NOTICE TO THE BAR

LANDLORD TENANT -- PROPOSED AMENDMENTS TO RULE 1:38-3(f) TO REMOVE FROM PUBLIC ACCESS RECORDS OF LANDLORD TENANT MATTERS IN WHICH A JUDGMENT FOR POSSESSION WAS ENTERED MORE THAN SEVEN YEARS AGO - PUBLICATION FOR COMMENT

The Supreme Court invites written comments on a proposal to amend Rule 1:38-3 ("Court Records Excluded from Public Access") to remove from public access records of landlord tenant matters in which a judgment for possession was entered more than seven years ago. This follows an earlier more general request for comments regarding landlord tenant matters that do not result in a judgment for possession (September 16, 2020 notice). The proposal presented here focuses only on those cases in which a judgment for possession has been entered. The Court plans to separately act on a proposal to exclude from public access certain records (beyond those excluded from public access pursuant to N.J.S.A. 2A:42-144 to 2A:42-148) in which no judgment for possession has been entered.

Background

The Court in its July 16, 2020 Action Plan committed to examine public access to court records that as currently maintained may create hardships for disadvantaged populations. Landlords should have access to relevant information about a prospective tenant. At the same time, in the interests of equity, dated information regarding tenants should not create indefinite obstacles to rental housing. One possible way to balance those important and competing interests could be to ensure public access for a set period to landlord tenant cases in which a judgment for possession was entered, after which time such records would be removed from public access. The Court is here seeking comments on that possible approach.

Proposed Rule Amendments

Accordingly, the Court invites public comments on the following proposed rule amendments:

1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) – (e) no change.

(f) Records of Other Proceedings.

(1) – (9) no change.

(10) All records in actions for change of name pursuant to N.J.S.A. 2A:52- 1 and R. 4:72-1 et seq.;

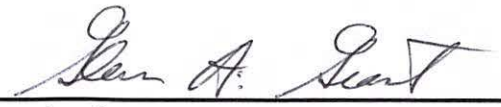
(11) Records of landlord tenant cases in which judgment for possession was entered seven years ago or longer.

Please send any comments on the proposed rule amendments in writing by February 14, 2022 to:

Glenn A. Grant
Administrative Director of the Courts
Comments on Proposed Amendments to Rule 1:38-3 – Public Access
To Landlord Tenant Records More than Seven Years Old
Hughes Justice Complex; P.O. Box 037
Trenton, New Jersey 08625-0037

Comments may also be submitted by e-mail to: Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address (and those submitting comments by e-mail should include their name and e-mail address). Comments are subject to public disclosure upon receipt.



Glenn A. Grant
Administrative Director of the Courts

Dated: January 13, 2022