

2A:18-61.1

LEGISLATIVE HISTORY CHECKLIST
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(Tenants - Eviction)

NJSA: 2A:18-61.1

LAWS OF: 1996 CHAPTER: 131

BILL NO: A737

SPONSOR(S): Cafiero and Bubba

DATE INTRODUCED: February 15, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: October 21, 1996

SENATE: June 27, 1996

DATE OF APPROVAL: December 5, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement,
with floor amendments,
adopted 9-26-96

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]
SENATE, No. 737

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators CAFIERO and BUBBA

1 AN ACT concerning the eviction of residential tenants and amending
2 P.L.1974, c.49.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to read
8 as follows:

9 ¹**[2A:18-61.1. Grounds for removal of tenants]**¹

10 2. No lessee or tenant or the assigns, under-tenants or legal
11 representatives of such lessee or tenant may be removed by the
12 Superior Court from any house, building, mobile home or land in a
13 mobile home park or tenement leased for residential purposes, other
14 than (1) owner-occupied premises with not more than two rental units
15 or a hotel, motel or other guest house or part thereof rented to a
16 transient guest or seasonal tenant; (2) a dwelling unit which is held in
17 trust on behalf of a member of the immediate family of the person or
18 persons establishing the trust, provided that the member of the
19 immediate family on whose behalf the trust is established permanently
20 occupies the unit; and (3) a dwelling unit which is permanently
21 occupied by a member of the immediate family of the owner of that
22 unit, provided, however, that exception (2) or (3) shall apply only in
23 cases in which the member of the immediate family has a
24 developmental disability, except upon establishment of one of the
25 following grounds as good cause:

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

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

31 c. The person has willfully or by reason of gross negligence

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals had been adopted as follows:

¹Assembly floor amendments adopted September 26, 1996

1 caused or allowed destruction, damage or injury to the premises.

2 d. The person has continued, after written notice to cease, to
3 substantially violate or breach any of the landlord's rules and
4 regulations governing said premises, provided such rules and
5 regulations are reasonable and have been accepted in writing by the
6 tenant or made a part of the lease at the beginning of the lease term.

7 e. The person has continued, after written notice to cease, to
8 substantially violate or breach any of the covenants or agreements
9 contained in the lease for the premises where a right of reentry is
10 reserved to the landlord in the lease for a violation of such covenant
11 or agreement, provided that such covenant or agreement is reasonable
12 and was contained in the lease at the beginning of the lease term.

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

17 g. The landlord or owner (1) seeks to permanently board up or
18 demolish the premises because he has been cited by local or State
19 housing inspectors for substantial violations affecting the health and
20 safety of tenants and it is economically unfeasible for the owner to
21 eliminate the violations; (2) seeks to comply with local or State
22 housing inspectors who have cited him for substantial violations
23 affecting the health and safety of tenants and it is unfeasible to so
24 comply without removing the tenant; simultaneously with service of
25 notice of eviction pursuant to this clause, the landlord shall notify the
26 Department of Community Affairs of the intention to institute
27 proceedings and shall provide the department with such other
28 information as it may require pursuant to rules and regulations. The
29 department shall inform all parties and the court of its view with
30 respect to the feasibility of compliance without removal of the tenant
31 and may in its discretion appear and present evidence; (3) seeks to
32 correct an illegal occupancy because he has been cited by local or
33 State housing inspectors or zoning officers and it is unfeasible to
34 correct such illegal occupancy without removing the tenant; or (4) is
35 a governmental agency which seeks to permanently retire the premises
36 from the rental market pursuant to a redevelopment or land clearance
37 plan in a blighted area. In those cases where the tenant is being
38 removed for any reason specified in this subsection, no warrant for
39 possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et seq.)
40 and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied with.

41 h. The owner seeks to retire permanently the residential building
42 or the mobile home park from residential use or use as a mobile home
43 park, provided this subsection shall not apply to circumstances
44 covered under subsection g. of this section.

45 i. The landlord or owner proposes, at the termination of a lease,
46 reasonable changes of substance in the terms and conditions of the

1 lease, including specifically any change in the term thereof, which the
2 tenant, after written notice, refuses to accept; provided that in cases
3 where a tenant has received a notice of termination pursuant to
4 subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-61.2), or has a
5 protected tenancy status pursuant to section 9 of the "Senior Citizens
6 and Disabled Protected Tenancy Act," P.L.1981, c.226
7 (C.2A:18-61.30), or pursuant to the "Tenant Protection Act of 1992,"
8 P.L.1991, c.509 (C.2A:18-61.40 et al.), the landlord or owner shall
9 have the burden of proving that any change in the terms and conditions
10 of the lease, rental or regulations both is reasonable and does not
11 substantially reduce the rights and privileges to which the tenant was
12 entitled prior to the conversion.

