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April 28, 2025

Via email
Acting Administrative Director of the Courts
Administrative Office of the Courts
Attn: Residential Landlord Tenant Forms & Processes
Hughes Justice Complex
P.O. Box 037
Trenton, NJ 08625-0037

Re: Proposed Changes to Landlord Tenant Forms and Processes

Dear Hon. Michael J. Blee:

Please accept this letter with respect to my comments on the proposed changes to the Landlord Tenant Forms and Processes. My practice is solely focused on Landlord Tenant and related issues and I have fifteen years' experience in this field.

I, my clients, and colleagues strongly object to the proposed change in the New Jersey Court Rules. The proposed change to R. 6:2-1 would result in a serious and unconstitutional change in the rights of Landlord litigants. Currently the court rules state that the summons must be served at least ten days prior to trial. The proposed change requires the complaint to be served no less than *five weeks* before trial. N.J.S.A. 46:8-19 provides that Landlords may only collect a month and half of a security deposit, which represents approximately six weeks. When this law was passed in 1971 and through the beginning of the COVID-19 pandemic, Landlords could expect to recover possession of the unit from nonpaying Tenants within that six-week period. This proposed change, along with the Supreme Court Order of July 14, 2023, result in a taking from Landlord litigants without due process of law. If this change is approved, Landlords would be deprived of their property for no less than 8 weeks; longer if there are any delays in the process of filing, processing, and serving the complaint.

The proposed change to R. 6:3-4, and the proposed complaint form are similarly problematic. The complaint is significantly longer that the current complaint and includes questions that are inapplicable to the vast majority of cases. Practitioners are already experiencing issues with clerks who are rejecting complaints due to perceived defects that are not, in fact, defects. Clerks in multiple counties are rejecting complaints if the Certification of Lease and Registration provides that the property is not required to be registered . These clerks are under the mistaken belief that *all* properties must be registered and are, therefore, rejecting complaints for commercial tenancies and owner-occupied exempt properties. These proposed changes will only

exacerbate these issues as the persons responsible for this "heightened scrutiny" of landlord tenant complaints are not properly trained to recognize exceptions. The proposed complaint will only worsen these issues.

As a threshold matter, prior to the COVID-19 pandemic, the average Landlord-Tenant nonpayment complaint was approximately 3 pages long. Currently, most of my complaints are 40-50 pages long once all the required attachments are included. The proposed amendment adds an additional five pages to what is already an over-bloated complaint. We have long past the point of diminishing returns. The Tenants who are served with these complaints receive so much information that all the information becomes meaningless. Moreover, the extent of these complaints is taxing to the clerks and court officers who must print out and serve these novel sized complaints.

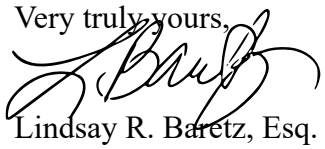
Additionally, the questions, as written, are confusing and will lead to more improperly rejected complaints. There is a major concern that small or unsophisticated landlords, landlords who have only a few units, or have an owner occupied two- or three-family home will be unable to navigate this confusing complaint.

- Question #6—not every property must be registered. If the Plaintiff chooses, "is not" registered, will the complaint be rejected?
- Questions #7 & 8 will only apply if the property is exempt from registration because the property is owner occupied, which represents only a very small number of cases.
- Question #9—what does "in possession" mean? There is legal possession and there is physical possession. Often the tenant is in legal possession of the property, but no longer in physical possession of the property. A landlord with a tenant who has physically vacated must still get a judgment for possession from the Court to take back legal possession.
- Question #11—has no provision for if there is a lease but it has been misplaced, or not turned over to a subsequent buyer, if there is no written lease at all. Question 11 seems to presuppose there is a written lease and will result in rejected complaints when there is no written lease available.
- Question #13—many Landlord litigants do not know under which program their tenancies are subsidized. Many litigants, clerks, lawyers, and judges do not understand the differences between these programs or the differences are mainly illusory. For example, the proposed complaint lists RAD as if it were its own voucher, but RAD is a process whereby older buildings covert to either Project-Based Vouchers or Project Based Rental Assistance. Moreover, the different programs listed do not have significantly different requirements. There is only one real distinction that needs to be drawn for the purposes of a Landlord-Tenant complaint—is this a voucher program, where there is a third-party agency administering the subsidy that should perhaps be notified of the eviction if required by the lease? Or, alternatively, is this a rental assistance program where the owner manages its own voucher and, therefore, would not need to notify itself.

- Questions #15 and 16—will complaints be rejected if there is no written rent ledger, or if the rent ledger is not attached? Many smaller landlords, while they have records of what was paid and what was not paid, do not have rent ledgers.

Thank you for your time and consideration of these issues.

Very truly yours,



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