



**New Jersey Department of Community Affairs
Division of Codes and Standards
Landlord-Tenant Information Service**



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**RIGHTS OF TENANTS IN
CONDOMINIUM CONVERSION
PRE-CONVERSION TENANTS**

Pre-Conversion Tenants are those tenants whose initial tenancy began before the master deed was recorded. Tenants in any residential rental property may only be evicted when the Court has ordered an eviction. A landlord may ask a tenant to move; however, the tenant is not required to move unless a landlord files a complaint in Superior Court and the Court has ordered the eviction. Self-Help Evictions, that is entry into a dwelling unit and removal of the tenants, their property, disconnection of utilities or changing the locks without the tenant's consent or without a judgment from a court, are not permitted in N.J.

- ❑ The landlord must give tenants a three-year Notice to Quit before he or she can file for an eviction. The landlord must wait 60 days after serving the "Notice of intent" to convert and the "the full plan of conversion" before giving the three-year notice. N.J.S.A. 2A:18-61.8.
- ❑ The landlord must provide the tenants with a Notice of Intent to Convert and the Full Plan of Conversion (after the landlord has registered with the Planned Real Estate Development Office). N.J.A.C. 5:24-1.3.
- ❑ In the notice of the intent to convert, tenants shall be notified of their exclusive right to purchase his or her unit, for the first 90 days after the notice is given. N.J.S.A. 2A:18-61.8.
- ❑ The landlord must provide the tenants with a copy of N.J.A.C. 5:24 as a part of the notice of intent to convert and full plan of conversion. N.J.A.C. 5:24-1.11.
- ❑ Notice of the right to apply for comparable housing. The tenant has the right to request comparable housing within 18 months of receipt of the notice. N.J.S.A. 2A:18-61.11.

- If comparable housing is not provided the tenant may be entitled to 5-one-year stays, allowing the tenant to remain in the rental unit. After the first one-year stay a landlord who is unable to relocate the tenant may buy the tenant out by paying the tenant for five months rent or by waiving five months rent and allowing the tenant to remain in the unit for that 5 month period, N.J.S.A. 2A:18-61.11 and 61.16
- During the 3-year notice period (or up to 8 years in the case of 5 one-year stays of evictions) rent increases cannot be unreasonable. If the property was regulated by the municipal rent control or rent leveling board prior to conversion, after conversion rent increases should remain in line with the limits set by the rent control ordinance. N.J.A.C. 5:24-1.12.
- After the 3-year notice period, the landlord may file for an eviction, however, if the tenant remains in possession and the landlord accepts the rent, the landlord may not rely upon the conversion as a ground for eviction. *Fairken Assoc. v. Hutchen*, 223 N.J.Super. 274 (1987)
- Pre-Conversion tenants who are evicted because the unit is being converted to a condo are entitled to moving expenses, a waiver of one month's rent. N.J.S.A. 2A:18-61.10.
- Qualifying senior citizens and disabled citizens may receive protected tenancy. The landlord must provide the Administrative Agent with a list of tenants for the property being converted. The Administrative Agent will then, based on the list send out applications for protected tenancy to all of the tenants in the building. Tenants who want to apply for protected tenancy must complete the application and return it to the Administrative Agent. The Administrative Agent works for the city or town, in which the property is located. If the tenant is approved for protected tenancy status, the landlord could not evict the tenant for up to 40 years, as long as the tenant continues to qualify for the protected tenancy. N.J.S.A. 2A:18-61.22 – 61.39.

The administrative agent provides the final determination of protected tenancy status. The tenant is responsible for keeping a copy of his or her protected tenancy determination in case of future questions.

Hudson County residents only

Pre-conversion residents in Hudson County may also apply for protected tenancy under the Tenant Protection Act of 1992, which provides protection for tenants in qualifying counties. N.J.S.A. 2A:18-61.40 –61.65.