

RESIDENTIAL EVICTIONS: WHAT TENANTS NEED TO KNOW

As of June 19, 2020

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LOCKOUTS

Can I be locked out of my home during the COVID-19 emergency?

No. On March 19, 2020, New Jersey Governor Philip Murphy issued [Executive Order 106](#), which immediately suspends evictions throughout the state. This is called an “eviction moratorium,” and it means that, except in rare circumstances, **no tenant may be removed from his or her home as a result of an eviction proceeding**. This state eviction moratorium does **not** affect court proceedings; instead, it prevents lockouts and removals. The New Jersey Supreme Court controls court proceedings related to eviction, which are suspended for now. More information is below.

How long will the state eviction moratorium last?

The eviction moratorium began on March 19, 2020, and it will last until two months after Governor Murphy declares an end to the COVID-19 health crisis, unless the Governor issues another Executive Order to end it sooner.

What if a lockout notice or warrant of removal has already been issued?

The moratorium applies to all pre-existing orders for removal. Any previously issued order for removal is suspended, and you cannot be removed from your home during the moratorium.

What if I live in a hotel/motel? Can I be evicted while the Executive Order is in place?

Maybe. Governor Murphy’s [Executive Order 106](#) permits a hotel or motel to evict a “transient guest or seasonal tenant.” Longtime hotel and motel residents, along with many others, are not considered “transient” or “seasonal,” however, and therefore remain protected from eviction under the Order. In general, residents cannot be evicted if they “have no permanent housing to which they may safely or lawfully return and live at a hotel or motel on a continual basis.” Under Administrative Orders [2020-08](#) and [2020-09](#) (issued by the State Director of Emergency Management on April 4 and April 24), the following hotel and motel residents are generally protected from eviction:

- those who are part of state initiatives aimed at getting people out of group shelters;
- those supported by a governmental housing assistance program;
- health-care workers who need a temporary place to stay;
- homeless people;

- individuals affected by domestic violence; and
- those staying in hotels or motels in compliance with a court order.

Others may be protected as well. To discuss your individual circumstances, contact a legal services organization such as [Legal Services of New Jersey](#), [Volunteer Lawyers for Justice – New Jersey](#), [Community Health Law Project](#), [Essex County Legal Aid Association](#), or [City of Newark Office of Tenant Services](#).

What if my landlord locks me out illegally?

It is a crime for your landlord to lock you out. Under New Jersey law, only the courts can order evictions, and only government officials can remove you from your home. If your landlord locks you out, call the local police right away.

What happens when the state eviction moratorium ends?

Unless he lifts it sooner, the moratorium will end two months after Governor Murphy declares that the emergency is over. Local officials will then resume removing tenants who are subject to final court orders of eviction. (Renters who live in homes where the owner has a federally backed mortgage or who live in public or subsidized housing may be entitled to protection for a longer period. See below.)

RENT PAYMENTS

Do I still need to pay my rent?

Yes. Rent is still due, and you should pay if you can. If you do not pay, your landlord can still demand the rent and file an action against you in court. The court will schedule the case once the suspension of court hearings is lifted (see below). If you need guidance on how to address your rent situation with your landlord during this time, you can call the New Jersey Housing and Mortgage Finance Agency for free counseling over the phone. Visit <https://njhousing.gov/foreclosure> for a list of counselors by county.

If I can't afford to pay my rent and fall behind, will I still owe the money?

Yes. Any payments you miss now will become back-rent that you owe. One way or another, you will probably have to pay later whatever you cannot pay now, or you will ultimately face possible eviction.

Is rental assistance available?

Maybe. The Department of Community Affairs (DCA) [recently announced](#) a \$100 million COVID Short-Term Rental Assistance Program (CVERAP).

Eighty percent (\$80 million) of the program's funding will go to low- and moderate-income families who are struggling to pay the rent because of substantial loss of income related to the pandemic. Eligible households will receive short-term, temporary rental assistance for up to six months. DCA will make payments directly to landlords. At the three-month mark, household income will be reviewed to determine if assistance is still needed. Assistance that is no longer

required will be used to serve additional families. Money from this program cannot be used to cover rental arrears.

The program will open for applications in July and begin paying rental assistance in September.

DCA will administer this assistance through an online lottery. When the lottery is opened, households may submit applications, and recipients will be selected from the overall pool of applicants through a randomized lottery. After selection, DCA will confirm eligibility before making payments.

General information about the lottery is [here](#), and FAQs are [here](#).

Households are eligible if they:

- Have a gross, annual household income that is at or below the maximum income limits for the county where they are living (income limits for each county are [here](#));
- Reside in a rental unit in New Jersey;
- Owed no back rent as of March 2020;
- Suffered a substantial reduction in income or are currently receiving unemployment due to the COVID-19 pandemic;
- Have a lack of assets and savings to pay rent; and
- Can pay a minimum of 30% of their income (if any) towards the rent.

Individuals must apply online **between 9 A.M. on Monday July 6 and 5 P.M. on Friday July 10**. As of 5 P.M. on July 10, the application process will close. Once the process opens on July 6, applications can be submitted at [this website](#). **Applicants without internet access can call 609-292-4080, option #1, for assistance, including assistance in creating an email address, which all applicants will need.** During the 5-day period when applications will be accepted, the website will operate 24 hours a day, and call center customer representatives will be available by phone from 8 am to 5 pm.

Twenty percent of the funding (\$20 million) will go to serve those who are very low income and homeless or at risk of homelessness. They will be eligible for up to 12 months of rental assistance. These households are not subject to the lottery process. Instead, DCA will identify and assist these households through its Homelessness Prevention & Rapid Rehousing partner organizations. A list of these organizations, with contact information, is [here](#).

For those who need longer term assistance or who may not be eligible for, or lucky enough to get, the special COVID-19 Emergency Rental Assistance, DCA posts [summaries of preexisting rental assistance programs](#), and you can use the [DCAid portal](#) to see if you are eligible. The DCA website also offers [some general answers to questions about rental assistance](#). To get financial counseling on meeting your rental obligations, check the website of [New Jersey Housing and Mortgage Finance Agency](#), which lists free counselors in every county. If you fall behind on your rent payments, you can also try speaking with your

landlord to work out a payment plan to avoid having an eviction action filed against you. For additional resources, try calling 2-1-1.

Can I use my security deposit to cover some of the rent I owe?

Yes. On April 24, Governor Murphy issued [Executive Order 128](#), which allows tenants to request in writing (including by email or text) that their landlords apply their security deposits to the rent they owe during the Public Health Emergency and for up to 60 days afterwards. The landlord must comply with such a request. If the tenant causes damage to the apartment (beyond ordinary wear and tear), the landlord may require the tenant to pay for that damage if and when the landlord would otherwise have been entitled to recoup the cost from the security deposit. If the lease is renewed, the landlord may also require the tenant to post a new security deposit either six months after the end of the Public Health Emergency or when the lease is renewed, whichever is later.

Can my landlord increase my rent during the COVID crisis?

Maybe. So far, the state government has not banned rent increases during the crisis. In the absence of statewide protection, tenants retain whatever protections may already have applied, including lease provisions and rent control ordinances, which normally permit rent increases only once a year.

In addition, some tenants have special protections:

- On April 16, [Governor Murphy announced](#) that the New Jersey Housing and Mortgage Finance Agency (NJHMFA) had voted to prohibit rent increases for the duration of the Public Health Emergency in the 36,000 rental units the agency oversees. After the emergency ends, landlords in NJHMFA-regulated properties may raise rents up to 1.4% on 30 days' notice to tenants.
- On May 18, Newark's Mayor Baraka announced a [temporary moratorium on all rent increases](#) for tenants living in properties covered by the [Newark Rent Control Ordinance](#). Newark's prohibition on rent increases is retroactive to April 1 and will last up to two months following the end of Newark's declared State of Emergency.

COURT HEARINGS

What about court? Is the court holding eviction trials?

Not right now. On June 12, the [New Jersey Supreme Court ordered](#) that trials in landlord-tenant court be suspended "until further notice." This means there will be no eviction trials anywhere in the state until the Supreme Court authorizes the landlord-tenant courts to resume such trials. Check the [New Jersey Courts website](#) for updates.

Are the courts accepting cases that landlords file against tenants?

Yes. The [June 12 order](#) allows landlords to file eviction complaints against tenants, even though there are no trials at this time. You may therefore receive an eviction complaint in the mail and/or posted at your residence.

Are the courts holding proceedings other than trials?

Yes. The [June 12 order](#) instructs the landlord-tenant courts to schedule settlement negotiations “in an effort to resolve matters.” This means you may receive a notice from the court by email directing you to appear at a videoconference or telephone conference to discuss settlement of a case your landlord has filed against you. If you get a notice like this, you should:

- Contact a legal services organization such as [Legal Services of New Jersey](#), [Volunteer Lawyers for Justice – New Jersey](#), [Community Health Law Project](#), [Essex County Legal Aid Association](#), or [City of Newark Office of Tenant Services](#).
- Share the complaint you received with any organization or lawyer who agrees to help you. If you did not receive a complaint, let your lawyer and the court know that.
- Remember that **you do not have to settle your case!** If you do not settle, your case will be scheduled for trial when the courts start holding eviction trials again. But you cannot be locked out and removed from your home until two months after the Governor declares an end to the public health emergency.

Does federal law prevent my landlord from filing an eviction case against me?

Maybe. Under the federal [CARES Act](#), if the landlord has a federally backed mortgage, the landlord may not file an eviction action against you for nonpayment of rent, or charge you fees (such as late fees or attorney’s fees) related to your nonpayment of rent, for 120 days from March 27, 2020 (or through July 25, 2020). After July 25, a landlord with a federally backed mortgage must give you 30 days’ notice before filing an eviction action.

