

## **RESIDENTIAL EVICTIONS: WHAT TENANTS NEED TO KNOW**

*As of April 7, 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.

#### **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. If you fall behind on your rent payments, you can try speaking with your landlord to work out a payment plan to avoid having an eviction action filed against you. Additional help may become available for tenants who miss rent payments because of COVID-19-related financial hardship. Check the state's [COVID-19](#) website and the website of [New Jersey Housing and Mortgage Finance Agency](#) for updates.

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

**Maybe.** [Executive Order 106](#) excludes hotels, motels, and guest houses rented to a “transient guest or seasonal tenant.” A later order, issued by the State Director of Emergency Management on April 4, helps to define “transient guest[s] or seasonal tenant[s].” The [April 4<sup>th</sup> order](#) says people are **not** transient or seasonal if they are staying in hotels or motels: (1) under state initiatives aimed at getting people out of group shelters; (2) with support from a governmental housing assistance program; or (3) because they are healthcare workers and need a temporary place to stay. It is possible that individuals in those categories are protected from eviction, but the orders are not entirely clear. 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](#) to discuss your individual circumstances.

### **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 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.)

## **COURT HEARINGS**

### **What about court? Can my landlord still take me to court for not paying my rent?**

**Not right now.** On March 27, the New Jersey Supreme Court ordered that [landlord-tenant court be suspended until April 26](#). This means there will be no eviction hearings anywhere in the state until April 26 at the earliest, and the Supreme Court may announce further postponements. Check the [New Jersey Courts website](#) for updates.

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

**Maybe.** Under the recently adopted 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.

**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 should I do if I receive court papers?**

Find assistance from a legal services organization. For example: [Legal Services of New Jersey](#), [Volunteer Lawyers for Justice -- New Jersey](#), [Community Health Law Project](#), [Essex County Legal Aid Association](#), and [City of Newark Office of Tenant Services](#).

### **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](mailto: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. On March 15, Newark's Mayor Baraka announced a [60-day moratorium](#) on residential evictions for Newark residents who cannot afford to pay their rent due to the financial impact of COVID-19.

## **EMERGENCY ASSISTANCE**

### **What can I do if I need emergency housing assistance?**

**Call 2-1-1** for resources. To find out if you are eligible to apply for any of DCA's [housing assistance programs](#), visit DCA's online anonymous screening tool: [www.nj.gov/dca/dcaid](http://www.nj.gov/dca/dcaid).

## **ELECTRICITY, GAS, WATER**

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

**No.** New Jersey's [electric and gas utilities](#) have voluntarily suspended utility shut-offs during the crisis. Check [New Jersey Board of Public Utilities website](#) for updates.

In addition, on March 23, the state legislature introduced a [bill](#) that would prohibit shutoffs of electricity, gas, or water public utility services to residential customers during epidemics such as COVID-19. Check the [state's COVID-19 website](#) or the [New Jersey Legislature website](#) to stay informed as new laws are enacted.

### **Are there extra protections in Newark?**

**Yes.** Mayor Baraka's Executive Order No. MEO-20-0001 extends a 60-day grace period for the nonpayment of water, sewer, solid waste collection, and tax collection charges for Newark residents financially impacted by COVID-19.

### **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](#).