

2A:18-61.1

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Landlords--zoning--relocation)

NJSA: 2A:18-61.1

LAWS OF: 1993 **CHAPTER:** 342

BILL NO: A1891/A2267

SPONSOR(S) Bagger

DATE INTRODUCED: October 8, 1992

COMMITTEE: **ASSEMBLY:** Housing
SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
Assembly Committee denoted by superscript numbers
Substitute 2R enacted

DATE OF PASSAGE: **ASSEMBLY:** May 20, 1993
SENATE: June 28, 1993

DATE OF APPROVAL: December 27, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[SECOND REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1891 and 2267

STATE OF NEW JERSEY

ADOPTED MARCH 4, 1993

Sponsored by Assemblymen BAGGER, DiGAETANO, KELLY,
AUGUSTINE, Sosa, Gaffney and Green

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

3

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

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

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

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

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

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

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

38 e. The person has continued, after written notice to cease, to
39 substantially violate or breach any of the covenants or
40 agreements contained in the lease for the premises where a right
41 of reentry is reserved to the landlord in the lease for a violation
42 of such covenant or agreement, provided that such covenant or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted May 6, 1993.

² Senate SCO committee amendments adopted June 24, 1993.

1 agreement is reasonable and was contained in the lease at the
2 beginning of the lease term.

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

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

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

37 i. The landlord or owner proposes, at the termination of a
38 lease, reasonable changes of substance in the terms and
39 conditions of the lease, including specifically any change in the
40 term thereof, which the tenant, after written notice, refuses to
41 accept; provided that in cases where a tenant has received a
42 notice of termination pursuant to subsection g. of section 3 of
43 P.L.1974, c.49 (C.2A:18-61.2), or has a protected tenancy status
44 pursuant to section 9 of the "Senior Citizens and Disabled
45 Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.),
46 or pursuant to the "Tenant Protection Act of 1992," P.L.1991,
47 c.509 (C.2A:18-61.40 et al.), the landlord or owner shall have the
48 burden of proving that any change in the terms and conditions of
49 the lease, rental or regulations both is reasonable and does not
50 substantially reduce the rights and privileges to which the tenant
51 was entitled prior to the conversion.

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

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

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

27 (2) The owner of three or less condominium or cooperative
28 units seeks to evict a tenant whose initial tenancy began by
29 rental from an owner of three or less units after the master deed
30 or agreement establishing the cooperative was recorded, because
31 the owner seeks to personally occupy the unit, or has contracted
32 to sell the unit to a buyer who seeks to personally occupy it and
33 the contract for sale calls for the unit to be vacant at the time of
34 closing;

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

40 m. The landlord or owner conditioned the tenancy upon and in
41 consideration for the tenant's employment by the landlord or
42 owner as superintendent, janitor or in some other capacity and
43 such employment is being terminated.

44 n. The person has been convicted of or pleaded guilty to, or if
45 a juvenile, has been adjudicated delinquent on the basis of an act
46 which if committed by an adult would constitute an offense under
47 the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et
48 al. involving the use, possession, manufacture, dispensing or
49 distribution of a controlled dangerous substance, controlled
50 dangerous substance analog or drug paraphernalia within the
51 meaning of that act within or upon the leased premises or the
52 building or complex of buildings and land appurtenant thereto, or
53 the mobile home park, in which those premises are located, and
54 has not in connection with his sentence for that offense either (1)

1 successfully completed or (2) been admitted to and continued
2 upon probation while completing, a drug rehabilitation program
3 pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such
4 leased premises, knowingly harbors therein a person who has been
5 so convicted or has so pleaded, or otherwise permits such a
6 person to occupy those premises for residential purposes, whether
7 continuously or intermittently, except that this subsection shall
8 not apply to a person who harbors or permits a juvenile to occupy
9 the premises if the juvenile has been adjudicated delinquent upon
10 the basis of an act which if committed by an adult would
11 constitute the offense of use or possession under the said act.

