

LANDLORD TENANT LAW



ANTI-EVICTION ACT

Who is protected by the Anti-Eviction Act?

Entitled to due process

- Good cause
 - Non-payment of rent
 - Disorderly conduct, e.g. harassing other tenants
 - Damage to or destruction of property, e.g. holes in the walls, broken windows
 - Violations of rules/regulations, e.g. loud music
 - Violation of lease agreement, e.g. pet policy
 - Violation of Public Housing agreement, e.g. drug use
- Notice
- Cannot be locked out of residence by anyone other than Sheriff's Officer
- Marini Hearing



ANTI-EVICTION ACT

Judgment of Possession

- *Entered within three business days*
- *Warrant of removal issued*
- *Request a Stay*
- *Request an order for “Orderly Removal”*
- *Order to Show Cause*



SECURITY DEPOSIT ACT

- Landlord can only collect 1 ½ months rent for security deposit
- Money is to be held in a trust
- When tenant vacates, money needs to be returned within 30 days
- Tenant can use security deposit to pay rent if tenant was not properly notified

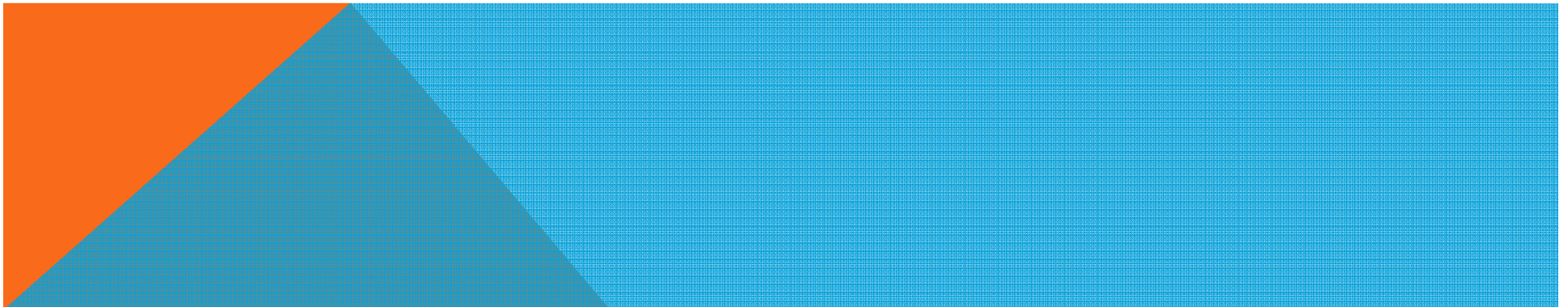


UNCLAIMED PROPERTY ACT

- If a tenant moves out voluntarily or is evicted, the landlord cannot dispose of tenant's property
- Must provide written notice to obtain belongings within 30 days
- Must notify where belongings are located



**SOCIAL SECURITY DISABILITY
&
SUPPLEMENTAL SECURITY INCOME**



SOCIAL SECURITY DISABILITY INSURANCE (SSD)

Disability insurance benefits for a disabled worker and dependents of disabled worker

- Disabled worker must have earned enough quarters of coverage to be insured
- Special rules for those under age 31

Medicare

- 24 month waiting period for SSD



SUPPLEMENTAL SECURITY INCOME (SSI)

Needs-based program: based on income and living situation

- Federal program with a state supplement (varies state-to-state)
- Categories
 - Aged person – 65 years or older
 - Blind
 - Disabled

Spouse, children, and survivors do not receive benefits

Medicaid

- No waiting period



DEFINITION OF DISABILITY FOR SSD/SSI

“The inability to engage in any substantial gainful activity by reason of any medically determinable, physical or mental impairment which can be expected to result in death or last for a continuous period of not less than 12 months.”

5 Step Sequential Evaluation

1. Is the claimant working? If yes, is it substantial gainful activity?
2. Is the impairment severe?
3. Does the impairment meet or equal a listing?
4. Can the claimant return to his/her past work?
5. Is there any other work that the claimant can do?



