

Looking Out For Your Legal Rights®

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Tenants cannot be evicted only because the property where they live is in foreclosure or has been foreclosed. *Page 1*

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Derechos Legales*
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español la encontrará
al reverso.

Foreclosure Alone Is Not Grounds for Eviction

THE NEW JERSEY Department of the Public Advocate has started a campaign to let tenants know that they cannot be evicted only because the property where they live is in foreclosure or has been foreclosed. The laws protecting tenants from eviction apply throughout the foreclosure process, even after a new owner buys the property. If you are a renter and in this situation, please contact the Department of the Public Advocate, Division of Citizen Relations, at 1-609-826-5070.

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New Jersey law protects tenants against eviction from their homes as long as they meet certain conditions.

Foreclosure

continued from page 1

In general, New Jersey law protects tenants against eviction from their homes as long as they:

- Pay the rent,
- Respect the peace and quiet of their neighbors,
- Avoid willful or grossly negligent damage to the property, and
- Obey the reasonable rules they have agreed to in writing.

The Anti-Eviction Act

The New Jersey Anti-Eviction Act, which became a law in 1974, protects residential tenants from being locked out of their apartments and losing their homes through no fault of their own. The Act applies to all residential tenants, whether or not they have a written lease.

The Act does *not* apply to tenants of:

- Owner-occupied homes with no more than two rental units,
- Units set aside for developmentally disabled members of the owner's immediate family,

or

- Hotels, motels, or guest houses.

In 1994, in a case named *Chase Manhattan Bank v. Josephson*, the New Jersey Supreme Court held that the Anti-Eviction Act protects tenants even when the property where they live is in foreclosure or has been foreclosed.

A bank or other lender that forecloses on a residential property covered by the Act must take that property with the tenants still in it. If the lender resells the property to another owner, that owner must also take the property with its tenants.

Remember the following, even if you are not sure who or where your landlord is:

- **Nonpayment of rent is grounds for eviction.** Put aside your rent money every month. Don't let your landlord's foreclosure problem become your problem.
- The new owner can change the terms of your lease in certain limited circumstances. It is important to read your lease carefully.

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- If you are having problems with the utilities because the landlord has not paid the utility bill, the law provides some protection from shut-offs.

If you feel that you are at risk of being evicted from your rental home because of a foreclosure, here are some numbers you can call for help:

- **Department of the Public Advocate**, Division of Citizen Relations, 1-609-826-5070.
- **LSNJ-LAW™**, Legal Services of New Jersey's statewide, toll-free le-

gal hotline, 1-888-LSNJ-LAW (1-888-576-5529). Outside of New Jersey, please call 1-732-572-9100. Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. If you are not eligible for assistance from Legal Services, the hotline will refer you to other possible resources.

- **New Jersey Tenants Organization**, 1-201-342-3775.

See *Tenants' Rights in New Jersey* on www.LSNJLAW.org for more information about tenants' rights. □

Individual Tax Identification Numbers

What is an ITIN?

An Individual Taxpayer Identification Number allows you to file an income tax return if you do not have a Social Security Number (SSN) and cannot get one from the Social Security Administration. The use of ITINs began in 1996. Since that time, over 7 million ITINs have been issued by the Internal Revenue Service (IRS). An ITIN is a nine-digit number, which contains the number 9 and has a 7 or 8 in the fourth digit.

Why should I file a tax return?

- If you earned income throughout the year and owe taxes, it is against the law not to file an income tax return.
- If you earned income throughout the year and had taxes withheld, you may be due a refund from the government.
- For some immigration applications, you must show that you filed a return.

- Filing a return proves good moral character and a continued presence in the United States.

How can I use an ITIN?

You can use the ITIN to file a tax return. You can use the ITIN to amend returns filed in the past with false Social Security numbers. You can use the ITIN to file delinquent returns. If you worked using a false Social Security number, you can file your tax return with the ITIN using the income earned under the false Social Security number—the IRS does not care that you used a false Social Security number. Many banks accept ITINs for proof of identity when opening up bank accounts. You may be able to use the ITIN to claim dependent exemptions and the child tax credit on your return for your children.