13 j. The person, after written notice to cease, has habitually and
14 without legal justification failed to pay rent which is due and owing.

15 k. The landlord or owner of the building or mobile home park is
16 converting from the rental market to a condominium, cooperative or
17 fee simple ownership of two or more dwelling units or park sites,
18 except as hereinafter provided in subsection l. of this section. Where
19 the tenant is being removed pursuant to this subsection, no warrant for
20 possession shall be issued until this act has been complied with. No
21 action for possession shall be brought pursuant to this subsection
22 against a senior citizen tenant or disabled tenant with protected
23 tenancy status pursuant to the "Senior Citizens and Disabled Protected
24 Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), or against a
25 qualified tenant under the "Tenant Protection Act of 1992," P.L.1991,
26 c.509 (C.2A:18-61.40 et al.), as long as the agency has not terminated
27 the protected tenancy status or the protected tenancy period has not
28 expired.

29 l. (1) The owner of a building or mobile home park, which is
30 constructed as or being converted to a condominium, cooperative or
31 fee simple ownership, seeks to evict a tenant or sublessee whose initial
32 tenancy began after the master deed, agreement establishing the
33 cooperative or subdivision plat was recorded, because the owner has
34 contracted to sell the unit to a buyer who seeks to personally occupy
35 it and the contract for sale calls for the unit to be vacant at the time of
36 closing. However, no action shall be brought against a tenant under
37 paragraph (1) of this subsection unless the tenant was given a
38 statement in accordance with section 6 of P.L.1975, c.311
39 (C.2A:18-61.9);

40 (2) The owner of three or less condominium or cooperative units
41 seeks to evict a tenant whose initial tenancy began by rental from an
42 owner of three or less units after the master deed or agreement
43 establishing the cooperative was recorded, because the owner seeks to
44 personally occupy the unit, or has contracted to sell the unit to a buyer
45 who seeks to personally occupy it and the contract for sale calls for
46 the unit to be vacant at the time of closing;

1 (3) The owner of a building of three residential units or less seeks
2 to personally occupy a unit, or has contracted to sell the residential
3 unit to a buyer who wishes to personally occupy it and the contract for
4 sale calls for the unit to be vacant at the time of closing.

5 m. The landlord or owner conditioned the tenancy upon and in
6 consideration for the tenant's employment by the landlord or owner as
7 superintendent, janitor or in some other capacity and such employment
8 is being terminated.

9 n. The person has been convicted of or pleaded guilty to, or if a
10 juvenile, has been adjudicated delinquent on the basis of an act which
11 if committed by an adult would constitute an offense under the
12 "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al.
13 involving the use, possession, manufacture, dispensing or distribution
14 of a controlled dangerous substance, controlled dangerous substance
15 analog or drug paraphernalia within the meaning of that act within or
16 upon the leased premises or the building or complex of buildings and
17 land appurtenant thereto, or the mobile home park, in which those
18 premises are located, and has not in connection with his sentence for
19 that offense either (1) successfully completed or (2) been admitted to
20 and continued upon probation while completing, a drug rehabilitation
21 program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of
22 such leased premises, knowingly harbors or harbored therein a person
23 who has been so convicted or has so pleaded, or otherwise permits or
24 permitted such a person to occupy those premises for residential
25 purposes, whether continuously or intermittently, except that this
26 subsection shall not apply to a person harboring or permitting a
27 juvenile to occupy the premises if the juvenile has been adjudicated
28 delinquent upon the basis of an act which if committed by an adult
29 would constitute the offense of use or possession under the said act.
30 No action for removal may be brought pursuant to this subsection
31 more than two years after the date of the adjudication or conviction or
32 more than two years after the person's release from incarceration
33 whichever is the later.

34 o. The person has been convicted of or pleaded guilty to, or if a
35 juvenile, has been adjudicated delinquent on the basis of an act which
36 if committed by an adult would constitute an offense under
37 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic threats
38 against the landlord, a member of the landlord's family or an employee
39 of the landlord; or, being the tenant or lessee of such leased premises,
40 knowingly harbors or harbored therein a person who has been so
41 convicted or has so pleaded, or otherwise permits or permitted such
42 a person to occupy those premises for residential purposes, whether
43 continuously or intermittently. No action for removal may be brought
44 pursuant to this subsection more than two years after the adjudication
45 or conviction or more than two years after the person's release from
46 incarceration whichever is the later.