12 o. The person has been convicted of or pleaded guilty to, or if
13 a juvenile, has been adjudicated delinquent on the basis of an act
14 which if committed by an adult would constitute an offense under
15 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic
16 threats against the landlord, a member of the landlord's family
17 or an employee of the landlord; or, being the tenant or lessee of
18 such leased premises, knowingly harbors therein a person who has
19 been so convicted or has so pleaded, or otherwise permits such a
20 person to occupy those premises for residential purposes, whether
21 continuously or intermittently.

22 p. The person has been found, by a preponderance of the
23 evidence, liable in a civil action for removal commenced under
24 this act for an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3
25 involving assault or terroristic threats against the landlord, a
26 member of the landlord's family or an employee of the landlord,
27 or under the "Comprehensive Drug Reform Act of 1987,"
28 N.J.S.2C:35-1 et al., involving the use, possession, manufacture,
29 dispensing or distribution of a controlled dangerous substance,
30 controlled dangerous substance analog or drug paraphernalia
31 within the meaning of that act within or upon the leased premises
32 or the building or complex of buildings and land appurtenant
33 thereto, or the mobile home park, in which those premises are
34 located, and has not in connection with his sentence for that
35 offense either (1) successfully completed or (2) been admitted to
36 and continued upon probation while completing a drug
37 rehabilitation program pursuant to N.J.S.2C:35-14; or, being the
38 tenant or lessee of such leased premises, knowingly harbors
39 therein a person who committed such an offense, or otherwise
40 permits such a person to occupy those premises for residential
41 purposes, whether continuously or intermittently, except that this
42 subsection shall not apply to a person who harbors or permits a
43 juvenile to occupy the premises if the juvenile has been
44 adjudicated delinquent upon the basis of an act which if
45 committed by an adult would constitute the offense of use or
46 possession under the said "Comprehensive Drug Reform Act of
47 1987."

48 For purposes of this section, (1) "developmental disability"
49 means any disability which is defined as such pursuant to section
50 3 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate
51 family" means a person's spouse, parent, child or sibling, or a
52 spouse, parent, child or sibling of any of them; and (3)
53 "permanently" occupies or occupied means that the occupant
54 maintains no other domicile at which the occupant votes, pays

1 rent or property taxes or at which rent or property taxes are paid
2 on the occupant's behalf.

3 (cf: P.L.1991, c.509, s.19)

4 2. Section 4 of P.L.1974, c.49 (C.2A:18-61.3) is amended to
5 read as follows:

6 4. a. No landlord may evict or fail to renew any lease of any
7 premises covered by section 2 of this act except for good cause
8 as defined in section 2.

9 b. A person who was a tenant of a landlord in premises covered
10 by section 2 of P.L.1974, c.49 (C.2A:18-61.1) may not be removed
11 by any order or judgment for possession from the premises by the
12 owner's or landlord's successor in ownership or possession except:

13 (1) For good cause in accordance with the requirements which
14 apply to premises covered pursuant to P.L.1974, c.49
15 (C.2A:18-61.1 et seq.); or

16 (2) For proceedings in premises where federal law supersedes
17 applicable State law governing removal of occupants; or

18 (3) For proceedings where removal of occupants is sought by
19 an authorized State or local agency pursuant to eminent domain
20 or code or zoning enforcement laws and which comply with
21 applicable relocation laws pursuant to the "Relocation Assistance
22 Law of 1967," P.L.1967, c.79 (C.52:31B-1 et seq.), [and] the
23 "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.)
24 or section 3 of P.L. , c. (C.) (now pending before the
25 Legislature as this bill).

26 Where the owner's or landlord's successor in ownership or
27 possession is not bound by the lease entered into with the former
28 tenant and may offer a different lease to the former tenant,
29 nothing in [this 1986 amendatory and supplementary act]
30 P.L.1986, c.138 shall limit that right.

