

2A:6-34

12/18/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:6-34 (Housing courts--full-time--establish in first class courts)

LAWS OF: 1986

CHAPTER 125

BILL NO: S1728

Sponsor(s): Orechio

Date Introduced: Feb. 24, 1986

Committee: Assembly: County Government

Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: Sept. 29, 1986

Senate: May 5, 1986

Date of Approval: Oct. 9, 1986

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

(over)

**Sponsor's Statement:**

This bill would authorize all municipalities in first class counties to establish full-time municipal housing courts. Presently only cities of the first class are permitted to establish municipal housing courts.

SENATE, No. 1728  
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1986

By Senator OBECHIO

Referred to Committee on Judiciary

AN ACT concerning municipal housing courts and amending N. J. S.  
2A:6-34, P. L. 1983, c. 207, P. L. 1966, c. 168 and P. L. 1971, c. 224.

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

1 1. N. J. S. 2A:6-34 is amended to read as follows:

2 2A:6-34. (a) Every action of a civil nature at law, other than a  
3 proceeding in lieu of a prerogative writ, and every action to recover  
4 any penalty imposed or authorized by any law of this State, where  
5 the debt, balance, penalty, damage or other matter in dispute does  
6 not exceed the sum or value of \$5,000.00, exclusive of costs, shall  
7 be cognizable in the **[county district courts of this State]** *special*  
8 *civil part of the Superior Court.*

9 (b) **[County district courts]** *The special civil part of the Superior*  
10 *Court shall also have jurisdiction in actions of replevin where the*  
11 *value of the goods or chattels of which replevin is sought does not*  
12 *exceed the value of \$5,000.00, exclusive of costs; in actions of attach-*  
13 *ment, for a sum not exceeding \$5,000.00, exclusive of costs; and in*  
14 *actions between landlords and tenants, except that an action for*  
15 *eviction involving property located in a **[city]** *municipality in a*  
16 *county of the first class that has established a full-time municipal*  
17 *housing court may be transferred to the municipal housing court*  
18 *of that city before it comes to trial; if the **[county district court]***  
19 *special civil part of the Superior Court decides to transfer the*  
20 *matter, either upon its own initiative, or in response to a request*  
21 *from the municipal housing court to have the matter transferred.*  
22 *After the transfer has been made, the municipal housing court*  
23 *shall have exclusive jurisdiction over the action.**

**EXPLANATION**—Matter enclosed in bold-faced brackets **[this]** in the above bill  
is not enacted and is intended to be omitted in the law.  
Matter printed in italics *this* is new matter.

24 (c) **County district courts** *The special civil part of the Superior*  
 25 *Court* shall have jurisdiction of actions by or against county gov-  
 26 *erning bodies, quasi, domestic, foreign and municipal corpora-*  
 27 *tions, equally with natural persons, of actions by creditors of a*  
 28 *decedent against the heirs or devisees of the decedent where the*  
 29 *amount in dispute, exclusive of costs, does not exceed the sum or*  
 30 *value of \$5,000.00, and of such other actions or proceedings as are*  
 31 *now or may hereafter be given by law.*

32 (d) In any action transferred to the **county district court**  
 33 *special civil part* from the Superior Court, the **county district**  
 34 **court** *special civil part* shall have jurisdiction to enter judgment  
 35 in such amount as the judge or jury shall determine the dam-  
 36 *ages to be, notwithstanding that such damages exceed the sum of*  
 37 *\$5,000.00; provided that such jurisdiction shall not be considered*  
 38 *determining whether costs shall be denied in the Superior Court*  
 39 *pursuant to N. J. S. 2A:15-62.*

1 2. Section 4 of P. L. 1983, c. 207 (C. 2A:8-24.1) is amended to  
 2 read as follows:

3 4. **Municipal housing courts in cities** *municipalities in counties*  
 4 *of the first class that have established full-time municipal housing*  
 5 *courts shall have exclusive jurisdiction over actions for eviction*  
 6 *transferred to the municipal housing court by the county district*  
 7 *court special civil part of the Superior Court pursuant to the pro-*  
 8 *visions of subsection b. of N. J. S. 2A:6-34; and shall have con-*  
 9 *current jurisdiction to appoint receivers pursuant to section 6 of*  
 10 *P. L. 1966, c. 168 (C. 2A:42-79) and to enforce the provisions of*  
 11 *P. L. 1971, c. 224 (C. 2A:42-85 et seq.).*

1 3. Section 6 of P. L. 1966, c. 168 (C. 2A:42-79) is amended to  
 2 read as follows:

