[First Reprint]

SENATE, No. 2485

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 14, 2020

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

Co-Sponsored by:
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SYNOPSIS

Prohibits eviction as remedy for nonpayment of rent due during time surrounding COVID-19 pandemic in certain circumstances.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on June 11, 2020, with amendments.

(Sponsorship Updated As Of: 6/15/2020)

AN ACT [1]**[**enhancing municipal authority to restrict**]** concerning[1] eviction during time surrounding COVID-19 pandemic.

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

1. The Legislature finds and declares that:

a. The halt in economic activity that has been necessary to combat the COVID-19 pandemic has forced many New Jersey residents to endure job losses and prolonged depletions of income;

b. As of May 8, 2020, the unemployment rate of the United States exceeds 14 percent, and is widely expected to grow higher in the coming weeks;

c. The residents of New Jersey have not been able to avoid suffering as a result of the COVID-19 pandemic, as the State is widely reported to have the second highest COVID-19-related death rate in the nation, and the economic impact on many State residents appears to be similarly catastrophic;

d. This unprecedented situation has made the timely payment of rent impossible for many State residents and businesses [1]**[**; and

e. It is, therefore, necessary and in the public interest for the Legislature to authorize municipalities to prohibit eviction as a remedy for the recovery of unpaid rent due during and immediately following the months of the State of Emergency and Public Health Emergency issued in response to the COVID-19 pandemic**]**[1].

2. a. Notwithstanding subsection b. of section 1 of P.L.2020, c.1, (C.2A:18-59.3), or any other law to the contrary, [1]**[**a municipality may, by ordinance of the governing body adopted prior to the conclusion of the covered period, prohibit eviction for nonpayment or habitually late payment of rent by a residential or nonresidential tenant, or both**]** a residential or commercial tenant shall not be evicted due solely to nonpayment of rent during the covered period, unless the court finds, by clear and convincing evidence, that the tenant had the ability to pay and failed to pay[1].

b. [1]**[**An emergency anti-eviction ordinance shall apply only to rent payments due during the covered period. Despite the adoption of an emergency anti-eviction ordinance, a landlord shall be entitled to recovery of the unpaid rent by filing an action in Superior Court for the recovery of the unpaid rent as a monetary judgment with applicable interest**]** For a landlord-tenant case seeking a judgment for possession on the sole basis of nonpayment of rent during the covered period, all rent due but not paid shall be amortized over the length of the rental agreement period or six months, whichever is

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SCU committee amendments adopted June 11, 2020.

greater, upon the tenant's consent. If the amortized rent due is not timely paid or is not paid in full by the end of the rental agreement or six-month period, whichever is later, the landlord may request issuance of a warrant of removal upon the filing of a certification of breach with the court in accordance with the court rules[1].

c. [1][Following the adoption of an emergency anti-eviction ordinance, a municipality shall promptly notify the Clerk of the Superior Court, and provide the Clerk with a copy of the ordinance. Following notification, if a court determines that a judgment of possession, warrant of removal, or writ of possession has been issued prior to adoption of the emergency anti-eviction ordinance for the nonpayment or habitually late payment of rent that was due exclusively during the covered period, the court may render that ruling null and void, and direct the court officers and their agents to refrain from removing individuals subject to the ruling.

d.]1] As used in this act:

"Covered period" means the period during which the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103, March 9, 2020 [1],1] are in effect and concluding [1][on the first day of the third month next] two months[1] following the conclusion of the State of Emergency or Public Health Emergency, whichever is later.

[1]["Emergency anti-eviction ordinance" means an ordinance adopted pursuant to subsection a. of this section.]1]

3. This act shall take effect immediately and shall apply retroactively to rent payments missed [1][subsequent to] on and after[1] March 9, 2020.