

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 983

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2022

The Assembly Community Development and Affairs Committee reports favorably Assembly Bill No. 983, with committee amendments.

This bill, as amended, would criminalize certain actions by “imposter landlords,” who rent out or advertise for rent residential dwellings they do not own or lawfully possess.

This bill provides that a person would be guilty of a crime of the fourth degree, and in violation of the New Jersey consumer fraud act (“CFA”), P.L.1960, c.39 (C.56:8-1 et seq.), by claiming ownership or possession of a residential dwelling without the permission of the lawful owner or the owner’s agent in order to rent the property out or obtain another benefit. The bill provides that a person would also be guilty of a crime of the fourth degree, and in violation of the CFA, if those actions or representations cause another person to take possession of a residential dwelling in order to collect rent or obtain another benefit, without permission of the lawful owner or the owner’s agent. A crime of the fourth degree is ordinarily punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both. Violations of the CFA may result in an award of treble damages and court costs in an action initiated by the plaintiff, and authorize the Attorney General to initiate an action on the victim’s behalf. These types of frauds are often conducted through the internet, via postings to online marketplaces such as Craigslist.

This bill does not apply to tenants, subtenants, lessees, sublessees, or assignees who have a lawful occupancy interest in a property. The bill also would not apply to a real estate professional operating under a good-faith understanding that a client, customer, or potential client or customer, has a lawful interest in a residential dwelling. The bill would not impose any form of criminal or civil liability on an interactive computer service, as defined in federal law under 47 U.S.C. s.230.

Finally, a person in violation of the provisions of this bill would not be immune from potential actions for theft, common law fraud, or any other civil or criminal liability not expressly described in the bill.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments clarify that the bill would not:

- apply to a real estate professional operating under a good-faith understanding that a client, customer, or potential client or customer, has a lawful interest in a residential dwelling; or
- impose any form of criminal or civil liability on an interactive computer service, as defined in federal law under 47 U.S.C. s.230.