



GLOUCESTER COUNTY

PROCEDURES FOR LANDLORDS DISPOSING OF PERSONAL PROPERTY OF TENANT

A landlord may take action to dispose of property in accordance with the law only when a warrant for removal has been executed and possession has been restored to the landlord, or when the tenant has given written notice that he or she is voluntarily relinquishing possession of the premises. Landlords must provide tenants with written notice of the intent to dispose of abandoned property by certified mail, return receipt requested, or by receipted first class mail addressed to the tenant, at the tenant's last known address (which may be the address of the premises) and at any alternate address or address known to the landlord. After notifying a tenant as required, the landlord must store the property in a place of safe keeping and must exercise reasonable care for the property.

If no response is received from the tenant or a lienholder within 75 days of the date of delivery of the notice for a manufactured or mobile home, or within 30 days for all other property, the property is conclusively presumed to be abandoned. Once the property is presumed abandoned, a landlord may sell the property at a public or private sale; destroy or otherwise dispose of the property if the landlord determines that the property has negligible value; or sell certain items and destroy others. A public or private sale authorized by this section must be conducted in accordance with the provisions of section 12A:9-504 of the Uniform Commercial Code (N.J.S.A. 12A:9-504).

A landlord may deduct from the proceeds of any sale the reasonable costs of notice, storage and sale, and any unpaid rent and charges not covered by a security deposit. After deducting these amounts, the landlord must remit to the tenant the remaining proceeds, if any, together with an itemized accounting. If, after due diligence, the tenant cannot be found, the remaining proceeds must be deposited into the Superior Court. If unclaimed for more than ten years, the proceeds escheat to the State. The latter time frame is consistent with the time frame for the escheat of intangible property set forth in the UUPA at N.J.S.A. 46:30B-41.

Whenever a landlord is authorized to remove and store an abandoned tenant's property in accordance with the law, the landlord is entitled to reimbursement for the costs. If a landlord seizes and retains a tenant's personal property without complying with the law, the tenant is not responsible for reimbursing the landlord for storage and removal costs and is entitled to recover up to twice the actual damages sustained by the tenant.