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Via email: Comments.Mailbox@njcourts.gov

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments of Proposed Amendments to Rule 1:38-3 – Records of Landlord/Tenant Matters Not Resulting in Judgment for Possession
Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037

Re: Comments on Proposed Amendments to Rule 1:38-3 – Records of Landlord/Tenant Matters Not Resulting in Judgment for Possession

Dear Judge Grant:

Essex-Newark Legal Services annually provides free legal assistance to over four thousand low-income Essex County households on their civil legal problems. It is on the basis of that experience that we offer these comments on the proposed rule amendment.

In weighing the potential impact of the proposed rule changes we can't help but be mindful of the present situation facing so many New Jersey renters. With the COVID-19 shutdown that began mid-March, thousands of working class tenants lost their employment and many their capacity to remain current on rent. As a result, most now find themselves defendants in tenancy court actions and facing the possibility of being rendered homeless once court proceedings resume. Beyond the prospect of losing their shelter, these tenants also fear that having had an action filed against them they will now face an added barrier to securing replacement housing. Some have also expressed to us worries as to how a record of eviction might affect prospects for re-employment and of course their credit scores.

In Essex County, African-American and Latino low-income tenants already face narrow housing choices that seemingly confine them to the County's four inner cities. At Essex-Newark Legal Services we see first-hand how the existence of an eviction record limits the ability of tenants to obtain Section 8 or public housing, much less access an unsubsidized unit. Affected tenants regularly recur to our office in panic and in the hope that we might invoke some expungement process that clears their path. Sadly, in most situations we are only able to explain how the Judiciary makes these records available to tenant screening bureaus who collect this data and use

it to make recommendations to landlords, based solely on the existence of an eviction filing and without regard to outcome or case disposition. Tenants find it hard to believe that even where they have amicably settled with their landlord nothing can be done to erase their record.

As witnessed in our clients' stories, the impact of this blacklisting is added outrage, frustration and prolonged periods of homelessness. Unable to access decent housing some families are left with no other recourse but to shelter in dilapidated units and under the most unfavorable terms.

So we welcome the Judiciary's willingness to examine the role tenancy Court records play in the system of blacklisting and to take steps to mitigate the harm resulting from the current case reporting practices. In that regard, our recommendation is that as a first step, the focus be on addressing the tens of thousands COVID related records that the present backlog of tenancy actions represents. We urge that consideration be given to maintaining these records confidential regardless of whether the action resulted in the entry of Judgment.

In closing, and on behalf of our client community, we thank the Court for this opportunity to address this critical issue that affects so many.

Sincerely,



Felipe Chavana