An ITIN is *not* an employment number or authorization for work within the United States. An ITIN does *not* allow you to claim the Earned Income Tax

Credit (EITC) on your return or claim Social Security or other public benefits, such as food stamps.

An ITIN does *not* change your immigration status.

How do I apply for an ITIN?

You can apply for an ITIN by filling out a Form W-7 and showing documents that prove foreign status and identity. Form W-7 and its instructions are available in Spanish. Get Form W-7 by calling 1-800-829-1040 or by downloading the form from the IRS Web site, www.irs.gov. Or you can visit any IRS office or contact Legal Services of New Jersey's Tax Legal Assistance Project at 1-888-576-5529.

You can fill out a Form W-7 for a dependent under the age of 14 and sign the dependent's application if you are the dependent's parent, power of attorney, or guardian.

You must show *foreign status and identity* to the IRS with your application. You may present a passport, birth certificate, foreign government's driver's license, or any official document issued by a foreign government to prove your foreign status. To show identity, you may also use your passport. If you do not have a passport, you may use the documents listed on the W-7 instructions. The documents must be current and original, certified by the issuing agency or signed by a United States notary. You must list your birth date, mailing address, and immigration status.

You may apply for an ITIN at any time.

After filing your W-7 application, it takes four to six weeks to get the ITIN letter. If you do not hear from the IRS in

that time, call the IRS at 1-800-829-1040. If the IRS requests more information, respond to the IRS within 45 days, or you may have to file a new application.

Will the IRS report me to immigration?

The IRS takes privacy laws very seriously. The IRS cannot report you to immigration or UCIS for getting an ITIN. A court, however, can make the IRS release information about you if you are in deportation proceedings or under suspicion for terrorist activities.

How much does an ITIN cost?

There is no cost to getting an ITIN. There are places that will prepare your ITIN application for free, such as an IRS Volunteer Income Tax Assistance site (VITA) and Tax Counseling for the Elderly (TCE). If an acceptance agent or tax preparer fills out the Form W-7, there may be a charge. Acceptance agents are persons or entities that have entered into a formal arrangement with the IRS that permits them to assist immigrants in obtaining ITINs.

What should I do if I later receive a valid Social Security number?

You must notify the IRS of your Social Security number. The IRS will combine your ITIN records with your new SSN records. Your wages, earned before under the ITIN, will be reported to the Social Security Administration under your Social Security number, and the benefits to which you may be entitled in the future will increase. □

By Marcie Harrison, Senior Attorney, Legal Services of New Jersey's Tax Legal Assistance Project

Economic Stimulus Payments

The Recovery Rebate Credit

UNDER THE RECOVERY Rebate Credit, some people who did not get the economic stimulus payment in 2008 may be able to receive it in 2009. People who received less than they expected in 2008 may be able to receive more in 2009.

To receive such credit and avoid delays in tax refunds, taxpayers must know the correct amount of the stimulus rebate received in 2008. Taxpayers who forget the amount may check the amount listed on Notice 1378, which the IRS mailed last year to individuals who received the economic stimulus rebate. They may also go to the IRS Web site, www.irs.gov, and click on “How much was my stimulus payment?” or call the IRS at 1-866-234-2942.

The exact amount of last year’s economic stimulus payment must be entered on the recovery rebate credit worksheet. Most people will not receive additional money. The people who do would include those:

- Whose financial situation changed dramatically from 2007 to 2008, or
- Who did not file a 2007 return, or
- Whose family gained an additional qualifying child in 2008, or
- Who were claimed as dependents on someone else’s 2007 return but cannot be claimed as dependents by someone else in 2008.

Other Facts About the Economic Stimulus Payment

The economic stimulus payment is not taxable and should not be reported as income on the 2008 tax return.

A person who is due additional funds under the Recovery Rebate Credit will receive the funds, along with any other tax refund, in one check. The IRS will not issue a separate check for additional funds due under the Recovery Rebate Credit.

Filing for the Recovery Rebate Credit should not unduly delay refunds. Rumors that a person who applies for the credit will have his or her refund delayed for up to 12 weeks are false.

*By Marcie Harrison, Senior Attorney, Legal Services of New Jersey’s
Tax Legal Assistance Project*

Special Education and IEP Meetings

IF YOUR CHILD is receiving Special Education, you probably have attended an IEP meeting. As a parent, you are an important member of the IEP team. This article gives advice and tips on how to prepare for, become more comfortable with, and actively participate at your child's IEP meeting.

