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AN ACT concerning foreclosure and tenant evictions during certain emergency circumstances and supplementing Title 2A of the New Jersey Statutes.

Concerns prohibition of residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.

PRIME Sponsor _____ / _____

<u>CO-Sponsor</u>	<u>District</u>	<u>CO-Sponsor</u>	<u>District</u>
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Same as _____ 18/19 Same as S- _____ 20/21

Suggested allocation: s.1: C.2A:18-59.3 and note to 2A:50-53 et seq. to 2019/469

AN ACT concerning foreclosure and tenant evictions during certain emergency circumstances and supplementing Title 2A of the New Jersey Statutes.

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

1. a. Notwithstanding any other law to the contrary, whenever a Public Health Emergency, pursuant to the “Emergency Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.), or a State of Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or both, has been declared by the Governor and is in effect, the Governor may issue an executive order to declare that a lessee, tenant, homeowner or any other person shall not be removed from a residential property as the result of an eviction or foreclosure proceeding. This executive order shall remain in effect for no longer than two months following the end of the Public Health Emergency or State of Emergency.

b. Eviction and foreclosure proceedings may be initiated or continued during the time of an executive order issued pursuant to this section, but enforcement of all judgments for possession, warrants of removal, and writs of possession shall be stayed during this period if the Governor has issued an executive order prohibiting certain removals from residential property pursuant to subsection a. of this section, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice.

c. Sheriffs, court officers, and their agents shall refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time of an executive order issued by the Governor prohibiting certain removals from residential property pursuant to subsection a. of this section, unless the court determines on its own motion or motion of the parties that removal is necessary in the interest of justice.

d. As used in this section, “residential property” means any property rented or owned for residential purposes, including, but not limited to, any house, building, mobile home or land in a mobile home park, or tenement leased for residential purposes, but shall not include any hotel, motel, or other guest house, or part thereof, rented to a transient guest or seasonal tenant, or a residential health care facility.

2. This act shall take effect immediately.

STATEMENT

This bill would provide that, whenever a public health emergency or a state of emergency is declared by the Governor and is in effect, the Governor may issue an executive order to declare that a lessee,

tenant, homeowner or any other person would not be removed from a residential property as the result of an eviction or foreclosure proceeding. This executive order would remain in effect for no longer than two months following the end of the public health emergency or state of emergency.

The bill would permit eviction and foreclosure proceedings to be initiated or continued during the time of the executive order, but enforcement of all judgments for possession, warrants of removal, and writs of possession would be stayed, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice. The bill would require sheriffs, court officers, and their agents to refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time of the executive order, unless the court determines on its own motion or motion of the parties that removal is necessary in the interest of justice.

Concerns prohibition of residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.