



DEPARTMENT OF ECONOMIC DEVELOPMENT, TRAINING AND EMPLOYMENT
DIVISION OF HOUSING & COMMUNITY DEVELOPMENT

20 Crestmont Road. Verona, NJ 07044. Tel: (973) 655-0200. Fax: (973) 655-0982

Joseph N. DiVincenzo, Jr.
Essex County Executive

Anibal Ramos, Jr.
Department Director

E. Michael Taylor
Division Director

January 29, 2009

Borough of Glen Ridge
Mayor Peter Hughes
825 Bloomfield Avenue
Glen Ridge NJ 07028

Dear Mayor Hughes:

Foreclosures continue to challenge American families. Essex County has the highest number of foreclosures of any county in the state. More and more homeowners are reaching out to local government for assistance and advice. There are a number of long established and new programs available to help Essex County homeowners avoid losing their homes to foreclosure. We want to ensure your staff knows how to properly refer calls from troubled homeowners.

Essex County in conjunction with NJ Citizen Action will sponsor a two hour training seminar for municipal/county employees who routinely handle calls from constituents concerning foreclosure. This seminar will provide participants with an overview of the various government certified organizations and programs available to troubled homeowners in Essex County. This will enable staff to correctly refer callers to the proper office or organization on the first pass. Often, homeowners get frustrated as they end up calling several different government offices before they get the right one.

You are invited to send representatives of your municipal government or county department or division to a two hour training seminar being held on Friday, February 6, 2009, at the East Orange Public Library 21 South Arlington Ave, East Orange. There will be two sessions that day, 10 AM – 12 Noon, and 2 PM – 4 PM.

To register, please contact Barbara Victor at the Essex County Division of Housing and Community Development at 973-655-0200. Please register as soon as possible. Space is very limited.

Very truly yours,

E. Michael Taylor
Director

EMT:r
roberta/foreclosures

Putting Essex County First

ESSEX COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER



State of New Jersey
DEPARTMENT OF THE PUBLIC ADVOCATE
240 WEST STATE ST.
P.O. BOX 851
TRENTON, NJ 08625-0851
PHONE: (609) 826-5090 FAX: (609) 984-4747

JON S. CORZINE
Governor

RONALD K. CHEN
Public Advocate

January 29, 2009

Mayor Peter A. Hughes
825 Bloomfield Avenue
Glen Ridge, New Jersey 07028

Dear Local Official:

I am writing to ask for your help in protecting the legal rights of tenants to remain in their homes even when the property where they live is in foreclosure. Recently, we began a project on this issue designed to help tenants protect themselves. We worked closely with tenant advocacy organizations and the Department of Banking and Insurance (DOBI) to inform tenants of their rights and to prevent lenders, real estate licensees, and others from improperly forcing tenants to leave their homes without fully informing them of their rights. We have developed a brochure that explains tenants' rights, and we have enclosed a copy for your information. The brochure is available on our website (<http://www.state.nj.us/publicadvocate>) and free copies are available by calling our office at 609-826-5070.

I would ask for your help in this effort to ensure the rights of tenants are protected, because it is not uncommon for landlords to rely upon local law enforcement to execute tenant evictions or to pressure tenants to leave their home. In cases where those evictions are improper, municipal officials often stand at the front lines of ensuring tenant rights are respected. There are two core issues that I would like to bring to your attention during this time of rising foreclosures.

First, owners cannot evict residential tenants simply because the property in which they live is in or has been sold through foreclosure. In general, the New Jersey Anti-Eviction Act 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 rules they have agreed to in writing. The New Jersey Supreme Court has held that a tenant who lives in a residential property that is covered by the Anti-Eviction Act remains protected by the Act after the property is sold at a foreclosure sale. The main exception is for tenants living in

two- or three-family homes where the owner also lives (or lived before the foreclosure); owners may be allowed to evict such tenants by going to court.

As a result of the foreclosure crisis, lenders have become owners of tens of thousands of properties across the state, many of which are occupied by tenants. You have likely read in the news or heard stories from your constituents about efforts to vacate these newly acquired residential properties. When a lender wants to clear tenants out of the property, they typically hire agents – most often real estate licensees, asset/property managers, and sometimes attorneys – who contact tenants in person or in writing in an attempt to get them to leave. These agents often threaten eviction and offer tenants a “cash for keys” settlement (if they leave they will get money; the sooner they leave the more money they will get). During this process, lenders and their agents fail to tell tenants that, with limited exceptions, **they have the legal right to remain in their homes.** These misleading pressure tactics often cause tenants to leave their homes. Operating without real resources or a full understanding of their legal rights, they find another apartment, move in with family or friends, or, when no other options are available, become homeless.

Second, during this period of economic crisis, as a local official you have special powers to protect your residents from unlawful evictions. The state Unlawful Eviction Act makes it a disorderly persons offense for a person to attempt to evict a tenant by any means other than the lawful execution of a valid court order after they have been warned by a law enforcement officer or other public official. It is an indictable crime if an individual is convicted more than once within five years. The statute explicitly prohibits using any of the following to unlawfully evict a tenant and regain possession of a property: threats of violence; words, circumstances or actions that have a clear intention to incite fear or apprehension of danger in the tenant; removing the personal effects or furniture of the tenants from their home; padlocking or otherwise changing locks to the property; or shutting off, or causing to be shut off, vital services such as heat, electricity or water.

