

ASSEMBLY, No. 5403

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 23, 2021

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Permits tenants of commercial properties that are inaccessible due to state of emergency or public health emergency to terminate lease and elect not to pay rent for certain period.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning tenants of commercial property made
2 inaccessible due to state of emergency or public health
3 emergency.

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

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8 1. During a state of emergency declared by the Governor
9 pursuant to P.L.1942, c.251 (C.App.A.:9-33 et seq.), or a public
10 health emergency declared by the Governor pursuant to P.L.2005,
11 c.222 (C.26:13-1 et seq.), a tenant of commercial property that has
12 been inaccessible for a period of at least 90 days due to the state of
13 emergency or public health emergency may:

- 14 a. terminate the lease of the property; and
15 b. elect not to pay any rent owed for the 90-day period during
16 which the property is inaccessible. If a tenant elects not to pay rent
17 pursuant to this subsection, the owner of the commercial property
18 shall not take action to collect the rent owed.

19 As used in this section, "commercial property" means a property
20 that is classified as a commercial property pursuant to
21 N.J.A.C.18:12-2.2.

22
23 2. This act shall take effect immediately.

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26 STATEMENT

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28 This bill permits a tenant of a commercial property that has been
29 inaccessible for a period of at least 90 days due to the declaration of
30 a state of emergency or a public health emergency to terminate the
31 lease of the property and elect not to pay any rent owed for the 90-
32 day period during which the property was inaccessible. The bill
33 defines "commercial property" to mean property that is classified as
34 commercial property pursuant to the requirements of State
35 regulation. Pursuant to the regulation, commercial property means
36 any other type of income-producing property other than property
37 that is vacant land; residential, farm, or industrial property; or
38 apartments.