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April 16, 2025

Hon. Michael J. Blee, J.A.D.  
Acting Administrative Director of the Courts  
Administrative Office of the Courts  
Hughes Justice Complex  
P.O. Box 037  
Trenton, New Jersey 08625-0037

RE: Comments on Proposed Amendments to Rules 6:2-1 and 6:3-4 – Residential Landlord-Tenant Verified Complaint Form

Dear Judge Blee,

I write to submit formal comments regarding the proposed amendments to Rules 6:2-1 ("Form of Summons") and 6:3-4 ("Summary Actions for Possession of Premises"), particularly the adoption of a mandatory Verified Complaint form for residential summary dispossession actions. As an attorney who regularly represents landlords in New Jersey, I have serious concerns that the proposed changes are inconsistent with the guiding principles of New Jersey's Rules of Court and will have the unintended effect of complicating, rather than clarifying, what is often a straightforward legal process.

### **I. Conflict with the Purpose and Spirit of the Court Rules**

The proposed Verified Complaint conflicts with R. 1:1-2(a), which requires our rules to promote "a just determination, simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay," and R. 4:5-7, which instructs that pleadings be construed to "do substantial justice."

Requiring landlords, many of them pro se, to complete a 27-paragraph, hyper-technical complaint in every residential tenancy case imposes an undue burden. These cases overwhelmingly concern a single, simple issue: whether the tenant paid rent or not. Yet the proposed form reads more like a discovery demand than a complaint for possession. As the Appellate Division held in Cognizant Corp. v. Software Technology Services, Inc., 342 N.J. Super. 580, 586 (App. Div. 2001):

"Procedural rules should not be applied in a manner that bars legitimate claims except on the clearest showing that adherence to the rule is essential to the furtherance of some overriding policy."

And in Cornblatt v. Barow, 153 N.J. 218, 242 (1998):

“The rules of court are tools intended to promote justice, not ends in themselves. When they operate to defeat rather than to promote justice, they must yield to more substantive considerations.”

This Verified Complaint offers no such “overriding policy” justification, and risks replacing speed and accessibility with confusion and delay.

## **II. Unnecessary Complexity That Confuses Both Landlords and Tenants and Needlessly Raises Costs**

The current proposal presumes that all cases are factually and procedurally complex, when in reality, the majority involve only non-payment of rent. These cases should not require 27 paragraphs of allegations, certifications, and legal conclusions.

1. Pro se landlords will struggle to navigate the lengthy complaint. Many do not have access to legal counsel or document management systems and will be overwhelmed by the level of detail required.
2. Pro se tenants will also be confused. The form includes questions about lead paint, lease upload protocols, housing subsidy programs, and municipal designations, most of which have no bearing on whether the tenant owes rent. Instead of clarifying the issue, it may obscure the core claim and create panic or misunderstanding among tenants unfamiliar with legal procedure.
3. Court staff will bear the burden of explaining the form to both landlords and tenants. Clerks, already pressed for time and resources, will now be expected to walk parties through multi-page forms and resolve disputes about formatting, missing uploads, or conflicting paragraph requirements. This is especially troubling given that the factual basis for most cases can be summarized in a few lines: “Tenant X resides at Property Y and has not paid rent since Month Z.”
4. These revisions will unnecessarily increase the time attorneys must spend drafting complaints and the administrative burden on court staff, resulting in greater costs for the judiciary, landlords, and ultimately tenants. For the courts, this means expending additional resources on processing more complex filings. For landlords, it raises the cost of pursuing legitimate claims. And for tenants, who are often least able to bear additional expenses, it increases the amount required to cure rental arrears, as most leases categorize legal fees as additional rent. Rather than promoting efficiency or access to justice, these changes risk overburdening the court system and placing undue strain on all parties.

## **III. Overly Technical and Unclear Requirements**

Several provisions of the proposed form are especially problematic:

- Paragraph 8 requires identification of specific housing subsidy programs, despite the fact that many landlords are unaware of the tenant’s participation, and tenants themselves

may not understand which program they're in. This invites confusion and litigation over issues unrelated to the non-payment claim.

- Paragraph 14 requires stating the exact date of notice service, even when the notice is being attached. This elevates form over substance and could create avoidable technical defenses.
- Lease Upload Requirements are ambiguous. Is the lease required at the time of filing? Will its omission bar its later use at trial? The form provides no clarity.
- Paragraphs 17 and 20 demand detailed accountings even when a ledger is already being submitted. Requiring duplicative itemization only increases the chance of inconsistency and unnecessary motion practice.
- Paragraph 9, asking if the landlord already has possession, seems unnecessary — such a landlord would not be filing in the first place.
- Redundant entries, such as municipality identification, add needless work when the tenant is already being served at the rental property by the court officer.

#### **IV. Contradictions and Frivolous Additions**

- Lead paint compliance (Paragraph 8) is treated as a precondition to filing, yet exemptions exist — especially for owner-occupied buildings with two or fewer units, as acknowledged in Paragraph 24. These provisions conflict and will confuse filers and court staff alike.
- The form's inclusion of fire safety-like items (e.g., lead paint, lease terms, housing programs), while omitting other logical conditions (e.g., fire alarms, carbon monoxide detectors), shows inconsistency in what is considered "relevant" to a possession action.

#### **V. Unintended Consequences**

Rather than supporting clarity and fairness, the proposed Verified Complaint will:

- Discourage pro se landlords from filing legitimate claims;
- Result in delays, adjournments, and procedural dismissals for technical defects;
- Confuse tenants, especially those unfamiliar with legal terminology or their own rental documents;
- Overburden court staff, who will be left to explain multi-page pleadings and mediate basic confusion over formatting and filings;

- Undermine the summary nature of landlord-tenant proceedings, without yielding any measurable benefit in case resolution.

## **Conclusion**

The Judiciary has long championed access to justice for all litigants, particularly in expedited matters like landlord-tenant disputes. Altering the current, well-functioning complaint form undermines that mission and creates new burdens for everyone involved. Rather than enhancing clarity or fairness, the proposed changes introduce procedural complexities that increase costs for the courts, delay relief for landlords, impose additional barriers on self-represented litigants, and ultimately increases the amount of rent a tenant has to pay to remain in possession.

I respectfully urge the Court to reconsider this proposal and instead preserve a streamlined, accessible form that continues to serve the goals of efficiency, fairness, and true access to justice in accordance with the spirit and purpose of the Court Rules.

Thank you for your attention and for the opportunity to submit these comments.

VERY TRULY YOURS,

A handwritten signature in blue ink, appearing to read 'T. Richards', with a stylized flourish at the end.

Travis J. Richards, Esq.