



Rent and Evictions in the COVID-19 Crisis

Updated May 1, 2020

Do I still have to pay rent?

PAY YOUR RENT, if you are able to pay it. Rent is not canceled. However, Governor Murphy's Executive Order 128, signed on April 24, 2020, allows tenants to apply their security deposit to the rent they owe during the COVID-19 Public Health Emergency and 60 days after. All you have to do is to inform your landlord in writing (including via text or email), and your landlord then has to comply. Keep in mind that if you later damage the apartment, your landlord can make you pay for the damage. Your landlord may also require you to provide a new security deposit 6 months after the end of the Public Health Emergency or when your lease is renewed.

What happens if I fall behind on rent?

Any rent you don't pay will become back-rent that you owe. As the law stands now, you will have to pay it back later or face eviction. Check New Jersey's COVID-19 webpage at www.covid19.nj.gov for information on rental assistance. You can also try to work with your landlord and negotiate a payment plan to avoid eviction (make sure you get it in writing).

Can my landlord take me to court?

If you live in public housing, have a Section 8 Voucher, or live in other federally funded housing, your landlord cannot file an eviction action against you until 120 days from March 27, 2020, which is July 25, 2020.

If you are not in one of these categories, your landlord can take you to court for non-payment of rent. Due to the Public Health Emergency, there are no landlord-tenant trials scheduled before June 1, 2020. However, cases can be settled before June 1.

Can I be evicted or removed from my apartment?

YOU CANNOT BE REMOVED during the eviction moratorium. Governor Murphy's Executive Order 106, issued March 19, 2020, provided an "eviction moratorium" which states that no tenant may be removed from his or her home as a result of an eviction proceeding. This means that if the court finds in favor of your landlord and issues a judgment against you at your trial, you won't actually have to move out until the moratorium ends.

The moratorium is in effect until 2 months after the Governor declares an end to the COVID-19 Public Health Emergency, or issues another Executive Order to end the moratorium sooner. This moratorium applies to those who may have a court date after June 1, 2020 and those who had a judgment or warrant of removal issued against them before the Public Health Emergency began.

Can my landlord lock me out?

It is unlawful for your landlord to lock you out. Call your local police immediately.

I live in a hotel/motel. Am I also protected from removal by the eviction moratorium?

If you are living in a hotel/motel because you don't have permanent housing that you can safely or lawfully return to and you have been living at the hotel/motel on a continual basis, you are protected by the moratorium. This includes homeless people, those who were placed in a hotel/motel by a housing assistance program, people affected by domestic violence, and those staying in a hotel/motel in compliance with a court order.

This document is for informational purposes only. It is not intended as legal advice and does not substitute for consulting with a lawyer about specific facts and circumstances. If you are disabled and need further assistance, please contact the Community Health Law Project at www.chlp.org or (973) 275-1175.