

ASSEMBLY, No. 3859

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

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SYNOPSIS

Concerns prohibition of residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning foreclosure and tenant evictions during certain
2 emergency circumstances and supplementing Title 2A of the
3 New Jersey Statutes.

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

7
8 1. a. Notwithstanding any other law to the contrary, whenever a
9 Public Health Emergency, pursuant to the “Emergency Health
10 Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.), or a State of
11 Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or
12 both, has been declared by the Governor and is in effect, the
13 Governor may issue an executive order to declare that a lessee,
14 tenant, homeowner or any other person shall not be removed from a
15 residential property as the result of an eviction or foreclosure
16 proceeding. This executive order shall remain in effect for no
17 longer than two months following the end of the Public Health
18 Emergency or State of Emergency.

19 b. Eviction and foreclosure proceedings may be initiated or
20 continued during the time of an executive order issued pursuant to
21 this section, but enforcement of all judgments for possession,
22 warrants of removal, and writs of possession shall be stayed during
23 this period if the Governor has issued an executive order prohibiting
24 certain removals from residential property pursuant to subsection a.
25 of this section, unless the court determines on its own motion or
26 motion of the parties that enforcement is necessary in the interest of
27 justice.

28 c. Sheriffs, court officers, and their agents shall refrain from
29 acting to remove individuals from residential properties through the
30 eviction or foreclosure processes during the time of an executive
31 order issued by the Governor prohibiting certain removals from
32 residential property pursuant to subsection a. of this section, unless
33 the court determines on its own motion or motion of the parties that
34 removal is necessary in the interest of justice.

35 d. As used in this section, “residential property” means any
36 property rented or owned for residential purposes, including, but
37 not limited to, any house, building, mobile home or land in a mobile
38 home park, or tenement leased for residential purposes, but shall not
39 include any hotel, motel, or other guest house, or part thereof,
40 rented to a transient guest or seasonal tenant, or a residential health
41 care facility.

42
43 2. This act shall take effect immediately.

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45 STATEMENT

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47 This bill would provide that, whenever a public health
48 emergency or a state of emergency is declared by the Governor and
49 is in effect, the Governor may issue an executive order to declare

1 that a lessee, tenant, homeowner or any other person would not be
2 removed from a residential property as the result of an eviction or
3 foreclosure proceeding. This executive order would remain in
4 effect for no longer than two months following the end of the public
5 health emergency or state of emergency.

6 The bill would permit eviction and foreclosure proceedings to be
7 initiated or continued during the time of the executive order, but
8 enforcement of all judgments for possession, warrants of removal,
9 and writs of possession would be stayed, unless the court
10 determines on its own motion or motion of the parties that
11 enforcement is necessary in the interest of justice. The bill would
12 require sheriffs, court officers, and their agents to refrain from
13 acting to remove individuals from residential properties through the
14 eviction or foreclosure processes during the time of the executive
15 order, unless the court determines on its own motion or motion of
16 the parties that removal is necessary in the interest of justice.