

2A:18-59.1 AND 59.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:18-59.1 and 2A:18-59.2

(Landlord and tenant - stays of
eviction - permit courts to authorize
review 1 year stays)

LAWS OF: 1983

CHAPTER: 446

Bill No: A3177

Sponsor(s): Mazur and Baer

Date Introduced: February 14, 1983

Committee: Assembly: ---

Senate: Judiciary

Amended during passage: Yes

Amendments during passage denoted
by asterisks

Date of Passage:

Assembly: February 28, 1983

Senate: November 28, 1983

Date of Approval: January 9, 1984

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

No

Senate

Yes

Fiscal Note:

No

Veto Message:

No

Message on Signing:

Yes

Following were printed:

Reports:

No

Hearings:

No

Sponsors' statement:

This bill would permit tenants who are terminally ill or who suffer from
a life threatening disease or disorder to retain their rental units or renew their leases as
long as other terms of the lease are fulfilled.

DEPOSITORY COPY
Do Not Remove From Library

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3177

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1983

By Assemblymen MAZUR and BAER

AN ACT concerning the removal of tenants from rental premises
and supplementing 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. Notwithstanding the provisions of any other law to the con-
2 trary, the county district court or the Superior Court may authorize
3 and review one year stays of eviction during which the tenant
4 shall be entitled to renew the lease at its term of expiration, sub-
5 ject to reasonable changes proposed to the tenant by the landlord
6 in written notice, whenever:

7 a. The tenant fulfills all the terms of the lease and removal is
8 sought under subsection a. of N. J. S. 2A:18-53 where a residential
9 tenant holds over after written notice for delivery of possession;
10 and

11 b. The tenant has a terminal illness ***[**or a disorder that is a
12 serious threat to life]**]** **which illness has been certified by a licensed*
12A *physician**; and

13 c. There is substantial likelihood that the tenant would be unable
14 to search for, rent and move to a comparable alternative rental
15 dwelling unit without serious medical harm; and

16 d. The tenant has been a tenant of the landlord for at least
17 two years prior to the issuance of the stay.

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:

*—Senate committee amendments adopted June 27, 1983.

18 **In reviewing a petition for a stay of eviction; the court shall*
19 *specifically consider whether the granting of the stay of eviction*
20 *would cause an undue hardship to the landlord because of the*
21 *landlord's financial condition or any other factor relating to the*
22 *landlord's ownership of the premises.**

1 2. This act shall not apply to a hotel, motel or other guest house,
2 ~~or part thereof~~, rented to a transient guest or seasonal tenant, or
3 a residential health care facility as defined in section 1 of P. L.
4 1953, c. 212 (C. 30:11A-1).

1 3. This act shall take effect immediately.

ASSEMBLY, No. 3177

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1983

By Assemblymen MAZUR and BAER

AN ACT concerning the removal of tenants from rental premises
and supplementing 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. Notwithstanding the provisions of any other law to the con-
2 trary, the county district court or the Superior Court may authorize
3 and review one year stays of eviction during which the tenant
4 shall be entitled to renew the lease at its term of expiration, sub-
5 ject to reasonable changes proposed to the tenant by the landlord
6 in written notice, whenever:

7 a. The tenant fulfills all the terms of the lease and removal is
8 sought under subsection a. of N. J. S. 2A:18-53 where a residential
9 tenant holds over after written notice for delivery of possession;
10 and

11 b. The tenant has a terminal illness or a disorder that is a
12 serious threat to life; and

13 c. There is substantial likelihood that the tenant would be unable
14 to search for, rent and move to a comparable alternative rental
15 dwelling unit without serious medical harm; and

16 d. The tenant has been a tenant of the landlord for at least
17 two years prior to the issuance of the stay.

1 2. This act shall not apply to a hotel, motel or other guest house,
2 or part thereof, rented to a transient guest or seasonal tenant, or
3 a residential health care facility as defined in section 1 of P. L.
4 1953, c. 212 (C. 30:11A-1).

1 3. This act shall take effect immediately.

STATEMENT

This bill would permit tenants who are terminally ill or who suffer from a life threatening disease or disorder to retain their rental units or renew their leases as long as other terms of the lease are fulfilled.