It is relatively simple to determine whether an eviction is lawful or not. If the landlord is in possession of a court issued “Execution of Warrant” for possession of the premises, the eviction is lawful. **Under any other circumstance,** the eviction is **not lawful**, and local law enforcement and public officials should assist the resident in either preventing unlawful eviction or else reoccupying the premises if they have already vacated.

Once the landlord (or his agent) has been warned by a public official about use of illegal methods of eviction, the law requires him to allow the tenant to reenter and reoccupy the premises. Law enforcement officers and public officials are responsible for preventing the landlord or any other person from stopping the tenant from moving back into the home.

In addition, we are advising local officials to be careful to avoid inadvertently assisting in unlawful evictions. For example, owners sometimes shut off utilities in an effort to remove tenants. If a building inspector is called in such a situation and he declares the premises uninhabitable on the grounds that the utilities are shut off, he may be unintentionally aiding the illegal removal of tenants. The appropriate alternative course of action is to ensure that the owner turns the utilities back on and restores other vital services, and to warn him in the process

that a refusal to do so will constitute a violation of the Unlawful Eviction Act and subject him to penalties under the criminal code. If an owner does not then turn the utilities back on, charges should be filed.

Finally, I would like to ask for your help in conducting our work to protect tenants from abusive practices. When we become aware that real estate licensees, asset managers, or attorneys are sending misleading notices, we contact them to explain the law and, when appropriate, report them to the necessary state agencies for investigation. We would appreciate it if you would inform us if you learn that residential tenants in your community are being pressured to leave foreclosed properties where they are entitled to remain.

You are the front line in defending New Jersey residents and preventing them from being wrongfully removed from their homes, and we are happy to assist you. Please contact us if you have any questions or concerns about these issues and also let us know whether your constituents are being targeted by these illegal actions. We are here to help you prevent these unconscionable practices.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ronald K. Chen".

Ronald K. Chen
Public Advocate



TOWNSHIP OF BELLEVILLE

152 WASHINGTON AVENUE
BELLEVILLE, NEW JERSEY 07109

(973) 450-3310

FAX (973) 759-1631

KELLY A. CAVANAGH, R.M.C.
Municipal Clerk

MARY E. DOCHERTY, R.M.C.
Deputy Municipal Clerk

January 27, 2009

The Honorable Nicholas P. Scutari
State Senator, 22nd District
1514 E. Saint Georges Avenue
2nd Floor
Linden, NJ 07036

Dear Senator Scutari:

Enclosed is a copy of a resolution entitled, "Resolution Supporting New Jersey Assembly Bill No. AJR97 'Declaring October As Italian-American Heritage Month'."

This resolution was approved by the Mayor and Municipal Council of the Township of Belleville on December 16, 2008.

Very truly yours,

Kelly A. Cavanagh,
Municipal Clerk

Enclosure

Cc: Essex County Municipalities

K#9
12.16.08

Resolution of the Township of Belleville, N. J.

No. 08:340.
TITLE:

Date of Adoption . December 16, 2008.

"RESOLUTION SUPPORTING NEW JERSEY ASSEMBLY BILL NO. AJR97
'DECLARING OCTOBER AS ITALIAN-AMERICAN HERITAGE MONTH'"

Approved as to Form and Legality
[Signature]
Township Attorney

Factual contents certified to by
Title

Mayor Mayor Kimble
Council MemberPresents the following Resolution

Council Member . *Kennedy*Moved for the adoption of the Resolution

Seconded by Council Member . *Dicasia*

RESOLVED BY THE MUNICIPAL COUNCIL OF BELLEVILLE, N.J.:

WHEREAS, New Jersey Assembly Bill No. AJR97 is proposed to have every October designated in New Jersey as "Italian-American Heritage Month"; and

WHEREAS, the history of America and the State of New Jersey have been significantly influenced by the rich heritage of Italy; and

WHEREAS, Over 5.4 million Italians emigrated to the United States between the years 1820 and 1991; and

WHEREAS, Over 1.5 million New Jerseyans or 18 percent of the State population are of Italian descent, according to the 2000 U.S. Census; and

WHEREAS, Italian-Americans have made many contributions to the history of the United States and New Jersey; and

WHEREAS, Columbus' first contact with the New World in 1492 is celebrated as a State and Federal holiday every year in October; and

WHEREAS, It is altogether fitting and proper to designate a month honoring the significant accomplishments and contributions of the Italian-American Community by designating the month of October annually as Italian-American Month.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Municipal Council of the Township of Belleville urge the New Jersey Assembly to approve NJ Assembly Bill No. AJR97 designating every October as "Italian-American Heritage Month."

BE IT FURTHER RESOLVED that the Mayor and Municipal Council request the Municipal Clerk to forward a copy of this resolution to Senator Nicholas P. Scutari and to every municipality in Essex County, Assemblyman Ralph R. Caputo, and Assemblywoman Cleopatra G. Tucker urging their support of designating every October as "Italian-American Heritage Month."