31 (cf: P.L.1986, c.138, s.7)

32 3. (New section) a. A municipality may enact an ordinance
33 providing that any tenant who receives a notice of eviction
34 pursuant to section 3 of P.L.1974, c.49 (C.2A:18-61.2) that
35 results from zoning or code enforcement activity for an illegal
36 occupancy, as set forth in ¹paragraph (3) of¹ subsection g. ¹[(3)]¹
37 of section 2 of P.L.1974, c.49 (C.2A:18-61.1), shall be considered
38 a displaced person and shall be entitled to relocation assistance in
39 an amount equal to six times the monthly rental paid by the
40 displaced person. The owner of the structure shall be liable for
41 the payment of relocation assistance pursuant to this section.

42 b. A municipality that has enacted an ordinance pursuant to
43 subsection a. of this section may pay relocation assistance to any
44 displaced person who has not received the required payment from
45 the owner of the structure at the time of eviction pursuant to
46 subsection a. of this section¹[,]¹ from a revolving relocation
47 assistance fund established pursuant to section 2 of P.L.1987,
48 c.98 (C.20:4-4.1a). All relocation assistance costs incurred by a
49 municipality pursuant to this subsection shall be repaid by the
50 owner of the structure to the municipality in the same manner as
51 relocation costs are billed and collected under section 1 of
52 P.L.1983, c.536 (C.20:4-4.1) and section 1 of P.L.1984, c.30
53 (C.20:4-4.2). These repayments shall be deposited into the
54 municipality's revolving relocation assistance fund.

1 1c. A municipality that has enacted an ordinance pursuant to
2 subsection a. of this section, in addition to requiring
3 reimbursement from the owner of the structure for relocation
4 assistance paid to a displaced tenant, may require that an
5 additional fine for zoning or housing code violation for an illegal
6 occupancy, up to an amount equal to six times the monthly rental
7 paid by the displaced person, be paid to the municipality by the
8 owner of the structure.¹

9 2d. For the purposes of this section, the owner of a structure
10 shall exclude mortgagees in possession of a structure through
11 foreclosure.²

12 14. (New section) a. If a residential tenant is displaced
13 because of an illegal occupancy in a residential rental premises
14 pursuant to paragraph (3) of subsection g. of section 2 of
15 P.L.1974, c.49 (C.2A:18-61.1) and the municipality in which the
16 rental premises is located has not enacted an ordinance pursuant
17 to section 3 of P.L. ... c. ... (C.)(now pending before the
18 Legislature as this bill), the displaced residential tenant shall be
19 entitled to reimbursement for relocation expenses from the
20 owner in an amount equal to six times the monthly rental paid by
21 the displaced person.

22 b. Payment by the owner shall be due five days prior to the
23 removal of the displaced tenant. If payment is not made within
24 this time, interest shall accrue and be due to the displaced
25 residential tenant on the unpaid balance at the rate of 18% per
26 annum until the amount due and all interest accumulated thereon
27 shall be paid in full.

28 c. If reimbursement for which an owner is liable is not paid in
29 full within 30 days of removal of the tenant, the unpaid balance
30 thereof and all interest accruing thereon and, in addition thereto,
31 an amount equal to six times the monthly rental paid by the
32 displaced tenant shall be a lien upon the parcel of property on
33 which the dwelling of the displaced residential tenant was
34 located, for the benefit of that tenant. To perfect the lien, a
35 statement showing the amount and due date of the unpaid balance
36 and identifying the parcel shall be recorded with the county clerk
37 or registrar of deeds and mortgages of the county in which the
38 affected property is located, and upon recording, the lien shall
39 have the priority of a mortgage lien. Identification of the parcel
40 by reference to its designation on the tax map of the municipality
41 shall be sufficient for purposes of recording. Whenever the
42 unpaid balance and all interest accrued thereon has been fully
43 paid, the displaced residential tenant shall promptly withdraw or
44 cancel the statement, in writing, at the place of recording.

