 2. Section 6 of P. L. 1966, c. 168 (C. 2A:42-79) is amended to  
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3 6. Any ordinance adopted under this act may provide that in the  
 4 event the owner of a substandard multiple dwelling fails to comply  
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 6 reasonable opportunity to do so and where such failure to comply  
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 12 *the first class, in the municipal court of the city in which that prop-*  
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 14 income from such property and expend the same for the purpose of  
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 17 income so collected by the said receiver shall also be available for  
 18 the payment of such costs and expenses of the receivership, as may  
 19 be adjudged by the court, and for the payment to the municipality  
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 22 person liable therefor. The court may proceed in the action in a  
 23 summary manner or otherwise. Such receiver shall not be required  
 24 to give bond and shall be appointed only for the said purposes.

1 3. (New section) Municipal courts in cities of the first class shall  
 2 have exclusive jurisdiction over actions:

3 a. For eviction transferred to the municipal court by the county  
 4 district court pursuant to the provisions of subsection b. of *N. J. S.*  
 5 *2A:6-34*; and

6 b. To appoint receivers pursuant to section 6 of P. L. 1966, c. 168  
 7 (*C. 2A:42-79*).

1 4. This act shall take effect immediately.

## STATEMENT

The purpose of this bill is to give jurisdiction over certain housing matters to municipal courts in cities of the first class.

Municipal courts in large cities are busy with actions between landlords and tenants and with cases involving failure to comply with municipal housing ordinances. As a result, these municipal courts possess knowledge, information, and facilities to deal with all housing matters, even those placed by statute under the jurisdiction of county district court or Superior Court. This bill would permit the court system in cities of the first class to deal with housing matters more efficiently by allowing the municipal court to handle more housing cases.

Section 1 of the bill permits an action for eviction involving property located in a city of the first class to be transferred to the municipal court in that city. Actions for eviction normally would fall under the jurisdiction of county district courts pursuant to N. J. S. 2A:6-34. Section 2 gives to the municipal court in a city of the first class jurisdiction over actions to appoint a receiver of rents and income from substandard dwellings located in that city if the owner fails to make repairs. In all other cities, these actions will continue to be brought in the Superior Court.

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[SENATE REPRINT]  
**ASSEMBLY, No. 1618**  
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17 *court of that city. Either party to the action may apply for the*  
18 *transfer.]\* \*to the municipal court of that city before it comes*  
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 19C *has been made, the municipal court shall have exclusive jurisdic-*  
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1     \*\*[3.]\*\* \*\*4.\*\* (New section) Municipal courts in cities of the  
2 first class shall have exclusive jurisdiction over actions\*\*[

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7 receivers pursuant to section 6 of P. L. 1966, c. 168 (C. 2A:42-79)  
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18 *transfer.] \* to the municipal court of that city before it comes*  
19 *to trial; if the county district court decides to transfer the matter,*  
19A *either upon its own initiative, or in response to a request from the*

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

\*—Assembly committee amendment adopted November 29, 1982.

19B *municipal court to have the matter transferred.\* After the transfer*  
 19C *has been made, the municipal court shall have exclusive jurisdic-*  
 19D *tion over the action.*

20 (c) County district courts shall have jurisdiction of actions by  
 21 or against [boards of chosen freeholders] *county governing bodies,*  
 22 *quasi, domestic, foreign and municipal corporations, equally with*  
 23 *natural persons, of actions by creditors of a decedent against the*  
 24 *heirs or devisees of the decedent where the amount in dispute,*  
 25 *exclusive of costs, does not exceed the sum or value of \$5,000.00,*  
 26 *and of such other actions or proceedings as are now or may here-*  
 27 *after be given by law.*

28 (d) In any action transferred to the county district court from  
 29 the Superior Court, the county district court shall have jurisdiction  
 30 to enter judgment in such amount as the judge or jury shall de-  
 31 termine the damages to be, notwithstanding that such damages  
 32 exceed the sum of \$5,000.00; provided that such jurisdiction shall  
 33 not be considered in determining whether costs shall be denied in  
 34 the Superior Court pursuant to [section] *N. J. S. 2A:15-62* [of the  
 35 *New Jersey Statutes*].

