

SENATE, No. 1321

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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.



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

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

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9 1. a. As used in this section:

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

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

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

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

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

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

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

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35 2. This act shall take effect immediately.

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STATEMENT

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40 This bill criminalizes certain actions by "imposter landlords,"
41 who rent out or advertise for rent residential dwellings they do not
42 own or lawfully possess. The term "residential dwellings" is
43 intended to include houses, apartment units, mobile homes, co-ops,
44 and other types of residences, whether permanent or temporary.

45 Under this bill, any person who claims ownership or possession,
46 or takes possession, of a residential dwelling without the permission
47 of the lawful owner or an authorized agent of the owner, in order to
48 rent the property out or benefit himself, is guilty of a fourth degree

1 criminal offense. Likewise, any person whose actions or
2 representations cause another person to take possession of a
3 residential dwelling, without permission of the lawful owner or an
4 authorized agent of the owner, for the purpose of obtaining a benefit
5 for himself (such as to collect rent) is guilty of a fourth degree
6 criminal offense. A crime of the fourth degree is ordinarily
7 punishable by a term of imprisonment of up to 18 months or a fine
8 of up to \$10,000, or both. These types of frauds are often
9 conducted through the internet, via postings to online marketplaces
10 such as Craigslist.

11 This bill is not intended to apply to tenants, subtenants, lessees,
12 sublessees, or assignees having a lawful occupancy interest in a
13 property. This bill is also not intended to apply to persons with a
14 good faith belief that they have a lawful ownership interest in the
15 residence or a good faith belief that they are authorized to rent out,
16 or advertise for rent, a residence. This bill also would not preclude
17 the prosecution and conviction under other applicable provisions of
18 criminal (*e.g.*, theft or fraud charges) and civil law.

19 The problem of imposter landlords is an issue that broadly
20 affects our communities and is destructive to families and property
21 owners alike. Throughout the country, imposter landlords steal
22 thousands of dollars from unsuspecting individuals, and often target
23 vulnerable sections of the population. As a result of these types of
24 scams, families often have lost their savings and their homes by the
25 time the perpetrators are caught. Imposter landlords also steal from
26 the lawful owners of residences and inhibit their ability to make full
27 use and enjoyment of their property. By targeting the range of
28 conduct of imposter landlords, this bill seeks to prevent this nature
29 of criminality from occurring in the first place.