45 d. This section shall not authorize the enforcement of a lien
46 for actual reasonable moving expenses with respect to any real
47 property the title to which has been acquired by a municipality
48 and which has been transferred pursuant to a rehabilitation
49 agreement.¹

50 2e. For the purposes of this section, the owner of a structure
51 shall exclude mortgagees in possession of a structure through
52 foreclosure.²

53 1[4.] 5.¹ This act shall take effect immediately.

1

2

3 Establishes zoning enforcement activity as grounds for eviction,
4 requires relocation assistance to displaced tenants, and imposes
5 certain penalties upon landlords.

ASSEMBLY, No. 1891

STATE OF NEW JERSEY

INTRODUCED OCTOBER 8, 1992

By Assemblyman BAGGER

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

3

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

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

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

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

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

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

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

38 e. The person has continued, after written notice to cease, to
39 substantially violate or breach any of the covenants or
40 agreements contained in the lease for the premises where a right
41 of reentry is reserved to the landlord in the lease for a violation
42 of such covenant or agreement, provided that such covenant or
43 agreement is reasonable and was contained in the lease at the
44 beginning of the lease term.

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

Matter underlined thus is new matter.

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

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

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

35 i. The landlord or owner proposes, at the termination of a
36 lease, reasonable changes of substance in the terms and
37 conditions of the lease, including specifically any change in the
38 term thereof, which the tenant, after written notice, refuses to
39 accept; provided that in cases where a tenant has received a
40 notice of termination pursuant to subsection g. of section 3 of
41 P.L.1974, c.49 (C.2A:18-61.2), or has a protected tenancy status
42 pursuant to section 9 of the "Senior Citizens and Disabled
43 Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.),
44 or pursuant to the "Tenant Protection Act of 1992," P.L.1991,
45 c.509 (C.2A:18-61.40 et al.), the landlord or owner shall have the
46 burden of proving that any change in the terms and conditions of
47 the lease, rental or regulations both is reasonable and does not
48 substantially reduce the rights and privileges to which the tenant
49 was entitled prior to the conversion.

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

53 k. The landlord or owner of the building or mobile home park is
54 converting from the rental market to a condominium, cooperative

1 or fee simple ownership of two or more dwelling units or park
2 sites, except as hereinafter provided in subsection l. of this
3 section. Where the tenant is being removed pursuant to this
4 subsection, no warrant for possession shall be issued until this act
5 has been complied with. No action for possession shall be brought
6 pursuant to this subsection against a senior citizen tenant or
7 disabled tenant with protected tenancy status pursuant to the
8 "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981,
9 c.226 (C.2A:18-61.22 et al.), or against a qualified tenant under
10 the "Tenant Protection Act of 1992," P.L.1991, c.509
11 (C.2A:18-61.40 et al.), as long as the agency has not terminated
12 the protected tenancy status or the protected tenancy period has
13 not expired.

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

25 (2) The owner of three or less condominium or cooperative
26 units seeks to evict a tenant whose initial tenancy began by
27 rental from an owner of three or less units after the master deed
28 or agreement establishing the cooperative was recorded, because
29 the owner seeks to personally occupy the unit, or has contracted
30 to sell the unit to a buyer who seeks to personally occupy it and
31 the contract for sale calls for the unit to be vacant at the time of
32 closing;

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

38 m. The landlord or owner conditioned the tenancy upon and in
39 consideration for the tenant's employment by the landlord or
40 owner as superintendent, janitor or in some other capacity and
41 such employment is being terminated.

