

WEISHOFF AND RICHARDS, LLC.

203 High Street
Mount Holly, New Jersey 08060
Telephone (609) 267-1301
Facsimile (609) 267-1305

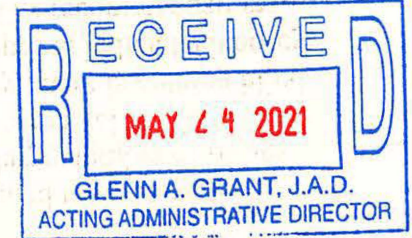
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ROBERT P. WEISHOFF, ESQ.
NICOLAS G. ROTSIDES, ESQ.

TRAVIS J. RICHARDS, ESQ.
travis@wr.legal

May 21, 2021

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Hughes Justice Complex
PO Box 037
Trenton, New Jersey 08625



Re: Recommendations of the Judiciary Special Committee on Landlord Tenant

Dear Judge Grant:

Chief Justice Rabner has stated the committee's work was "designed to improve the overall landlord-tenant process and fairly and expeditiously resolve the large number of filings expected soon." Indeed, this aim is consistent with the Judicial Branch's general role in Government: the efficient administration of blind justice. Unfortunately, there is nothing blind, fair or expeditious about the recommendations. They amount to inappropriate judicial advocacy that severely impacts the public's contractual and constitutional rights. The recommendations will not only considerably lengthen and complicate the current process, but will lead to unjust outcomes. I am strongly against the proposed changes, as they haphazardly increase costs of landlords, legal services, the New Jersey court system, and ultimately tenants, for questionable reasons.

Conservatively speaking, my partner and I have filed well over 100,000 evictions in New Jersey. Our firm lives in landlord/tenant court. The current eviction process has organically refined itself over the decades, protecting tenants' rights while efficiently administering an enormous caseload. It is difficult to recognize the quality of this system without experiencing landlord/tenant daily. There is no Court of Law in New Jersey that delivers justice nearly as efficient as landlord/tenant court.

Landlord/tenant courts regularly resolve well over 200 cases on a single calendar date. The vast majority of cases resolve amicably. Cases where the tenants pay the rent due are dismissed, and cases where tenants do not result in a judgment for possession. The efficiency is due to the extremely simple nature of over 95% of the cases and the limited nature of the judgments. Cases generally come down to a simple question: Is rent due? This question is even simpler in landlord/tenant court than in Small Claims as judgment is exclusively for possession, and not money. There is no need for extensive discovery. If the tenant owes rent, regardless of the amount, the landlord has a right for possession.

I fail to see how taking a matter typically resolved in one court session, and spreading it over three, will help "expeditiously resolve the large number of filings expected soon." Three times the courts sessions means three times the time to resolve cases. The recommended Case Information Statement, Case Management Conference and additional court staff to review the complaints and leases are a farce and have no point. The current model complaint goes to

extreme lengths to detail the basis of the landlord's claim. Are we really to believe we need more paperwork, court dates and oversight to confirm, yes, the tenant did not pay?

I can understand the need for reform if there is evidence of a substantial amount of fraudulent cases being filed. But, in my 20 years of experience I have yet to see a case where a landlord has filed a non-payment of rent complaint against a tenant current on their rent. Occasionally, the amount of rent due is argued, but never is it argued the rent was current.

Pre-Covid, justice was being served in the vast majority of cases. In cases where judgments were entered, typically tenants remained in possession for two to three months before a landlord regained possession. Landlords were already losing out in terms of absolute justice, by allowing the tenant to remain in possession while not paying rent. However, this cost is necessary to protect tenants' right of due process (hence no self-help evictions). But, the proposed changes do not serve justice as they will result in a less equitable outcome. The proposed changes will simply result in tenants remaining in possession of the landlord's property for five or six months without paying rent as opposed to two to three months prior to Covid.

I find it distressing that after a year where the landlords have had to singularly shoulder so much of society's homeless problem, the courts would take this opportunity to pile on. As a result of various Covid-related orders, directives and regulations, multiple clients of mine are owed well over \$50,000 in unpaid rent from a single tenant. A substantial amount of small landlords will never recover from tenants living rent-free for a over a year and have simply quit being landlords. How does fewer landlords help homelessness? This is not the time to implement changes extending landlords burden even further. We should be thanking landlords for what they have dealt with during Covid, not persecuting them.

The goal of the court should be to interpret law, not make it. As Oliver Wendell Holmes, Jr. said, "This is a court of law, young man, not justice." The proposed changes have nothing to do with helping the court better interpret the law. Rather, the changes are an inappropriate, thinly veiled attempt to advocate for a single class of defendants, namely tenants. Frankly speaking, the committee seems to be more interested in drafting legislation to further tenants' ability to remain in possession without paying rent, than advocating for either justice or efficacy in resolving the backlog of evictions. If it is the will of the People to create law that drastically impacts a class's constitutional rights, then it must be vetted through the Legislature, not done sloppily by the Judiciary. Ironically, this goal of protecting tenant's rights will not be achieved and is extremely shortsighted. Ultimately, increasing the time and costs of administering evictions will lead to increased overhead and fewer landlords. Fewer landlords and increased costs mean less housing and higher rent. But most importantly, the proposed changes do not serve the alleged purpose of creating a better eviction process. They, in fact, do quite the opposite. The recommendations senselessly increase the time and costs for all involved, while leading to a far less just outcome. Accordingly, I strongly ask that the proposals be reconsidered.

Respectfully Submitted,



TRAVIS J. RICHARDS, ESQ.

cc. Hon. Judge Jeanne T. Covert