
Illegal Eviction

Posted by ladyshiva - 2007/12/31 00:38

I have a question on illegal eviction. My boyfriend is getting evicted from his apartment for failure of payment of rent. The only problem is that because the judge ordered a moratorium during the Christmas vacation, so no official business will be conducted from Dec. 21 - Jan. 4.

What I wanted to know is if the landlord can just send people over during a moratorium without first being served court papers and then trying to make their way into the apartment by stating that a constable is coming to the apartment the next day to lock him out and that they will confiscate his personal belongings. They also mentioned that "It's down to the wire now."

Does anybody have any suggestions about what can be done?

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Re:Illegal Eviction

Posted by Brian - 2007/12/31 01:00

Procedures for evictions are established by state law and vary from state to state. What state is this happening in?

The landlord cannot possess the leasehold from boyfriend until the moratorium has expired and the court issues landlord a writ of possession. At that time, the landlord can present the writ of possession to a law enforcement officer. From there, the officer posts a notice for the tenant that the officer will return to remove the tenant from the property on a certain day. On that day, the officer may physically remove the tenant and any other people on the property if they are still there. Any possessions of the tenant still on the property may be put in storage for the tenant, or considered abandoned, depending on local laws. The property is then turned over to the landlord.

It is illegal in most places for the landlord to attempt to force the tenant off the property themselves, or to force them to move in other ways, such as shutting off heat or utilities, or changing locks. A tenant facing such measures may sue the landlord or file a counterclaim against an existing eviction proceeding.

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Re:Illegal Eviction

Posted by ladyshiva - 2007/12/31 01:11

Thanks for the reply! It's for the state of New Jersey in Hudson County.

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Re:Illegal Eviction

Posted by Brian - 2007/12/31 01:44

NJ residential tenants are legally protected by the Fair Cause for Eviction Act. N.J.S.A. 2A:18-61.1 et. seq. also known as the Anti-Eviction Act (check for exceptions).

Check-out this attorney website i found for you. They focus on landlord-tenant disputes in your area.
<http://www.lawyer-jersey-city.com/PracticeAreas/Landlord-Tenant-Disputes.asp>

Good luck

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