

2A: 18-57; 2A:42-10.17

LEGISLATIVE HISTORY CHECKLIST

HJSA 2A:18-57; 2A:42-10.17 (Landlord-Tenant--seasonal rentals--two day limit for stay of warrant for removal)

LAWS OF 1979 CHAPTER 392

Bill No. A3591

Sponsor(s) Dowd and others

Date Introduced August 23, 1979

Committee: Assembly -----

Senate County and Municipal Government

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly Aug. 23, 1979

Senate Jan. 3, 1980

Date of approval Feb. 6, 1980

Following statements are attached if available:

Sponsor statement	Yes	Yes (Below)
Committee Statement: Assembly	Yes	No
Senate	Yes	Yes
Fiscal Note	Yes	No
Veto message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

Sponsor's statement:

The purpose of this bill is to permit prompt recovery of premises rented for seasonal use by a landlord. As a result of the special nature of seasonal tenancy swift eviction is essential upon the finding of sufficient cause. Under this bill, the court would have no discretion to stay a warrant for removal beyond 2 days after entry of a judgement for possession of such property.

EV/1/78

DOWD AND OTHERS
SENATE COUNTY AND MUNICIPAL GOVERNMENT
JAN 3 1980

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 3591

STATE OF NEW JERSEY

INTRODUCED AUGUST 23, 1979

By Assemblymen DOWD, VILLANE, Assemblywoman MUHLER,
Assemblymen ORECHIO, CHINNICI, EDWARDS, VAN WAG-
NER, GORMLEY, HARDWICK, KERN, BARRY, REMINGTON,
Assemblywoman BURGIO, Assemblymen HURLEY, STEWART,
PATERO, FLYNN and DOYLE

(Without Reference)

AN ACT concerning issuance of warrants for removal in actions to
recover possession for premises rented for a seasonal term,
amending N. J. S. 2A:18-57 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. N. J. S. 2A:18-57 is amended to read as follows:

2 2A:18-57. If no sufficient cause is shown to the contrary when
3 the action comes on for trial, the court shall issue its warrant to
4 any officer of the court, commanding him to remove all persons
5 from the premises, and to put the claimant into full possession
6 thereof, and to levy and make the costs out of the goods and chat-
7 tels of the person in possession.

8 No warrant of removal shall issue until the expiration of 3 days
9 after entry of judgment for possession, *except as provided for in*
10 *chapter 42 of this Title.*

1 2. (New section) The provisions of any other law to the con-
2 trary notwithstanding, in any action ***[**other than an action for
3 failure to pay rent**]*** **alleging habitual violation of section 2b. of*
4 *P. L. 1974, c. 49 (C. 2A:18-61.1b.), or violation of section 2c. of*
5 *P. L. 1974, c. 49 (C. 2A:18-61.1c.)**, brought by a landlord against a
6 tenant to recover possession of any ***[**premises or unit leased for
7 seasonal use,**]*** **furnished unit leased or rented for seasonal use*
8 *in any premises of five or fewer units,** the court having jurisdiction
9 shall issue a warrant for removal within 2 days from judgment for
10 possession. Such a warrant for removal may be stayed only upon

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

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3591

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 1979

Assembly Bill No. 3591 would permit prompt recovery of premises rented for seasonal use by a landlord. As a result of the special nature of seasonal tenancy swift eviction is essential upon the finding of sufficient cause. Under this bill, the court would have no discretion to stay a warrant for removal beyond 2 days after entry of a judgment for possession on such property.

The Senate committee amendments, endorsed by the sponsor, would:

1. Specify and narrow the types of actions brought against seasonal tenants which would be subject to the eviction procedures of the bill;

2. Provide that the bill's provisions shall not apply to living quarters of migrant farm workers;

3. Provide that the bill's provisions shall apply only to furnished units in premises of 5 or fewer units;

4. More fully define "seasonal use" to mean use for a term of not more than 125 consecutive days for residential purposes by persons having a permanent residence elsewhere; thereby, more effectively limiting the bill's provisions to seasonal occupancies; and,

5. Provide that the burden of proof that a residential use is "seasonal" in nature shall rest with the landlord.

The Senate committee understands that the bill would not affect the discretion of a court with respect to entry of a judgment or to reopening a judgment. A court could still reopen a judgment, and thereby withdraw a warrant from the judgment previously entered, if it finds cause. The provisions of the bill have application only with respect to a court's discretion to stay a warrant.

The bill is intended to be construed narrowly so as not to affect the rights of all other tenants.