

2A:42-10.15 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:42-10.15; 2A:42-10.16; 22A:2-38

Laws of 1974 Chapter 47

Bill No. A 940

Sponsor(s) Baer & others

Date Introduced January 24

Committee: Assembly Commerce, Industry & Professions

Senate -----

Amended during passage Yes amendments during passage denoted by asterisks

Date of passage: Assembly May 9

Senate May 16

Date of approval June 25

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate No

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed:

Reports No

Hearings Yes

974.90 NJ. Legislature. Assembly. Commerce, Industry &
H842 Professions Committee.
1974 Public hearing on A 58, 232, 284,
940... held March 5, 1974. Newark.

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ASSEMBLY, No. 940

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1974

By Assemblymen BAER, HYNES, MARTIN, GLADSTONE
and CONTILLO

Referred to Committee on Commerce, Industry and Professions

AN ACT regarding the execution of court-ordered evictions amend-
ings N. J. S. 22A:2-38 and supplementing chapter 42 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. This act shall be known and may be cited as "The Fair Evic-
2 tion Notice Act."

1 2. In any proceeding for the summary dispossession of a tenant,
2 ***[**except a proceeding pursuant to N. J. S. 2A:18-53 b. in which the
3 tenant is present in court,**]*** warrant for possession issued by a
4 court of appropriate jurisdiction:

5 a. shall include a notice to the tenant of any right to apply to
6 the court for a stay of execution of the warrant; and

7 b. shall be executed not earlier than the third day following the
8 day of personal service upon the tenant by the appropriate court
9 officer. In calculating the number of days hereby required, Satur-
10 day, Sunday and court holidays shall be excluded; and

11 c. shall be executed during the hours of 8 a.m. to 6 p.m., unless
12 the court, for good cause shown, otherwise provides in its judgment
13 for possession.

14 **Whenever a written notice, in accordance with the provisions of*
15 *subsection 2 a., is given to the tenant by the court, this shall con-*
16 *stitute personal service in accordance with the provisions of sub-*
17 *section 2 b.*

18 *The county district court shall retain jurisdiction for a period of*
19 *10 days subsequent to the actual execution of the warrant for*
20 *possession for the purpose of hearing applications by the tenant for*
21 *lawful relief.**

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

- 1 3. N. J. S. 22A:2-38 is amended to read as follows:
2 22A:2-38. From the fees mentioned in section 22A:2-37 of this
3 Title, the clerk of the county district court shall pay to constables
4 or sergeants-at-arms the following fees:
5 Serving summons *or notice* on one defendant, \$0.60.
6 Serving summons on every additional defendant, \$0.30.
7 Warrant to arrest, *capias*, or commitment, for each defendant
8 served, \$0.75.
9 Serving writ and summons in replevin, taking bond and any
10 inventory, against one defendant, \$2.50. Against each additional
11 defendant, \$0.30.
12 Serving writ in replevin when issued subsequent to service of
13 summons, \$1.50.
14 Every execution, or any order in the nature of an execution on
15 a judgment or execution against the body, for each defendant, \$0.75.
16 Writ of attachment and making inventory, \$1.85.
17 Warrant for possession, \$2.00.
18 For every mile of travel in serving any summons or *capias*
19 against the body, execution, subpoena, notice or order, the distance
20 to be computed by counting the number of miles in and out, by
21 the most direct route from the place where process is issued, \$0.10.
22 In addition to the foregoing, the following fees for constables
23 and sergeants-at-arms shall be taxed in the costs and collected on
24 execution, writ of attachment or order in the nature of an execution
25 on any final judgment, or on a valid and subsisting levy of an
26 execution or attachment which may be the effective cause in produc-
27 ing payment or settlement of a judgment or attachment.
28 For advertising property under execution or any order, \$0.35.
29 For selling property under execution or any order, \$0.50.
30 On every dollar of the first \$500.00 collected on execution, writ of
31 attachment or any order, \$0.10, and on every dollar of any amount
32 in excess thereof, \$0.02.
- 1 4. This act shall take effect 60 days after its enactment.

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STATEMENT

Eviction from one's residence on short notice can be a most traumatic experience for any person, particularly young children. This bill seeks to avoid such trauma by requiring due notice of an imminent eviction and restricting the time of actual eviction to prevent undue hardship and to guarantee that any person's right to apply for a stay of eviction will not be impaired by court being out of session.

GET
EPT

FROM THE OFFICE OF THE GOVERNOR

JUNE 25, 1974

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Tuesday four bills designed to afford tenants greater protection against abuses by landlords.

The bills, sponsored by Assemblyman Byron M. Baer, D-Bergen, are:

- A 1585, which requires landlords to make available to tenants information concerning the availability of federal crime insurance.
- A 1586, which prohibits evictions except for "good cause."
- A 1587, which requires landlords to make public the identity of the owner and an agent who may be reached at any time.
- A 940, which requires landlords to give notice of evictions.

The measures, which passed the Legislature unanimously, are the major elements in Byrne's proposed tenants' "Bill of Rights."

In signing the bills at a public ceremony, the Governor said the new laws are in keeping with a campaign commitment to propose significant tenant-landlord legislation.

"These bills will help protect the hundreds of thousands of renters in New Jersey against arbitrary and unreasonable actions by landlords," said Byrne.

"In the past, most of the rights granted to tenants had to be obtained by going to the courts," he said. "The legislative and executive branches have now seen fit to take similar action to protect the rights of tenants."

Among other things, the bills would:

- prohibit landlords from evicting tenants except for "good cause," such as nonpayment of rent, destruction of property due to negligence or disobeying valid rules and regulations.

- require landlords to give written notice to tenants of eviction proceedings.

- require landlords to advise tenants on the availability of federal crime insurance and the procedure for obtaining it.

Participating in the public ceremony were Mr. Baer and Sylvia Aranow, president of the New Jersey Tenants Organization.

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