

~~N.J.S.A. 2A:18-53.2~~

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January 16, 1975

COPY 2

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LEGISLATIVE HISTORY OF R.S. 2A:18-53.2
(Fair Eviction notice)

NEW JERSEY STATE

L. 1974, chapter 49 - A1586

JAN 13 1974

Bier and 26 others.

Commerce, Industry & Professions Committee

April 16 - Introduced

April 29 - Reported with committee amendments (enclosed).

April 29 - 2nd reading.

May 6 - Amended (enclosed).

2nd reading, amended.

May 9 - Amended (enclosed).

2nd reading, amended.

Passed Assembly under emergency resolution (72-0)

May 13 - Received in Senate.

No ref., 2nd reading.

May 16 - Passed in Senate.

June 25 - Approved.

Statement enclosed.

The following items may provide background information.

J333.54 New Brunswick Tenants Committee.
N534 Tenants Handbook. 2d ed. 1974.

974.90 Landlord-Tenant Relationship Study Commission.
H342 Interim Report. 1970.
1970

974.90 Landlord-Tenant Relationship Study Commission.
H842 Public hearing before New Jersey Landlord-
1969 Tenant Relationship Study Commission. 1970. (A58 23, 1969)

974.90 NJ. Legislature. Assembly. Commerce, Industry and
H842 Professions Committee.
1974 Public hearing on A58, 232, 284, 940, 943, 946,
947, 951, 953, 954, 1048, and 1060 (Landlord-tenant).
Held March 5, 1974. (A58, 940 and 943 pertain to the
matter of eviction.

974.90 Public hearing on A54, 151, 152, 160, 165, 212, 1071,
H842 1072, 1535, 1536, 1537, 1610, 2122, and S429 (Landlord-
1973 tenant legislation), held April 25, 1973.
(A1536 & 1537 pertain to the matter of eviction).

Bruno, George Charles

"New Jersey Landlord-tenant law: proposals for reform," 1 Rutgers Camden Law Journal, Fall 1969.

V.F.-- N.J.--Landlord & tenant.

JRM/PC

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[THIRD OFFICIAL COPY REPRINT]
ASSEMBLY, No. 1586

STATE OF NEW JERSEY

INTRODUCED APRIL 16, 1974

By Assemblymen BAER, LEFANTE, WOODSON, HYNES, KEAN, MARTIN, HAMILTON, JACKMAN, OWENS, BROWN, GLADSTONE, HERMAN, VISOTCKY, CONTILLO, HOLLENBECK, KOZLOSKI, Assemblywoman TOTARO, Assemblymen RUANE, MACINNES, RYS, Assemblywoman CURRAN, Assemblymen SALKIND, BURSTEIN and Assemblywoman CROCE

Referred to Committee on Commerce, Industry and Professions

AN ACT establishing grounds for evicting tenants and lessees of certain residential property, amending N. J. S. 2A:18-53 and repealing section 1 of P. L. 1973, c. 153 (C. 46:8C-1).

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

1 1. N. J. S. 2A:18-53 is amended to read as follows:

2 2A:18-53. *Except for residential lessees and tenants included in*
3 *section 2 of this act, [Any] any lessee or tenant at will or at*
4 *sufferance, or for a part of a year, or for 1 or more years, of any*
5 *houses, buildings, lands or tenements, and the assigns, under-*
6 *tenants or legal representatives of such tenant or lessee, may be*
7 *removed from such premises by the county district court of the*
8 *county within which such premises are situated, in an action in the*
9 *following cases:*

10 a. Where such person holds over and continues in possession of
11 all or any part of the demised premises after the expiration of his
12 term, and after demand made and written notice given by the land-
13 lord or his agent, for delivery of possession thereof. The notice
14 shall be served either personally upon the tenant or such person in
15 possession by giving him a copy thereof or by leaving a copy of the
16 same at his usual place of abode with a member of his family above
17 the age of 14 years.

18 b. Where such person shall hold over after a default in the pay-
19 ment of rent, pursuant to the agreement under which the premises
20 are held.

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

21 c. Where such person (1) shall be so disorderly as to destroy the
22 peace and quiet of the landlord or the other tenants or occupants
23 living in said house or the neighborhood, or (2) shall willfully
24 destroy, damage or injure the premises, or (3) shall constantly
25 violate the landlord's rules and regulations governing said
26 premises, provided, such rules have been accepted in writing by the
27 tenant or are made a part of the lease; or (4) shall commit any
28 breach or violation of any of the covenants or agreements in the
29 nature thereof contained in the lease for the premises where a
30 right of re-entry is reserved in the lease for a violation of such
31 covenants or agreements, and shall hold over and continue in
32 possession of the demised premises or any part thereof, after the
33 landlord or his agent for that purpose has caused a written notice
34 of the termination of said tenancy to be served upon said tenant,
35 and a demand that said tenant remove from said premises within 3
36 days from the service of such notice. The notice shall specify the
37 cause of the termination of the tenancy, and shall be served either
38 personally upon the tenant or such person in possession by giving
39 him a copy thereof, or by leaving a copy thereof at his usual place
40 of abode with some member of his family above the age of 14 years.

