

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:18-61.15 et al (Landlord & tenant -- defines rights under relocation assistance law)

LAWS OF: 1981

CHAPTER: 495

Bill No: S3152

Sponsor(s): Perskie

Date Introduced: March 23, 1981

Committee: Assembly: County Government

Senate: County & Municipal Government

Amended during passage: Yes A amendments during passage denoted by asterisks

Date of Passage: Assembly: June 22, 1981 Re-enacted 1/11/82

Senate: May 14, 1981 Re-enacted 11/23/81

Date of Approval: January 12, 1982

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 3152

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senator PERSKIE

Referred to Committee on County and Municipal Government

AN ACT concerning relocation assistance and compensation in certain cases, and amending and supplementing P. L. 1978, c. 139.

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

1 1. Section 3 of P. L. 1978, c. 139 (C. 2A:18-61.15) is amended to
2 read as follows:

3 3. A landlord seeking to remove a tenant who is a permanent
4 domiciliary under subsection h. of section 2 of P. L. 1974, c. 49
5 (C. 2A:18-61.1) in such municipality shall offer to the tenant,
6 personally or through an agent, the rental of comparable housing
7 as defined in section 4 of P. L. 1975, c. 311 (C. 2A:18-61.7) in such
8 municipality or within 10 miles thereof and a reasonable oppor-
9 tunity to examine and rent such comparable housing.

10 *In order to satisfy his obligation under this section, the landlord*
11 *shall document at least two separate comparable housing units*
12 *which the tenant was offered a reasonable opportunity to examine*
13 *and rent *, and shall include in any complaint filed for possession of*
14 *the demised premises the details of each such offer or a description*
15 *of any attempt to secure comparable housing units to offer to the*
16 *tenant.**

1 2. Section 4 of P. L. 1978, c. 139 (C. 2A:18-61.16) is amended to
2 read as follows:

3 4. If the landlord is unable to provide the tenant relocation into
4 comparable rental housing because of the housing shortage, he
5 may as an alternative to relocation:

6 a. Pay the tenant an amount equal to 5 months' rent; or

7 b. Allow the tenant to remain in the unit for an additional 5
8 months beyond the notice period during which time the payment of
9 rent shall be waived. The landlord may utilize this alternative only
10 if he maintains the premises in substantially the same condition as
11 they were prior to the sending of the notice to deliver possession.

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

12 If the landlord chooses to exercise either of these alternatives
 13 to relocation, he shall notify the tenant in writing of the alternative
 14 that has been chosen at least 6 months prior to the institution of an
 15 action for possession. In the event that the landlord chooses the
 16 alternative pursuant to subsection a. of this section, payment to the
 17 tenant of the specified amount shall [accompany] ****[be made**
 18 *within 5 months of the date of the notice, on a date specified in]*******
 19 ****accompany**** the notice.

1 3. Section 6 of P. L. 1978, c. 139 (C. 2A:18-61.18) is amended to
 2 read as follows:

3 6. Any notice for delivery of possession under subsection h. of
 4 section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) issued in accordance
 5 with section 2 of this act shall inform the tenant of the following:

6 a. That the landlord has a duty to offer to the tenant the rental of
 7 comparable housing:

8 b. That if the landlord is unable to provide relocation housing,
 9 he may as an alternative to relocation: (1) pay the tenant an
 10 amount equal to 5 months' rent; or, (2) allow the tenant to remain
 11 in the unit for an additional 5 months beyond the notice period
 12 during which time the payment of rent shall be waived. If the land-
 13 lord chooses either alternative, he shall additionally notify the
 14 tenant of such choice at least 6 months prior to the institution of
 15 an action for possession. In the event the landlord chooses the
 16 alternative pursuant to (1) of this subsection, [payment to the
 17 tenant of the specified amount shall accompany] ****payment to the**
 18 *tenant of the specified amount shall accompany*** the notice
 19 ****[shall state that the payment of the specified amount shall be**
 19A *made within 5 months of the date of the notice].***

20 c. No tenant shall be evicted unless: (1) the tenant was offered
 21 the opportunity to rent comparable housing; (2) the tenant was
 22 paid an amount equal to 5 months' rent; (3) the tenant was allowed
 23 to remain in the unit for an additional 5 months beyond the notice
 24 period during which time the payment of rental shall be waived;
 25 or, (4) 36 months have elapsed and the landlord is unable to offer
 26 the tenant the opportunity to rent comparable housing.

1 4. (New section) "Rent" means the amount currently payable
 2 by the tenant to the landlord pursuant to lease or other agreement,
 3 ****[as modified]*** **without regard to any modification thereof** by
 4 any authorized board or agency, or any court.

