ASSEMBLY, No. 2795

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblywoman VERLINA REYNOLDS-JACKSON
District 15 (Hunterdon and Mercer)
Assemblyman ANTHONY S. VERRELLI
District 15 (Hunterdon and Mercer)

Co-Sponsored by:
Assemblyman Caputo, Assemblywomen Speight, Jasey and Timberlake

SYNOPSIS

Criminalizes certain actions of individuals who offer rental of residential property that they do not own or legally possess.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/8/2021)

AN ACT criminalizing certain actions of individuals who offer residential property for rent without a lawful ownership or occupancy interest, and supplementing Title 2C of the New Jersey Statutes.

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

1. a. As used in this section:

"Benefit" includes, but need not be limited to, any pecuniary amount, any property, any services, any pecuniary amount sought to be avoided, or any injury or harm perpetrated on another where there is no pecuniary value.

b. A person is guilty of a crime if the person engages in one or more of the following actions by any means, including, but not limited to, the use of electronic communications or an internet website:

(1) purposefully or knowingly claims ownership or possession, or takes possession, of a residential dwelling without the consent of the lawful owner or an authorized agent of the lawful owner, for the purpose of renting the dwelling to another person or otherwise obtaining a benefit; or

(2) purposefully or knowingly causes another person to take possession of a residential dwelling without the consent of the lawful owner or an authorized agent of the lawful owner, for the purpose of obtaining a benefit.

c. A person who violates this section shall be guilty of a crime of the fourth degree. Each violation is a separate offense.

d. This section does not preclude the prosecution and conviction of a person under any other applicable provision of law.

e. This section does not apply to a tenant, subtenant, lessee, sublessee, or assignee having a lawful occupancy interest in a residential dwelling.

2. This act shall take effect immediately.

STATEMENT

This bill criminalizes 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 is guilty of a crime of the fourth degree 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 is also guilty of a crime of the fourth degree 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. 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. Finally, a person in violation of the provisions of this bill would not be immune from potential actions for theft, fraud, or any other civil or criminal liability.