What is an IEP meeting?

An IEP meeting is a meeting to discuss your child's Special Education needs and develop his or her Individualized Education Program (IEP).

Make sure you know why the IEP meeting is being held. IEP meetings can happen for a number of reasons, including a request by you, annual review, re-evaluation, or the school district seeking to make a change. If you don't know or understand the reason for the meeting, you should contact your child's case manager.

Who will be at the IEP meeting?

The IEP team includes you, your child (when appropriate), the case manager, at least one general education



Before the meeting, think about any concerns you have with how your child is doing in school—this includes his or her grades as well as any behavioral concerns.

teacher and one special education teacher, at least one member of the child study team, a school district representative, and any other people who have knowledge about your child and are selected by you and the school.

If you and the school agree, an IEP team member may be excused. If that IEP team member's area of teaching or related services is being changed or will be discussed, he or she must give you written input at the time you receive notice of the IEP meeting date. If you think that this team member's attendance at the meeting is important, do not agree to have the meeting without him or her.

How should I prepare for my child's IEP meeting?

It is important to go to an IEP meeting prepared. Before the meeting, make sure you review all of your child's school records, evaluation reports, and current IEP. Think about any concerns you have with how your child is doing in school—this includes his or her grades as well as any behavioral concerns. Think about what your child likes to do at school and what he or she does well. Before the meeting, write down notes that include your concerns, questions, and anything else you want to discuss at the meeting. Make sure to bring your notes to the meeting. Make sure to also bring copies of any documents that you want the IEP team to consider—for example, private evaluations or doctor's records. Whenever possible, send a copy of these documents to each member of the IEP team before the meeting.

What are my rights at the IEP meeting?

You may bring someone with you to an IEP meeting. Possible people to bring include an attorney, parent advocate, family member, therapist, or anyone else who has knowledge of your child's educational needs.

You can audiotape record the IEP meeting. You must let the school know before the meeting that you plan to record the meeting.

If you do not speak English or are deaf, you can request an interpreter and the school district must pay for the interpreter's services.

During the meeting, if you have questions or are confused about anything, do not hesitate to ask for something to be explained, clarified, or repeated. It is important that you understand the information that is being discussed.

Make sure to take notes at the meeting.

What information must be included in an IEP?

Many things are considered when developing an IEP, including your child's strengths, weaknesses, and needs; your concerns; previous evaluations; results of district/statewide testing; and classroom observations.

IEPs must include a statement of your child's current levels of academic achievement and functional performance. The IEP must also include measurable annual goals, benchmarks, and short-term objectives that address your child's needs. This means setting goals and objectives to determine how your child is progressing. For example, a short-term objective might state that your child must be able to multiply up to

the four times table within three months and should state how his or her progress will be measured. The IEP must clearly state what, when, how long, how often, and where special education programs and services are to be provided.

The IEP must also clearly state what related services your child will receive and when, how long, how often, and where they are to be provided. Related services are services that will help your child benefit from his or her education. Some examples include counseling, physical therapy, recreation, and transportation. For example, if your child is to receive physical therapy, the IEP should clearly state whether it is individual or group, how often it will be given and for how long, and where it is to take place.

Any assistive technology devices your child is to receive must also be clearly stated. Assistive technology devices are things that might increase, maintain, or improve your child's ability to function, such as eyeglasses, wheelchairs, and computer programs that help teach children with specific types of disabilities to learn.

Finally, the IEP must discuss Extended School Year (ESY) services. These services help your child to maintain, when school is not in session, the progress he or she has made during the school year. ESY can be in the summer months or other times, such as after school, as appropriate for your child.

Do I have to agree with the IEP?

At the IEP meeting, you will be given a lot of paperwork. It is important to make sure that the written IEP includes everything discussed or agreed to at the meeting. Everything should be clearly stated and detailed in writing in the IEP. Any

Everything should be clearly stated and detailed in writing in the IEP. At the end of the meeting, if you do not agree with what is in the IEP, you do not have to sign it.

agreements should be written in the IEP. There should be no oral agreements. If you do not understand something, ask for an explanation. At the end of the meeting, if you do not agree with what is in the IEP, you do not have to sign it.