APPLICATION & APPEALS

Apply in person at a local office, by phone (800) 772-1213 , or online at www.ssa.gov

Appeals

- Request for Reconsideration
- Request for Hearing
- Request Review by Appeal's Council
- File for Federal Court Review

60 days to file appeal/Good Cause for Late Filing



WORKING WHILE ON SSD/SSI

SSD

- 9-month trial work period
- SGA 2019-\$1,220/month
- Extended period of eligibility – 36 months

SSI

- No trial work period
- Disregard first \$65 of earned income a month
- Disregard \$20 a month
- Benefits reduced \$1 for each \$2 earned

www.ssa.gov/redbook



POST-ELIGIBILITY ISSUES

Overpayments

Cessations

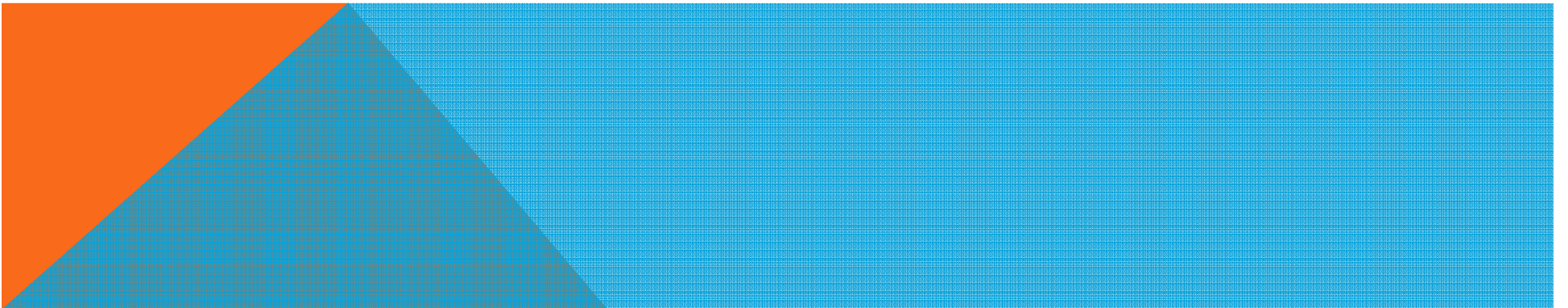
- Work
- Continuing Disability Review - Medical Improvement

SSI Suspensions

- Excess resources
- Earnings/Incarceration
- In Kind Support and Maintenance



GUARDIANSHIPS



NON-JUDICIAL

Does not need to be ordered by a Judge. If a person can understand what he or she is signing and can consent to it, these documents may prevent the necessity of Court action for Guardianship

- Durable Power of Attorney
- Advance Directive
- Representative Payee for SSD/SSI Benefits



GUARDIANSHIP APPLICATION

- **Complaint**
 - Type of guardianship
 - Reason for request
 - All other information listed in R. 4:86-2
- **Supporting Affidavits**
 - Assets & Income
 - Affidavits from professionals detailing facts supporting the belief that the alleged incapacitated person: suffers from a significant functional impairment to such a degree that the person either lacks the cognitive capacity to make decisions or to communicate, in any way, decisions to others



GUARDIANSHIP APPLICATION CONTINUED

- Case Information Sheet
- Proof of eligibility for services from the Division of Developmental Disabilities if applicable (Individualized Service Plan, letter of acceptance)
- Any will, power of attorney, health care directive, or trust previously executed by alleged incapacitated person
- Proposed Order Fixing Hearing Date and Appointing Attorney for alleged incapacitated person
- Proposed Judgment of Incapacity and Appointment of Guardian(s)
- Filing Fee; Proposed Guardian(s) can file a Certification of Indigency if cannot afford to pay Filing Fee



NEXT STEPS

- File Pleadings with Court - Court will return signed Order Fixing Hearing Date
- All interested parties must be served with the Pleadings and Order Fixing Hearing Date
- Alleged incapacitated person must be served with the Pleadings and Order Fixing Hearing while being read the contents of Notice of Hearing
- Must file Proof of Service with Court indicating that you served all interested parties and alleged incapacitated person
- Court-Appointed Attorney
- Guardianship Training
- Hearing



QUALIFICATION & REPORTING REQUIREMENTS

Qualification

- The guardian(s) must “qualify” within 30 days of the Judgment of Incapacity and Appointment of Guardian(s) being entered. The Judgement will be void if qualification is not completed in a timely fashion

Reporting Requirements

- Guardian(s) must carefully review Judgment of Incapacity and Appointment of Guardian(s) to determine responsibilities and specific reporting requirements



NEED OUR ASSISTANCE?

Five regional offices

- Administration (South Orange): (973) 275-1175
- North Jersey (Bloomfield): (973) 680-5599
- East Jersey (Elizabeth): (908) 355-8282
- Shore Area (Eatontown): (732) 380-1012
- Central Jersey (Trenton): (732) 380-1012
- South Jersey (Collingswood): (856) 858-9500

Income-eligible: dependent on contract

- Division of Mental Health: 250% of Federal Poverty Level (FPL)
 - FPL dependent on year and household composition. For 2019, FPL for single-person household is \$12,490
- Receiving mental health treatment