[SENATE REPRINT]
ASSEMBLY, No. 3177

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1983

By Assemblymen MAZUR and BAER

AN ACT concerning the removal of tenants from rental premises
and supplementing 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. Notwithstanding the provisions of any other law to the con-
2 trary, the county district court or the Superior Court may authorize
3 and review one year stays of eviction during which the tenant
4 shall be entitled to renew the lease at its term of expiration, sub-
5 ject to reasonable changes proposed to the tenant by the landlord
6 in written notice, whenever:

7 a. The tenant fulfills all the terms of the lease and removal is
8 sought under subsection a. of N. J. S. 2A:18-53 where a residential
9 tenant holds over after written notice for delivery of possession;
10 and

11 b. The tenant has a terminal illness ***[**or a disorder that is a
12 serious threat to life]**]** * *which illness has been certified by a licensed*
12A *physician**; and

13 c. There is substantial likelihood that the tenant would be unable
14 to search for, rent and move to a comparable alternative rental
15 dwelling unit without serious medical harm; and

16 d. The tenant has been a tenant of the landlord for at least
17 two years prior to the issuance of the stay.

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:

*—Senate committee amendments adopted June 27, 1983.

18 **In reviewing a petition for a stay of eviction; the court shall*
19 *specifically consider whether the granting of the stay of eviction*
20 *would cause an undue hardship to the landlord because of the*
21 *landlord's financial condition or any other factor relating to the*
22 *landlord's ownership of the premises.**

1 2. This act shall not apply to a hotel, motel or other guest house,
2 or part thereof, rented to a transient guest or seasonal tenant, or
3 a residential health care facility as defined in section 1 of P. L.
4 1953, c. 212 (C. 30:11A-1).

1 3. This act shall take effect immediately.

LAW LIBRARY COPY
DO NOT REMOVE

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3177

STATE OF NEW JERSEY

DATED: JUNE 27, 1983

Assembly Bill No. 3177 would permit a court to issue to a tenant who is terminally ill or who suffers from a life threatening disease a stay of eviction in certain instances where the landlord does not wish to continue the tenancy as long as the tenant fulfills the other terms of the lease.

Under the provisions of N. J. S. 2A:18-61.3, no landlord may evict or fail to renew any lease except for good cause as defined by N. J. S. 2A:18-61.1. Therefore, most landlords are not permitted to remove any tenant, terminally ill or otherwise, simply because the tenant's current lease has expired. However, owner-occupied premises with not more than two rental units are exempted from the provisions of these statutes. Landlords of small owner-occupied premises may seek the removal of any tenant who is holding over after the expiration of their current leases.

Assembly Bill No. 3177 would authorize the issuance of a stay of eviction during which a tenant would be entitled to renew a lease at its expiration if the following four conditions are met:

1. The tenant fulfills all the terms of the lease and is holding over on the premises after expiration of the lease and after demand for the premises by the landlord pursuant to N. J. S. 2A:18-53 and,
2. The tenant has a terminal illness; and,
3. There is a substantial likelihood that the tenant would be unable to rent a comparable rental unit without serious medical harm; and,
4. The tenant has been renting from the landlord for at least two years.

The provisions of Assembly Bill No. 3177 would be inapplicable to a hotel, motel, guest house rented to a transient guest or seasonal tenant or to a residential health care facility.

The committee adopted amendments which delete language indicating that a person suffering a life threatening illness could be granted a stay of eviction. It was felt that this language was too vague. The committee amendments also require that the tenant's terminal illness be certified by a licensed physician. Additionally, the amendments require the court, in reviewing a petition for a stay of eviction, consider whether the granting of the stay of eviction would cause an undue hardship to the landlord.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

TUESDAY, JANUARY 10, 1984

Governor Thomas H. Kean has signed the following bills:

S-892, sponsored by State Senator C. Louis Bassano, R-Union, which requires that persons considering the purchase of portable kerosene heaters be provided with information on the dangers of the device.

S-1102, sponsored by State Senator Walter Rand, D-Camden, which allows county sheriffs to join the Police and Fireman's Retirement System.

S-1968, sponsored by State Senator Leonard T. Connors, Jr., R-Ocean, which authorizes the leasing of public property not needed for public use by either open bidding at auction or by sealed bid, at the option of the local unit.

S-3030, sponsored by State Senator Carmen A. Orechio, D-Essex, which amends the Unfair Cigarette Sales Act of 1952 to provide that normal discounts for cash payments must be deducted from the invoice when "basic cost of cigarettes" is calculated.

S-3436, sponsored by State Senator Herman Costello, D-Burlington, which permits the waiver of a restriction on property conveyed by Burlington City to Mitchel Fire Company that the property must be used for firefighting.

A-2271, sponsored by Assemblyman Wayne R. Bryant, D-Camden, which permits State and Local Governments to provide independent retirement annuities and independent retirement accounts (IRAS) for their employees and permits withholding of wages for such purposes.

A-3177, sponsored by Assemblyman D. Bennett Mazur, D-Bergen, which prohibits the arbitrary eviction of terminally ill tenants in owner-occupied buildings of less than three units.