

Overview of NJ Landlord-Tenant Law

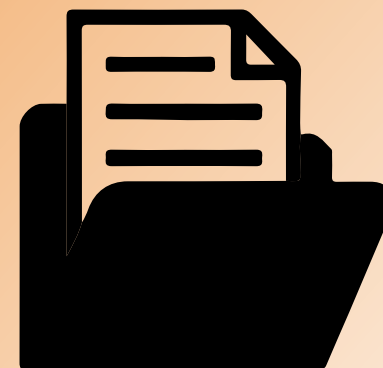
New Jersey has some of the strongest housing laws in the nation, particularly in landlord-tenant law. It is crucial for individuals involved in landlord-tenant disputes to know and understand their rights and obligations under the law.



Types of Actions



**Judgments for
Possession and
Warrant of Removal**



Filing Process



Notice Requirements



Evictions



Tenant Definition

Overview of Landlord-Tenant Process in New Jersey:

New Jersey has some of the strongest housing laws in the nation, particularly in landlord-tenant law. It is crucial for individuals involved in landlord-tenant disputes to know and understand their rights and obligations under the law.



Tenant Definition:

In New Jersey, anyone with legal occupancy rights is considered a tenant, including those who reside in hotels/motels (and have no other home) and those living in mobile homes. Even tenants without a written lease and month-to-month tenants are protected under the law.



Judgments for Possession and Warrant of Removal:

A Judgment of Possession (JOP) is when the judge rules in favor of the landlord at an eviction trial. This allows the landlord to apply for a Warrant for Removal (WOR) to have the tenant removed from the property. The removal is done by a court officer and does not happen on the same day as the JOP. The tenant may pay any rent that is owed to the landlord and request a new hearing and/or an extension to move out before the court officer removes the tenant.



Types of Actions:

- Nonpayment Actions: Failure to pay rent or legal rent increase.
- Holdover Actions: Reasons for eviction other than nonpayment, including lease violations, criminal activity or other valid legal grounds.



Filing Process:

In order to pursue an eviction against a tenant, a landlord must file a complaint with the court along with the following required documents:

- Copy of the lease
- Proof of property registration
- A statement of the case with all of the necessary details, known as the Landlord Case Information Statement
- Proof of any required notices



Notice Requirements:

In some eviction actions, landlords must serve proper notices to tenants. Failure to do so can result in dismissing the eviction case filed against the tenant.

