

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2485

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2020

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2485, with committee amendments.

As amended, this bill would prohibit eviction as a remedy for nonpayment of rent due during certain months surrounding the COVID-19 pandemic, unless a court finds that the tenant had the ability to pay and failed to pay.

Under the bill, in a landlord-tenant action seeking a judgment for possession on the sole basis of nonpayment of rent during the covered period, all rent due but not paid would be amortized over the length of the rental agreement period or six months, whichever is greater, upon the tenant's consent. If the amortized rent due is not timely paid or is not paid in full by the end of the rental agreement or six-month period, whichever is later, the landlord may request issuance of a warrant of removal upon the filing of a certification of breach with the court in accordance with the court rules.

The bill defines the "covered period" as the period during which the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103, March 9, 2020 are in effect and concluding two months after the conclusion of the State of Emergency or Public Health Emergency, whichever is later.

COMMITTEE AMENDMENTS:

The committee amendments:

- Eliminate municipal discretion to adopt an anti-eviction ordinance and instead make the bill's eviction provisions applicable Statewide;
- Provide that a tenant may be evicted if a court finds, by clear and convincing evidence, that the tenant had the ability to pay;
- Establish an amortized payment of rent schedule; and
- Modify the definition of "covered period" as the period during which the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103, March 9, 2020 are in effect and concluding two months after the conclusion of the State of Emergency or Public Health Emergency, whichever is later.