

Are Anti-Eviction Laws Binding in Halacha?

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Question: In New Jersey and some other US states, there are laws that forbid evicting a tenant without just cause, even at the end of a lease. Is this law binding according to halacha?

Answer: Anti-eviction laws were already common in Europe in the late 1800s. The Poskim of that time debated whether those laws were binding because of the rule of *dina d'malchusa dina*. In a famous *teshuva* which was written right after New York City enacted some anti-eviction laws, Rav Moshe Feinstein writes that although it is unclear if *dina d'malchusa dina* applies to such laws, once the laws have been passed and an apartment was leased afterward, it can be assumed that both parties agree to abide by them. Therefore, they are considered to be part of the agreement unless one party explicitly states otherwise.

Incidentally, there are only a few states in America where they have such laws, such as New Jersey, California, and parts of New York. To my knowledge, even in these places, the laws only apply to residential homes and not to commercial properties. In places where such laws exist, Rav Moshe's ruling seems to be accepted and a landlord would not be permitted to evict a tenant without good cause, such as the tenant isn't paying rent or the landlord needs the apartment for himself.