After the IEP meeting, you will be given a copy of the IEP and written notice of the proposed educational program (placement) for your child. School districts cannot start your child's first IEP without your approval. If it is not your child's first IEP, the IEP can be started without your approval. If you do not agree with the IEP, you have the right to request mediation or file for due process. If you do this within 15 days of the district's written notice telling you of a proposed change, your child will be staying in his or her current placement

or educational program until the matters is resolved. This is called *stay put*.

What happens if I don't go to the IEP meeting?

If you cannot attend the IEP meeting because of the date or time, contact your child's case manager to ask that it be rescheduled. You may call the case manager, but you should also send a follow-up letter confirming your request to reschedule.

If you and the school agree, IEP meetings can be held using conference calls or video conferencing, although you should still have an in-person meeting if possible.

If you choose not to attend the IEP meeting, the IEP will be created without you.

By Rachel Elkin, Supervising Attorney, Legal Services of New Jersey's Education Representation Project

Note: This article provides brief information and advice concerning IEP meetings. For additional information on Special Education, see "Your Child's Right to Special Education" in the September 2007 *Looking Out for Your Legal Rights*. For additional information about Special Education and School Discipline, see "Special Education and School Discipline: What You Need to Know" in the November 2005 *Looking Out for Your Legal Rights*. For more information about appeals in Special Education matters, see "How You Can Appeal Your Child's School's Decision under IDEIA" in the January-February 2006 *Looking Out for Your Legal Rights*. All of these articles are available in the Schools section of our Web site, www.LSNJLAW.org.

If you have questions or need further legal advice concerning any of the information in this article or any other matter regarding your child's schooling, contact LSNJ-LAW™, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-576-5529, Monday through Friday between 8 a.m. and 5:30 p.m.

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1-888-LSNJ-LAW (1-888-576-5529)

www.LSNJLAW.org

REGIONAL LEGAL SERVICES PROGRAMS

Central Jersey Legal Services

- Mercer County (609) 695-6249
- Middlesex County—New Brunswick (732) 249-7600
- Middlesex County—Perth Amboy (732) 324-1613
- Union County (908) 354-4340

Essex-Newark Legal Services (973) 624-4500

Legal Services of Northwest Jersey

- Hunterdon County (908) 782-7979
- Morris County (973) 285-6911
- Somerset County (908) 231-0840
- Sussex County (973) 383-7400
- Warren County (908) 475-2010

Northeast New Jersey Legal Services

- Bergen County (201) 487-2166
- Hudson County (201) 792-6363
- Passaic County (973) 523-2900

Ocean-Monmouth Legal Services

- Monmouth County (732) 866-0020
- Ocean County (732) 341-2727

South Jersey Legal Services

- Atlantic County (609) 348-4200
- Burlington County (609) 261-1088
- Camden County (856) 964-2010
- Cape May County (609) 465-3001
- Centralized Intake 1-800-496-4570
- Cumberland County Workers Rights Project (856) 691-0494
- Gloucester County (856) 848-5360
- Salem County (856) 678-6739

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3/09

Cuáles Son Sus Derechos Legales

Marzo 2009

Publicado por Los Servicios Legales de Nueva Jersey

Las leyes de Nueva Jersey protegen al arrendatario contra el desalojo de su vivienda siempre y cuando ellos cumplan con ciertas condiciones. *Página 1*

El crédito por el reembolso para el estímulo económico, en inglés *Recovery rebate credit*. *Página 4*

*Looking Out
For Your Legal Rights*
Flip issue over for the
English edition of
*Looking Out for Your
Legal Rights*.

La ejecución hipotecaria, *foreclosure*, por sí sola no es una razón para el desalojo

LA OFICINA DEL Defensor Público en Nueva Jersey ha comenzado una campaña para dejarles saber a los arrendatarios que no pueden ser desalojados únicamente porque se ha iniciado o acabado el proceso para la ejecución hipotecaria a la vivienda donde ellos viven.

Las leyes que protegen al arrendatario contra el desalojo se aplican en todas las etapas del proceso para la ejecución hipotecaria, aun después de que la propiedad cambia de dueño. Si usted es un arrendatario y se encuentra en esta situación, por

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El boletín de educación jurídica para los habitantes de Nueva Jersey

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Foreclosure

continúa de la página 1

favor póngase en contacto con la Oficina del Defensor Público marcando el 1-609-826-5070.

Por lo general, las leyes de Nueva Jersey protegen al arrendatario contra el desalojo de su vivienda mientras éste:

- Pague el alquiler,
- Respete la paz y tranquilidad de sus vecinos,
- No cause ningún daño intencional o malicioso a la propiedad, y
- Obedezca las reglas justas que haya pactado en el acuerdo escrito.

La ley contra el desalojo, *The Anti-Eviction Act*

La ley contra el desalojo, decretada en 1974, protege a todo arrendatario de la pérdida de su vivienda debido a cualquier razón por la cual no tenga culpa. Dicha ley se aplica si el inquilino tiene un contrato por escrito.

Las excepciones son limitadas. La ley

no se aplica en casos donde el arrendatario vive en:

- una casa que no tiene más de dos viviendas para el alquiler y el dueño reside en la misma ,
- una vivienda reservada para algún pariente cercano del dueño que tenga discapacidades del desarrollo, y
- un hotel, un motel, o una casa de huéspedes.

En 1994, en el caso llamado *Chase Manhattan Bank v. Josephson*, la Corte Suprema de Nueva Jersey dictaminó que la ley contra el desalojo protege al arrendatario aun cuando se haya iniciado o acabado el proceso para la ejecución hipotecaria a la vivienda donde éste vive.

El banco o cualquier otro prestamista que emprenda una ejecución hipotecaria en una propiedad residencial cubierta por la ley toma dicha propiedad con los arrendatarios que todavía están en ella. Si el prestamista vende la propiedad a otra

Cuáles Son Sus Derechos Legales

Con respecto a *Looking Out*

Looking Out for Your Legal Rights® es publicada 10 veces al año por los Servicios Legales de Nueva Jersey. Si usted es un cliente de los Servicios Legales, puede obtener una copia en la oficina de Servicios Legales de su localidad. También puede leer *Looking Out* en nuestro sitio Web www.lsnj.org/espanol/selfhelp.htm.

Suscripciones

La suscripción cuesta \$10 dólares por año.

Números atrasados

Puede ver números atrasados en www.lsnj.org/espanol/selfhelp.htm. Los números atrasados impresos, en caso de estar disponibles, cuestan \$3 dólares cada uno.

Cambio de Dirección

Si se muda, envíenos su nueva dirección y una copia de la etiqueta pegada al ultimo ejemplar de *Looking Out*.

Comentarios

Si tiene alguna sugerencia o comentario con respecto a *Looking Out*, nos gustaría oírlo. Envíe toda correspondencia a:

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publicaciones@lsnj.org

Este boletín de noticias es sólo una información general. Si tiene un problema jurídico, usted debería ver a un abogado.

Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.

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persona, ese nuevo propietario también toma la propiedad con los arrendatarios que todavía la ocupan.

Recuerde:

- **El no hacer el pago del alquiler es una razón para el desalojo.** Incluso si usted no está seguro de quién es el propietario de la vivienda o dónde está el mismo, cada mes guarde el dinero para pagar el alquiler. No deje que el problema que el propietario tiene con la ejecución se convierta en su problema.
- Incluso aunque usted tiene derecho a permanecer en la vivienda durante el proceso de la ejecución y después de la venta de la propiedad, el nuevo dueño, en algunas circunstancias limitadas, puede cambiarle las condiciones de su arrendamiento.
- Si usted tiene problemas con los servicios públicos porque el propietario no ha pagado la cuenta de cobro, la ley proporciona alguna protección contra el corte de dichos servicios.

