

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3859

STATE OF NEW JERSEY

DATED: MARCH 16, 2020

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 3859.

As reported by the committee, this bill prohibits residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.

This bill would provide that, whenever a public health emergency or a state of emergency is declared by the Governor and is in effect, the Governor may issue an executive order to declare that a lessee, tenant, homeowner or any other person would not be removed from a residential property as the result of an eviction or foreclosure proceeding. This executive order would remain in effect for no longer than two months following the end of the public health emergency or state of emergency.

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