

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2060

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1996

The Assembly Housing Committee reports favorably Assembly Bill No. 2060, with committee amendments.

As amended by the committee, this bill changes the statutes regarding eviction to make it easier for a tenant in any rental housing including public housing under the control of a housing authority or redevelopment agency to be evicted for illegal drug activities or other illegal activities such as those involving weapons, in violation of that tenant's lease provisions.

Because public housing has long been considered by the courts to be "housing of last resort," it has become very difficult to evict tenants who engage in illegal drug activity and other illegal activities. This has led to intolerable conditions in many public housing projects. Currently a tenant may be evicted upon a criminal conviction for illegal drug activity. This bill would authorize the inclusion in a lease for public housing or any other rental premises a clause allowing eviction of a tenant if he engages in illegal drug activity or other illegal activities such as those dealing with weapons, without the need for a judicial determination that such activity has occurred. The bill is based upon guidelines issued by the federal Department of Housing and Urban Development (HUD) regarding such lease clauses.

The bill would not require a criminal conviction in order for the public housing tenant to be evicted, since eviction would be based on a contractual violation. In addition, the bill provides that the tenant may be removed after three days' notice by a housing authority or other appropriate entity upon its finding that a violation of the lease provision has occurred.

The committee amended the bill to provide that such lease clauses be authorized for all types of rental housing, and not just limited to public housing.