1 5. This act shall take effect immediately and shall apply with
 2 respect to all tenants to whom first notice is given pursuant to
 3 section 2 of P. L. 1978, c. 139 (C. 2A:18-61.14) on or after the
 4 effective date of this act.

STATEMENT

This bill modifies certain provisions of P. L. 1978, c. 139 (C. 2A :18-61.13 et seq.) which accords certain relocation assistance and compensation rights to Atlantic City tenants during the housing emergency currently in effect in that city. The purpose is to better define the respective rights of tenants and landlords under that act.

The bill requires a landlord to document at least two separate comparable housing units which a tenant was offered a reasonable opportunity to examine and rent.

The bill defines "rent" as used under that act to mean the amount payable by the tenant to the landlord, as modified by any authorized board or by a court.

The bill provides that any payment made by a landlord to a tenant pursuant to the act shall be paid prior to the final month of the 6 month notice period, rather than accompany the notice. This places the payment closer to the time when it will actually be needed for relocation.

The bill would apply with respect to all tenants to whom first (one year's) notice is given under that act, on or after the effective date of this act.

53152 (1981)

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3152

STATE OF NEW JERSEY

DATED: JUNE 15, 1981

Senate Bill No. 3152 would amend certain sections of P. L. 1978, c. 139 (C. 2A:18-61.13 et seq.) which provide for relocation assistance and compensation rights to tenants in Atlantic City during the housing emergency in effect in that municipality. The bill provides that a landlord must document that a tenant was given the opportunity to examine and rent two comparable housing units and that the documentation shall accompany any complaint filed for possession of a demised premise. It further provides that when a landlord is unable to relocate a tenant and elects to pay the tenant the equivalent of 5 months' rent, that the payment shall be made prior to the final month of the 6 month notice period, rather than at the time notice is given. The bill also defines the word "rent" to mean the amount payable by the tenant to the landlord without regard to modification by any authorized board or by a court.

The provisions of the bill would apply to all tenants given first notice as provided in the law on or after the effective date of this act.

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SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3152

with Senate committee amendment

STATE OF NEW JERSEY

DATED: APRIL 23, 1981

Senate Bill No. 3152 modifies certain provisions of P. L. 1978. c. 139 (C. 2A:18—61.13 et seq.) which accords certain relocation assistance and compensation rights to Atlantic City tenants during the housing emergency currently in effect in that city. The purpose is to better define the respective rights of tenants and landlords under that act.

The bill, as amended by the committee at the sponsor's request, requires a landlord to document at least two separate comparable housing units which a tenant was offered a reasonable opportunity to examine and rent. The landlord would be required to include the details of each offer, or a description of any attempt to secure comparable housing, in any complaint filed for possession of the premises.

The bill defines "rent" as used under that act to mean the amount payable by the tenant to the landlord, without regard to modification by any authorized board or by a court.

The bill provides that any payment made by a landlord to a tenant pursuant to the act shall be paid prior to the final month of the 6 month notice period, rather than accompany the notice. This places the payment closer to the time when it will actually be needed for relocation.

The bill would apply with respect to all tenants to whom first (1 year's) notice is given under that act, on or after the effective date of this act.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

NOV 12 1961

SENATE BILL NO. 3152 (OCR)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I return Senate Bill No. 3152 (OCR) with my objections, for reconsideration.

This bill amends the law governing the relocation assistance accorded tenants in Atlantic City. Under existing law, (N.J.S. 2A:18-61.15), a landlord seeking to remove a tenant must offer the tenant comparable housing or allow him to remain in the unit rent free for five months following the expiration of the notice period or pay him a sum equal to five months rent immediately upon notice of conversion.

This bill expands the definition of comparable housing to require that two comparable units must be offered by the landlord to the tenant in order to meet the requirements of the relocation assistance act. This legislation would also allow a landlord to fulfill his obligation to a tenant for whom he could not find comparable housing by paying the required sum of five months rent at some time during the five months following notice of conversion. Current law requires that the payment be made immediately following the six month notice. The delay in payment permitted by the bill defeats much of the purpose of the relocation assistance payment, which is to help tenants obtain another rental unit prior to the expiration of the six month relocation period. The relocation assistance payment can be used to meet rental deposit requirements which often present a serious problem for lower income tenants looking for new residences. The portion of the bill extending the landlords' time to make relocation payments unnecessarily deprives the tenants of money they may need in their quest for new housing. For these reasons, I feel that this section of the bill extending the landlords' time to make relocation payments to tenants should be deleted.

Accordingly, I herewith return Senate Bill No. 3152 (OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 2, line 17: delete "be made within"

Page 2, Section 2, line 18: delete and insert "accompany the notice."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Page 2, Section 3, lines 17, 18 and 19: delete and insert "payment
to the tenant of the specified
amount shall accompany the notice."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY