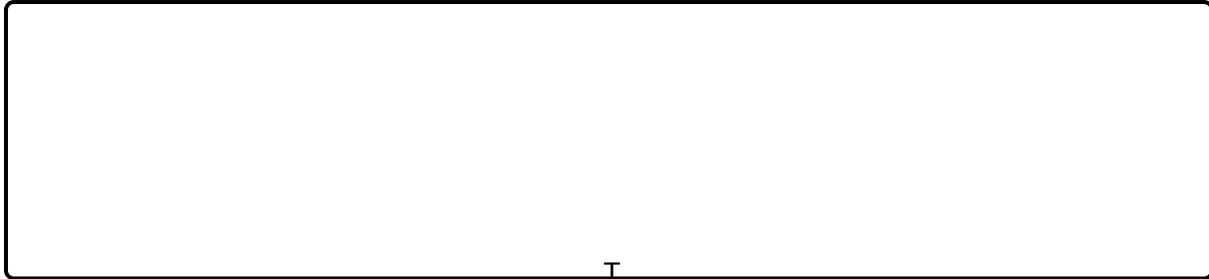


From: [Bruce Gudin](#)
To: [Comments Mailbox](#)
Cc: dreed@epgpirlaw.com
Subject: [External] PROPOSED AMENDMENTS TO LANDLORD TENANT FORMS AND PROCESSES
Date: Monday, April 21, 2025 4:23:12 PM



Ladies and Gentlemen:

Please accept this letter and its contents in response to the Supreme Court's request for comment on the proposal to revise aspects of the current process for residential landlord tenant matters, including (1) to revise the existing residential landlord tenant complaint form and (2) to require that the form be filed by attorneys and by self-represented landlords. This further proposes (3) to revise the tenancy summons to reincorporate the trial date (consistent with pre-Covid-19 practices) and (4) to remove from the Landlord Case Information Statement a reference to the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

The Notice to the Bar intimates the issue of concern is that the Judiciary seeks to "reduce the possibility of an improper residential eviction." However, this presumes that there is a problem with the Courts sanctioning "improper" evictions, and I believe that there is no genuine reason for this concern. For if the true concern was that the Court were allowing improper evictions to occur, perhaps additional training of Judges and court personnel would be in order. However, I do not believe that is the case, and that the revised approach being proposed by the tenant advocates goes far beyond anything that is reasonable, appropriate, or necessary.

Our law firm files a high volume of eviction cases and, as such, we are stakeholders in the outcome of your decisions.

To address the proposal, *ad seriatum*, please consider the following:

1. To revise the existing residential landlord tenant complaint form to require the mandatory use of pleading forms and (2) to require that the form be filed by attorneys and by self-represented landlords raises significant concerns. While standardization might seem beneficial for efficiency, such a mandate has the potential to hinder access to justice, limit flexibility, and create additional challenges for both litigants and the court system.

Inadequacy for Complex Cases Legal matters are often multifaceted and require pleadings tailored to the specific facts and circumstances of each case. Mandatory forms, while useful in routine situations, fail to account for the unique complexities of many cases. Litigants need the ability to articulate arguments and evidence without the constraints of a standardized format.

Barriers to Access for Pro Se Litigants Many individuals represent themselves in court due to financial or other constraints. Mandatory forms could pose significant challenges for pro se litigants, especially if the forms do not align with their unique needs or are difficult to understand. Instead of simplifying the process, these forms may inadvertently discourage individuals from pursuing legitimate claims.

Risk of Oversimplification and Inaccuracy While the intent of mandatory forms is to enhance efficiency, they often lead to oversimplification. Litigants may omit critical information due to the limitations of the forms, resulting in incomplete or inaccurate submissions. This, in turn, could lead to delays, additional clarifications, or rejections, increasing the burden on the courts. A pleading form should in no way restrict an attorney from preparing and filing a “well pleaded Complaint.”

Stifling of Innovation in Legal Advocacy The legal system thrives on creativity and innovation in advocacy. Mandatory forms, by their nature, constrain this creativity and may prevent lawyers and litigants from presenting novel or nuanced arguments. This restriction undermines the dynamic and adaptive nature of the legal system in New Jersey.

Increased Administrative Burden Requiring mandatory forms would necessitate substantial additional administrative efforts and the courts would need to devote resources to training personnel and assisting litigants with navigating these forms. The potential for increased administrative costs and procedural bottlenecks supports the contention that this requirement be rejected outright.

Additionally, there will be an enormous increased administrative burden on landlords and attorneys who are tasked with completing the proposed 27 count “mandatory” Complaint form. One item specifically is the parsing out of the rent due in a nonpayment case when the tenant rent ledger is attached to the court papers as an exhibit and the ledger parses out the amounts due. Why force the landlords to have to write out long hand what is otherwise clearly detailed on the tenant rent ledger. It would impose a tremendous burden that results in nothing when the ledger accompanies the filing. Likewise, what makes sense about mandating a landlord include the dates of their Notices sent to the defendants when the Notices themselves are attached to the Complaint and incorporated therein by reference? Just simply wasteful - and forcing attorneys who prepare pleadings to go through the exercise of extracting dates from the Notices just to enter them on a mandatory form is draconian. The costs associated with the proposed additional administrative burdens will be passed on to the landlords, and if there is a written lease obligating the tenant to reimburse these fees in the event of a default, the ultimate financial burden will trickle down to the tenants, and that cannot possibly be an intended result, but it would be what ultimately happens.

Also, the form as proposed is confusing and can easily trip-up the unwary. For instance, paragraph #9 asks for the following (check one) “The tenant () is () is not

currently in possession of the rental unit.” The word “possession” can mean actual, physical, or constructive – what is the meaning or significance of having this otherwise confusing allegation, and what would be the effect if a landlord checked (x) is not in possession? Would the case be dismissed improperly?

(3)&(4). During the suspension of trials necessitated by the Covid-19 pandemic, the trial date was removed from the tenancy summons (Rules Appendix XI-B). Also during the pandemic, the Judiciary included a reference to the CARES Act in the new LCIS. The proposal to include those two time-specific revisions, i.e., to add back the trial date to the summons makes sense – that’s how the process worked flawlessly for decades and to delete reference to the CARES Act from the LCIS makes sense. The COVID-19 pandemic is over.

Thank you considering the foregoing and it is our fervent hope that you are mindful of the legislative purpose for enacting summary proceedings - to give landlords an expeditious, inexpensive, uncomplicated, and effective means of regaining possession of leased premises as authorized by statute, thereby avoiding the delays inherent in common law ejectment actions or an “Action for Possession for non-payment of rent.”

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