

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2795

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Housing Committee reports favorably and with committee amendments Assembly Bill No. 2795.

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. 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide that a violation of the provisions of the bill would constitute a violation of the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.).