1 2. No lessee or tenant or the assigns, undertenants or legal
2 representative of such lessee or tenant may be removed by the
3 county district court or the Superior Court from any house, build-
4 ing, mobile home or land in a mobile home park or tenement leased
5 for residential purposes, other than owner-occupied premises with
6 not more than two rental units **or a hotel, motel or other guest*
7 *house or part thereof rented to a transient guest or seasonal*
7A *tenant**, except upon establishment of one of the following grounds
7B as good cause:

8 a. The person fails to pay rent due and owing under the lease
9 whether the same be oral or written;

10 b. The person has continued to be, after written notice to cease,
11 so disorderly as to destroy the peace and quiet of the occupants or
12 other tenants living in said house or neighborhood;

13 c. The person has willfully or by reason of gross negligence
14 caused or allowed destruction, damage or injury to the premises;

15 d. The person has continued, after written notice to cease, to
16 substantially violate or breach any of the landlord's rules and
17 regulations governing said premises, provided such rules and
18 regulations are reasonable and have been accepted in writing by the
19 tenant or made a part of the lease;

20 e. The person has continued, after written notice to cease, to
 21 substantially violate or breach any of the covenants or agreements
 22 contained in the lease for the premises where a right of re-entry is
 23 reserved to the landlord in the lease for a violation of such covenant
 24 or agreement, provided that such covenant or agreement is reason-
 25 able;

26 f. The person has failed to pay rent after a valid notice to quit
 27 and notice of increase of said rent, provided the increase in rent is
 28 not unconscionable and complies with any and all other laws or
 29 municipal ordinances governing rent increases.

30 g. The landlord or owner seeks to permanently board up or
 31 demolish the premises because he has been cited by local or State
 32 housing inspectors for substantial violations affecting the health
 33 and safety of tenants and it is economically unfeasible for the owner
 34 to eliminate the violations. **In those cases where the tenant is being*
 34A *removed because of the existence of substantial violations of law*
 34B *affecting health and safety, no warrant for possession shall be*
 34C *issued until P. L. 1967, c. 79 (C. 52:31B-1 et seq.) has been complied*
 34D *with.**

35 h. The owner seeks to retire permanently the building or the
 36 mobile home park from the rental housing market.

37 ***i. The landlord or owner proposes, at the termination of a*
 38 *lease, reasonable changes of substance in the terms and conditions*
 39 *of the lease, including specifically any change in the term thereof,*
 40 *which the tenant, after written notice, refuses to accept.***

41 ****j. The person, after written notice to cease, has habitually*
 42 *failed to pay rent.****

1 3. No judgment of possession shall be entered for any premises
 2 covered by section 2 of this act, except in the nonpayment of rent
 3 under paragraphs a. or f. of section 2, unless the landlord has made
 4 written demand and given written notice for delivery of possession
 5 of the premises. The following notice shall be required:

6 a. For an action alleging disorderly conduct under paragraph b.
 7 of section 2, or injury to the premises under paragraph c. of section
 8 2, 3 days' notice prior to the institution of the action for possession;

9 b. For an action alleging continued violation of rules and regula-
 10 tions under paragraph d. of section 2, or substantial breach of
 11 covenant under paragraph e. of section 2, ****or habitual failure to*
 12 *pay rent,**** 1 month's notice prior to the institution of the action
 12A for possession;

13 c. For an action alleging boarding up because of health viola-
 14 tions under paragraph g. of section 2, 3 months' notice prior to the
 15 institution of the action;

16 d. For an action alleging permanent retirement under paragraph
 17 h. of section 2, 6 months' notice prior to the institution of the
 18 action, provided that, where there is a lease in effect for a period
 19 of 1 year or longer, no action may be instituted until the lease
 20 expires.

