

[First Reprint]

SENATE, No. 3124

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 18, 2018

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

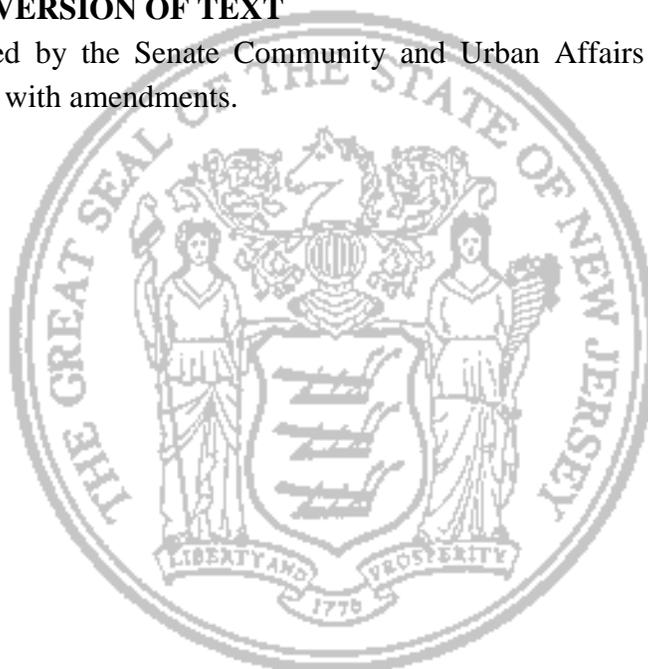
Assemblywoman Reynolds-Jackson

SYNOPSIS

Requires landlords to allow tenants to pay rent up to three business days after eviction order or lockout is executed and accept rent payments by any means.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on June 3, 2019, with amendments.



(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT concerning tenant payment of rent to landlords, and
 2 supplementing P.L.1974, c.47 (C.2A:42-10.15 et seq.) and Title
 3 46 of the Revised Statutes.

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

7
 8 1. a. In an eviction action for nonpayment of rent, pursuant to
 9 subsection a. of section 2 of P.L.1974, c.49 (C.2A:18-61.1), the
 10 court shall provide a period of three business days after the date on
 11 which ¹~~an eviction order or~~ a warrant for removal is posted to the
 12 unit or a¹ lockout is executed due to ¹~~late payment~~ nonpayment¹
 13 of rent, for ¹~~all tenants~~ the tenant¹ to submit a rent payment. A
 14 late fee shall not be imposed ¹in excess of the amount set forth in
 15 the application for a warrant for removal¹ if ¹all¹ rent ¹due and
 16 owing¹ is paid ¹~~on or before the third business day after the day on~~
 17 ~~which the eviction order or lockout is executed~~ within the three
 18 business day period established by this subsection¹.

19 b. ¹~~(1)~~¹ A landlord shall ¹~~be required to~~¹ accept all payments
 20 of rent made by a tenant within the three business day period
 21 established by subsection a. of this section and ¹~~shall be required~~
 22 ~~to relinquish control of the property to the tenant~~ upon payment of
 23 the rent due and owing, within two business days thereafter, the
 24 landlord shall provide the court with written notice that the rent due
 25 and owing was paid. A copy of this notice shall be provided to the
 26 tenant.

27 (2) Upon receipt of the written notice as provided in this
 28 subsection, the court shall dismiss with prejudice the action for
 29 nonpayment of rent.

30 (3) If the tenant makes a timely payment within the three
 31 business day period established by subsection a. of this section, and
 32 the landlord fails to provide the court with written notice of the rent
 33 payment, the tenant may file a motion to dismiss with prejudice the
 34 action for nonpayment of rent upon notice to the landlord¹.

35
 36 2. a. A landlord shall ¹~~be required to~~¹ accept a rent payment
 37 made ¹~~by any means, including but not limited to cash payments,~~
 38 ~~personal checks, or payments made by third parties such as rental~~
 39 ~~assistance programs or charitable organizations~~ within the three
 40 business day period established by subsection a. of section 1 of
 41 P.L. , c. (C.) (pending before the Legislature as this bill),
 42 whether made by cash, certified check, or money order, or through
 43 any federal, State, or local rental assistance program or bona fide

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:

¹Senate SCU committee amendments adopted June 3, 2019.

1 charitable organization¹ on behalf of the tenant. A landlord shall
2 ¹provide a signature on any forms or documents required for a
3 tenant to secure rental assistance from a third party. A landlord
4 shall not deny payment of rent due to the means by which the
5 payment is made ¹cooperate with any federal, State, or local rental
6 assistance program or bona fide charitable organization which has
7 committed to pay the rent due and owing¹. If a landlord does not
8 respond to a tenant's efforts to resolve the issue of late payment
9 through a third party, the tenant may seek a remedy by requesting
10 an order to show cause.

11 b. A landlord shall provide the tenant with a receipt after each
12 rent payment ¹is¹ made ¹within the three business day period
13 established by subsection a. of section 1 of P.L. , c. (C.)
14 (pending before the Legislature as this bill)¹ which shall include
15 the date on which the payment was made.

16 c. In the event that a landlord ¹of a rent-controlled property¹ is
17 entitled to recover attorney's fees or expenses under the lease
18 agreement, incurred as a result of the failure of the tenant to
19 ¹perform any agreement in the lease ¹pay rent due and owing,
20 unless otherwise limited by local ordinance¹, the ¹court shall take
21 into consideration all factors associated with each case and may
22 limit the¹ amount awarded to the landlord ¹shall not exceed 30
23 percent of the attorney's fees and expenses paid by the landlord ¹to
24 a reasonable fee based on those factors¹.

25 d. A landlord who violates any provision of P.L. , c. (C.)
26 (pending before the legislature as this bill), shall be subject to a
27 penalty of not more than \$500 for each offense. The penalty shall be
28 collected and enforced by summary proceedings pursuant to the
29 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
30 et seq.), in ¹the municipal ¹a¹ court ¹having ¹of competent¹
31 jurisdiction.

32
33 3. This act shall take effect on the first day of the second month
34 next following enactment.