

From: [Sheila Hatami](#)
To: [Comments Mailbox](#)
Subject: [External] Comments re Landlord Tenant Complaint
Date: Wednesday, April 30, 2025 10:06:55 PM

Dear Judge Grant:

Please accept the following as comments regarding the proposed landlord-tenant “summary eviction” complaint forms, as if presented at public hearing.

I would like to dissuade the NJ Judiciary from making these changes – especially for single-family home and condominium rentals - as these changes add a greater burden to small landlords who already must navigate what is already a problematic mish-mash of municipal requirements for registrations and inspections. Judicial opinions belong in the mix after mediation, when the case is heard at trial, and not at the time of filing a complaint.

First, **landlord registration is an affirmative defense and a triable issue of fact** that should not be on a complaint form.

Some municipalities, such as Howell Township in Monmouth County, do not strictly follow state statute requirements for landlord registration. Instead, they have rejected landlord registrations even when timely and accurately filed. Rejection of a complete and timely registration was not considered by the State in the statute, and to my knowledge, it has not been considered by the judiciary.

This situation is insufficiently addressed by a check box on a form. A landlord may have long-term tenants and register every year, but despite following state law, have had their registration returned - without any record kept by the municipality. Procedurally, it is only fair for the landlord to have to show registration, or their attempts thereto, at trial - rather than pre-complaint.

This relationship is a novel question of law that has not been considered by any state court and cannot be reduced to a yes or no answer.

Second, whether the landlord is in compliance with the lead inspection laws bears no relation to a summary proceeding for rent and damages and should not be on the complaint form.

The statute regarding lead inspections does not require a landlord to be in compliance to collect rent. Instead, there are enforcement mechanisms outside the rent collection process. The judiciary should not take on the obligations that the legislature has imposed upon municipalities. Landlord tenant court is for disputes regarding the tenancy to be quickly and fully heard, not decided as the complaint is filed. The enforcement of lead inspections should be left to the officials that have jurisdiction under the law.

Again, **whether a landlord is in compliance with the lead inspection law is an affirmative defense and a triable issue of fact** that should not automatically reject a filing for back rent and damages, when such a process takes 2-3 months. Certainly a landlord, if inadvertently out of compliance with the inspection requirements, can become compliant before trial.

Whether a failure to have lead inspections is a novel question of law that has not been considered by any state court and cannot be reduced to a yes or no question on a form.

Finally, many landlords who rent single family homes in Monmouth and Ocean counties try to resolve rent and damage problems with their tenants before coming to court. They may work out payment plans or agreements for the tenant to pay and leave upon finding a new rental.

Unfortunately, the long, complicated civil eviction process discourages out of court settlements. I now advise client landlords to file immediately for eviction once a rent payment is late. That the landlord tenant court no longer grants a quick disposition penalizes both parties, who are disincentivized from maintaining a relationship outside of court. Eviction filings injure a tenant's chance of finding rentals in future and costs the landlord the attorney and filing fees. When those costs are passed on to a tenant, a tenant can find themselves in a hole of debt that they cannot pay, in addition to the back rent owed. I do not believe this is the intended outcome of the summary eviction proceeding or a benefit to the system.

At a time when desirable, affordable housing is scarce, and landlords have a much longer and cumbersome registration, inspection, and legal process than in decades past – a process that has doubled in cost over the last 5 years – it is important to create a fair, streamlined process for all parties, with the goal of retaining what rental housing remains in the hands of independent landlords and small businesses.

Thank you for your consideration of these comments.

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