



New Jersey Department of Community Affairs Division of Codes and Standards Landlord-Tenant Information Service



EVICTION RELOCATION ASSISTANCE REGULATIONS

N.J.A.C. 5:11-7.1 through 5:11-7.5

Printed February 2008

N.J.A.C. 5:11-7.1 General notice

(a) Whenever a landlord intends to terminate a tenancy because of enforcement of building, housing or health codes, public acquisition of the premises or participation in a government-sponsored program of voluntary rehabilitation, including, without limitation, new construction, the landlord shall give written notice of his intent to the tenant.

1. This notice shall specify in detail the reasons why the landlord wants the tenant to vacate the premises.

2. Unless N.J.A.C. 5:11-7.2 shall apply, the notice shall include the following statement in capital letters:

I AM ASKING YOU TO MOVE BECAUSE OF GOVERNMENT ACTION. YOU MAY BE ELIGIBLE FOR FINANCIAL AND OTHER BENEFITS UNDER THE RELOCATION ASSISTANCE AND RESIDENTIAL EVICTION ACTS (N.J.S.A. 52:31B-1 et seq., N.J.S.A. 20:4-1 et seq., and N.J.S.A. 2A:18-61.1 et seq.). YOU MAY CALL THE RELOCATION OFFICE AT _____ (giving the accurate address and the telephone number of the person responsible for relocation in this area).

N.J.A.C. 5:11-7.2 Additional notice for proceedings under N.J.S.A. 2A:18-61.1(g)

(a) In cases arising under N.J.S.A. 2A:18-61.1g(1) or g(3), the following statement shall be included in the notice in capital letters:

I MUST GIVE YOU THIS NOTICE BECAUSE I PLAN TO SEEK EVICTION UNDER THE RESIDENTIAL EVICTION LAW (N.J.S.A. 2A:18-61.1) AND THE REGULATIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS. THE CAUSE FOR WHICH I WANT YOU TO LEAVE IS THE FOLLOWING:

g(1) THAT I WANT TO PERMANENTLY BOARD UP OR DEMOLISH THE UNIT YOU ARE LIVING IN BECAUSE IT HAS BEEN CITED FOR SUBSTANTIAL VIOLATIONS AND IT IS ECONOMICALLY UNFEASIBLE FOR ME TO ELIMINATE THE VIOLATIONS, OR

g(3) THAT I HAVE BEEN CITED BY LOCAL OR STATE HOUSE INSPECTORS FOR ILLEGAL

OCCUPANCY AND THE ONLY WAY TO CORRECT THIS VIOLATION IS TO REMOVE THE TENANT. I AM ENTITLED TO TRY TO EVICT YOU IN THE COURTS 90 DAYS AFTER THE DATE OF THIS NOTICE. IF YOU RECEIVE A SUMMONS TO APPEAR IN COURT AND FAIL TO APPEAR YOU ARE LIKELY TO LOSE YOUR CASE BECAUSE YOU AREN'T THERE. HOWEVER, IN NO CASE CAN THE JUDGE EVICT YOU AND ISSUE A WARRANT FOR POSSESSION UNLESS THE RELOCATION LAWS HAVE BEEN COMPLIED WITH.

YOU MAY BE ELIGIBLE FOR FINANCIAL AND OTHER BENEFITS UNDER THE RELOCATION ASSISTANCE AND RESIDENTIAL EVICTION ACTS. (N.J.S.A. 52-31B-1 et seq., N.J.S.A. 20:4-1 et seq., and N.J.S.A. 2A:18-61 et seq.) YOU MAY CALL THE RELOCATION OFFICE AT _____ (giving the accurate address and the telephone number of the person responsible for relocation in this area).

(b) In cases arising under N.J.S.A. 2A:18-61.1(g)2, the following statement shall be included in the notice in capital letters:

I MUST GIVE YOU THIS NOTICE BECAUSE I PLAN TO SEEK EVICTION UNDER THE RESIDENTIAL EVICTION LAW (N.J.S.A. 2A:18-61.1) AND THE REGULATIONS OF THE DEPARTMENT OF COMMUNITY AFFAIRS. THE CAUSE FOR WHICH I WANT YOU TO LEAVE IS THAT I WANT TO COMPLY WITH LOCAL OR STATE HOUSING INSPECTORS WHO HAVE CITED ME FOR SUBSTANTIAL VIOLATIONS AND IT IS UNFEASIBLE TO COMPLY WITHOUT REMOVING THE TENANTS.