20A ***e. For an action alleging refusal of acceptance of reasonable*
 20B *lease changes under paragraph i. of section 2, 1 month's notice*
 20C *prior to the institution of action.***

21 The notice in each of the foregoing instances shall specify in
 22 detail the cause of the termination of the tenancy [and shall be
 23 served either personally upon the tenant or lessee or such person
 24 in possession by giving him a copy thereof, or by leaving a copy
 25 thereof at his usual place of abode with some member of his family
 26 above the age of 14 years, or by certified mail; if the certified letter
 27 is not claimed, notice shall be sent by regular mail] **and shall be*
 28 *served either personally upon the tenant or lessee or such person*
 29 *in possession by giving him a copy thereof, or by leaving a copy*
 30 *thereof at his usual place of abode with some member of his family*
 31 *above the age of 14 years, or by certified mail; if the certified letter*
 32 *is not claimed, notice shall be sent by regular mail*.*

1 4. No landlord may evict, ***[terminate]*** or fail to renew any
 2 lease of any premises covered by section 2 of this act except for
 3 good cause as defined in section 2.

1 5. Any provision in a lease whereby any tenant covered by sec-
 2 tion 2 of this act agrees that his tenancy may be terminated or not
 3 renewed ***[without a reason being given]*** for ***[any reason]***
 4 other than good cause as defined in section 2, or whereby the tenant
 5 waives any other rights under this act shall be deemed against
 6 public policy and unenforceable.

1 6. Section 1 of P. L. 1973, c. 153 (C. 46:8C-1) is repealed.

1 7. If any section, subsection, paragraph, sentence or other part
 2 of this act is adjudged unconstitutional or invalid, such judgment
 3 shall not affect, impair or invalidate the remainder of this act, but
 4 shall be confined in its effect to the section, subsection, paragraph,
 5 sentence or other part of this act directly involved in the contro-
 6 versy in which said judgment shall have been rendered.

1 8. This act shall take effect immediately.

2 any premises covered by section 2 of this act except for good cause
3 as defined in section 2.

1 5. Any provision in a lease whereby any tenant covered by sec-
2 tion 2 of this act agrees that his tenancy may be terminated or not
3 renewed without a reason being given or for any reason other than
4 good cause as defined in section 2, or whereby the tenant waives any
5 other rights under this act shall be deemed against public policy and
6 unenforceable.

1 6. Section 1 of P. L. 1973, c. 153 (C. 46:8C-1) is repealed.

1 7. If any section, subsection, paragraph, sentence or other part
2 of this act is adjudged unconstitutional or invalid, such judgment
3 shall not affect, impair or invalidate the remainder of this act, but
4 shall be confined in its effect to the section, subsection, paragraph,
5 sentence or other part of this act directly involved in the contro-
6 versy in which said judgment shall have been rendered.

1 8. This act shall take effect immediately.

STATEMENT

At present, there are no limitations imposed by statute upon the reasons a landlord may utilize to evict a tenant. As a result, residential tenants frequently have been unfairly and arbitrarily ousted from housing quarters in which they have been comfortable and where they have not caused any problems. This is a serious matter, particularly now that there is a critical shortage of rental housing space in New Jersey. This act shall limit the eviction of tenants by landlords to reasonable grounds and provide that suitable notice shall be given to tenants when an action for eviction is instituted by the landlord.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1586

STATE OF NEW JERSEY

ADOPTED APRIL 29, 1974

Amend page 2, section 2, line 6, after "units", insert "or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant".

Amend page 3, section 2, line 34, after "violations.", insert "In those cases where the tenant is being removed because of the existence of substantial violations of law affecting health and safety, no warrant for possession shall be issued until P. L. 1967, c. 79 (C. 52:31B-1 et seq.) has been complied with.".

Amend page 3, section 3, line 27, after "mail]", insert "and shall be served either personally upon the tenant or lessee or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years, or by certified mail; if the certified letter is not claimed, notice shall be sent by regular mail".

Amend page 3, section 4, line 1, omit "terminate".

Amend page 4, section 5, line 3, omit "without a reason being given or"; omit "any reason".

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 AMENDMENTS TO
ASSEMBLY, No. 1586
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 6, 1974

Amend page 3, section 2, after line 36, insert new paragraph i., as follows:

“i. The landlord or owner proposes, at the termination of a lease, reasonable changes of substance in the terms and conditions of the lease, including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept.”.

Amend page 3, section 3, after line 20, insert new paragraph e., as follows:

“e. For an action alleging refusal of acceptance of reasonable lease changes under paragraph i. of section 2, 1 month’s notice prior to the institution of action.”.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 1586
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 9, 1974

Amend page 3, section 2, after line 40, after "market.", insert a new paragraph:

"j. The person, after written notice to cease, has habitually failed to pay rent."

Amend page 3, section 3, line 11, after "section 2," and before "1 month's notice", insert "or habitual failure to pay rent,".

FROM THE OFFICE OF THE GOVERNOR

JUNE 25, 1974

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

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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