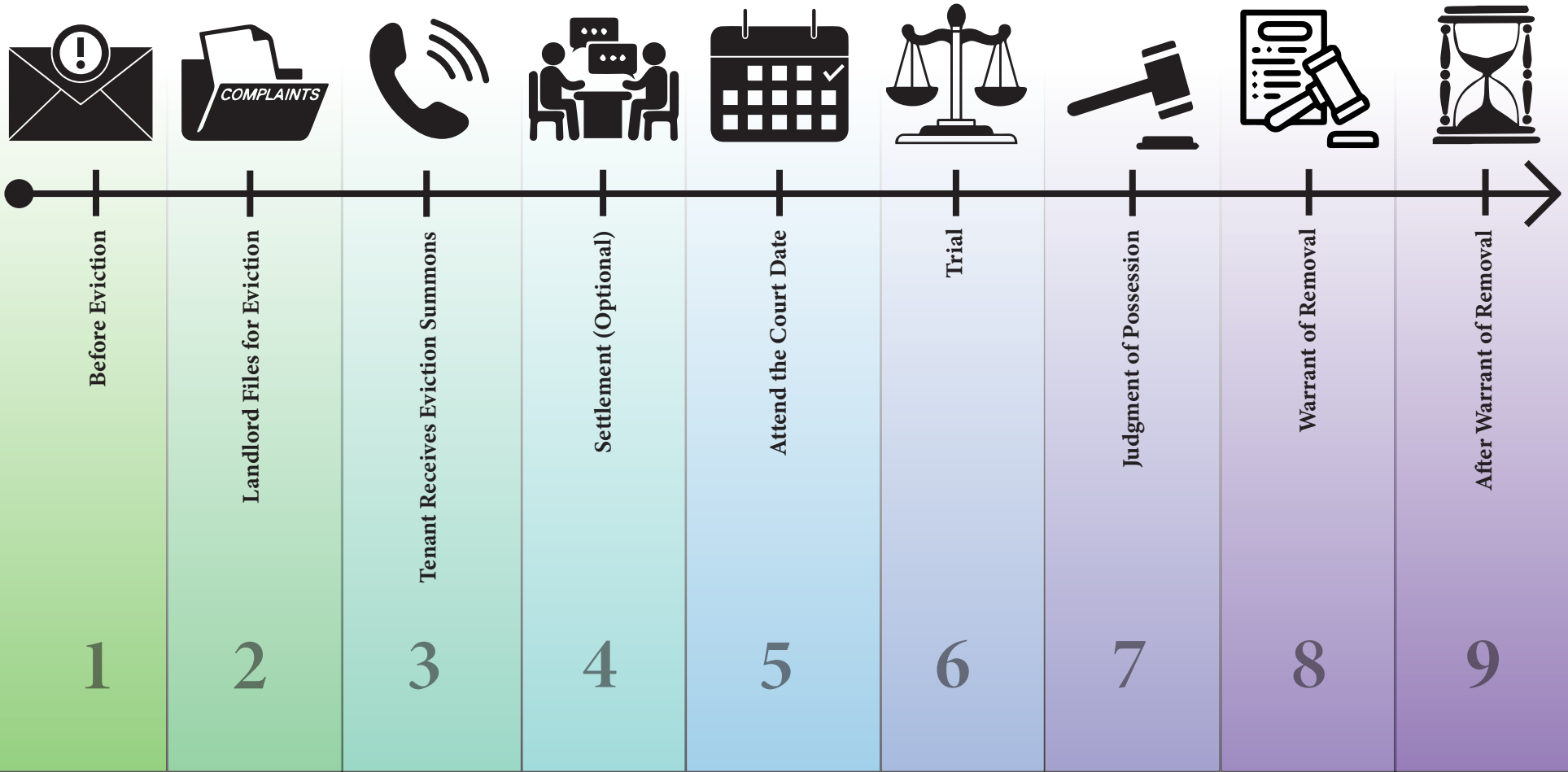


Evictions:

An eviction cannot occur without going through the courts. Only the court can legally evict a tenant after an eviction trial. Landlords cannot physically remove or lock out a tenant on their own, nor can they engage in illegal actions such as shutting off utilities to coerce a tenant to move out. Landlords must go through an eviction court hearing and obtain a judgment for possession and a warrant of removal to legally remove a tenant.

Eviction Timeline:

We understand this time is confusing and overwhelming. While every situation is unique and is hard to predict the exact path eviction will take in your specific location and circumstances, we hope this general timeline can provide a helpful overview.





1. Before Eviction: Often when there is a dispute between a landlord and a tenant, a landlord sends notice of an eviction threat. Sometimes they send an official letter known as “Notice to Quit or Cease.” A letter from the landlord is not enough to start the eviction – too many tenants move out on their own after receiving this notice though they don’t have to. Only a court can evict a tenant, and the issue could be resolved before that happens. For Section 8 and Public Housing tenants, landlords must give 30 days’ notice before eviction proceedings.



2. Once a Landlord Files for Eviction: The court will send the tenant an eviction summons and complaint. This can come by mail or be served by a court officer. Once a summons is served, a court date will be set. It is important to seek legal and non-legal assistance including financial help right away before your court date. **Seek eviction help (legal and resource navigation) here:** evictionprevention@dca.nj.gov or 609-376-0810.



3. After Receiving the Eviction Summons:

1) Look out for your trial date:

The court will mail notice of your court date separately. Court may be scheduled anywhere between 2 and 5 weeks (depending on the court’s backlog).

If a tenant didn’t receive the trial date, they must call the courts immediately to find out their court date. Missing the court date will result in the judge ruling against the tenant, known as a ‘default.’

2) Prepare documents: The tenant has the right to defend themselves in court. Is important to collect all relevant documents, such as the lease if still available, proof of rental payment, communications with the landlord, and a form of identification.

3) Get help to be connected to financial and legal aid: You might need funds to pay the rent that you owe and having the advice of a lawyer who can help you negotiate with the landlord and even verify the landlord’s case against you is critical.

Seek eviction help (legal and resource navigation) here: evictionprevention@dca.nj.gov or 609-376-0810.

4) Contact the court if you seek any reasonable accommodations for trial – i.e. being able to attend court virtually:

All court proceedings are currently in person, except in exceptional circumstances when a tenant can’t appear in person.



