GK | GOLDSTEIN KELIN LLC
Attorneys at Law

RICHARD S. KELIN*Δ
TRACEY GOLDSTEIN *
ADRIENNE LEPORE*
ALINE S. GROSSMAN*
DAVID H. GOLDBERG
MICAH PAKAY
MANUEL S. BORJA*

290 W. MT. PLEASANT AVE., SUITE 1340
LIVINGSTON, NEW JERSEY 07039
TEL (973) 324-5400
FAX (973) 731-4669
FAX (973) 731-4348
WWW.GKLLC.COM

*ALSO MEMBER OF NY BAR
Δ ALSO MEMBER OF PA BAR

April 28, 2025

Via E-Mail @ Comments.Mailbox@njCourts.gov
Honorable Michael J. Blee, J.A.D.
Administrative Director of the Courts
Administrative Office of the Courts
Attn: Residential Landlord Tenant Forms & Processes
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 Summons and Verified Complaint Forms

Dear Judge Blee:

As a law firm that represents owners, developers and managers of residential housing throughout the State of New Jersey, please accept our comments on the proposed changes to the Residential Tenant Summons, Verified Complaint Form and above Court Rules in response to the published April 2, 2025 Notice to the Bar.

CHANGES TO THE SUMMONS FORM AND EXTENDING THE TIME FRAME FOR TRIAL

We support the proposed change to insert the trial date directly into the Summons Form. While the trial date was understandably eliminated from the Summons at the onset of the COVID-19 pandemic because of the Court's inability to schedule a trial date at the time the Complaint was filed, returning to the former practice of including the trial date back into the Summons is a welcome improvement as this impediment no longer exists. Tenants will be fully informed of the trial date, which will ultimately reduce delays and will benefit landlords and tenants.

However, the proposal to amend Rule 6:2-1 to extend the time between filing and trial from ten (10) days to not less than five (5) weeks is deeply concerning and will have a grave impact upon all landlords especially those small landlords often referred to as "mom and pop landlords" who rely upon the rental income of their property to make their mortgage payment on rental property. In other words, the ramification of scheduling a trial date so far in the future, when the vast majority of these cases are based on non-payment of rent, is grossly prejudicial to landlords and will have a severe economic impact upon landlords that will also indirectly impact tenants in many ways.

It is important to note briefly that the basis for this proposal no longer exists and it is rather perplexing as to why it is being proposed now. The proposal to have such a long delay to trial offers a solution to a problem that no longer exists and appears to be so extraordinarily beneficial for residential tenants, that it presents the appearance of tipping the proverbial scales of justice in a manner that is too far one-sided and inappropriate. It simply benefits tenants for no reason that is understandable.

Delays in landlord/tenant trial dates, as we are all aware, were caused originally during the COVID-19 pandemic and was a temporary measure instituted by the Judiciary to address an eviction crisis during the pandemic. However, with the end of the pandemic and the return to normal Court operations, there has been no reason presented to require such a significant delay in trial scheduling. It is well established law in New Jersey that the purpose of the summary dispossess process is to allow landlords to regain possession of their property quickly. Extending the trial date undermines that purpose and the legislative intent behind this process. Implementing this change extends the eviction process unnecessarily, exponentially and undermines both the spirit and the letter of the law and woefully benefits tenants to the prejudice of landlords.

So, if implemented, the impact will obviously cause great financial harm to landlords. Every week of delay results in increased losses of rent, higher legal costs, and a greater likelihood of properties falling into disrepair or foreclosure. Many landlords-particularly small property owners ("mom and pop owners") cannot absorb weeks or months of lost income. These delays unfairly shift the economic burden onto them and threaten the stability of the residential rental housing market. Of further significance, is that landlords in New Jersey are only entitled to collect 1 and ½ month's rent (six weeks) as the security deposit. Extending the trial date to a mandatory minimum of five (5) weeks will go beyond that time-period.

An eviction is designed to be a summary proceeding. Most landlords wait at least one month before filing an eviction action for non-payment of rent. A landlord who waits until the end of any given month prior to filing for eviction, historically had to wait a minimum of ten days prior to the trial date and another minimum of eight days before a lockout could occur. Taking into account holidays, delays in the Court issuing warrants and tenants' post judgment applications for relief, the typical time it took for a landlord to regain possession of a rental unit (in the event the tenant did not pay and stay) was historically, approximately two months. Given the one and one half month statutory limitation on what a landlord is entitled to collect as a security deposit, landlords did not come out whole, but the security

deposit at least covered most of the unpaid rent. Extending the trial date to a mandatory minimum of five (5) weeks will result in at least another month's lost rent to the landlord and increased eviction filings against tenants.

Further, the longer it takes for the trial date to be scheduled, the more money a tenant will owe which makes it less likely that a tenant will be able to enter into a payment plan with the landlord and/or less likely that the tenant will have the full amount due to satisfy a judgment for possession. In addition, there will be more instances of tenant(s) simply living in the premises rent free for an extended period of time.

