

This is an archived Press Release from NJ Courts

[New Jersey Courts](#)

[|Press Releases Home|](#)

Immediate Release Contact: Office of Public Affairs
Linda Brown Holt
Aug. 16, 2001
(609) 292-9580

New Jersey Courts to Help Tenants Understand Their Rights in Eviction Cases

Trenton, N.J. - Under [new court rule amendments](#) announced today, New Jersey judges will provide tenants with detailed information about judicial processes and their rights when they are facing eviction. The amendments will take effect Nov. 1, 2001, and are intended to help people at risk of losing their housing understand the legal process and their rights under that process.

"The Court was concerned that citizens understand what's involved before signing settlement agreements concerning eviction," said Judge Richard J. Williams, administrative director of the courts. "Under these new amendments, judges will explain the process clearly to tenants before they sign documents that could lead to eviction."

The impetus for the rule changes was the New Jersey Supreme Court's opinion in *Community Realty Management, Inc. v. Harris*, 155 N.J. 212 (1998). In that opinion, which affirmed that tenants must understand the process of eviction before agreeing to a settlement, the Court directed the Special Civil Part Practice Committee to recommend rule amendments. The Supreme Court ordered the adoption of these amendments on July 18, 2001.

"The Committee, composed of judges and attorneys who represent landlords and attorneys who represent tenants, including representatives of Legal Services of New Jersey, devoted a tremendous amount of time, energy and dedication to developing these amendments," said Judge Williams. "They have taken into account the legitimate rights of landlords and tenants, the needs of counsel and the practical considerations of the court."

The amendments include model instructions that enable the judge to explain the eviction process in plain language. An example of the plain language used by judges is the following portion of the section on settlements:

You do not have to settle your case, and you have the right to a trial. You should settle only if the terms are agreeable to you. A settlement must be voluntary to both parties..."

The instructions also will be available in Spanish via videotape in counties with a significant Spanish-speaking population.

Other provisions include:

- instructions about the eviction process must be served with the summons;
- the judge must give instructions at the calendar call (the opening of the court session at which landlord-tenant cases are heard);
- the landlord and the landlord's attorney must certify the legality of the fees and charges claimed as rent before entry of a default judgment (a decision awarded to the plaintiff when a defendant fails to contest the case) or consent judgment (a judgment issued by a judge based on an agreement between the parties to settle the matter);
- a judge must review all consent judgments; and

- applications to enforce consent judgments will be considered only after the other party receives written notice.

In addition to the manual for judges, other appendices to the rule amendments include model forms for the certifications of the landlord and landlord's attorney, and model forms for consents to enter judgments.

"These rule amendments will ensure a uniform approach to informing citizens of their rights in landlord-tenant cases involving eviction," said Judge Williams. "Justice works best when all parties have equal access to knowledge and information."

The full text of the rule amendments may be viewed by clicking on Notices to the Bar and then clicking on August at the Judiciary's Web site, www.judiciary.state.nj.us.

The New Jersey Judiciary is an independent branch of government constitutionally entrusted with the fair and just resolution of disputes to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution and laws of the United States and New Jersey.

[Privacy Policy](#) | [Contact Us](#) | ©2010 New Jersey Judiciary