

2A:18-56

LEGISLATIVE HISTORY CHECKLIST

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NJSA 2A:18-56

Laws of 1975 Chapter 136

Bill No. A499

Sponsor(s) Perskie

Date Introduced Pre-filed

Committee: Assembly Commerce, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage No

Date of passage: Assembly March 25, 1974

Senate April 7, 1975

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Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate No

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

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MAY 1977

ASSEMBLY, No. 499

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman PERSKIE

AN ACT concerning summary proceedings for recovery of premises
and amending N. J. S. 2A:18-56.

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

1 1. N. J. S. 2A:18-56 is amended to read as follows:

2 2A:18-56. Proof of notice to quit prerequisite to judgment. No
3 judgment for possession in cases specified in paragraph "a." of
4 section 2A:18-53 of this Title shall be ordered unless:

5 a. The tenancy, if a tenancy at will or from year to year, has
6 been terminated by the giving of 3 months' notice to quit, which
7 notice shall be deemed to be sufficient; or

8 b. The tenancy, if a tenancy from month to month, has been
9 terminated by the giving of 1 month's notice to quit, which notice
10 shall be deemed to be sufficient; or

11 *c. The tenancy, if for a term other than at will, from year to year,*
12 *or from month to month, has been terminated by the giving of one*
13 *term's notice to quit, which notice shall be deemed to be sufficient;*
14 and

15 **[c.]** *d.* It shall be shown to the satisfaction of the court by due
16 proof that the notice herein required has been given.

1 2. This act shall take effect immediately.

STATEMENT

Under the holding of *Schlesinger v. Brown*, 116 N. J. Super. 500,
a landlord cannot sue to remove a tenant through a summary
action (N. J. S. 2A:18-53), if that tenant has possession for a term
not mentioned in N. J. S. 2A:18-56. If the term is not mentioned
in N. J. S. 2A:18-56 there is no required period for a notice 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.**

quit. Such a notice period is required under N. J. S. 2A:18-56 in order for the landlord to sue for possession through a summary action in the county district court.

This means that a landlord cannot sue in the county district court to remove a tenant if his tenancy is week to week rather than month to month. The landlord must instead sue in ejectment (N. J. S. 2A:35-1) in the County or Superior Court.

This bill would remedy that defect in the law by providing that, for those tenancies other than the ones already provided for in the statute, one term's notice shall be sufficient for a summary action proceeding.