

R.S. 2A:42 - 10.10 to 10.14

October 21, 1971

LEGISLATIVE HISTORY OF R.S.2A:42-10.10 to 10.13, 2A:42-10.14

(Reprisals - certain tenant actions)

copy 2

For background material see:

Bruno, G.C. New Jersey Landlord - Tenant Law:  
Proposals for Reform.  
1. Rutgers-Camden Law J.299 (1969)  
Self-help eviction: Proposals for the Reform of  
Eviction Procedures in New Jersey. 1. Rutgers-  
Camden Law J.315 (1969)

Related bill:

1970 - A 831

L.1970 - chap.210 - A 1204.  
Sept.14 - Introduced by Haelig and Kean.  
No statement.  
Not amended during passage.  
Governor made statement upon signing. (copy enclosed)

93 NJLJ 709 (Oct.8, 1970) bill signed.

974.90 N.J. Landlord Tenant Relationship Study  
H842 Commission.  
1970 Interim report, April,  
1970 (p.7)

Clippings located (V.F.--N.J.--Landlord and tenant)

[See Attached Page]

JH/EH  
Encl.

DEPOSITORY COPY  
Do Not Remove from Library

- "Tenants get backing", Trenton Evening Times, September 22, 1970.
- "Eviction ban bill advances", Newark Evening News, September 22, 1970.
- "Governor signs bill of rights for Jersey tenants", by Linda Lamendola, Newark Star Ledger, October 1, 1970.
- "Cahill wants strong bill for tenants' protection", Courier-Post, August 28, 1970.
- "Bill on protection of tenants OK'd", Asbury Park Press, September 15, 1970.
- "Governor Cahill ready to veto tenant protection bill"; by Earl Josephson, Trenton Evening Times, August 20, 1970.

ASSEMBLY, No. 1204

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 14, 1970

By Assemblymen HAELIG, KRAVARIK, GARIBALDI, KIEHN,  
HEILMANN, SUMINSKI, POLICASTRO, GAVAN, MACRAE,  
SCHLUTER and Assemblywoman FENWICK

(Without Reference)

AN Act concerning landlord and tenant, supplementing chapter 42 of Title 2A of the New Jersey Statutes and repealing "An act relating to disorderly persons and supplementing chapter 170 of Title 2A of the New Jersey Statutes," approved October 5, 1967 (P. L. 1967, c. 215).

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

1 1. No landlord of premises or units to which this act is applicable  
2 shall serve a notice to quit upon any tenant or institute any action  
3 against a tenant to recover possession of premises, whether by  
4 summary dispossession proceedings, civil action for the possession of  
5 land, or otherwise:

6 a. As a reprisal for the tenant's efforts to secure or enforce any  
7 rights under the lease or contract, or under the laws of the State of  
8 New Jersey or its governmental subdivisions, or of the United  
9 States; or

10 b. As a reprisal for the tenant's good faith complaint to a govern-  
11 mental authority of the landlord's alleged violation of any health or  
12 safety law, regulation, code or ordinance, or State law or regulation  
13 which has as its objective the regulation of premises used for dwell-  
14 ing purposes; or

15 c. As a reprisal for the tenant's being an organizer of, a member  
16 of, or involved in any activities of, any lawful organization; or

17 d. On account of the tenant's failure or refusal to comply with the  
18 terms of the tenancy as altered by the landlord, if the landlord shall  
19 have altered substantially the terms of the tenancy as a reprisal  
20 for any actions of the tenant set forth in subsection a, b, and c of  
21 section 1 of this act. Substantial alteration shall include the refusal  
22 to renew a lease or to continue a tenancy of the tenant without cause.

23 Under subsection b of this section the tenant shall originally  
24 bring his good faith complaint to the attention of the landlord or  
25 his agent and give the landlord a reasonable time to correct the  
26 violation before complaining to a governmental authority.

27 A landlord shall be subject to a civil action by the tenant for  
28 damages and other appropriate relief, including injunctive and  
29 other equitable remedies, as may be determined by a court of  
30 competent jurisdiction in every case in which the landlord has  
31 violated the provisions of this section.

1 2. In any action brought by a landlord against a tenant to recover  
2 possession of premises or units to which this act is applicable,  
3 whether by summary dispossession proceedings, civil action for the  
4 possession of land, or otherwise, judgment shall be entered for the  
5 tenant if the tenant shall establish that the notice to quit, if any,  
6 or the action to recover possession was intended for any of the  
7 reasons set forth in subsections a, b, c, or d of section 1 of this act.

1 3. In any action or proceeding instituted by or against a tenant,  
2 the receipt by the tenant of a notice to quit or any substantial  
3 alteration of the terms of the tenancy without cause after:

4 a. The tenant attempts to secure or enforce any rights under the  
5 lease or contract, or under the laws of the State of New Jersey, or  
6 its governmental subdivisions, or of the United States; or

7 b. The tenant, having brought a good faith complaint to the  
8 attention of the landlord and having given him a reasonable time to  
9 correct the alleged violation, complains to a governmental authority  
10 with a report of the landlord's alleged violation of any health or  
11 safety law, regulation, code or ordinance; or

12 c. The tenant organizes, becomes a member of, or becomes in-  
13 volved in any activities of, any lawful organization; or

14 d. Judgment under section 2 of this act is entered for the tenant  
15 in a previous action for recovery of premises between the parties;  
16 shall create a rebuttable presumption that such notice or alteration  
17 is a reprisal against the tenant for making such attempt, report,  
18 complaint, or for being an organizer of, a member of, or involved  
19 in any activities of, any lawful organization. No reprisal shall be  
20 presumed under this section based upon the failure of a landlord to  
21 renew a lease or tenancy when so requested by a tenant if such  
22 request is made sooner than 90 days before the expiration date of  
23 the lease or tenancy, or the renewal date set forth in the lease  
24 agreement, whichever later occurs.

1 4. This act shall apply to all rental premises or units used for  
2 dwelling purposes except owner-occupied premises with not more  
3 than two rental units.

1 5. Chapter 215 of the laws of 1967 (C. 2A:170-92.1) is hereby  
2 repealed.

1 6. If any provision of this act or the application thereof to any  
2 person or circumstances or the exercise of any power or authority  
3 thereunder is held invalid or contrary to law, such holding shall not  
4 affect other provisions or applications of the act which can be given  
5 effect without the invalid provisions or applications or affect other  
6 exercises of power or authority under said provisions not contrary  
7 to law, and to this end the provisions of this act are declared to be  
8 severable.

1 7. This act shall take effect immediately.

FROM THE OFFICE OF THE GOVERNOR

SEPTEMBER 30, 1970

A1204

FOR RELEASE:  
IMMEDIATE

Governor William T. Cahill today signed into law Assembly Bill 1204 known as the Tenant-Landlord Bill.

The Bill which was sponsored by Assemblyman Richard K. Haelig is designed to prevent reprisals by landlords against tenants. It also permits tenants to recover legally damages incurred as a result of such reprisals. The Bill replaced an earlier measure passed by the Legislature which contained some legal deficiencies.

The Governor said that he was happy to sign the Bill because he felt that "it was appropriate and necessary to eliminate any possibility that tenants will be evicted as reprisals for joining a tenants organization."

The Governor said that the problem of reprisals is another indication of the lack of housing for New Jersey residents. He said that the lack of adequate housing has placed tenants in a "highly competitive position" and has, in some instances, forced them to join organizations to protect themselves.

The Bill has the support of the New Jersey Tenants Organization.

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