1 p. The person has been found, by a preponderance of the evidence,
2 liable in a civil action for removal commenced under this act for an
3 offense under N.J.S.2C:20-1 et al. involving theft of property¹ located
4 on the leased premises¹ from the landlord, the leased premises or other
5 tenants residing in the leased premises, or N.J.S.2C:12-1 or
6 N.J.S.2C:12-3 involving assault or terroristic threats against the
7 landlord, a member of the landlord's family or an employee of the
8 landlord, or under the "Comprehensive Drug Reform Act of 1987,"
9 N.J.S.2C:35-1 et al., involving the use, possession, manufacture,
10 dispensing or distribution of a controlled dangerous substance,
11 controlled dangerous substance analog or drug paraphernalia within
12 the meaning of that act within or upon the leased premises or the
13 building or complex of buildings and land appurtenant thereto, or the
14 mobile home park, in which those premises are located, and has not in
15 connection with his sentence for that offense either (1) successfully
16 completed or (2) been admitted to and continued upon probation while
17 completing a drug rehabilitation program pursuant to N.J.S.2C:35-14;
18 or, being the tenant or lessee of such leased premises, knowingly
19 harbors or harbored therein a person who committed such an offense,
20 or otherwise permits or permitted such a person to occupy those
21 premises for residential purposes, whether continuously or
22 intermittently, except that this subsection shall not apply to a person
23 who harbors or permits a juvenile to occupy the premises if the
24 juvenile has been adjudicated delinquent upon the basis of an act which
25 if committed by an adult would constitute the offense of use or
26 possession under the said "Comprehensive Drug Reform Act of 1987."

27 q. The person has been convicted of or pleaded guilty to, or if a
28 juvenile, has been adjudicated delinquent on the basis of an act which
29 if committed by an adult would constitute an offense under
30 N.J.S.2C:20-1 et al. involving theft of property from the landlord, the
31 leased premises or other tenants residing in the same building or
32 complex; or, being the tenant or lessee of such leased premises,
33 knowingly harbors therein a person who has been so convicted or has
34 so pleaded, or otherwise permits such a person to occupy those
35 premises for residential purposes, whether continuously or
36 intermittently.

37 For purposes of this section, (1) "developmental disability" means
38 any disability which is defined as such pursuant to section 3 of
39 P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate family"
40 means a person's spouse, parent, child or sibling, or a spouse, parent,
41 child or sibling of any of them; and (3) "permanently" occupies or
42 occupied means that the occupant maintains no other domicile at
43 which the occupant votes, pays rent or property taxes or at which rent
44 or property taxes are paid on the occupant's behalf.
45 (cf: P.L.1995, c.269, s.1)

1 2. This act shall take effect immediately.

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6 Permits eviction of residential tenant guilty of theft of property from

7 leased premises.

STATEMENT

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3 This bill augments the grounds for the eviction of a residential
4 tenant. Currently, a tenant may be removed for the damage or
5 destruction of the landlord's property, but theft of the landlord's
6 property without actual damage to the premises is not a ground for
7 removal. This bill authorizes the eviction of a tenant when convicted
8 of or found liable in a civil action for theft of property from a landlord,
9 the leased premises or other tenants residing in the same building or
10 complex. This bill is intended to further protect the safety and welfare
11 of the landlord and other tenants.

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16 Permits eviction of residential tenant guilty of theft of property from
17 leased premises.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 737

STATE OF NEW JERSEY

DATED: MAY 2, 1996

The Senate Community Affairs Committee reports favorably Senate Bill No. 737.

This bill would add additional grounds as causes for the eviction of a residential tenant. This bill would authorize the eviction of a tenant when the tenant is adjudged to have committed theft of property from a landlord, from the leased premises, or from other tenants residing in the same building or complex. Currently, a tenant may be removed for the damage or destruction of his landlord's property, but theft of his landlord's property without actual damage to the premises is not a ground for removal.

STATEMENT TO

SENATE, No. 737

with Assembly Floor Amendments
(Proposed By Assemblyman GIBSON)

ADOPTED: SEPTEMBER 26, 1996

These amendments clarify that the provision being added to the anti-eviction law which permits the eviction of a person who has been found guilty of theft in a civil action will only pertain, in the case of a landlord's property, to property of the landlord's which is located on the leased premises. The amendments also correct a technical error in the bill. These amendments make the bill identical to Assembly Bill No. 165 of 1996.