1 2. Section 6 of P. L. 1966, c. 168 (C. 2A:42-79) is amended to  
 2 read as follows:

3 6. Any ordinance adopted under this act may provide that in the  
 4 event the owner of a substandard multiple dwelling fails to comply  
 5 with an order for repair, alteration or improvement after notice and  
 6 reasonable opportunity to do so and where such failure to comply  
 7 results in the continuation of a condition or conditions harmful to  
 8 the health and safety of the occupants of the multiple dwelling or to  
 9 the general public, the public officer may, by and with the approval  
 10 of the governing body of the municipality, bring an action in the  
 11 Superior Court, *or, in cases involving property located in cities of*  
 12 *the first class, in the municipal court of the city in which that prop-*  
 13 *erty is located,* to be appointed receiver ex officio of the rents and  
 14 income from such property and expend the same for the purpose of  
 15 making such repairs, alterations or improvements as are necessary  
 16 to correct said harmful condition or conditions. The said rents and  
 17 income so collected by the said receiver shall also be available for  
 18 the payment of such costs and expenses of the receivership, as may  
 19 be adjudged by the court, and for the payment to the municipality  
 20 of any fines or penalties which may have been imposed on the owner  
 21 for violations of the ordinance and which have not been paid by the  
 22 person liable therefor. The court may proceed in the action in a  
 23 summary manner or otherwise. Such receiver shall not be required  
 24 to give bond and shall be appointed only for the said purposes.

1 3. (New section) Municipal courts in cities of the first class shall  
2 have exclusive jurisdiction over actions:

3 a. For eviction transferred to the municipal court by the county  
4 district court pursuant to the provisions of subsection b. of N. J. S.  
5 2A:6-34; and

6 b. To appoint receivers pursuant to section 6 of P. L. 1966, c. 168  
7 (C. 2A:42-79).

1 4. This act shall take effect immediately.

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1618**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 24, 1982

This bill amends the law concerning court jurisdiction to provide that under certain circumstances municipal courts in cities of the first class would acquire exclusive jurisdiction over landlord-tenant eviction actions.

As amended by the Assembly Judiciary Committee, the bill allows the county district court to transfer the matter to the municipal court, either upon its own initiative, or in response to a request from the municipal court.

Additionally, the bill amends section 2 to give municipal courts in cities of the first class the power to appoint receivers of rents and income from substandard dwellings located in that city if the owner fails to make repairs.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1618

STATE OF NEW JERSEY

DATED: JANUARY 24, 1983

Presently, all actions for evictions must be brought in the county district court. Assembly Bill No. 1618 would permit an action for eviction involving a property located in a city of the first class (Newark, Jersey City) to be transferred to that city's municipal court upon either the initiative of the county district court or in response to a request from the municipal court.

Assembly Bill No. 1618 also authorizes municipal courts in cities of the first class to appoint receivers of rents and income from substandard dwellings totally in that city if the owner fails to make repairs if that procedure is available through local ordinance.

At the suggestion of the Department of Community Affairs, Assembly Bill No. 1618 was amended to permit proceedings whereby tenants seeking the appointment of an administrator to receive rents from substandard dwellings to also be brought in municipal courts in cities of the first class.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

FRIDAY, JUNE 10, 1983

Governor Thomas H. Kean has signed the following bills:

A-258, sponsored by Assemblyman Garabed Haytaian, R-Warren, which permits the use of school buses for 12 years if they were built after April 1, 1977, and undergo annual inspections when they reach ten years of age. Prior to enactment of this law, school buses were limited to ten years of use for safety reasons. However, improved federal safety standards for school buses went into effect in April, 1977. Combined with this factor is the increasing use of diesel engines, which have a longer life span, but are more expensive. This bill will allow for two more years of service from school buses, provided that after the tenth year they undergo annual inspection by the Division of Motor Vehicles.

A-3185, sponsored by Assemblyman Frank M. Pelly, which exempts from the Local Public Contracts Law, non-profit historical societies which are under contract to operate restaurants at historical preservation sites.

A-1763, sponsored by Assemblyman Harry A. McEnroe, D-Essex, which permits municipalities to hire collection agencies to collect parking violation fines.

A-1618, sponsored by Assemblyman Robert C. Janiszewski, D-Hudson, which expands the jurisdiction of the Jersey City Housing Court.

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