42 n. The person has been convicted of or pleaded guilty to, or if
43 a juvenile, has been adjudicated delinquent on the basis of an act
44 which if committed by an adult would constitute an offense under
45 the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et
46 al. involving the use, possession, manufacture, dispensing or
47 distribution of a controlled dangerous substance, controlled
48 dangerous substance analog or drug paraphernalia within the
49 meaning of that act within or upon the leased premises or the
50 building or complex of buildings and land appurtenant thereto, or
51 the mobile home park, in which those premises are located, and
52 has not in connection with his sentence for that offense either (1)
53 successfully completed or (2) been admitted to and continued
54 upon probation while completing, a drug rehabilitation program

1 pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such
2 leased premises, knowingly harbors therein a person who has been
3 so convicted or has so pleaded, or otherwise permits such a
4 person to occupy those premises for residential purposes, whether
5 continuously or intermittently, except that this subsection shall
6 not apply to a person who harbors or permits a juvenile to occupy
7 the premises if the juvenile has been adjudicated delinquent upon
8 the basis of an act which if committed by an adult would
9 constitute the offense of use or possession under the said act.

10 o. The person has been convicted of or pleaded guilty to, or if
11 a juvenile, has been adjudicated delinquent on the basis of an act
12 which if committed by an adult would constitute an offense under
13 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic
14 threats against the landlord, a member of the landlord's family
15 or an employee of the landlord; or, being the tenant or lessee of
16 such leased premises, knowingly harbors therein a person who has
17 been so convicted or has so pleaded, or otherwise permits such a
18 person to occupy those premises for residential purposes, whether
19 continuously or intermittently.

20 p. The person has been found, by a preponderance of the
21 evidence, liable in a civil action for removal commenced under
22 this act for an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3
23 involving assault or terroristic threats against the landlord, a
24 member of the landlord's family or an employee of the landlord,
25 or under the "Comprehensive Drug Reform Act of 1987,"
26 N.J.S.2C:35-1 et al., involving the use, possession, manufacture,
27 dispensing or distribution of a controlled dangerous substance,
28 controlled dangerous substance analog or drug paraphernalia
29 within the meaning of that act within or upon the leased premises
30 or the building or complex of buildings and land appurtenant
31 thereto, or the mobile home park, in which those premises are
32 located, and has not in connection with his sentence for that
33 offense either (1) successfully completed or (2) been admitted to
34 and continued upon probation while completing a drug
35 rehabilitation program pursuant to N.J.S.2C:35-14; or, being the
36 tenant or lessee of such leased premises, knowingly harbors
37 therein a person who committed such an offense, or otherwise
38 permits such a person to occupy those premises for residential
39 purposes, whether continuously or intermittently, except that this
40 subsection shall not apply to a person who harbors or permits a
41 juvenile to occupy the premises if the juvenile has been
42 adjudicated delinquent upon the basis of an act which if
43 committed by an adult would constitute the offense of use or
44 possession under the said "Comprehensive Drug Reform Act of
45 1987."

46 For purposes of this section, (1) "developmental disability"
47 means any disability which is defined as such pursuant to section
48 3 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate
49 family" means a person's spouse, parent, child or sibling, or a
50 spouse, parent, child or sibling of any of them; and (3)
51 "permanently" occupies or occupied means that the occupant
52 maintains no other domicile at which the occupant votes, pays
53 rent or property taxes or at which rent or property taxes are paid
54 on the occupant's behalf.

55 (cf: P.L.1991, c.509, s.19)

1 2. Section 4 of P.L.1974, c.49 (C.2A:18-61.3) is amended to
2 read as follows:

3 4. a. No landlord may evict or fail to renew any lease of any
4 premises covered by section 2 of this act except for good cause
5 as defined in section 2.

6 b. A person who was a tenant of a landlord in premises covered
7 by section 2 of P.L.1974, c.49 (C.2A:18-61.1) may not be removed
8 by any order or judgment for possession from the premises by the
9 owner's or landlord's successor in ownership or possession except:

10 (1) For good cause in accordance with the requirements which
11 apply to premises covered pursuant to P.L.1974, c.49
12 (C.2A:18-61.1 et seq.); or

13 (2) For proceedings in premises where federal law supersedes
14 applicable State law governing removal of occupants; or

15 (3) For proceedings where removal of occupants is sought by
16 an authorized State or local agency pursuant to eminent domain
17 or code, zoning or housing enforcement laws and which comply
18 with applicable relocation laws pursuant to the "Relocation
19 Assistance Law of 1967," P.L.1967, c.79 (C.52:31B-1 et seq.),
20 [and] the "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1
21 et seq.) or section 3 of P.L. , c. (C.) (pending before
22 the Legislature as this bill).

