



**New Jersey Department of Community Affairs
Division of Codes and Standards
Landlord-Tenant Information Service**



ACTIONS FOR UNLAWFUL ENTRY OR DETAINER
N.J.S.A. 2A:39-1 through 2A:39-8

Printed February 2008

2A:39-1 Unlawful entry prohibited.

No person shall enter upon or into any real property or estate therein and detain and hold the same, except where entry is given by law, and then only in a peaceable manner. With regard to any real property occupied solely as a residence by the party in possession, such entry shall not be made in any manner without the consent of the party in possession unless the entry and detention is made pursuant to legal process as set out in N.J.S.2A:18-53 et seq., as amended and supplemented; P.L.1974, c.49 (C.2A:18-61.1 et al.), as amended and supplemented; P.L.1975, c.311 (C.2A:18-61.6 et al.), as amended and supplemented; P.L.1978, c.139 (C.2A:18-61.6 et al.), as amended and supplemented; the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.); or N.J.S.2A:35-1 et seq. and "The Fair Eviction Notice Act," P.L.1974, c.47 (C.2A:42-10.15 et al.). A person violating this section regarding entry of rental property occupied solely as a residence by a party in possession shall be a disorderly person.

L.1951 (1st SS), c.344, amended 1971, c.227, s.1; 2005,c.319,s.1.

2A:39-2. Forcible or unlawful entry and detainer defined

If any person shall enter upon or into any real property and detain or hold the same with force, whether or not any person be in it, by any kind of violence whatsoever, or by threatening to kill, maim or beat the party in possession, or by such words, circumstances or action as have a natural tendency to excite fear or apprehension of danger, or by putting out of doors, or carrying away the goods of the party in possession, or by entering peaceably and then, by force or frightening by threats, or by other circumstances of terror, turning the party out of possession, such person shall be guilty of a forcible entry and detainer within the meaning of this chapter. With regard to any real property occupied solely as a residence by the party in possession, if any person shall enter upon or into said property and detain or hold same in any manner without the consent of the party in possession unless the entry is made pursuant to legal process as set out in N.J.S. 2A:18-53 et seq. or 2A:35-1 et seq., such person shall be guilty of an unlawful entry and detainer within the meaning of this chapter.

L.1951 (1st SS), c.344, amended by L.1971, c. 227, s. 2, eff. June 21, 1971.

2A:39-3. Forcible detainer defined

No person lawfully or peaceably entering upon or into any real property shall hold or keep the same with force; and whatever words or circumstances, conduct or actions, as will make an entry forcible under this chapter shall also make a detainer forcible.

L.1951 (1st SS), c.344.

2A:39-4. Unlawful detainer defined

If any tenant or other person in possession of any real property under a tenant, shall willfully and without force, hold over any such real property after demand and notice in writing given for the delivery of the possession thereof by a lessor or the person to whom the remainder or reversion of such real estate shall belong, such tenant or other person, so holding over, shall be guilty of an unlawful detainer.

L.1951 (1st SS), c.344.

2A:39-5. Unlawful detainer; notice

A person taking possession of real property, without the consent of the owner or without color of title, and willfully and without force holding or detaining the same after demand and written notice given for the delivery of the possession thereof, by the owner or person entitled to possession or right to possession shall be guilty of an unlawful detainer.

L.1951 (1st SS), c.344.

2A:39-6. Actions cognizable before Superior Court

2A:39-6. Any forcible unlawful entry and detainer, forcible detainer and unlawful detainer as defined in this chapter shall be cognizable before the Superior Court, and the court may hear and determine an action therefor in a summary manner.

L.1951 (1st SS), c.344, amended 1971,c.227,s.3; 1991,c.91,s.86.

2A:39-7. Title not inquired into; defense of 3 years possession

Title shall not be an issue in any action commenced under this chapter. 3 years peaceable possession by the defendant shall be a defense to the action.

L.1951 (1st SS), c.344.

2A:39-8. Recovery of damages and possession of property; treble damages in lieu of possession

In any action under this chapter, a plaintiff recovering judgment shall be entitled to possession of the real property and shall recover all damages proximately caused by the unlawful entry and detainer including court costs and reasonable attorney's fees. When a return to possession would be an inappropriate remedy, treble damages shall be awarded in lieu thereof. The judgment may be enforced against either party in a summary manner by any process necessary to secure complete compliance therewith, including the payment of the costs.

L.1951 (1st SS), c.344, amended by L.1971, c. 227, s. 4, eff. June 21, 1971.