

Breaking a Lease in New Jersey: Tenant Rights and Landlord Options

Summary for landlords and property managers. Last reviewed October 29, 2026. Full guide: <https://www.generationadvisory.com/laws/new-jersey-breaking-a-lease>

New Jersey tenants can end a lease early in several situations set by statute, including domestic violence, disabling illness or death, and military service. When a tenant simply leaves, the landlord must try to re-rent the unit.

Key points

- A service member can end a residential lease after entering active service, or after receiving permanent change of station or deployment orders of 90 days or more, with written notice and a copy of the orders.
- A tenant facing an imminent threat of serious harm from domestic violence can end the lease with written notice and one of the documents the law lists; the lease ends 30 days after the landlord receives them, with rent prorated.
- If the landlord's neglect makes a unit unfit to live in, the tenant may move out under the doctrine of constructive eviction and owe no further rent.
- When a tenant leaves early, the landlord must make reasonable efforts to re-rent, and the tenant owes rent only until the unit is re-rented or the lease ends.
- A month to month tenant who is covered by the Anti-Eviction Act cannot be removed without a statutory cause; in owner occupied two and three family homes a one month notice to quit applies.

New Jersey at a glance

Rule	New Jersey	Law
Military service	A service member can end a residential lease after entering active service, or after receiving permanent change of station or deployment orders of 90 days or more, with written notice and a copy of the orders.	Servicemembers Civil Relief Act (50 U.S.C. 3955)
Domestic violence survivors	A tenant facing an imminent threat of serious harm from domestic violence can end the lease with written notice and one of the documents the law lists; the lease ends 30 days after the landlord receives them, with rent prorated.	New Jersey Safe Housing Act (N.J.S.A. 46:8-9.4 et seq.)

Rule	New Jersey	Law
Unlivable conditions	If the landlord's neglect makes a unit unfit to live in, the tenant may move out under the doctrine of constructive eviction and owe no further rent.	Reste Realty Corp. v. Cooper (N.J. 1969)
Landlord duty to re-rent	When a tenant leaves early, the landlord must make reasonable efforts to re-rent, and the tenant owes rent only until the unit is re-rented or the lease ends.	Sommer v. Kridel (N.J. 1977)
Month-to-month notice	A month to month tenant who is covered by the Anti-Eviction Act cannot be removed without a statutory cause; in owner occupied two and three family homes a one month notice to quit applies.	N.J.S.A. 2A:18-61.1 and 2A:18-61.2

Mistakes to avoid

- Billing the tenant for every remaining month without trying to re-rent the unit.
- Ignoring a protected early termination notice because it is inconvenient.
- Agreeing to an early exit by phone without a written agreement.
- Keeping more of the deposit than the lawful deductions.

Verify current law

Laws named in this summary:

- Servicemembers Civil Relief Act (50 U.S.C. 3955)
- New Jersey Safe Housing Act (N.J.S.A. 46:8-9.4 et seq.)
- Reste Realty Corp. v. Cooper (N.J. 1969)
- Sommer v. Kridel (N.J. 1977)
- N.J.S.A. 2A:18-61.1 and 2A:18-61.2
- N.J.S.A. 46:8-9.1 and 46:8-9.2

Official sources:

- New Jersey Department of Community Affairs: Truth in Renting guide:
https://www.nj.gov/dca/codes/publications/pdf_lti/t_i_r.pdf
- New Jersey Department of Community Affairs: landlord tenant information:
<https://nj.gov/dca/home/landlord-tenant.shtml>
- New Jersey Office of the Attorney General: Fair Chance in Housing Act:
<https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/know-the-law/fair-chance-in-housing>
- New Jersey Legislature: statutes: <https://www.njleg.state.nj.us/>

- New Jersey Courts: landlord tenant: <https://www.njcourts.gov/courts/civil/landlord-tenant>

General information, not legal advice. Check current law and talk to a New Jersey attorney before you act. Last reviewed October 29, 2026.