23 Where the owner's or landlord's successor in ownership or
24 possession is not bound by the lease entered into with the former
25 tenant and may offer a different lease to the former tenant,
26 nothing in this [1986 amendatory and supplementary] act shall
27 limit that right.

28 (cf: P.L.1986, c.138, s.7)

29 3. (New section) a. A municipality may enact an ordinance
30 providing that any tenant who receives a notice of eviction
31 pursuant to section 3 of P.L.1974, c.49 (C.2A:18-61.2) that
32 results from housing, zoning or code enforcement activity for an
33 illegal occupancy, as set forth in subsection g.(3) of section 2 of
34 P.L.1974, c.49 (C.2A:18-61.1), shall be considered a displaced
35 person and shall be entitled to relocation assistance in an amount
36 equal to six times the monthly rental paid by the displaced
37 person. The relocation assistance shall be paid by the owner of
38 the structure or by the rental agent to each displaced person at
39 the time of eviction. The owner of the structure and the rental
40 agent shall be jointly and severally liable for the payment of
41 relocation assistance pursuant to this section.

42 b. A municipality that has enacted an ordinance pursuant to
43 subsection a. of this section may pay relocation assistance to any
44 displaced person who has not received the required payment from
45 the owner of the structure or the rental agent at the time of
46 eviction pursuant to subsection a. of this section, from a
47 revolving relocation assistance fund established pursuant to
48 section 2 of P.L.1987, c.98 (C.20:4-4.1a). All relocation
49 assistance costs incurred by a municipality pursuant to this
50 subsection shall be repaid by the owner of the structure and the
51 rental agent, jointly and severally, to the municipality in the
52 same manner as relocation costs are billed and collected under
53 section 1 of P.L.1983, c 536 (C.20:4-4.1) and section 1 of
54 P.L.1984, c 30 (C.20:4-4.2). These repayments shall be deposited

1 into the municipality's revolving relocation assistance fund.
2 4. This act shall take effect immediately.

3

4

5

Sponsor's STATEMENT

6

7 This bill amends sections 2 and 4 of P.L.1974, c.49
8 (C.2A:18-61.1 and 2A:18-61.3) to provide that zoning and housing
9 code violations by a landlord are grounds for eviction of tenants.
10 The bill also permits municipalities to adopt an ordinance
11 requiring that relocation assistance be paid to any tenant
12 displaced as a result of code, zoning, or housing enforcement
13 activity. Under a relocation assistance ordinance the assistance
14 is required to be paid to the tenant by the owner of the structure
15 or the rental agent, both of whom would be jointly and severally
16 liable for the assistance, at the time of eviction. A municipality
17 could choose to pay the assistance from a revolving relocation
18 assistance fund established pursuant to section 2 of P.L.1987,
19 c.98 (C.20:4-4.1a) and then bill and collect those sums from the
20 owner of the structure and the rental agent, jointly and severally,
21 in the same manner as relocation costs are billed and collected
22 under section 1 of P.L.1983, c.536 (C.20:4-4.1) and section 1 of
23 P.L.1984, c.30 (C.20:4-4.2).

24

25

26

27

28 Establishes zoning and housing code enforcement activity as
29 grounds for eviction and permits relocation assistance to
30 displaced tenants.

