

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 537

STATE OF NEW JERSEY

ADOPTED JUNE 10, 1996

Sponsored by Assemblywoman CRECCO and Assemblyman  
GARRETT

1 AN ACT concerning procedures for eviction from certain rental  
2 premises and amending P.L.1974, c.49.

3

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

6

7 1. Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to read  
8 as follows:

9 2. <sup>1</sup>[No lessee or tenant or the assigns, under-tenants or legal  
10 representatives of such lessee or tenant may be removed by the  
11 Superior Court from any house, building, mobile home or land in a  
12 mobile home park or tenement leased for residential purposes, other  
13 than (1) a single family home; (2) owner-occupied premises with not  
14 more than two rental units or a hotel, motel or other guest house or  
15 part thereof rented to a transient guest or seasonal tenant; [(2)] (3) a  
16 dwelling unit in a building comprised of four or fewer rental units  
17 which is permanently occupied by a member of the immediate family  
18 of the owner; (4) a dwelling unit in a building comprised of five or  
19 more rental units which is held in trust on behalf of a member of the  
20 immediate family of the person or persons establishing the trust,  
21 provided that the member of the immediate family on whose behalf the  
22 trust is established permanently occupies the unit; and [(3)] (5) a  
23 dwelling unit in a building comprised of five or more rental units which  
24 is permanently occupied by a member of the immediate family of the  
25 owner of that unit, provided, however, that exception [(2)] (4) or [(3)]  
26 (5) shall apply only in cases in which the member of the immediate

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:

<sup>1</sup> Assembly floor amendments adopted February 27, 1997.

1 family has a developmental disability,]

2 This section shall not be applicable to the following:

3 (1) A single family home;

4 (2) Owner-occupied premises with not more than two rental units;

5 (3) A hotel, motel or other guest house or part thereof rented to a  
6 transient guest or seasonal tenant;

7 (4) A dwelling unit which is held in trust on behalf of a member of the  
8 immediate family of the person or persons establishing the trust,  
9 provided that the member of the immediate family on whose behalf the  
10 trust is established permanently occupies the unit and has a  
11 developmental disability;

12 (5) A dwelling unit which is permanently occupied by a member of the  
13 immediate family of the owner of that unit, provided that the member  
14 of the immediate family has a developmental disability.

15 A lessee or tenant or the assigns, under-tenants or legal  
16 representatives of such lessee or tenant shall not be removed by the  
17 Superior Court from any house, building, mobile home or land in a  
18 mobile home park or tenement leased for residential purposes,<sup>1</sup> except  
19 upon establishment of one of the following grounds as good cause:

20 a. The person fails to pay rent due and owing under the lease  
21 whether the same be oral or written.

22 b. The person has continued to be, after written notice to cease,  
23 so disorderly as to destroy the peace and quiet of the occupants or  
24 other tenants living in said house or neighborhood.

25 c. The person has willfully or by reason of gross negligence caused  
26 or allowed destruction, damage or injury to the premises.

27 d. The person has continued, after written notice to cease, to  
28 substantially violate or breach any of the landlord's rules and  
29 regulations governing said premises, provided such rules and  
30 regulations are reasonable and have been accepted in writing by the  
31 tenant or made a part of the lease at the beginning of the lease term.

32 e. The person has continued, after written notice to cease, to  
33 substantially violate or breach any of the covenants or agreements  
34 contained in the lease for the premises where a right of reentry is  
35 reserved to the landlord in the lease for a violation of such covenant  
36 or agreement, provided that such covenant or agreement is reasonable  
37 and was contained in the lease at the beginning of the lease term.

38 f. The person has failed to pay rent after a valid notice to quit and  
39 notice of increase of said rent, provided the increase in rent is not  
40 unconscionable and complies with any and all other laws or municipal  
41 ordinances governing rent increases.

42 g. The landlord or owner (1) seeks to permanently board up or  
43 demolish the premises because he has been cited by local or State  
44 housing inspectors for substantial violations affecting the health and  
45 safety of tenants and it is economically unfeasible for the owner to  
46 eliminate the violations; (2) seeks to comply with local or State

1 housing inspectors who have cited him for substantial violations  
2 affecting the health and safety of tenants and it is unfeasible to so  
3 comply without removing the tenant; simultaneously with service of  
4 notice of eviction pursuant to this clause, the landlord shall notify the  
5 Department of Community Affairs of the intention to institute  
6 proceedings and shall provide the department with such other  
7 information as it may require pursuant to rules and regulations. The  
8 department shall inform all parties and the court of its view with  
9 respect to the feasibility of compliance without removal of the tenant  
10 and may in its discretion appear and present evidence; (3) seeks to  
11 correct an illegal occupancy because he has been cited by local or  
12 State housing inspectors or zoning officers and it is unfeasible to  
13 correct such illegal occupancy without removing the tenant; or (4) is  
14 a governmental agency which seeks to permanently retire the premises  
15 from the rental market pursuant to a redevelopment or land clearance  
16 plan in a blighted area. In those cases where the tenant is being  
17 removed for any reason specified in this subsection, no warrant for  
18 possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et seq.)  
19 and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied with.

