

RULE 6:1. SCOPE, COGNIZABILITY AND VENUE

6:1-1. Scope and Applicability of Rules

The rules in Part VI govern the practice and procedure in the Special Civil Part, heretofore established within and by this rule continued in the Law Division of the Superior Court.

(a) **Jurisdictional References.** The jurisdictional requirements of R. 6:2-3 shall be deemed to be venue requirements and all other references in Part VI to jurisdiction shall be deemed to refer, as appropriate, to venue or cognizability.

(b) **Caption.** In addition to the requirements set forth in R. 6:3-2, actions brought in the Special Civil Part shall be captioned with the name of the part and the nature of the action as follows: Special Civil Part, (Civil, Landlord/Tenant, Small Claims, Statutory Penalties or Concurrent Municipal) and shall state, on the face of the pleading and summons, the amount in controversy.

(c) **Fees.** The fees charged for actions in the Special Civil Part shall be in accordance with N.J.S.A. 22A:2-37.1 and R. 1:43 (insofar as applicable), provided that the face of the pleading and summons alleges the amount in controversy does not exceed \$15,000, and the fees for actions which are not filed in the Special Civil Part shall be in accordance with N.J.S.A. 22A:2-6 et seq. Checks for fees and all other deposits shall be made payable to the Treasurer, State of New Jersey.

(d) **Filings.** All papers filed in the Special Civil Part shall be filed in accordance with R. 6:12 at the principal location of the Part in each county.

(e) **Service of Process and Enforcement of Judgments.** Officers of the Special Civil Part shall serve process in accordance with R. 6:2-3 and enforce judgments in accordance with R. 6:7. A writ of execution issued by the Civil Part of the Law Division shall not be directed to a Special Civil Part Officer except by order of the Civil Presiding Judge and such order shall specify the amount of the Officer's fee, require the Officer to account to the court for all funds collected and disbursed pursuant to the writ, and require the Officer to obtain and file a bond in such sum and form as the Civil Presiding Judge may deem necessary.

(f) **Judgments.** R. 4:101 shall not apply to judgments of the Special Civil Part unless a statement for docketing is filed with the Clerk of the Superior Court. A statement for docketing shall issue upon ex parte application of the party requesting docketing to the Office of the Special Civil Part in the appropriate county; it shall bear the name of the Clerk of the Superior Court thereon and shall be filed by the requesting party with the Clerk of the Superior Court upon payment of the statutory fees.

(g) **Forms.** The forms contained in Appendix XI to these rules are approved and, except as otherwise provided in R. 6:2-1 (form of summons), R. 6:7-1(a) (execution

against goods and chattels and wage execution) and R. 6:7-2(b) through (g) (information subpoena), suggested for use in the Special Civil Part. Samples of each form shall be made available to litigants by the Special Civil Part Office.

Note: Caption amended and paragraphs (a) through (g) adopted November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 17, 1991 to be effective immediately; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (e) and (g) amended July 9, 2008 to be effective September 1, 2008; paragraph (e) amended July 19, 2012 to be effective September 4, 2012; paragraph (g) amended August 1, 2016 to be effective September 1, 2016; paragraph (f) and (g) amended March 7, 2017 to be effective immediately; paragraphs (c), (f), and (g) amended July 27, 2018 to be effective September 1, 2018.

6:1-2. Cognizability

(a) Matters Cognizable in the Special Civil Part. The following matters shall be cognizable in the Special Civil Part, except as otherwise specifically provided in R. 4:3-1(a)(4):

(1) Civil actions (exclusive of professional malpractice, probate, and matters cognizable in the Family Part of the Chancery Division or Tax Court) seeking legal relief when the amount in controversy does not exceed \$15,000;

(2) Small claims actions, which are defined as all actions in contract and tort (exclusive of professional malpractice, probate, and matters cognizable in the Family Division or Tax Court) and actions between a landlord and tenant for rent, or money damages, when the amount in dispute, including any applicable penalties, does not exceed, exclusive of costs, the sum of \$3,000. Small claims also include actions for the return of all or part of a security deposit when the amount in dispute, including any applicable penalties, does not exceed, exclusive of costs, the sum of \$5,000. The Small Claims Section may provide such ancillary equitable relief as may be necessary to effect a complete remedy. Actions in lieu of prerogative writs and actions in which the primary relief sought is equitable in nature are excluded from the Small Claims Section;

(3) Summary landlord/tenant actions;

(4) Summary actions for the possession of real property pursuant to N.J.S.A. 2A:35-1 et seq., where the defendant has no colorable claim of title or possession, or pursuant to N.J.S.A. 2A:39-1 et seq.;

(5) Summary proceedings for the collection of statutory penalties not exceeding \$15,000 per complaint.