ASSEMBLY, No. 2267

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1993

By Assemblymen DiGAETANO, KELLY, Mikulak,
R. Brown and Mattison

1 AN ACT concerning displaced tenants and supplementing Title 20
2 of the Revised Statutes.

3

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

6 1. As used in this act:

7 "Displaced residential tenant" means a person who has or has
8 had his principal place of residence in a rented dwelling unit,
9 located in this State, in a structure containing two or more such
10 units, and who is or has been under the necessity of removing
11 from that place of residence because of the owner of the
12 residential property has been cited under a municipal zoning
13 ordinance for an illegal occupancy.

14 "Necessity of removing" shall be deemed to exist when
15 continued residential occupancy of the premises is forbidden by
16 order of local officials having responsibility and authority to
17 prohibit an illegal occupancy.

18 "Residential rental premises" means any structure containing
19 two or more residential rental units.

20 2. In the case of a residential tenant displaced because of an
21 illegal occupancy in a residential rental premises in violation of a
22 municipal zoning ordinance, the court shall assess against the
23 owner of the residential rental premises a penalty of six times
24 the fair market rental of the unit as determined by the United
25 States Department of Housing and Urban Development.

26 3. Every displaced residential tenant shall be entitled to
27 payment by the owner of the residential rental premises in which
28 the dwelling unit was located for actual reasonable moving
29 expenses incurred in locating and securing new living quarters
30 upon adequate documentation of such expenses.

31 4. a. Whenever the owner of a residential rental premises
32 from which a displaced residential tenant has been under the
33 necessity of removing is liable to make reimbursement for actual
34 reasonable moving expenses, the displaced residential tenant shall
35 present to the owner a statement of actual reasonable moving
36 expenses incurred by the displaced residential tenant and a
37 demand for payment in reimbursement of those expenses as soon
38 as possible after determining the full amount of those costs.

39 b. Payment by the owner shall be due within 10 days of the
40 presentation of the statement pursuant to subsection a. of this
41 section. If not paid within 10 days of presentation, interest shall
42 accrue and be due to the displaced residential tenant on the

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

Matter underlined thus is new matter.

1 unpaid balance at the rate of 18% per annum until the amount
2 due and all interest accumulated thereon shall be paid in full.

3 c. If reimbursement for which an owner is liable is not paid in
4 full when due in accordance with subsection b. of this section, the
5 unpaid balance thereof and all interest accruing thereon shall be
6 a lien upon the parcel of property on which the dwelling of the
7 displaced residential tenant was located. To perfect the lien, a
8 statement showing the amount and due date of the unpaid balance
9 and identifying the parcel shall be recorded with the county clerk
10 or registrar of deeds and mortgages of the county in which the
11 affected property is located, and upon recording, the lien shall
12 have the priority of a mortgage lien. Identification of the parcel
13 by reference to its designation on the tax map of the municipality
14 shall be sufficient for purposes of recording. Whenever the
15 unpaid balance and all interest accrued thereon has been fully
16 paid, the displaced residential tenant shall promptly withdraw or
17 cancel the statement, in writing, at the place of recording.

18 d. This section shall not authorize the enforcement of a lien
19 for actual reasonable moving expenses with respect to any real
20 property the title to which has been acquired by a municipality
21 and which has been transferred pursuant to a rehabilitation
22 agreement.

23 5. In any case where a tenant is displaced from a residential
24 rental premises because the dwelling unit exceeds maximum
25 occupancy standards pursuant to municipal ordinance, the tenant
26 shall not be entitled to benefits pursuant to the "Relocation
27 Assistance Law of 1967," P.L.1967, c.79 (C.52:31B-1) and the
28 "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.).

29 6. This act shall take effect immediately.
30
31

32 SPONSOR'S STATEMENT
33

34 This bill would require the owner of residential rental property
35 to pay moving costs and a fine if a tenant was evicted from a
36 rental unit on the property because the unit was found to be an
37 illegal occupancy under a municipal zoning ordinance. The
38 property owner would be required to pay a penalty of six times
39 the fair market rental of the unit as determined by the United
40 States Department of Housing and Urban Development.

