

CONTACTS

If you feel that you are at risk of being evicted from your rental home because of a foreclosure, here are some numbers you can call for help:

**Legal Services of
New Jersey**

888-576-5529

**New Jersey Tenants'
Organization**

201-342-3775

**Department of the
Public Advocate,
Division of Citizen Relations**

609-826-5070



**State of New Jersey
Department
of the
Public Advocate**

240 West State Street
P.O. Box 851
Trenton, N.J. 08625-0851

Phone: 609-826-5070
Fax: 609-984-4770

E-mail: info@advocate.state.nj.us
Website: www.njpublicadvocate.gov

The Rights of Tenants During Foreclosure



STATE OF NEW JERSEY

**DEPARTMENT OF THE
PUBLIC ADVOCATE**

A VOICE FOR THE PEOPLE

**Tenants have a right to stay
in their homes during a
foreclosure and after
resale of the property.**

***Chase Manhattan Bank
v. Josephson***

In 1994, the New Jersey Supreme Court held that the Anti-Eviction Act protects tenants even when the property where they live is in foreclosure or has been foreclosed.

A bank or other lender that forecloses on a residential property covered by the Act takes that property with the tenants still in it. And if the lender resells the property to another owner, that owner also takes the property still occupied by its tenants.

The Anti-Eviction Act

Enacted in 1974, the Anti-Eviction Act protects residential tenants from losing their homes through no fault of their own. The Act applies whether or not the tenant has a written lease.

Exceptions are limited. The Act does **not** apply to tenants of:

- Owner-occupied homes with no more than two rental units,
- units set aside for developmentally disabled members of the owner's immediate family, or
- hotels, motels, or guest houses.

**Foreclosure Alone Is
Not
Grounds for Eviction**

Residential tenants in New Jersey cannot be evicted solely because the property where they live is in foreclosure or has been foreclosed.

In general, New Jersey law protects tenants against eviction from their homes so long as they:

- pay the rent,
- respect the peace and quiet of their neighbors,
- avoid willful or grossly negligent damage to the property, and
- obey the reasonable rules they have agreed to in writing.

The laws protecting tenants from eviction apply throughout foreclosure proceedings and continue to have effect even after a new owner buys the property.



REMEMBER

- **SAVE** your rent money every month, even if you are not sure who or where your landlord is. Nonpayment of rent is grounds for eviction. Don't let your landlord's foreclosure problem become your problem.
- Even though you are entitled to remain in your rental home during foreclosure and after resale of the property, the new owner can change the terms of your lease in certain limited circumstances.
- If you are having problems with the utilities because the landlord has not paid, the law provides some protection from shut-offs.

If these or other issues come up, you should contact an attorney or one of the groups listed in this brochure.