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LANDLORD-TENANT LAW---RETALIATORY EVICTION ALLEGED

Arsenault v. Suarez (Mercer County District Court, Case No. 17965) by Michael S. Bokar, Mercer County Legal Aid Society.

Plaintiff landlord sought to dispossess defendant tenant, who occupied the premises under an oral month-to-month lease, shortly after the tenant complained about the condition of the premises to the Trenton Housing Inspector, who cited the landlord for nine code violations. The tenant thereupon filed a complaint against the landlord under the retaliatory eviction statute, N.J.S.A. 2A:170-92.1, and moved to dismiss the landlord's eviction action.

In her memorandum in support of the motion to dismiss, the tenant contends that the Court lacks jurisdiction to evict a tenant at the behest of a landlord who allegedly is making reprisals against the tenant. Retaliatory evictions, the tenant argues, are prohibited by public policy and State statutory law, and violate tenants' First Amendment rights.

Memorandum.

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