(b) Distinct Negligence Claims. An action for damages resulting from negligence composed of several distinct claims may be brought in the Special Civil Part

if the amount recoverable on each claim is within the monetary limit even though the amount recoverable on all claims exceeds that limit.

(c) **Waiver of Excess.** Where the amount recoverable on a claim exceeds the monetary limit of the Special Civil Part or the Small Claims Section, the party asserting the claim shall not recover a sum exceeding the limit plus costs and on the entry of judgment shall be deemed to have waived the excess over the applicable limit.

Note: Adopted November 7, 1988 to be effective January 2, 1989; caption added to paragraph (a) and paragraph (a) amended July 17, 1991 to be effective immediately; paragraphs (a)(1) and (2) amended July 14, 1992 to be effective September 1, 1992; paragraphs (a)(1) and (2) amended July 13, 1994 to be effective September 1, 1994; paragraphs (a)(1) and (a)(2) amended July 12, 2002 to be effective September 3, 2002; paragraph (a)(2) amended July 28, 2004 to be effective September 1, 2004; subparagraph (a)(4) and paragraph (c) amended July 27, 2006 to be effective September 1, 2006; subparagraphs (a)(1) and (a)(2) amended, new subparagraph (a)(4) adopted, former subparagraph (a)(4) redesignated as subparagraph (a)(5), and former subparagraph (a)(5) deleted July 19, 2012 to be effective September 4, 2012; paragraph (a) amended July 27, 2018 to be effective September 1, 2018; paragraph (a)(1) amended July 31, 2020 to be effective September 1, 2020.

6:1-3. Venue

(a) **Where Laid.** Except as otherwise provided by statute, venue in actions in the Special Civil Part and the Small Claims Section shall be laid in the county in which at least one defendant in the action resides. If all defendants are non-residents of this state, venue shall be laid in the county in which the cause of action arose. For purposes of this rule, a business entity shall be deemed to reside in the county in which its registered office is located or in any county in which it is actually doing business. Except as otherwise provided by statute, venue in landlord and tenant actions shall be laid in the county where the rental premises is located and actions for the recovery of a security deposit may be brought in the county where the property is situated. If all defendants are non-residents of this state, venue shall be laid in the county in which the cause of action arose.

(b) **Improperly Venued Complaints.** If a Special Civil Part complaint is presented for filing in a county where venue does not lie, and the error is apparent prior to acceptance of the complaint for filing and processing, the complaint shall be date stamped and returned to the plaintiff with instructions to file it in the county in which venue is properly laid. The original stamped date shall be considered the filing date only if the complaint is filed within 15 days thereof with the Office of the Special Civil Part in the appropriate county. The stamp bearing the filing date shall so inform the plaintiff. If, however, the complaint has been filed and it becomes apparent before service is effectuated that venue is improper, the Office of the Special Civil Part shall forward the complaint and all other documents filed in the matter to the proper county and advise the litigants of the correct county of venue as well as the address of the Special Civil Part Office in that county.

Note: Caption amended and paragraphs (a) through (g) adopted November 7, 1988 to be effective January 2, 1989; paragraph (c) amended July 17, 1991 to be effective immediately; paragraph (c) amended July 13, 1994 to be effective September 1, 1994; paragraph (c) amended July 12, 2002 to be effective September 3, 2002; paragraph (c) amended July 27, 2006 to be effective September 1, 2006; paragraphs (e) and (b) amended July 9, 2008 to be effective September 1, 2008; paragraph (a) amended August 1, 2016 to be effective September 1, 2016; paragraph (b) amended March 7, 2017 to be effective immediately; paragraph (b) amended July 27, 2018 to be effective September 1, 2018.