

ASSEMBLY, No. 2234

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1971

By Assemblymen KRAVARIK, MACRAE, GARIBALDI,
Assemblywoman FENWICK and Assemblymen BROWN
and KEAN

Referred to Committee on Revision and Amendment of Laws

AN ACT abolishing distraint for rent and repealing chapter 33 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. Distraint for rent is hereby abolished.

1 2. Any provision of a lease or other agreement allowing dis-
2 traint for rent shall be deemed against public policy and be void.

1 3. Chapter 33 of Title 2A of the New Jersey Statutes is hereby
2 repealed.

1 4. This act shall take effect immediately and shall apply to all
2 leases or agreements entered into after the effective date of this
3 act.

STATEMENT

New Jersey tenants have had their furniture and possessions seized and sold by landlords without any judicial hearing whatsoever.

A New Jersey court has called distraint for rent "the sole surviving relic in modern statutory law of the absolutism incident to the ancient feudal doctrine governing land tenures."

In view of the hardship that the seizure and sale of furniture and clothing can cause a tenant, the extra judicial proceeding of distraint must be abolished. The appropriate remedy for a landlord is a promptly brought, inexpensive, summary proceeding in the district court.

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Referred to Committee on Revision and Amendment of Laws

AN ACT abolishing distraint for rent **of premises under certain circumstances** and ***[repealing chapter 33 of Title 2A of the New Jersey Statutes]*** **amending N. J. S. 2A:33-1**.

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

1 1. ***[Distraint for rent is hereby abolished.]*** **N. J. S. 2A:33-1*
2 *is amended to read as follows:*

3 *2A:33-1. Distraints may be taken when authorized by law; but*
4 *no unreasonable, excessive or wrongful distraint shall be taken, and*
5 *for any such taking, the distraining party shall be liable in damages*
6 *to the party aggrieved.*

7 *No distraint shall be permitted for money owed on a lease or*
8 *other agreement for the occupation of any real property used solely*
9 *as a residence of the tenant.**

1 ***[2. Any provision of a lease or other agreement allowing dis-**
2 **traint for rent shall be deemed against public policy and be void.]***

1 ***[3. Chapter 33 of Title 2A of the New Jersey Statutes is hereby**
2 **repealed.]***

1 ***[4.]*** **2.* This act shall take effect immediately and shall apply*
2 *to all leases or agreements entered into after the effective date of*
3 *this act.*

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

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 2234

STATE OF NEW JERSEY

ADOPTED APRIL 29, 1971

Amend page 1, title, line 1, after "rent", insert "of premises under certain circumstances".

Amend page 1, title, line 1, omit "repealing chapter 33 of".

Amend page 1, title, line 2, omit "Title 2A of the New Jersey Statutes", insert "amending N. J. S. 2A:33-1".

Amend page 1, section 1, line 1, after "1.", omit entire line, insert "N. J. S. 2A:33-1 is amended to read as follows:

2A:33-1. Distraints may be taken when authorized by law; but no unreasonable, excessive or wrongful distraint shall be taken, and for any such taking, the distraining party shall be liable in damages to the party aggrieved.

No distraint shall be permitted for money owed on a lease or other agreement for the occupation of any real property used solely as a residence of the tenant.

Amend page 1, section 2, lines 1 and 2, omit section 2 in its entirety.

Amend page 1, section 3, lines 1 and 2, omit section 3 in its entirety.

Amend page 1, section 4, line 1, omit "4", insert "2".

FROM THE OFFICE OF THE GOVERNOR

JUNE 21, 1971

A-2234

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill today signed into law a package of four bills to provide greater protection for tenants.

In signing the bills, the Governor said that the intent is to assure tenants rights, correct abuses, and eliminate many of the undue hardships with which some tenants contend. The bills also establish equitable guidelines for landlord-tenant relations.

Briefly, the four bills set procedures for the deposit of rents, prohibit tenant lockouts, prevent the illegal seizure of a tenant's property and provide that tenants shall receive interest on security deposits.

Under Senate Bill 2237, sponsored by Senator Albert D. Schiaffo (R., Bergen), tenants living in dwellings determined by the courts to be substandard may deposit with a court-appointed administrator rent money to be used for necessary improvement of their living quarters. However, the bill also provides that landlords be notified by tenants of existing conditions and have the opportunity to voluntarily undertake improvements.

Assembly Bill 2233, sponsored by Assemblyman Martin E. Kravarik (R., Middlesex), prohibits the practice of locking tenants out of their apartments to avoid the cost of eviction proceedings against those who are delinquent.

Under Assembly Bill 2234, also sponsored by Assemblyman Kravarik, landlords are prevented from confiscating or selling the possessions of tenants who have not paid their rent without having a judicial hearing or notice.

Senate Bill 904, sponsored by Senator Robert E. Kay (R., Cape May), provides that the interest accrued on security deposits be credited to the payment of any rent that is due when a lease expires or is renewed. In addition, it provides that landlords are entitled to one percent of the accrued interest to cover the costs of administering the fund. The bill also provides that security deposits are limited to an amount equal to a month-and-a-half's rent. These security deposits must be returned with a statement itemizing any deductions within thirty days after termination