Si cree que, debido a una ejecución hipotecaria, usted está en peligro de ser desalojado de la vivienda que ha alquilado, aquí le damos algunos números a los que puede llamar para solicitar ayuda:

- **La Oficina del Defensor Público,** 1-609-826-5070.
- **LSNJ-LAW™,** Línea directa gratuita de asistencia jurídica de



Las leyes de Nueva Jersey protegen al arrendatario contra el desalojo de su vivienda siempre y cuando ellos cumplan con ciertas condiciones.

los Servicios Legales de Nueva Jersey, 1-888-LSNJ-LAW (1-888-576-5529). Si está fuera de Nueva Jersey, por favor llame al 732-572-9100 y pida que le transfieran a la línea directa, *Hotline*. Las horas de funcionamiento de la línea directa gratuita son de lunes a viernes, de las 8 de la mañana a las 5:30 de la tarde. Si usted no llena los requisitos para recibir la ayuda de los Servicios Legales, la línea directa le referirá a otros posibles recursos.

- **La Organización de Arrendatarios en Nueva Jersey,** 1-201-342-3775.

Para obtener más información sobre los derechos de los arrendatarios vea el índice del manual los Derechos de los Arrendatarios en Nueva Jersey on our Web site at www.LSNJLAW.org/espanol. □

*Traducido por: Al Moreno, M.A.,
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Servicios Legales de Nueva Jersey*

Los pagos para el estímulo económico

El crédito por el reembolso para el estímulo económico, en inglés *Recovery rebate credit*

BAJO EL CRÉDITO por el reembolso para el estímulo económico, algunas personas que en el 2008 no obtuvieron el pago para el estímulo económico lo podrían recibir en el 2009. Las personas que en el 2008 recibieron menos de lo que esperaban, en el 2009 podrían recibir más.

Para recibir este crédito y evitar tardanzas en el reintegro por impuestos, los contribuyentes deben saber la cantidad correcta del estímulo recibida en el 2008. El contribuyente que haya olvidado tal cantidad la puede verificar en una lista que aparece en el Aviso 1378, que el IRS envió el año pasado a todo aquel que recibió el estímulo. También puede visitar el sitio Web del IRS, www.irs.gov, y pulsar en “*How Much Was my Stimulus Payment?*”, en español ¿Cuánto fue mi Pago del Estímulo Económico para 2008?, o llamar al IRS en el 1-866-234-2942.

La cantidad exacta del estímulo obtenido el año pasado debe ser escrita en la planilla para solicitar el crédito por el reembolso para el estímulo económico. La mayoría de personas no recibirán ningún dinero adicional. Las que SI lo recibirán incluiría aquellos:


- Cuya situación financiera cambió dramáticamente entre el 2007 y el 2008, o

- Quién no presento una declaración de impuestos para el 2007, o
- Cuya familia en el 2008 haya obtenido un menor calificado adicional, o
- Quiénes durante el 2007 fueron reclamados como dependientes por alguien más, pero que en el 2008 ya no pueden ser reclamados como dependientes.

Otros puntos con respecto al pago para el estímulo económico

El pago para el estímulo económico no está sujeto al pago de impuestos y no debería ser declarado como ingreso en la declaración de impuesto del 2008.

Una persona a la que bajo el crédito por el reembolso para el estímulo económico se le debe fondos adicionales recibirá dichos fondos, junto con cualquier otro reintegro fiscal, en un sólo cheque. El IRS no girará un cheque separado por fondos adicional adeudados bajo el crédito por el reembolso para el estímulo económico.

El solicitar el crédito no debería retrasar excesivamente ningún reembolso. Los rumores, de que la solicitud para un reembolso del crédito será retrasada hasta 12 semanas, son falsos. 

Traducido por: Al Moreno, M.A., Coordinador de los servicios lingüísticos en los Servicios Legales de Nueva Jersey

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- Una lista de cotejo para las víctimas de violencia domestica octubre

Formulario para hacer el pedido

- Sí, quiero suscribirme a *Looking Out for Your Legal Rights*[®] / *Cuales Son Sus Derechos Legales*. Adjunto encontrará un cheque/giro postal por \$10.00 dólares para una suscripción por un año (10 ejemplares).

- Nueva suscripción Renovación de la suscripción

- Envíe solamente una suscripción por correo electrónico. Dirección del correo electrónico: _____

Nombre _____

Dirección _____

Ciudad _____

Estado, Código postal _____

Haga el cheque a nombre de
Legal Services of New Jersey

Envíe el formulario y el pago a
Legal Services of New Jersey
P.O. Box 1357
Edison, NJ 08818-1357