41 The displaced residential tenant also would be entitled to
42 payment by the owner for actual reasonable moving expenses
43 incurred in relocating to new living quarters. The tenant would
44 be required to present to the property owner a statement of
45 actual reasonable moving expenses incurred by the displaced
46 residential tenant and a demand for reimbursement. Payment by
47 the owner would be due within 10 days. If payment was not
48 forthcoming, interest would accrue at the rate of 18% per annum
49 until the amount due and all accumulated interest was paid in full.

50 If reimbursement was not forthcoming when due, the unpaid
51 balance and all interest accruing would be a lien upon the parcel
52 of property in which the dwelling of the displaced residential
53 tenant was located. The lien would have the priority of a
54 mortgage lien.

1 An administrative law judge recently ruled in an unpublished
2 decision, Herrera v. Township of South Orange Village, that
3 tenants who are evicted because the dwelling unit constitutes an
4 illegal occupancy under a municipal zoning ordinance are not
5 entitled to relocation assistance benefits under the "Relocation
6 Assistance Law," P.L.1967, c.79 (C.52:31B-1) and the
7 "Relocation Assistance Act," P.L.1971, c.362 (C.20:4-1 et seq.).
8 This bill provides an alternate source of relocation assistance to
9 tenants so affected.

10 The bill also provides that in any case where a tenant is
11 displaced from a residential rental premises because the dwelling
12 unit exceeds maximum occupancy standards pursuant to municipal
13 ordinance, the tenant shall not be entitled to benefits pursuant to
14 the Relocation Assistance Law or the Relocation Assistance Act.

15

16

17

18

19 _____
20 Requires landlord to pay moving expenses to tenant displaced due
to illegal occupancy.

ASSEMBLY HOUSING COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1891 and 2267

STATE OF NEW JERSEY

DATED: MARCH 4, 1993

The Assembly Housing Committee reports Assembly Bills Nos. 1891 and 2267 favorably, by committee substitute.

This substitute bill amends sections 2 and 4 of P.L.1974, c.49 (C.2A:18-61.1 and 2A:18-61.3) to provide that zoning violations by a landlord are grounds for eviction of tenants. It would also permit municipalities to adopt ordinances requiring that relocation assistance be paid to any tenant displaced as a result of zoning enforcement activity. Under a relocation assistance ordinance the assistance is required to be paid to the tenant by the owner of the structure at the time of eviction. A municipality could choose to pay the assistance from a revolving relocation assistance fund established pursuant to section 2 of P.L.1987, c.98 (C.20:4-4.1a) and then bill and collect those sums from the owner of the structure in the same manner as relocation costs are billed and collected under section 1 of P.L.1983, c.536 (C.20:4-4.1) and section 1 of P.L.1984, c.30 (C.20:4-4.2).

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1891 and 2267

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 1993

The Senate Community Affairs Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 1891 and 2267 (1R) with Senate committee amendments.

Assembly Committee Substitute for Assembly Bill Nos. 1891 and 2267 (1R), as amended by the committee, amends sections 2 and 4 of P.L.1974, c.49 (C.2A:18-61.1 and 2A:18-61.3) to provide that zoning violations by a landlord are grounds for eviction of tenants. It would also permit municipalities to adopt ordinances requiring that relocation assistance be paid to any tenant displaced as a result of zoning enforcement activity. Under a relocation assistance ordinance the assistance is required to be paid to the tenant by the owner of the structure at the time of eviction. A mortgagee who acquires a property through foreclosure is excluded from the definition of "owner" under the bill's provisions. A municipality could choose to pay the assistance from a revolving relocation assistance fund established pursuant to section 2 of P.L.1987, c.98 (C.20:4-4.1a) and then bill and collect those sums from the owner of the structure in the same manner as relocation costs are billed and collected under section 1 of P.L.1983, c.536 (C.20:4-4.1) and section 1 of P.L.1984, c.30 (C.20:4-4.2).

The committee amended the bill to exclude from the definition of an owner a mortgagee who acquires a property through foreclosure.