

LEGISLATIVE HISTORY CHECKLIST
 Compiled by the NJ State Law Library

(Landlord--tenant eviction)

NJSA: 2A:18-61.1

LAWS OF: 1995 **CHAPTER:** 269

BILL NO: S580

SPONSOR(S): O'Connor & others

DATE INTRODUCED: February 24, 1994

COMMITTEE: **ASSEMBLY** Housing
SENATE: Judiciary

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

DATE OF PASSAGE: **ASSEMBLY:** November 30, 1995
SENATE: May 23, 1995

DATE OF APPROVAL: December 8, 1995

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. 580

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1994

By Senators O'CONNOR, GORMLEY, Sacco, Kenny and Rice

1 AN ACT concerning the eviction of certain tenants and amending
2 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

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 Senate SJU committee amendments adopted March 15, 1994.

² Senate floor amendments adopted May 12, 1994.

1 or 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:18-61.30), or
46 pursuant to the "Tenant Protection Act of 1992," P.L.1991, c.509
47 (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 1or harbored¹ therein a
5 person who has been so convicted or has so pleaded, or otherwise
6 permits 1or permitted¹ such a person to occupy those premises
7 for residential purposes, whether continuously or intermittently,
8 except that this subsection shall not apply to a person ¹[who
9 harbors or permits] harboring or permitting¹ a juvenile to occupy
10 the premises if the juvenile has been adjudicated delinquent upon
11 the basis of an act which if committed by an adult would
12 constitute the offense of use or possession under the said act.
13 ²No action for removal may be brought pursuant to this
14 subsection more than 2 years after the date of the adjudication or
15 conviction or more than two years after the person's release
16 from incarceration whichever is the later.²

17 o. The person has been convicted of or pleaded guilty to, or if
18 a juvenile, has been adjudicated delinquent on the basis of an act
19 which if committed by an adult would constitute an offense under
20 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic
21 threats against the landlord, a member of the landlord's family
22 or an employee of the landlord; or, being the tenant or lessee of
23 such leased premises, knowingly harbors 1or harbored¹ therein a
24 person who has been so convicted or has so pleaded, or otherwise
25 permits 1or permitted¹ such a person to occupy those premises
26 for residential purposes, whether continuously or intermittently.
27 ²No action for removal may be brought pursuant to this
28 subsection more than 2 years after the adjudication or conviction
29 or more than two years after the person's release from
30 incarceration whichever is the later.²

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

1 the offense of use or possession under the said "Comprehensive
2 Drug Reform Act of 1987."

3 For purposes of this section, (1) "developmental disability"
4 means any disability which is defined as such pursuant to section
5 3 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate
6 family" means a person's spouse, parent, child or sibling, or a
7 spouse, parent, child or sibling of any of them; and (3)
8 "permanently" occupies or occupied means that the occupant
9 maintains no other domicile at which the occupant votes, pays
10 rent or property taxes or at which rent or property taxes are paid
11 on the occupant's behalf.

12 (cf: P.L.1993, c.342, s.1)

13 2. This act shall take effect immediately.

14

15

16

17

18 Permits eviction of tenants who knowingly harbored persons
19 convicted of certain offenses in or near premises.

1 on the occupant's behalf.

2 (cf: P.L.1993, c.342, s.1)

3 2. This act shall take effect immediately.

4

5

6

STATEMENT

7

8 This bill would permit the eviction of a tenant who has
9 knowingly harbored a person who has committed certain offenses
10 in or around the rental unit, regardless of whether the criminal
11 offender is residing in the premises at the time the suit for
12 eviction is filed. Under current law, grounds for eviction exist
13 when a tenant knowingly harbors or otherwise permits a person to
14 reside in the rental unit who is convicted of 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 convicted under the
18 "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al.,
19 involving the use, possession, manufacture, dispensing or
20 distribution of a controlled dangerous substance, controlled
21 dangerous substance analog or drug paraphernalia on the leased
22 premises or the building or complex of buildings and land
23 appurtenant thereto. Some courts have interpreted the current
24 language to permit an eviction only when the criminal offender
25 continues to reside in the rental unit at the time of the filing of
26 the suit for eviction. Those courts have even suggested that
27 grounds for eviction would not exist if the criminal offender
28 moved from the rental unit prior to the eviction hearing. This
29 bill is intended to eliminate the requirement that the criminal
30 offender be residing in the leased premises at the time that the
31 eviction suit is filed so that an action for eviction under
32 subsection p. of section 2 of P.L.1974, c.49, s.2 (C.2A:18-61.1)
33 could not be thwarted by the offender temporarily moving from
34 the leased premises until after the eviction hearing date. This
35 bill is not intended to remove the burden on the landlord to prove
36 that the tenant had knowledge of the criminal activity taking
37 place in or near the leased premises.

38

39

40

41

42 _____
43 Permits eviction of tenants who knowingly harbored persons
convicted of certain offenses in or near premises.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 580

STATE OF NEW JERSEY

DATED: MARCH 9, 1995

The Assembly Housing Committee reports favorably Senate Bill No. 580 (2R).

Under current law, grounds for eviction exist when a tenant knowingly harbors or otherwise permits a person to reside in a rental unit who was convicted of an offense involving assault or terroristic threats against the landlord or convicted of an offense involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia on the leased premises. Some courts have interpreted the current language to permit an eviction only when the criminal offender continues to reside in the rental unit at the time of the filing of the suit for eviction. These courts have further suggested that grounds for eviction would not exist if the criminal offender moved from the rental unit prior to the eviction hearing.

The bill would clarify existing law and permit the eviction of a tenant who has knowingly harbored a person who has been convicted of the above described offenses regardless of whether the criminal offender is residing in the premises at the time the suit for eviction is filed. By eliminating the requirement that the criminal offender be residing in the leased premises at the time that the eviction suit is filed, an action for eviction could not be thwarted by the offender temporarily moving from the leased premises until after the eviction hearing date of the eviction hearing.

The bill also bars an action for removal more than two years after the adjudication or conviction or more than two years after the person's release from incarceration, whichever is the later.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 580

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1994

EXHIBIT
DO NOT FILE

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 580.

Under current law, grounds for eviction exist when a tenant knowingly harbors or otherwise permits a person to reside in a rental unit who was convicted of an offense involving assault or terroristic threats against the landlord or convicted of an offense involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia on the leased premises. Some courts have interpreted the current language to permit an eviction only when the criminal offender continues to reside in the rental unit at the time of the filing of the suit for eviction. These courts have further suggested that grounds for eviction would not exist if the criminal offender moved from the rental unit prior to the eviction hearing.

The bill would clarify existing law and permit the eviction of a tenant who has knowingly harbored a person who has been convicted of the above described offenses regardless of whether the criminal offender is residing in the premises at the time the suit for eviction is filed. By eliminating the requirement that the criminal offender be residing in the leased premises at the time that the eviction suit is filed, an action for eviction could not be thwarted by the offender temporarily moving from the leased premises until after the eviction hearing date of the eviction hearing.

The amendments adopted by the committee were of a technical nature and corrected a drafting error.