

**ASSEMBLY, No. 4228**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

INTRODUCED JUNE 8, 2020

**Sponsored by:**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Authorizes municipality to prohibit eviction as remedy for nonpayment of rent due during time surrounding COVID-19 pandemic.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/8/2020)**

1    **AN ACT** enhancing municipal authority to restrict eviction during  
2       time surrounding COVID-19 pandemic.

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

6  
7       1. The Legislature finds and declares that:

8       a. The halt in economic activity that has been necessary to  
9       combat the COVID-19 pandemic has forced many New Jersey  
10      residents to endure job losses and prolonged depletions of income;

11      b. As of May 8, 2020, the unemployment rate of the United  
12      States exceeds 14 percent, and is widely expected to grow higher in  
13      the coming weeks;

14      c. The residents of New Jersey have not been able to avoid  
15      suffering as a result of the COVID-19 pandemic, as the State is  
16      widely reported to have the second highest COVID-19-related death  
17      rate in the nation, and the economic impact on many State residents  
18      appears to be similarly catastrophic;

19      d. This unprecedented situation has made the timely payment  
20      of rent impossible for many State residents and businesses; and

21      e. It is, therefore, necessary and in the public interest for the  
22      Legislature to authorize municipalities to prohibit eviction as a  
23      remedy for the recovery of unpaid rent due during and immediately  
24      following the months of the State of Emergency and Public Health  
25      Emergency issued in response to the COVID-19 pandemic.

26  
27      2. a. Notwithstanding subsection b. of section 1 of  
28      P.L.2020, c.1, (C.2A:18-59.3), or any other law to the contrary, a  
29      municipality may, by ordinance of the governing body adopted  
30      prior to the conclusion of the covered period, prohibit eviction for  
31      nonpayment or habitually late payment of rent by a residential or  
32      nonresidential tenant, or both.

33      b. An emergency anti-eviction ordinance shall apply only to  
34      rent payments due during the covered period. Despite the adoption  
35      of an emergency anti-eviction ordinance, a landlord shall be entitled  
36      to recovery of the unpaid rent by filing an action in Superior Court  
37      for the recovery of the unpaid rent as a monetary judgment with  
38      applicable interest.

39      c. Following the adoption of an emergency anti-eviction  
40      ordinance, a municipality shall promptly notify the Clerk of the  
41      Superior Court, and provide the Clerk with a copy of the ordinance.  
42      Following notification, if a court determines that a judgment of  
43      possession, warrant of removal, or writ of possession has been  
44      issued prior to adoption of the emergency anti-eviction ordinance  
45      for the nonpayment or habitually late payment of rent that was due  
46      exclusively during the covered period, the court may render that  
47      ruling null and void, and direct the court officers and their agents to  
48      refrain from removing individuals subject to the ruling.

1 d. As used in this act:

2 “Covered period” means the period during which the Public  
3 Health Emergency and State of Emergency declared by the  
4 Governor in Executive Order 103, March 9, 2020 are in effect and  
5 concluding on the first day of the third month next following the  
6 conclusion of the State of Emergency or Public Health Emergency,  
7 whichever is later.

8 “Emergency anti-eviction ordinance” means an ordinance  
9 adopted pursuant to subsection a. of this section.

10

11 3. This act shall take effect immediately and shall apply  
12 retroactively to rent payments missed subsequent to March 9, 2020.

13

#### 14 STATEMENT

15

16 This bill would authorize a municipality to prohibit eviction as  
17 remedy for nonpayment of rent due during certain months  
18 surrounding the COVID-19 pandemic.

19 The bill provides that a municipality may, through the adoption  
20 of an “emergency anti-eviction ordinance,” prior to the conclusion  
21 of the covered period, prohibit eviction for nonpayment or  
22 habitually late payment of rent by a residential or nonresidential  
23 tenant, or both. The bill defines the “covered period” as the period  
24 during which the Public Health Emergency and State of Emergency  
25 declared by the Governor in Executive Order 103, March 9, 2020  
26 are in effect and concluding on the first day of the third month  
27 following the conclusion of the State of Emergency or Public  
28 Health Emergency, whichever is later.

29 An emergency anti-eviction ordinance would apply only to rent  
30 payments due during the covered period. Despite the adoption of an  
31 emergency anti-eviction ordinance, certain remedies would still be  
32 available to a landlord if a tenant fails to pay rent during the  
33 covered period. A landlord would be entitled to recovery of the  
34 unpaid rent by filing an action in Superior Court for the recovery of  
35 the unpaid rent as a monetary judgment with applicable interest.

36 The bill directs that, following the adoption of an emergency  
37 anti-eviction ordinance, the municipality would promptly notify the  
38 Clerk of the Superior Court, and provide the Clerk with a copy of  
39 the ordinance. Following notification, if a court determines that a  
40 judgment of possession, warrant of removal, or writ of possession  
41 has been issued prior to adoption of the emergency anti-eviction  
42 ordinance for the nonpayment or habitually late payment of rent  
43 that was due exclusively during the covered period, the bill  
44 authorizes the court to render that ruling null and void, and direct  
45 the court officers and their agents to refrain from removing  
46 individuals subject to the ruling.

47 The bill would take effect immediately and would apply  
48 retroactively to rent payments missed subsequent to March 9, 2020.