

316 South Orange LLC
P.O. Box 329
Newark, NJ, 07101
May 19, 2021

#040

Re: Landlord Tenant Court Process Upgrading

Dear Judge Grant:

As a medium size landlord for the last 9 years in Newark, I was delighted to hear that an overhaul in the New Jersey Landlord Tenant court process is being contemplated.

I would like to try share my thoughts of the process. Sometimes the simple soldier on the battlefield can bring insights that the general cannot see.

It seems to me that the committee concentrated on the information failure- landlords (through their representatives) are usually much more knowledgeable than tenants. This asymmetry is greatest when dealing with the most disadvantaged members of the community.

A fair judiciary system should always aim to even the court playing field (to the extent possible). I deal with a low-income demographic, and I do applaud the committee's dedication to that goal. The current process is unfair to unknowledgeable tenants from that aspect.

However, if the process is getting a face lift, then I think that there is a big elephant in the room that must be addressed. It also relates to the most disadvantaged demographic.

That elephant is the long and extremely unreliable process timeline. In Essex county it can take 4-10 weeks from the time of filing a complaint, to the summons date, depending mainly on the time of year and the number of cases. You can only imagine my surprise the 1st time that I heard that this is due, in part, to court clerks' vacations schedule, and not only due to a higher volume of cases.

Even if a judgement for possession is entered, the landlord must expect 4-7 additional weeks (Warrant of removal issuance, warrant of removal service, 7 days to vacate, order to show cause appeal, 1st stay, sometimes a 2nd stay), until the lockout actually takes place. If the weather is bad, it can take longer, but that is understandable. No one wants lockouts in freezing conditions.

From filing to lockout, the process takes 2-4 months usually with no rent collection. Only then, the landlord can go through another legal process to procure a money judgement. Most landlords don't even go through that trouble. That shows the level of trust we have in the judiciary system.

We are giving up on money that is owed to us, because we have no faith in the system.

This long and unreliable process is extremely expensive, as usually no rent is being collected during the process, and creates several issues:

1. Once a minor default occurred (say a tenant is 100\$ short), the landlords immediately file, as they must account for the long process. That tenant might pay way before going

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to court, but now he has a landlord tenant court case to his name.

A shorter reliable process would allow the landlord to give the tenant more time to amend the default.

2. Landlords screen their tenants more thoroughly, trying to avoid the inefficient judiciary system. They rather to keep apartments vacant for a month or two, than settling on tenants with landlord tenant court history.

If the eviction costs (mainly in time) were cut significantly, that would incentivize the landlords to assume more risks, and accept tenants who are trying to rehabilitate their financial situation.

This hurts the weakest members of the community, who cannot find good housing. Their only option, by the way, is shelters or bad landlords.

The new process must be scalable, and dependable.

A landlord must know that no matter his municipality, he will see a judge within 4 weeks, if there's a default judgement, a warrant will be processed within 1 week, served within 1 week, a maximum of 2 one week stays should be granted, and the whole process should not take more than 8-9 weeks.

Judges aside, the same staff should work for all counties. There is no justification that an Essex county landlord will pay the same fees and receive a much inferior service than a Bergen/Hudson county landlord (I'm sure you can look into that).

Also, if there are tenant's advisors in place, stipulations should be more flexible.

If my tenants choose to enter a long-term payment schedule, and his public appointed advisor supports that decision, then the court should allow it. If 2 well represented parties wish to amend a stipulation 10 times, then they should be allowed to do so.

The rigid 2 amendments maximum currently in place does not make sense. The entire process should be built on the understandings that lower income households have a volatile income, and it should incentivize landlords to accommodate to the extent possible.

Respectfully,

Tzvi Joshua,

tzvijoshua@gmail.com