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Hon. Glenn A. Grant, J.A.D.
Comments on Report of Special Committee on Landlord-Tenant
P.O. Box 037
Trenton, NJ 08625-0037

Dear Judge Grant:

Having served on the Special Committee I would like to offer my personal comments on the final report of the Committee for consideration by the Supreme Court. I have grouped the comments by the recommendation numbers as shown in the report.

1. Landlord Case Information Statement. While I do not object to the form itself, the questions for the plaintiff go beyond the jurisdictional questions that should be submitted. The form should not include questions on whether the plaintiff has applied for any type of funding, and the form should not include the question as to whether or not the tenant has applied the security deposit. Those questions are not required for jurisdiction and should not be included.

I also strongly believe that the CIS form should not be required in all of the currently pending cases, or in fact, in any cases filed before this recommendation is adopted, if it is. The court system will already have a substantial workload in simply trying to work through all of the currently pending cases that are awaiting trial. If we add on top of that several pieces of documentation that must be submitted all at once when the Rule is adopted, the workload will be crushing. These documents will not expedite the process in 99% of the cases, which are simply waiting a trial date for a final resolution on non-payment of rent in almost all of those cases. If adopted, this recommendation should be prospective only.

2. Tenant Case Information Statement. To follow on the prior comment, the tenant CIS is not required for pending cases, and therefore in fairness the landlord CIS should not be required as well. Other than that, I expect there to be comments on the form as it has been proposed. I believe this form is sufficient and no changes are needed.

6. Lease and Registration Statement required to be submitted. It has been stated in the Committee that over one-third of all current landlord-tenant cases result in default. There is no need for additional paperwork to be submitted in cases that will ultimately default in any event. There should also not be a requirement

for the LT Legal Specialists to review the lease or registration statement in the event of a default. Given the expected crush of cases from the pandemic, this additional work does not add anything to the process, and there is no need to address "the unsubstantiated perception that they [the landlord] are securing relief beyond that to which they are entitled." If the lease or registration statement are required and the tenant appears at the case management conference, the landlord should be prepared to submit the documents at that time. They should not be required in advance.

7. Non-appearance at the case management conference is not dispositive. This recommendation must not be adopted as written. Overall, I believe the case management process will be beneficial to the court system, and ultimately will provide for a fairer and more efficient adjudication of the cases. However, it will undoubtedly delay the process, even in the most optimistic estimate that the Committee has used by approximately double the current amount of time it takes to bring a matter to trial. It is highly unlikely that those optimistic estimates will be met in the many months following the reopening of the courts working through the backlog. For that reason, the proposal that failure to appear at two management conferences is not dispositive of the case is completely unacceptable. Once a tenant, or for that matter, a landlord has failed to appear at two separate mandated appearances the case should be concluded. This means dismissal for the landlord, or default for the tenant. In this way the parties can move forward without having to wait additional time for a trial date to be established and to pass. Further, the proposal as written will wreak havoc with trial scheduling. As proposed, no cases can be removed from the docket because the non-appearances are not final. This means that every single case must be given a time slot when the ultimate trial date is established. As a result, either there will be overscheduling of cases or if every case is given its own time slot, there will be mass inefficiency in leaving time slots open for parties who are very unlikely to appear.

11. Trials to be remote and settlement conferences would be required on the day of trial. I strongly support both aspects of this recommendation. Settlement conferences on the day of trial can be very productive and assist the court in continuing to clear the calendar. While the crowded "calendar calls" referred to in the report are not as big an issue in southern New Jersey, a statewide process for remote trials would benefit all parties.

14. Posting deposits. The procedure that has developed in the state requiring tenants to post the rent before a habitability hearing has been immensely successful in keeping the calendar moving. This recommendation will extremely limit the use of deposits only to cases where a tenant requests an adjournment on the day of trial. There should be some mechanism to require some type of deposit in all non-payment cases to insure that the court's time will not be spent hearing trials that will ultimately result in an eviction because the tenant does not have the funds in any event. This recommendation should be modified to

provide for a deposit in any case for non-payment that goes to trial, even if it is not the full amount of outstanding rent.

17. Request for Warrant of Removal. The CARES Act certification is not necessary in this document and will only need to be removed at a later date when the CARES Act no longer applies. There are not sufficient cases that the need for a certification is required and would unnecessarily require the preparation of one set of documents that would just have to be changed when the CARES Act ends. Eliminating this certification means that the Request for Warrant will be applicable for all cases now, including commercial, and will continue to be applicable after the CARES Act is no longer applicable.

18. Warrant of Removal forms. Attachment O and Attachment P are completely unnecessary as separate forms. That information was already contained in the Warrant of Removal form as it presently existed. There is currently plenty of room in Attachment M to add information on illegal lockouts and on police assistance required in the execution of a Warrant of Removal. That information should be transferred to Attachment M, thereby avoiding the need to print four pages of documents in English and Spanish as opposed to only two pages if all of the information is contained in one form.

I appreciate being asked to serve on the Committee and I know all the Committee members worked hard on these recommendations, which in general I do believe will result in a fairer and more efficient court process. I would hope that on behalf of all of my clients that the Court can act on these recommendations expeditiously and whatever process is finally adopted can result in the courts opening at the earliest possible opportunity so that landlords and tenants can get on with their lives.

Respectfully submitted,

William A. Thompson, III

WAT/sgt