

[First Reprint]

ASSEMBLY, No. 4228

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 8, 2020

Sponsored by:

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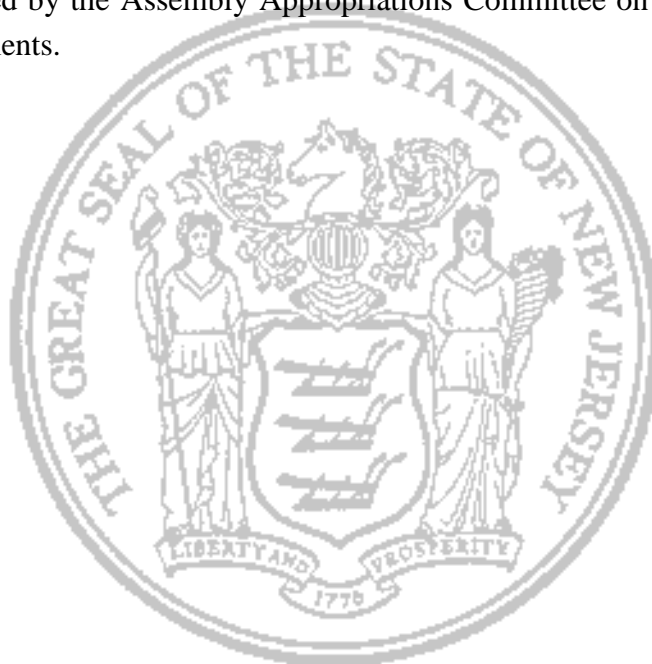
District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits eviction as remedy for nonpayment or habitually late payment of rent due during time surrounding COVID-19 pandemic in certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 25, 2020, with amendments.



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

1 AN ACT ¹**[enhancing municipal authority to restrict]** concerning¹
 2 eviction during 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 States
 12 exceeds 14 percent, and is widely expected to grow higher in the
 13 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 widely
 16 reported to have the second highest COVID-19-related death rate in
 17 the nation, and the economic impact on many State residents appears
 18 to be similarly catastrophic;

19 d. This unprecedented situation has made the timely payment of
 20 rent impossible for many State residents and businesses ¹**];** and

21 e. It is, therefore, necessary and in the public interest for the
 22 Legislature to authorize municipalities to prohibit eviction as a remedy
 23 for the recovery of unpaid rent due during and immediately following
 24 the months of the State of Emergency and Public Health Emergency
 25 issued in response to the COVID-19 pandemic¹.

26
 27 2. a. Notwithstanding subsection b. of section 1 of P.L.2020, c.1,
 28 (C.2A:18-59.3), or any other law to the contrary, ¹**[a municipality**
 29 **may, by ordinance of the governing body adopted prior to the**
 30 **conclusion of the covered period, prohibit eviction for nonpayment or**
 31 **habitually late payment of rent by a residential or nonresidential**
 32 **tenant, or both]** a qualified residential tenant shall not be evicted due
 33 solely to nonpayment or habitually late payment of rent during the
 34 covered period, unless the court finds, by clear and convincing
 35 evidence, that the tenant had the ability to pay and failed to pay¹.

36 b. ¹**[An emergency anti-eviction ordinance shall apply only to**
 37 **rent payments due during the covered period. Despite the adoption of**
 38 **an emergency anti-eviction ordinance, a landlord shall be entitled to**
 39 **recovery of the unpaid rent by filing an action in Superior Court for**
 40 **the recovery of the unpaid rent as a monetary judgment with**
 41 **applicable interest]** For a landlord-tenant case seeking a judgment for
 42 possession on the sole basis of nonpayment or habitually late payment
 43 of rent during the covered period, all rent due but not paid shall be
 44 amortized over the length of the rental agreement period or six months,
 45 whichever is greater, upon the tenant's consent. If the amortized rent

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:

¹Assembly AAP committee amendments adopted June 25, 2020.

1 due is not timely paid or is not paid in full by the end of the rental
2 agreement or six-month period, whichever is later, the landlord may
3 request issuance of a warrant of removal upon the filing of a
4 certification of breach with the court in accordance with the court
5 rules¹.

6 c. ¹Following the adoption of an emergency anti-eviction
7 ordinance, a municipality shall promptly notify the Clerk of the
8 Superior Court, and provide the Clerk with a copy of the ordinance.
9 Following notification, if a court determines that a judgment of
10 possession, warrant of removal, or writ of possession has been issued
11 prior to adoption of the emergency anti-eviction ordinance for the
12 nonpayment or habitually late payment of rent that was due
13 exclusively during the covered period, the court may render that ruling
14 null and void, and direct the court officers and their agents to refrain
15 from removing individuals subject to the ruling.

16 d. ¹As used in this act:

17 “Covered period” means the period during which the Public Health
18 Emergency and State of Emergency declared by the Governor in
19 Executive Order 103, March 9, 2020 ¹,¹ are in effect and concluding
20 ¹on the first day of the third month next ¹two months¹ following the
21 conclusion of the State of Emergency or Public Health Emergency,
22 whichever is later.

23 ¹“Emergency anti-eviction ordinance” means an ordinance
24 adopted pursuant to subsection a. of this section. ¹

25 “Qualified residential tenant” means a residential tenant of a
26 residential property other than an owner-occupied residential property
27 with four or less dwelling units.¹

28

29 3. This act shall take effect immediately and shall apply
30 retroactively to rent payments missed ¹subsequent to ¹on and
31 ¹after¹ March 9, 2020.