THE PROCEDURE WHICH IS FOLLOWED ONCE YOU HAVE RECEIVED THIS NOTICE FROM ME IS FOR THE DEPARTMENT OF COMMUNITY AFFAIRS TO UNDERTAKE AN INVESTIGATION OF THIS CAUSE FOR EVICTION TO FIND OUT IF IT IS JUSTIFIED BY THE VIOLATIONS OR CIRCUMSTANCES THE DEPARTMENT OF COMMUNITY AFFAIRS WILL INFORM THE TENANTS AND THE _____ (fill in the name of the local inspection agency), OF MY EFFORTS TO TRY TO EVICT YOU, THE DEPARTMENT WILL ASK FOR THEIR WRITTEN COMMENTS AND PREPARE A RECOMMENDATION WHICH WILL BE FORWARDED TO THE DISTRICT COURT WHICH WILL CONDUCT ANY EVICTION PROCEEDINGS, AS WELL AS TO THE _____ (fill in the name of the local inspection agency), THE OWNER AND THE TENANTS. IF THE DEPARTMENT OF COMMUNITY AFFAIRS DECIDES THAT EVICTION FOR THE CAUSE STATED ABOVE IS JUSTIFIED, THE _____ (fill in the name of the local inspection agency), WILL BEGIN PROVIDING FINANCIAL AND OTHER RELOCATION ASSISTANCE AS PROVIDED UNDER THE RELOCATION AND EVICTION LAWS. (N.J.S.A. 52:31B-1 et seq., N.J.S.A. 20:4-1 et seq., and N.J.S.A. 2A:18-61 et seq.) IF THE DEPARTMENT OF COMMUNITY AFFAIRS DECIDES THAT EVICTION IS NOT JUSTIFIED, I AM STILL ENTITLED TO TRY TO EVICT YOU IN THE COURTS 90 DAYS AFTER THE DATE OF THIS NOTICE. IF YOU RECEIVE A SUMMONS TO APPEAR IN COURT AND FAIL TO APPEAR YOU ARE LIKELY TO LOSE YOUR CASES BECAUSE YOU AREN'T THERE. HOWEVER, IN NO CASE CAN THE JUDGE EVICT YOU AND ISSUE A WARRANT FOR POSSESSION UNLESS THE RELOCATION LAWS HAVE BEEN COMPLIED WITH.

(c) Landlords may obtain copies of this required statement from the Office of Landlord/Tenant Information, Department of Community Affairs, PO Box 805, Trenton, N.J. 08625-0805. Spanish speaking tenants shall be provided with this statement in Spanish, and such statement is also available at the same address.

N.J.A.C. 5:11-7.3 Landlord's obligations regarding notice to Department of Community Affairs

(a) The landlord shall, simultaneously with service of notice of the tenants in cases arising under N.J.S.A. 2A:18-61.1(g)2, provide to the Department of Community Affairs the following information and documentation.

1. A copy of the notice to the tenants.

2. The names and addresses of all the tenants to be evicted under N.J.S.A. 2A:18-61.1g(2).

(b) In the case of an eviction pursuant to N.J.S.A. 2A:18-61.1(g)2, a written statement shall also be supplied describing the specific violations the elimination of which necessitates removal of the tenant.

(c) In cases arising under N.J.S.A. 2A:18-61.1(g)2 in which the Department of Community Affairs was not the inspection agency, the landlord shall provide the Department of Community Affairs with a copy of the official inspection report which shows all cited violations and a copy of any applicable local ordinance.

N.J.A.C. 5:11-7.4 Responsibilities of Department of Community Affairs

(a) The following actions shall be taken by the Department of Community Affairs in each instance in which a landlord invokes N.J.S.A. 2A:18-61.1g(2):

1. Upon receipt of the landlord's materials, the Department shall acknowledge receipt of such materials and, if necessary, request submission of any additional required information. Such additional information shall be submitted within 15 days of such request.

(b) Upon receipt of the materials, each affected tenant shall be sent a copy of the landlord's statement on the need for eviction and a letter explaining the applicable law and procedures and requesting optional written comments from the tenant about the landlord's proposed action.

(c) The premises shall be inspected, the tenant's comments and the landlord's statement shall be assessed and, where applicable, the Department of Community Affairs shall consult with the local inspection agency. On the basis of this information, a conclusion as to the feasibility of achieving compliance through elimination of the violations without removal of the tenant shall be reached by the Department of Community Affairs within 60 days of its receipt of the original notice from the landlord. Notice of this conclusion shall be given to the Court having jurisdiction, the appropriate relocation agency, the landlord, the affected tenants and the local inspection agency within 90 days of receipt of the landlord's notice.

(d) If it is concluded by the Department of Community Affairs that it is feasible to effect compliance without removal of the tenants, the notice shall so advise the court and further shall advise the tenant that, should he fail to appear in court to contest the eviction, he may very likely be subject to a default judgment and eviction.

(e) The notice of the Department's conclusion shall include the name, address and telephone number of the appropriate relocation agency.

(f) The name and address of the tenants, any tenant comments, and any explanatory letter shall be enclosed with the notice of the Department's conclusion to the Court.

N.J.A.C. 5:11-7.5 Availability of funds

(a) In the event that the displacing agency receives a notice of the conclusion of the Department that compliance cannot be effected without removal of the tenant, the appropriate displacing agency shall determine whether sufficient funds and an appropriate WRAP are available to provide timely relocation payments and assistance.

(b) In the event the displacing agency has insufficient funds to provide the relocation required, it shall within three days notify the Department of Community Affairs of this fact so that appropriate notice can be included in the notice of determination made to the court and all affected parties.

(c) If adequate relocation resources are not found, then the displacing agency shall submit an amended Workable Relocation Assistance Plan (WRAP), with adequate provision for such funding, within 30 days.

(d) The displacing agency shall proceed to obtain the necessary funds as quickly as possible.

(e) The Department of Community Affairs will advise the court of its obligation to stay any warrant for possession until the relocation payments and assistance can be provided.

HISTORY:

Amended by R.1981 d.69, effective March 3, 1981.

See: 13 New Jersey Register 67(b), 13 New Jersey Register 189(b).

Old text deleted, new text substituted therefor.

Amended by R.1984 d.127, effective April 16, 1984.

See: 16 New Jersey Register 175(a), 16 New Jersey Register 870(b).

(a): "zoning" deleted; "health" substituted in its place.

Amended by R.2004 d.222, effective June 21, 2004.

See: [36 New Jersey Register 1264\(b\)](#), [36 New Jersey Register 3055\(c\)](#).

In (a)2, amended the N.J.A.C. reference.SOURCE:

New Jersey Administrative Code published by the Office of Administrative Law.