

ASSEMBLY, No. 4250

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 2, 2024

Sponsored by:

Assemblywoman DAWN FANTASIA
District 24 (Morris, Sussex and Warren)
Assemblyman WILLIAM B. SAMPSON, IV
District 31 (Hudson)
Assemblyman MICHAEL INGANAMORT
District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Azzariti Jr.

SYNOPSIS

Establishes expedited ejectment proceeding to remove certain unauthorized real property occupants.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/2/2024)

1 AN ACT establishing expedited proceeding to remove certain
2 unauthorized real property occupants and supplementing chapter
3 39 of Title 2A of the New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. a. In an action pursuant to N.J.S.2A:39-6 by a property
9 owner in the Superior Court to obtain a writ of possession to
10 recover real property from a person occupying the property in
11 violation of N.J.S.2A:39-5, or of N.J.S.2A:39-3, if the possession
12 was without the consent of the owner, without color of title, and
13 without making any prior remuneration therefore, the court shall,
14 within three business days of receiving a verified complaint
15 described in this section, allow a hearing related to the complaint.
16 The court shall notify the real property owner or the owner's agent
17 of the court's determination. If the court allows a special expedited
18 ejectment proceeding pursuant to this section, the court shall, by
19 order, fix the date of the hearing on the complaint, to occur on or
20 before the fifth business day following the court's determination.

21 b. In the complaint filed by the real property owner or the
22 owner's agent, the real property owner or the owner's agent shall
23 certify the following:

24 (1) that, prior to the submission of the complaint to the court,
25 the occupant of the real property has been provided with written
26 notice of the complaint or written notice has been posted
27 prominently on the real property;

28 (2) the person verifying the complaint is the owner of the real
29 property, or the lawful agent of the owner;

30 (3) the occupant of the real property has never been a lawful
31 tenant of the property, and does not lawfully own or possess the real
32 property;

33 (4) the occupant of the real property has never paid rent to the
34 owner, or a lawful agent of the owner; and

35 (5) the occupant of the real property has never had a written
36 lease or other written permission from the owner, or a lawful agent
37 of the owner, to reside on the property.

38 c. In addition to any notice that the Administrative Director of
39 the Courts may determine to be appropriate, a real property
40 occupant, who is the subject of a complaint submitted pursuant to
41 subsection b. of this section, shall be provided with written notice
42 of the date, time, and location of the special expedited ejectment
43 proceeding within 24 hours of scheduling. If personal service
44 cannot be effectuated, the written notice provided pursuant to this
45 subsection may be posted prominently on the front or back door or
46 otherwise prominently on the real property.

47 d. If, in a special expedited ejectment proceeding, the court
48 determines that the information certified by the owner or the

1 owner's agent, pursuant to subsection b. of this section, is accurate,
2 the court shall issue a writ of possession. An officer of the court
3 shall remove the unauthorized occupant from the real property
4 following the issuance of the writ of possession.

5 e. The court shall be authorized to extend the timeline
6 requirements of this section, if necessary in the interest of justice, in
7 extraordinary circumstances.

8 f. A person commits a crime of the third degree if the person
9 knowingly forges a document for the purpose of availing oneself of,
10 or circumventing, the special ejectment proceeding processes
11 established in this section.

12 g. In addition to recovery of possession of the property, and the
13 damages available pursuant to N.J.S.2A:39-8, a property owner who
14 prevails in an action initiated pursuant to this section shall be
15 entitled to treble damages for all damages proximately caused by
16 the unlawful entry and detainer.

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18 2. This act shall take effect on the first day of the third month
19 next following enactment, and shall apply to an action for a writ of
20 possession initiated on or after that date.

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STATEMENT

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25 This bill establishes an expedited ejectment proceeding to
26 remove certain unauthorized occupants of real property.

27 In an action by a property owner in the Superior Court to obtain
28 possession of real property from a person occupying the property
29 without the consent of the owner, without color of title, and without
30 making any prior payment for the occupancy, the bill requires the
31 court to, within three business days of receiving a verified
32 complaint, allow a hearing on the complaint to proceed. The court
33 is required to notify the real property owner or the owner's agent of
34 the court's determination. If the court allows a special expedited
35 ejectment proceeding, the court is required to fix the date of the
36 hearing, to occur on or before the fifth business day following the
37 court's determination.

38 In the complaint filed by the real property owner or the owner's
39 agent, the real property owner or the owner's agent is required to
40 certify the following:

- 41 • that prior to the submission of the complaint to the court,
42 the property occupant has been provided with written
43 notice of the complaint or written notice has been posted
44 prominently on the real property;
- 45 • the person verifying the complaint is the property owner
46 or the owner's agent;

- 1 • the occupant of the property has never been a lawful
- 2 tenant of the property, and does not lawfully own or
- 3 possess the real property;
- 4 • the occupant of the property has never paid rent to the
- 5 property owner or the owner's agent; and
- 6 • the occupant of the property has never had a written lease
- 7 or other written permission from the property owner or
- 8 the owner's agent, to reside on the property.

9 In addition to any notice that the Administrative Director of the
10 Courts may determine to be appropriate, a property occupant, who
11 is the subject of a complaint submitted in accordance with the bill,
12 would be provided with written notice of the date, time, and
13 location of the special expedited ejectment proceeding within 24
14 hours of scheduling.

15 If, in a special expedited ejectment proceeding, the court
16 determines that the information certified by the owner or the
17 owner's agent is accurate, the bill requires the court to issue a writ
18 of possession. An officer of the court is required by the bill to
19 remove the unauthorized occupant following the issuance of the
20 writ of possession.

21 The bill provides that the court would be authorized to extend the
22 timeline requirements, if necessary in the interest of justice, in
23 extraordinary circumstances.

24 The bill provides that a person commits a crime of the third
25 degree if the person knowingly forges a document for the purpose
26 of availing oneself of, or circumventing, the special ejectment
27 proceeding processes established in the bill. A crime of the third
28 degree is punishable by imprisonment for three to five years, and a
29 fine of up to \$15,000.

30 As a result of existing provisions of chapter 39 of Title 2A of the
31 New Jersey Statutes, which this bill supplements, a property owner
32 who prevails in an action initiated pursuant to the bill, would
33 recover all damages proximately caused by the unlawful occupancy,
34 including court costs and reasonable attorney's fees. Additionally,
35 the bill provides that a prevailing property owner would be entitled
36 to treble damages for all damages proximately caused by the
37 unlawful entry and detainer.

38 The bill would take effect on the first day of the third month
39 following enactment, and would apply to an action for a writ of
40 possession initiated on or after that date.