

NEW JERSEY EVICTION FACTS - For Those Impacted by COVID-19 (loss of income or unemployment) Frequently Asked Questions (FAQs)

Can I Be Locked Out during COVID-19?

The State of NJ Order has an eviction moratorium, which means that except in rare circumstances (violent or endangering others) no tenant in NJ can be removed from their home as a result of an eviction proceeding. The NJ Moratorium will last until 2 months after Governor Murphy declares and end to the COVID-19 health crisis. The NJ Moratorium is stronger than the Federal Order from the Federal Government – Center for Disease Control and Prevention (CDC).

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

The NJ Moratorium applies to all pre-existing orders for removal. You cannot be removed from your home until the moratorium is lifted and only government officials can remove you from your home.

What if my landlord locks me out illegally?

Under NJ Law this would be a crime for your landlord to lock you out. Only courts can order evictions and only government officials can remove you from your home. If your landlord is trying to force you from your home, do not leave; even if the locks were changed. Call the police.

What if I live in a hotel/motel, can I be evicted while the NJ State Order is in Place?

Usually you cannot be evicted if you “have no permanent housing to safely or lawfully return to and live at a hotel or motel on a continual basis”. Look up Administrative Order 2020-08 and 2020-09 Issues by the NJ Director of Emergency Management. You can be evicted if you are considered a transient guest or seasonal tenant. For more information, contact Legal Services of NJ at www.lsnjlaw.org or visit their website for more information. Their hotline number is 1-888-576-5529.

Are courts accepting cases that landlords file against tenants?

Yes. The July 24, 2020 order allows landlords to file eviction complaints against tenants. Therefore, you may receive an eviction complaint in the mail and/or posted at your residence.

Are courts holding proceedings?

Yes. You may receive a notice from the court directing you to appear at a “Pretrial/Settlement Conference.” by telephone or video to discuss the case your landlord has filed against you. If you get a notice like that you should be ready to share the complaint with a legal representative. Then contact Legal Services of NJ, Volunteer Lawyers for Justice NJ or the Community Health Law Project.

Do I have to settle my case?

No. However, if you do not settle your case will be scheduled for trial when the courts start holding eviction trails again. You cannot be locked out or removed until 2 months after the Governor declares an end to the public health emergency.

Does the Federal (not state) law protect me?

Maybe. The Federal CARES Act, cannot file an eviction complaint for non-payment of rent between March 27, 2020 and July 25, 2020 in these circumstances:

- a) Those who have a federally backed mortgage from Fannie Mae, Freddie Mac or the Federal Housing Administration**
- b) Live in Public Housing**
- c) Have a Section 8 Housing Choice Voucher**
- d) Live in Section 8 Project Based Housing, or**
- e) Live in other types of federally funded housing including certain programs for seniors, people with disabilities, people with HIV/AIDS and people at risk of homelessness**

How do I find out if I live in one of the above circumstances if I am not sure?

The National Low Income Housing Coalition has a searchable database of many (but not all) of the properties covered in the CARES Act. You can also request this information from your Landlord in writing.

If I find out I live in one of the above circumstances what should I do?

The information on Federal CARES Act is different than NJ Regulations. Tenants are encouraged to contact housing counselors for more details. If you live in Somerset or Hunterdon County NJ contact CJHRC Counselors at (908) 446-0036. If you live elsewhere, visit www.njhousing.gov/foreclosure (<https://www.njhousing.gov/foreclosure> for a full list of housing counselors who will assist you with rental questions. You can also call 211 for information

What other advice?

Renters who cannot pay their rent or full rent, are encouraged to put this information in writing to their landlord. Advise them of your situation and see if a payment plan or reduced rent can be worked out.

Looks into getting rental assistance. Some areas of NJ have Emergency Rental Relief programs you can apply for. Check with your Community Development or Housing Office in your county to find out how their program works. Some programs for rental assistance may not be ready until the spring of 2021. You will want to gather important information so you can complete an application which will also require documentation. Typical documentation may be: proof of income, how COVID19 impacted you or your household, tax returns, document from landlord with their name, address, property you live in, statement of what you owe and for what months, and more.

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