

Tenants' Right: The Law on Paper Versus the Law in Practice

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In New York City, the State of New Jersey and around the nation, the housing market has seen a general decline in home ownership. Due to a host of economic and cultural reasons, Millennials and other generations alike are choosing to rent more and buy less. With a likely economic recession looming ahead due to the COVID-19 global pandemic shutdowns, it is unlikely that this housing trend will reverse. This paper seeks to analyze various challenges and abuses that many tenants in tri-state area housing market encounter and the existing legal framework in place to resolve such challenges. The State of New Jersey has been a leader in advancing consumer protection since the 1970s and has adopted a strong stance towards tenants' rights laws. The Truth-in-Renting, the Implied Warranty of Habitability and a developed statutory framework for individuals facing eviction proceedings are just a few examples of the advanced infrastructure which exists in New Jersey. This paper seeks to investigate the challenges that tenants may face from the formation of the lease contract to completion of a residential lease and post-tenancy procedures. While New Jersey has a protective legal structure to shield tenants from landlord harassment, there is a gap between the available rights and the tenants' ability to defend themselves on the basis of these rights.

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