

Landlord/Tenant

NJ Real Estate Attorneys for Landlord/Tenant Issues

The rights and responsibilities of landlords and tenants in New Jersey are varied and can become very complex in certain situations. An experienced real estate attorney can properly explain the rights and responsibilities of landlords and tenants under the law to avoid costly litigation should the relationship degrade and a dispute arises.

At Einhorn Barbarito, our attorneys have over 50 years of collective experience helping clients throughout New Jersey navigate complicated landlord/tenant matters. We appreciate the challenges our clients face and work directly with them to get their landlord/tenant issues resolved quickly and efficiently.

Landlord/Tenant Section of the Special Civil Part Court

When there is a dispute between landlords and tenants, the Landlord/Tenant Section of the New Jersey Superior Court, Special Civil Part will generally hear the case. The Landlord/Tenant Section is one of three sections within the Special Civil Part, the other two sections are the Small Claims section and the Special Civil Actions section. Landlords may file a complaint against a tenant in the Landlord/Tenant Section for many reasons including if the tenant:

- Fails to pay rent;
- Is habitually late in paying rent;
- Engages in disorderly conduct;
- Willfully destroys or causes damage to the property;
- Violates any of the agreed upon rules and regulations after the tenant received written notice; or
- If the tenant is convicted for a drug-related offense
- Breaches of the terms and conditions of the Lease Agreement...

A landlord must prove a case in court with documents and witnesses. The tenant also has the opportunity to prove the complaint is false with documents, such as canceled rent checks and the testimony of witnesses in court. A tenant can also assert that the rent was withheld because repairs were not made by offering repair invoices, photos, and other evidence.

If the case is judged in favor of the landlord, the landlord will obtain a “judgment for possession” to force the tenant to move out in three business days. Under special circumstances, the judge may grant permission for the tenant to stay on the premises for up to six months, as long as the rent is paid.

Disputes involving security deposits are also a common problem between landlords and tenants. Under New Jersey law, the landlord must return the security deposit within 30 days from the date that the tenant moves out. The landlord is also responsible for notifying the tenant if the security deposit will be retained and for specifying a list of the repairs and the costs that will be deducted from the deposit. The landlord can also sue the tenant for more than the security deposit if there is proof that the cost of repair exceeds the amount of the security deposit.

Consult an Experienced Landlord/Tenant Attorney at Einhorn Barbarito

Hiring a competent real estate attorney before signing a lease agreement can help ensure that you are completely informed of your rights and responsibilities under the law. When you work with a real estate lawyer at our firm, we will carefully guide you through the process to lower the probability of a dispute arising throughout the term of the lease. If you are contemplating signing a lease or are involved in a landlord/tenant dispute, we encourage you to contact our firm today at [973-627-7300](tel:973-627-7300). The New Jersey lawyers in our practice handle landlord/tenant matters and other real estate issues throughout the State of New Jersey.