4. Settlement (Optional): A settlement is an agreement between a landlord and a tenant to resolve an eviction case without going to trial. Before the case is heard by the judge, the tenant and the landlord can choose to settle, which is optional and available even on the day of trial. If the tenant fails to abide by the terms of the agreement, the settlement agreement becomes invalid, and the landlord can proceed with eviction.

Carefully consider a settlement with an attorney and only when you understand what you’re agreeing to and can do what you’re promising. It is very difficult to undo a settlement, even if you prove you agreed without fully understanding it. It is strongly recommended that tenants get connected to legal support and a resource navigator.

Seek eviction help (legal and resource navigation) here: evictionprevention@dca.nj.gov or 609-376-0810.



5. Attend the Court Date: Missing the court date could result in the judge ruling in favor of the landlord by default, making it harder to reverse the decision later.



6. Day of Trial: If no settlement is reached, the trial will proceed. Both the landlord and tenant will present their cases. Generally, there are two possible outcomes:

A) The tenant wins, and the case is dismissed.

B) The landlord wins, the court issues a Judgment of Possession (JOP) allowing the landlord to proceed with the tenant’s removal through a Warrant of Removal (WOR). The tenant won’t be removed that same day. The JOP is the first step in the legal removal process.



7. Judgment of Possession: A Judgment of Possession (JOP) is a court ruling that gives the landlord the right to evict the tenant.

This doesn’t mean that the tenant has to leave immediately. Three days after the JOP, the landlord may file for a Warrant of Removal (WOR).



8. Warrant of Removal: A Warrant of Removal allows a court officer to remove the tenant from their home. The removal can take 7-10 days to schedule.

The WOR must be served on the tenant.



9. After Warrant of Removal has been Served on the Tenant: In a nonpayment of rent case, after the WOR has been served on the tenant, to avoid being removed, a tenant has three business days to pay the rent owed to stop the removal. Otherwise, the tenant has three business days to move out before they are legally locked out by the court officer. Getting legal help is crucial if a tenant wants to ask the court for an extension or to have the eviction case reconsidered by the court. Tenants can apply for what’s called an Order for Orderly Removal giving them an additional seven calendar days to move out. In cases that are not about rent, tenants may seek a Hardship Stay of up to six months. **Seek eviction help (legal and resource navigation) here:** evictionprevention@dca.nj.gov or 609-376-0810.

Defenses and Resolutions to Landlord Tenant Actions:



Pay Outstanding Rent:

In nonpayment cases, tenants can pay all rent and any other legal fees to avert being evicted by the court.



Habitability Defense:

In New Jersey, tenants have the right to safe and decent housing. A habitability defense is when tenants raise significant concerns to the court about the living conditions and safety of the property they live in regarding conditions that require repairs the landlord knew about but did not make. To properly raise this as a defense to not paying rent, a tenant must meet all of the following requirements:

- 1) The defect to the property is one that significantly impacts living conditions. Not all defects apply, only serious health and safety ones do, such as broken toilets, windows, leaks, or mold. Aesthetic issues are not eligible for rent deduction or withholding rent.
- 2) Must notify the landlord of the defect.
- 3) Must provide access to the landlord to fix the defect.
- 4) Must have all outstanding rent saved up to place in escrow.



Settlement Agreement:

A mutual agreement between both parties made to resolve the case. Tenants are strongly encouraged to seek assistance through a resource navigator and legal counsel before negotiating a settlement.

Seek eviction help (legal and resource navigation) here: evictionprevention@dca.nj.gov or 609-376-0810.



Proof of Nonresidence:

If a tenant can prove that they have already moved out of a property and turned over keys and possession of the unit, the courts will dismiss the case against them.

Resources for Tenants:



Seek eviction help (legal and resource navigation) here:
evictionprevention@dca.nj.gov or 609-376-0810.



Low-income tenants facing eviction can seek free representation from Legal Services of New Jersey:
<https://www.lsnj.org/ContactUs.aspx> or call: 1-888-LSNJ-LAW (1-888-576-5529)



At risk low-income tenants with physical or developmental disabilities can seek legal, healthcare, and other vital support from the Community Health Law Project here:
chlpinfo@chlp.org or call: 973-275-1175



Rental, Utility, and Other Assistance:

Tenants can apply for assistance programs to help with rent, utilities, and other needs here:
<https://dcaid.dca.nj.gov/en-US/are-you-eligible/>