3 6. Any ordinance adopted under this act may provide that in the  
 4 event the owner of a substandard multiple dwelling fails to comply  
 5 with an order for repair, alteration or improvement after notice and  
 6 reasonable opportunity to do so and where such failure to comply  
 7 results in the continuation of a condition or conditions harmful to  
 8 the health and safety of the occupants of the multiple dwelling or to  
 9 the general public, the public officer may, by and with the approval  
 10 of the governing body of the municipality, bring an action in the  
 11 Superior Court, or, in cases involving property located in **cities**  
 12 *municipalities in counties of the first class that have established*  
 13 *full-time municipal housing courts, in the municipal housing court*  
 14 *of the city municipality in which that property is located, to be*  
 15 *appointed receiver ex officio of the rents and income from such*  
 16 *property and expend the same for the purpose of making such re-*

17 pairs, alterations or improvements as are necessary to correct said  
 18 harmful condition or conditions. The said rents and income so  
 19 collected by the said receiver shall also be available for the pay-  
 20 ment of such costs and expenses of the receivership, as may be  
 21 adjudged by the court, and for the payment to the municipality of  
 22 any fines or penalties which may have been imposed on the owner  
 23 for violations of the ordinance and which have not been paid by  
 24 the person liable therefor. The court may proceed in the action  
 25 in a summary manner or otherwise. Such receiver shall not be  
 26 required to give bond and shall be appointed only for the said  
 27 purposes.

1 4. Section 3 of P. L. 1971, c. 224 (C. 2A:42-87) is amended to  
 2 read as follows:

3 3. A proceeding by a public officer, tenant, or tenants of a dwell-  
 4 ing for a judgment directing the deposit of rents into court and  
 5 their use for the purpose of remedying conditions in substantial  
 6 violation of the standards of fitness for human habitation estab-  
 7 lished under the State or local housing codes or regulations *or a*  
 8 *proceeding by a public officer, a tenant whose utility service has*  
 9 *been diverted or a utility company for a judgment directing the*  
 10 *deposit of rents into court and their use for correcting any wrong-*  
 11 *ful diversion of utility service in a dwelling* may be maintained in  
 12 a court of competent jurisdiction. The place of trial of the pro-  
 13 ceeding shall be within the county in which the real property or a  
 14 portion thereof from which the rents issue is situated. In cases  
 15 involving real property located in **[cities]** *municipalities in coun-*  
 16 *ties* of the first class that have established full-time municipal hous-  
 17 ing courts, the proceedings may be brought in the municipal hous-  
 18 ing court of the **[city]** *municipality* in which the property is located.

1 5. This act shall take effect immediately.

---

#### STATEMENT

This bill would authorize all municipalities in first class counties to establish full-time municipal housing courts. Presently only cities of the first class are permitted to establish municipal housing courts.

---

#### COURTS

Authorizes municipalities in first class counties to establish full-time municipal housing courts.

---

ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 1728**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 15, 1986

The Assembly County Government Committee reports favorably Senate Bill No. 1728.

Senate Bill No. 1728 amends N. J. S. 2A:6-34, section 4 of P. L. 1983, c. 207 (C. 2A:8-24.1), section 6 of P. L. 1966, c. 168 (C. 2A:42-79) and section 3 of P. L. 1971, c. 224 (C. 2A:42-87) to permit any municipality in a county of the first class to establish a full-time municipal housing court.

Currently only cities of the first class (i.e. Newark and Jersey City) may establish municipal housing courts. The provisions of Senate Bill No. 1728 would permit any municipality which is located in Bergen, Essex or Hudson counties to do so.

It is the committee's understanding that municipal housing courts have jurisdiction over actions involving eviction and over actions involving the remediation of substandard conditions or violations in multiple dwellings.

SENATE JUDICIARY COMMITTEE  
STATEMENT TO  
**SENATE, No. 1728**  

---

**STATE OF NEW JERSEY**  

---

DATED: MARCH 24, 1986

The Senate Judiciary Committee reports favorably Senate Bill No. 1728.

Presently, only Newark and Jersey City are authorized to establish full-time municipal housing courts. This bill would authorize all municipalities located in counties in the first class to establish full-time municipal housing courts. Essex, Bergen and Hudson counties are counties of the first class. Municipal housing courts have jurisdiction over actions for eviction and over actions involving the remediation of substandard conditions in multiple dwellings.

October 10, 1986

S-1728, sponsored by Senator Carmen Orechio, D-Essex, authorizes any municipality in a first class county to establish a full-time municipal housing court. Currently, only Newark and Jersey City are permitted to establish municipal housing courts. The first class counties are Essex, Bergen and Hudson. The legislation is effective immediately.

A-471, sponsored Assemblyman Guy Muziani, R-Cape May, repeals the law that created and funded the New Jersey Urban Loan Authority and the New Jersey Area Redevelopment Authority. The New Jersey Economic Development Authority would be required to turn over to the State Treasurer all repayments on ARA loans. The legislation is effective immediately.

#####