

## **SUPREME COURT OF NEW JERSEY**

More than one in three households in New Jersey involve a landlord tenant relationship. In rented premises, as in owned homes, housing security is critically important to the resident and the surrounding community. At the same time, rental property owners must be able to meet their obligations, both to retain the property and to keep it as available housing for renters. In light of these significant needs, a court system in the pursuit of equitable justice must support processes that uphold and balance the rights and responsibilities of both landlords and tenants.

To that end, the Supreme Court in this Order institutes a number of steps to reform the residential landlord tenant process in New Jersey. Among other key reforms, the Court commits to conduct landlord tenant proceedings in a primarily remote format, with the Judiciary to provide on-site technology as necessary to enable participation, and to accommodate in-person proceedings in limited appropriate circumstances. The Court also establishes a package of new pleadings, revised processes, and pretrial events that will support a more robust and transparent record. These steps will enable early identification of issues, differentiated management of cases, and opportunities for parties to connect with rental assistance and legal assistance resources and to resolve disputes without trial. Taken together, the provisions of this Order will support greater equity for both tenants and landlords.

The Court's updates to landlord tenant processes occur against the backdrop of the COVID-19 pandemic and a moratorium on residential evictions. The Judiciary already has taken a number of steps to address the more than 56,500 landlord tenant cases that have remained pending during the public health emergency, and the even greater number of cases expected to be filed in the coming year. Most recently, the Court in its July 1, 2021 Order authorized mandatory settlement conferences as an interim measure to advance resolution of certain cases filed during or otherwise affected by the COVID-19 pandemic. The Court's July 1, 2021 Order also announced the resumption of residential landlord tenant trials as of September 1, 2021, which date may need to be adjusted in light of legislation currently awaiting action by the Governor and ongoing collaboration with the Department of Community Affairs.

Informed by the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant ("Special Committee") and the public comments submitted in response to that Report, the Court in this Order announces revisions to court processes for residential landlord tenant cases. These prospective changes, effective September 1, 2021 align with and implement the Court's actions as reflected in its July 12, 2021 Administrative Determinations on the Special Committee's Report and Recommendations. The Court's Administrative Determinations and the provisions of this Order do not affect the processes for

mandatory settlement conferences as set forth in the Court's July 1, 2021 Order. Aspects of those mandatory settlement conferences may need to be adjusted in light of legislation currently awaiting action by the Governor.

As reflected in the Court's Administrative Determinations, the Court by separate July 12, 2021 Order has amended certain Court Rules and Appendices to be effective September 1, 2021.

Accordingly, and operating in tandem with the related amendments to the Rules of Court, IT IS ORDERED that pursuant to N.J. Const., Art. VI, sec. 2, par. 3, the provisions of Parts IV and VI of the Rules of Court, and any other applicable rules, are relaxed and supplemented effective September 1, 2021 and until further order, as follows:

1. In addition to other required pleadings, landlords shall file a Landlord Case Information Statement in a form promulgated by the Administrative Director of the Courts ("Administrative Director").
  - a. For new filings, the Landlord Case Information Statement shall be filed with the complaint.
  - b. For pending cases, the Landlord Case Information Statement shall be filed five days before the date of any mandatory conference as scheduled by the court.

2. Landlords also shall file a copy of the lease (or, if the lease exceeds 10 pages, the relevant provisions of the lease); the registration statement, if applicable; and a certification of the landlord's lease and registration statement in a form to be promulgated by the Administrative Director.
  - a. In addition to the lease, registration statement, and certification, landlords shall submit a copy of the rent control statement if requested by the court.
  - b. All required documents (lease, registration statement, and rent control statement if requested by the court) shall be filed five days before the required conference.
3. Tenants shall file a Tenant Case Information Statement in a form promulgated by the Administrative Director. For both pending cases and new filings, the Tenant Case Information Statement shall be filed five days before the date of any mandatory conference as scheduled by the court.
4. The courts shall provide written information about landlord tenant procedures to both parties. Such information shall also be posted on the Judiciary's public webpage.

5. Courts shall conduct additional, early, enhanced review of cases that involve public housing, other subsidized housing, and holdover causes of action.
  - a. If any deficiency is identified during such review, written notice shall be issued to the landlord.
  - b. The landlord shall have an opportunity to cure such deficiency.
  - c. Failure to cure may result in dismissal.
6. Landlord tenant proceedings, including conferences and trials, will be conducted primarily in a remote format. As necessary, courts will provide on-site technology resources to support the parties' participation. Judges will have discretion to schedule in-person proceedings based on the individual circumstances of a case.
7. All residential landlord tenant cases will be scheduled for a single mandatory conference before the trial date, for purposes of case management and, if applicable, settlement.
  - a. Such mandatory conferences will be conducted by trained staff, including Landlord Tenant Legal Specialists, consistent with the provisions of the Court's June 3, 2021 Order.
  - b. If the case is not resolved at the conference, the case will be scheduled for trial.

8. Courts will provide information about trial processes to both parties, which will explain the consequences for failure to appear for trial.
9. The court will conduct a settlement conference on the trial date.
10. If the landlord does not appear for the trial date, the case will be dismissed.
11. If the tenant does not appear for the trial date, default will be entered by the clerk. If the landlord establishes entitlement to relief, the court will enter default judgment.
12. Courts shall issue written judgments for possession in a form promulgated by the Administrative Director. Such written judgments shall be issued at the conclusion of trial, in instances of default judgment, upon consent, and after breach of a settlement agreement.
13. Landlords shall submit a written Request for Warrant of Removal in a form promulgated by the Administrative Director.
14. Except as set forth in this Order or other Orders of the Court, existing landlord tenant processes shall continue.

15. The Administrative Director is authorized to take such further action as is necessary to support and implement the provisions of this Order.

For the Court,

A handwritten signature in blue ink, appearing to read "Shane R. ...", written over a horizontal line.

Chief Justice

Dated: July 14, 2021