As the extraordinary circumstances brought on by the pandemic no longer exist, and returning to the ten (10) day minimum mandatory scheduling is consistent with the purpose of summary dispossess proceedings, and since the proposed minimum mandatory five (5) week trial scheduling presents such an extraordinary, unprecedented and grossly prejudicial proposal that will have far reaching and unintended consequences, it is respectfully urged that the Court reconsider this proposal entirely.

CHANGES TO THE LANDLORD/TENANT COMPLAINT FORM -MANY OF THE PROPOSED CHANGES ARE UNWARRANTED AND LACK JUSTIFICATION

Many of the changes to the proposed Landlord/Tenant Verified Complaint Form are unnecessary, irrelevant to the core issues in the eviction process and will only serve to delay proceedings and complicate a proposed form that should be very simple. Rule 4:5-1 (a) only requires a pleading to contain a statement of the facts on which the claim is based, showing that the pleader is entitled to relief, and a demand for judgment for the relief to which the pleader seems entitled. According to Rule 6:3-4 (c), a Complaint in the Special Civil Part need only state the owner's identity, the relationship of the plaintiff to the owner, the amount of rent owed as of the date of the Complaint and if this amount and any other rent that comes due is paid to the landlord or the clerk at any time before the trial date, or before 4:30 pm on the day of trial, the case will be dismissed. The Court Rules presently and satisfactorily define what can be included as rent that is owed. There is no requirement for additional technical information. The proposed changes impose unnecessary burdens adding inefficiency and additional costs without improving the clarity or purpose of the pleading.

By way of example, paragraphs 7, 8, 9, 10, 11, 14, 15, 16, 18, 19 and 27 request information that is not necessary or can be ascertained by merely reviewing the Court file. The lease and required notices must be filed with the Court. The Court already requires a Certification of Lease and Registration Statement to be filed. Additionally, whether property is free of lead-based paint or certified as lead free, has no relation to a landlord's *prime facie* case. Further, requiring landlords to separately state whether there is an oral or written lease, whether the lease is attached, the date a notice was served, when the lease and notice itself must already be attached to the Complaint is duplicative and serves no meaningful purpose. The date of service of a notice is clearly reflected on the face of the notice, which is already required to be filed. Mandating that landlords reiterate this information in the Complaint

imposes an unnecessary formality that does not enhance the clarity or substance of the pleadings.

More importantly, compliance with this requirement will result in increased attorney time and corresponding legal fees. As previously mentioned, these additional costs are ultimately borne by tenants-many of whom are already financially vulnerable-thereby exacerbating the burdens on the very individuals the Court process seeks to protect.

As to the Landlord Case Information Statement (LCIS), while removal of the reference to the CARES Act in the (LCIS) is appropriate and an improvement, the broader reality is that the LCIS itself is an unnecessary document itself that should be eliminated entirely. This has not been proposed herein but it should be considered by the Court.

The LCIS adds no substantive value to the eviction process. The information it seeks is either duplicative of what is already contained in the Complaint or irrelevant to the fundamental issues that the Court must decide in a summary dispossess action. Requiring parties to complete and process an additional form needlessly increases the time, administrative burden, and cost of litigation-costs which are ultimately borne by both landlords and tenants. It is likely that most tenants have no idea what this form is or its contents and it offers nothing to the process.

In a process designed to be streamlined and efficient, the LCIS serves only to complicate matters without providing corresponding benefits. Eliminating the LCIS altogether would better align with the goals of fairness, efficiency, and access to justice in the Special Civil Part. While the efforts to improve the LCIS are appreciated, it is respectfully submitted that the better course would be to eliminate it entirely.

Efficiency and fairness are best served by streamlining, rather than complicating, procedural requirements. We respectfully urge the Court to reconsider these aspects of the amendments and to eliminate the need for a redundant recitation of information already provided through Court mandated filings. It is expected that tenant advocates are requesting clerical review of the forms, resulting in the need for more well trained staff. These proposals are respectfully losing sight of a fundamental and simple fact that the vast majority of residential cases are simple non-payment of rent cases, and as such, adding redundancies, complexities, items that no longer apply, items that tenants will assuredly not even understand, etc. serves no purpose other than to cause delay and increase costs.

It should be noted and cannot escape attention that the proposals submitted, providing less than one month for public comment are typical of emergent issues requiring immediacy for the public's safety, concern or benefit. Here, it is perplexing inasmuch as no eviction crisis, pandemic or public health emergency thankfully exists presently to warrant such immediacy and attention outside the review of the applicable Supreme Court's Rule Committee. Accordingly, as no reasons have been presented to warrant such an immediacy, these proposed changes should be given serious reconsideration.

Therefore, based upon what is currently recommended, it is respectfully submitted that the proposed changes be reconsidered because they are grossly prejudicial, mostly unnecessary, undermine the purpose of the summary dispossess proceeding and are inconsistent with existing Court Rules regarding contents of the Complaint in a residential landlord tenant eviction case.

Thank you for your time and consideration.

Respectfully submitted,

GOLDSTEIN KELIN LLC

By: _____
Tracey Goldstein