20 h. The owner seeks to retire permanently the residential building  
21 or the mobile home park from residential use or use as a mobile home  
22 park, provided this subsection shall not apply to circumstances  
23 covered under subsection g. of this section.

24 i. The landlord or owner proposes, at the termination of a lease,  
25 reasonable changes of substance in the terms and conditions of the  
26 lease, including specifically any change in the term thereof, which the  
27 tenant, after written notice, refuses to accept; provided that in cases  
28 where a tenant has received a notice of termination pursuant to  
29 subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-61.2), or has a  
30 protected tenancy status pursuant to section 9 of the "Senior Citizens  
31 and Disabled Protected Tenancy Act," P.L.1981, c.226  
32 (C.2A:18-61.30), or pursuant to the "Tenant Protection Act of 1992,"  
33 P.L.1991, c.509 (C.2A:18-61.40 et al.), the landlord or owner shall  
34 have the burden of proving that any change in the terms and conditions  
35 of the lease, rental or regulations both is reasonable and does not  
36 substantially reduce the rights and privileges to which the tenant was  
37 entitled prior to the conversion.

38 j. The person, after written notice to cease, has habitually and  
39 without legal justification failed to pay rent which is due and owing.

40 k. The landlord or owner of the building or mobile home park is  
41 converting from the rental market to a condominium, cooperative or  
42 fee simple ownership of two or more dwelling units or park sites,  
43 except as hereinafter provided in subsection l. of this section. Where  
44 the tenant is being removed pursuant to this subsection, no warrant for  
45 possession shall be issued until this act has been complied with. No  
46 action for possession shall be brought pursuant to this subsection

1 against a senior citizen tenant or disabled tenant with protected  
2 tenancy status pursuant to the "Senior Citizens and Disabled Protected  
3 Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), or against a  
4 qualified tenant under the "Tenant Protection Act of 1992," P.L.1991,  
5 c.509 (C.2A:18-61.40 et al.), as long as the agency has not terminated  
6 the protected tenancy status or the protected tenancy period has not  
7 expired.

8 1. (1) The owner of a building or mobile home park, which is  
9 constructed as or being converted to a condominium, cooperative or  
10 fee simple ownership, seeks to evict a tenant or sublessee whose initial  
11 tenancy began after the master deed, agreement establishing the  
12 cooperative or subdivision plat was recorded, because the owner has  
13 contracted to sell the unit to a buyer who seeks to personally occupy  
14 it and the contract for sale calls for the unit to be vacant at the time of  
15 closing. However, no action shall be brought against a tenant under  
16 paragraph (1) of this subsection unless the tenant was given a  
17 statement in accordance with section 6 of P.L.1975, c.311  
18 (C.2A:18-61.9);

19 (2) The owner of three or less condominium or cooperative units  
20 seeks to evict a tenant whose initial tenancy began by rental from an  
21 owner of three or less units after the master deed or agreement  
22 establishing the cooperative was recorded, because the owner seeks to  
23 personally occupy the unit, or has contracted to sell the unit to a buyer  
24 who seeks to personally occupy it and the contract for sale calls for  
25 the unit to be vacant at the time of closing;

26 (3) The owner of a building of <sup>1</sup>[three] four<sup>1</sup> residential units or  
27 less seeks to personally occupy a unit, <sup>1</sup>or a member of the owner's  
28 immediate family seeks to occupy a residential unit in the building.<sup>1</sup> or  
29 has contracted to sell the residential unit to a buyer who wishes to  
30 personally occupy it and the contract for sale calls for the unit to be  
31 vacant at the time of closing.

32 m. The landlord or owner conditioned the tenancy upon and in  
33 consideration for the tenant's employment by the landlord or owner as  
34 superintendent, janitor or in some other capacity and such employment  
35 is being terminated.

36 n. The person has been convicted of or pleaded guilty to, or if a  
37 juvenile, has been adjudicated delinquent on the basis of an act which  
38 if committed by an adult would constitute an offense under the  
39 "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al.  
40 involving the use, possession, manufacture, dispensing or distribution  
41 of a controlled dangerous substance, controlled dangerous substance  
42 analog or drug paraphernalia within the meaning of that act within or  
43 upon the leased premises or the building or complex of buildings and  
44 land appurtenant thereto, or the mobile home park, in which those  
45 premises are located, and has not in connection with his sentence for  
46 that offense either (1) successfully completed or (2) been admitted to

1 and continued upon probation while completing, a drug rehabilitation  
2 program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of  
3 such leased premises, knowingly harbors or harbored therein a person  
4 who has been so convicted or has so pleaded, or otherwise permits or  
5 permitted such a person to occupy those premises for residential  
6 purposes, whether continuously or intermittently, except that this  
7 subsection shall not apply to a person harboring or permitting a  
8 juvenile to occupy the premises if the juvenile has been adjudicated  
9 delinquent upon the basis of an act which if committed by an adult  
10 would constitute the offense of use or possession under the said act.  
11 No action for removal may be brought pursuant to this subsection  
12 more than two years after the date of the adjudication or conviction or  
13 more than two years after the person's release from incarceration  
14 whichever is the later.

