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PROTECTION OF RESIDENTIAL TENANTS FROM EVICTION

Under New Jersey's Anti-Eviction Act, N.J.S.A. §§ 2A:18-61.1 et seq., most residential tenants have the legal right to lifetime tenancy and cannot be evicted except for statutorily defined good cause. This is true whether or not the residential tenant has a written lease, whether the lease is for a specific term, or whether the premises are let on a month-to-month tenancy. Even when a written lease is up, the landlord cannot evict a residential tenant unless he has one of the grounds described below.

The statute allows only eighteen "good cause" grounds:

Actions of Tenants

- Non-payment of rent;
- Behavior so disorderly that it destroys the peace and quiet of other tenants or neighbors;
- Willful or grossly negligent damage to the premises;
- Violation of reasonable rules and regulations that the tenant has agreed to in writing;
- Violation of certain terms of a lease;
- Failure to pay a rent increase that is legally authorized and not unconscionable;
- Failure to accept reasonable changes to lease when existing lease term ends;
- Habitual late payment of rent;
- Loss of job that includes rental unit (e.g., super in building); or
- Conviction of, harboring a person convicted of, or found liable in an eviction proceeding for having committed:
  - A drug offense on the landlord's property;
  - Theft from the landlord or other tenants; or
  - Assault or terrorist threats against the landlord.

Other Reasons

- Building to be permanently retired from residential use;
- Conversion to condo or co-op;
- Owner or buyer plans to live in apartment or house; or
- Health, safety, or housing code violations if:
  - Building must be boarded up or torn down;
  - Violations can't be corrected without removal of tenant;
  - Related to illegal occupancy; or
  - Building to be permanently removed from rental market as part of redevelopment plan.

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Be aware that many of these “good causes” require additional conditions (e.g., notice, relocation assistance) for the eviction to be lawful under the Act. An owner should review the law before attempting to bring eviction proceedings. **Causing a residential tenant to vacate the premises under false pretenses (i.e., for reasons not stated in the Act) violates this law and could result in civil liability of three times any damages plus any attorneys’ fees and costs incurred by the tenant.**

**The Anti-Eviction Act applies during and after a foreclosure. A residential tenant cannot be evicted simply because the property in which he lives has been sold through or in anticipation of a foreclosure.**

The Act does not apply to (1) residential tenants in owner-occupied homes with two or fewer rental units; (2) units set aside for developmentally disabled members of the owner’s immediate family; or (3) transients or seasonal tenants in hotels, motels, or guest houses. **Whether or not the tenant is covered by the Act, the landlord can evict a tenant only through proper court proceedings (see below).**

### PROPER EVICTION PROCEEDINGS

In New Jersey, the only legal way that a landlord can evict a residential tenant is through a court process where the tenant has the opportunity to defend him- or herself. **Only a special court officer with a warrant of removal signed by a judge may remove a tenant from the premises.**

Self-help evictions violate the law. Unlawful actions include:

- Shutting off vital services, such as heat, water, or electricity, in an effort to get the tenant to leave;
- Locking the tenant out of the property;
- Removing the tenant’s personal property from the premises;
- Violence or threats to kill or injure the tenant;
- Words, circumstances, or actions intended to cause fear in the tenant; and
- Any means other than compliance with lawful eviction procedures.

A tenant who is unlawfully removed is entitled to return to the property and to receive reimbursement for all damages caused by the unlawful removal, including attorneys’ fees and costs. If returning to the property is not possible, **the tenant can recover three times the damages.**

Self-help evictions are also punishable under the criminal law. If, after being warned by a law enforcement officer or public official, the landlord continues with his unlawful activity, he is committing a **disorderly persons offense**. A person convicted of this offense more than once within five years is guilty of a **crime in the fourth degree**.

To avoid civil and criminal liability, landlords and their agents must abide by the law.