

**LEGISLATIVE HISTORY CHECKLIST**  
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(Termination of leases--  
handicapped)

**NJSA:** 46:8-9.2

**LAWS OF:** 1993 **CHAPTER:** 208

**BILL NO:** S816

**SPONSOR(S)** Cafiero and others

**DATE INTRODUCED:** May 14, 1992

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

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

**DATE OF PASSAGE:** **ASSEMBLY:** May 13, 1993  
**SENATE:** October 29, 1992

**DATE OF APPROVAL:** July 30, 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]

SENATE, No. 816

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1992

By Senators CAFIERO, SMITH,  
Gormley, Menendez and Lipman

1 AN ACT concerning the termination of leases by handicapped  
2 tenants and amending P.L.1985, c.317.

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

6 1. Section 5 of P.L.1985, c.317 (C.46:8-9.2) is amended to read  
7 as follows:

8 5. A lease for a term of one or more years of a property that  
9 has been leased and used by the lessee solely for the purpose of  
10 providing a dwelling place for himself, or himself and his family,  
11 may be terminated prior to the expiration date thereof if the  
12 lessee or his spouse, or both, suffer a disabling illness or accident,  
13 upon notice duly given by the lessee or his spouse, on a form to be  
14 provided by the Director of the Division of Housing and  
15 Development in the Department of Community Affairs, which  
16 form shall include: a. certification of a treating physician that  
17 the lessee or spouse is unable to continue to engage in gainful  
18 employment; b. proof of loss of income; and c. proof that any  
19 pension, insurance or other subsidy to which the lessee or his  
20 spouse is entitled is insufficient to supplement the income of the  
21 lessee or his spouse so that the rent on the property in question  
22 can be paid and that the income is necessary for payment of the  
23 rent.

24 A lease may be terminated at a dwelling place that is not  
25 handicapped accessible by a lessee or a member of his household  
26 who suffers a disabling illness or accident, provided that notice is  
27 given to the lessor by the lessee or his spouse or other adult  
28 family member, on a form to be provided by the director which  
29 shall include <sup>2,2</sup> (a) certification from a licensed physician that  
30 the lessee or a member of his household is handicapped <sup>2</sup> and that  
31 the handicap is likely not to be of a temporary nature<sup>2</sup>, and (b) a  
32 statement that the lessor has been asked to make the dwelling  
33 unit accessible to the lessee or to a member of his household at  
34 the lessor's expense and was unable or unwilling to do so. For  
35 purposes of this section, "handicapped" shall mean any person  
36 who would be considered a handicapped person pursuant to the  
37 definition in section 1 of P.L.1949, c.280 (C.39:4-204).

38 The termination shall take effect on the fortieth day following  
39 the receipt by the lessor of the written notice [thereof], and the  
40 rent shall be paid up to the time of termination, [whereupon] at  
41 which time the lease shall cease and come to an end. The  
42 property shall be vacated and possession shall be turned over to

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:

<sup>1</sup> Senate SCO committee amendments adopted October 1, 1992.

<sup>2</sup> Assembly AHO committee amendments adopted March 4, 1993.

1 the lessor at least five working days prior to the fortieth day  
2 following receipt by the lessor of written notice.

3 (cf: P.L.1985, c.317, s.5)

4 <sup>1</sup>2. This act shall take effect <sup>2</sup>[90 days next following  
5 enactment] immediately<sup>2</sup> .<sup>1</sup>

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10 Permits handicapped tenants to terminate leases under certain  
11 conditions.

## STATEMENT

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This bill provides that a tenant of a rental dwelling unit may terminate his lease if he or a member of his household becomes handicapped during the term of the lease, the unit is not handicapped accessible, and the landlord is either unwilling or unable to provide for such access.

As presently required for tenant-initiated lease terminations due to disabling illnesses and accidents which involve financial hardship, termination of the lease would take effect on the 40th day after written notification of the lessor.

For the lessee or a member of his household to be considered handicapped, a treating physician must certify that the household member would be considered a handicapped person pursuant to the definition in section 1 of P.L.1949, c.280 (C.39:4-204) and would be unable to ambulate in and around the dwelling unit unless it were made handicapped accessible.

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Permits handicapped tenants to terminate leases under certain conditions.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**SENATE, No. 816**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 4, 1993

The Assembly Housing Committee reports Senate Bill No. 816 [1R] of 1992 favorably, with committee amendments.

The bill provides that a tenant of a rental dwelling unit may terminate his lease if he becomes handicapped during the term of the lease, the unit is not handicapped accessible, and the landlord is either unwilling or unable to provide for such access.

Termination of the lease would take effect on the 40th day after written notification of the lessor, as is currently required for tenant-initiated lease terminations due to disabling illnesses and accidents which involve financial hardship.

For the lessee to be considered handicapped, a treating physician must certify that the lessee would be considered a handicapped person pursuant to the definition in section 1 of P.L.1949, c.280 (C.39:4-204) and that the handicap is unlikely to be temporary in nature.

The committee amended the bill to add the requirement that the treating physician indicate that the disability of the lessee is not likely to be of a temporary nature, since the definition contained in section 1 of P.L.1949, c.280 (C.39:4-204) includes those who may be only temporarily handicapped. The committee amendments also make the bill effective immediately upon enactment.

As amended and released by the committee, this bill is identical to Assembly Bill No. 1356 of 1992 as also amended by the committee on this date.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 816**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 1, 1992

The Senate Community Affairs Committee favorably reports Senate Bill No. 816 with Senate committee amendments.

Senate Bill No. 816, as amended by the committee, provides that a tenant of a rental dwelling unit may terminate his lease if he or a member of his household becomes handicapped during the term of the lease, the unit is not handicapped accessible, and the landlord is either unwilling or unable to provide for such access.

As presently required for tenant-initiated lease terminations due to disabling illnesses and accidents which involve financial hardship, termination of the lease would take effect on the 40th day after written notification of the lessor.

For the lessee or a member of his household to be considered handicapped, a treating physician must certify that the household member would be considered a handicapped person pursuant to the definition in section 1 of P.L.1949, c.280 (C.39:4-204) and would be unable to ambulate in and around the dwelling unit unless it were made handicapped accessible.

The committee amended the bill to insert an effective date.