As explained below under “Subsidized Tenants,” the 120-day federal eviction ban also extends to tenants living in public housing and participating in various other subsidized housing programs.

Additional protection may apply if the building where you live has five or more units and the owner got permission to delay payments on a federally backed mortgage loan. In that case, the owner may not file an eviction action against you for nonpayment of rent, or charge you fees related to nonpayment of rent, during the period when the owner is not making mortgage payments. When this period ends, the owner must give you 30 days’ notice before filing an eviction action against you.

The National Low-Income Housing Coalition has constructed a [searchable database](#) of many (but not all) of the properties covered by the federal law.

You must still pay rent, and you will owe later what you don’t pay now. Like the state orders, the federal law protects you from being removed from your home during the emergency, but you still owe the rent.

What if my landlord has already started an eviction proceeding against me in housing court and I have an upcoming court date?

If your court date is scheduled during the suspension, the court will mail you a notice with your new court date. While landlord-tenant court is suspended, you should not go to court, no cases will move forward, and you will not be penalized for not going to court.

Can I still get emergency repairs in my apartment?

You always have a right to [safe and decent housing](#). If you have concerns about issues such as inadequate heat, exposure to lead, infestations, leaks, crumbling walls and ceilings, or other hazardous conditions, you should ask your landlord in writing to make repairs (keep a copy). If repairs are not made quickly, you can call 2-1-1, contact the state [Bureau of Housing Inspection](#), or call your municipality to report the problem. Or, if you can manage the repairs on your own, you can make them or pay someone to make them. You can then withhold the money you spent on repairs from your rent (save all receipts for the repairs!). Due to closures, enforcement agencies may be working with limited staff and it may take longer to get repairs or inspections.

What if I already have a court date scheduled for a hearing about emergency repairs?

All landlord/tenant court proceedings, including those for emergency repairs, have been suspended for the time being. You can find updates on the dates of the suspensions at the [New Jersey Courts website](#). You should not go to housing court during the suspension. Instead, you should wait for notice of a rescheduled court date.

SUBSIDIZED TENANTS

Can my landlord file an eviction action against me if I live in public housing or have a Section 8 Voucher?

No. The federal [CARES Act](#) prevents landlords from filing eviction actions for nonpayment of rent for 120 days from March 27, 2020 (or through July 25, 2020) against tenants who:

- live in public housing,
- have a Section 8 Housing Choice voucher,
- live in Section 8 project-based housing, or
- live in other types of federally funded housing, including, among others, certain housing programs for seniors, people with disabilities, people with HIV/AIDS, and people at risk of homelessness.

During this period, the landlord also cannot charge fees (such as late fees or attorney's fees) associated with nonpayment of rent, and the landlord must give tenants 30 days' notice after July 25 before filing eviction actions.

Is the Department of Community Affairs still open for business?

Yes. The Department of Community Affairs (DCA) [housing assistance programs](#) continue to operate and do all their basic work, including paying rents to landlords and setting the amount of rent subsidized

tenants must pay. DCA encourages subsidized tenants to use the online portal at assistancecheck.com to submit documents, or to send documents through the mail (keep copies!). Subsidized tenants who have questions can contact the field offices or use the main customer service line: 609-292-4080 or customer.service@dca.nj.gov. [DCA has announced](#) that it has taken a number of actions to meet the ongoing needs of its clients and to curb evictions and homelessness during the state of emergency. For example, DCA has suspended termination of subsidies in the Section 8 Housing Choice Voucher and State Rental Assistance Programs, unless the tenant has engaged in violence or threats against others. DCA is also accepting through its online portal interim income re-certifications for tenants who have lost income because of the pandemic.

Is the Newark Housing Authority allowed to evict me now?

No. As noted above, the federal [CARES Act](#) prevents public housing authorities from filing eviction actions for nonpayment of rent against public housing tenants for a period of 120 days from March 27 (or through July 25, 2020). If the [Newark Housing Authority](#) manages your rental subsidy, you are also covered by city-level anti-eviction protections.

ELECTRICITY, GAS, WATER

Can my utilities be shut off during the COVID-19 crisis?

No. As of March 13, New Jersey's electric and gas utilities [voluntarily suspended utility shut-offs](#), and that suspension appears to be ongoing. We have heard that some of the utility companies are sending shut-off notices to residential tenants, but it seems they are not following through with actual shut-offs.

Do I still have to pay for utilities and water?

Yes. You still have to pay whatever electric, gas, or water bills you normally pay. If you cannot pay now, you will have to pay later. The utilities and water companies are not cancelling debts; they are just postponing shutoffs for the time being. DCA offers low-income tenants [assistance with some utility bills](#), and you can call the customer service number on your utility bill to try to work out a payment plan.