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

28 p. The person has been found, by a preponderance of the evidence,  
29 liable in a civil action for removal commenced under this act for an  
30 offense under <sup>1</sup>N.J.S.2C:20-1 et al. involving theft of property located  
31 on the leased premises from the landlord, the leased premises or other  
32 tenants residing in the leased premises, or<sup>1</sup> N.J.S.2C:12-1 or  
33 N.J.S.2C:12-3 involving assault or terroristic threats against the  
34 landlord, a member of the landlord's family or an employee of the  
35 landlord, or under the "Comprehensive Drug Reform Act of 1987,"  
36 N.J.S.2C:35-1 et al., involving the use, possession, manufacture,  
37 dispensing or distribution of a controlled dangerous substance,  
38 controlled dangerous substance analog or drug paraphernalia within  
39 the meaning of that act within or upon the leased premises or the  
40 building or complex of buildings and land appurtenant thereto, or the  
41 mobile home park, in which those premises are located, and has not in  
42 connection with his sentence for that offense either (1) successfully  
43 completed or (2) been admitted to and continued upon probation while  
44 completing a drug rehabilitation program pursuant to N.J.S.2C:35-14;  
45 or, being the tenant or lessee of such leased premises, knowingly  
46 harbors or harbored therein a person who committed such an offense,

1 or otherwise permits or permitted such a person to occupy those  
2 premises for residential purposes, whether continuously or  
3 intermittently, except that this subsection shall not apply to a person  
4 who harbors or permits a juvenile to occupy the premises if the  
5 juvenile has been adjudicated delinquent upon the basis of an act which  
6 if committed by an adult would constitute the offense of use or  
7 possession under the said "Comprehensive Drug Reform Act of 1987."

8 <sup>1</sup>q. The person has been convicted of or pleaded guilty to, or if a  
9 juvenile, has been adjudicated delinquent on the basis of an act which  
10 if committed by an adult would constitute an offense under  
11 N.J.S.2C:20-1 et al. involving theft of property from the landlord, the  
12 leased premises or other tenants residing in the same building or  
13 complex; or, being the tenant or lessee of such leased premises,  
14 knowingly harbors therein a person who has been so convicted or has  
15 so pleaded, or otherwise permits such a person to occupy those  
16 premises for residential purposes, whether continuously or  
17 intermittently.<sup>1</sup>

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

26 (cf: P.L.1996, c.131, s.1)

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28 2. Section 3 of P.L.1974, c.49 (C.2A:18-61.2) is amended to read  
29 as follows:

30 3. No judgment of possession shall be entered for any premises  
31 covered by section 2 of this act, except in the nonpayment of rent  
32 under subsection a. or f. of section 2, unless the landlord has made  
33 written demand and given written notice for delivery of possession of  
34 the premises. The following notice shall be required:

35 a. For an action alleging disorderly conduct under subsection b. of  
36 section 2, or injury to the premises under subsection c. of section 2 or  
37 any grounds under subsection m., n., o. or p. of section 2, three days'  
38 notice prior to the institution of the action for possession;

39 b. For an action alleging continued violation of rules and  
40 regulations under subsection d. of section 2, or substantial breach of  
41 covenant under subsection e. of section 2, or habitual failure to pay  
42 rent, one month's notice prior to the institution of the action for  
43 possession;

44 c. For an action alleging any grounds under subsection g. of  
45 section 2, three months' notice prior to the institution of the action;

46 d. For an action alleging permanent retirement under subsection

1 h. of section 2, [18] two months' notice prior to the institution of the  
2 action and, provided that, where there is a written lease in effect, no  
3 action may be instituted until the lease expires;

4 e. For an action alleging refusal of acceptance of reasonable lease  
5 changes under subsection i. of section 2, one month's notice prior to  
6 institution of action;

7 f. For an action alleging any grounds under subsection l. of section  
8 2, two months' notice prior to the institution of the action and,  
9 provided that where there is a written lease in effect no action shall be  
10 instituted until the lease expires;

11 g. For an action alleging any grounds under subsection k. of  
12 section 2, three years' notice prior to the institution of action, and  
13 provided that where there is a written lease in effect, no action shall be  
14 instituted until the lease expires.

15 The notice in each of the foregoing instances shall specify in detail  
16 the cause of the termination of the tenancy and shall be served either  
17 personally upon the tenant or lessee or such person in possession by  
18 giving him a copy thereof, or by leaving a copy thereof at his usual  
19 place of abode with some member of his family above the age of 14  
20 years, or by certified mail; if the certified letter is not claimed, notice  
21 shall be sent by regular mail.

22 (cf: P.L.1989, c.294, s.2)

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24 3. This act shall take effect on the first day of the fourth month  
25 next following enactment.

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Modifies law regarding eviction of tenants.