

**Comments on Proposed Amendments to the Landlord Tenant (LT) Provisions
in the 2026 Report of the Supreme Court Civil Practice Committee
from a Coalition of Advocates for Low-Income Tenants
March 26, 2026**

These comments come from a coalition of tenant advocates, including:

- Community Health Law Project
- Housing Justice Project
Center for Social Justice
Seton Hall University School of Law
- Housing Justice Program
Rutgers Law School
- Lowenstein Center for the Public Interest
Lowenstein Sandler LLP
- New Jersey Tenants Organization
- Volunteer Lawyers for Justice
- Volunteer UP Legal Clinic
- The Waterfront Project, Inc

Together, these organizations have spent thousands of hours over many decades representing and advocating on behalf of low-income residential tenants. The coalition brings this experience to bear in the comments that follow.

If the Court has questions about these comments, it can reach out to the following:

- Allison Nolan, Volunteer Lawyers for Justice, anolan@vljnj.org
- Catherine Weiss, Lowenstein Center for the Public Interest, Lowenstein Sandler, cweiss@lowenstein.com
- Diane K. Smith, former Housing Justice Managing Attorney, Center for Social Justice, Seton Hall School of Law (ret.), diane.karen.smith@gmail.com

The coalition of tenant advocates (the Coalition) is grateful to the Court for its collaboration with us and others in revising the Court Rules.

The Coalition outlines below our comments on the amended Court Rules as proposed in the *2026 Report of the Supreme Court Civil Practice Committee*, focusing only on the proposed amendments pertaining to Landlord Tenant (LT) practice.

Text we have revised is in **blue**; proposed additions are in **bold**; proposed deletions are ~~struck through~~ and **[bracketed]**. Explanatory comments are in *blue italics*. Other text effects, such as underlining, double underlining, and [square brackets in black] are copied directly from the committee report.

Rule 6:1-2. Cognizability

...

(b) Cognizable matters. The following matters are cognizable in the Special Civil Part:

...

(4) Ejectments. Special Civil (DC) summary ejectment actions~~[, including]:~~

(a) to gain possession of real property pursuant to N.J.S.A. 2A:35-1 et seq., N.J.S.A. 2A:39-1 et seq, or both where the defendant has no colorable claim of title or possession; and

(b) to challenge unlawful entry and detainer or an illegal lockout~~[s for the]~~ and regain possession of real property pursuant to N.J.S.A. 2A:35-1 et seq., N.J.S.A. 2A:39-1 et seq, or both where the defendant has no colorable claim of

~~[title or] possession.~~[, or pursuant to N.J.S.A. 2A:39-1 et seq.; and]~~~~

*We suggest this revision to clarify that ejectment actions may be brought either by a property owner seeking to evict a squatter or by a tenant seeking to reverse an illegal lockout. In the first instance, the defendant in possession has no colorable claim to either title or possession. In the second case the defendant property owner may have a colorable claim of **title** but not of **possession**. In both cases, the plaintiff may rely on N.J.S.A. 2A:35-1 et seq., N.J.S.A. 2A:39-1 et seq, or both.*

Rule 6:2-1. Form of Summons

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(b) Summary Proceedings.

(1) In ~~ejectments~~, Small Claims (SC) and Landlord Tenant (LT), ~~[instead of filing an answer.]~~ the summons must direct defendant to appear and present a defense at a certain time and place **instead of filing an answer.** The summons must warn that failure to do so may result in default judgment for the relief demanded in the complaint.

...

(c) Ejectments. Ejectments must proceed by order to show cause. **The order to show cause must direct defendant to appear and present a defense at a certain time and place instead of filing an answer. The order to show cause must warn that failure to do so may result in default judgment for the relief demanded in the complaint.**

*The first change in subsection (b)(1) is to clarify that ejectment actions proceed by order to show cause rather than by summons, as stated in subsection (c) of this section. The second change in subsection (b)(1) is merely to correct a misplaced modifier. The additional language in (c) ensures that the order to show cause, which is served on defendant **in place of a summons** in ejectment actions, includes the same advisory that subsection (a) provides in the summons: that the defendant must appear and mount a defense or judgment may be entered against them.*

Rule 6:3.4. Pleadings in Landlord Tenant (LT)

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(f) **Attachments to the complaint.** **At the time of filing the complaint, plaintiff must file the following:**

- (1) ~~[Notices.]~~ **All notices required by federal, state, or local law, regulation, rule, or policy as part of the eviction process and any notice on which plaintiff intends to rely ~~on must be filed with the complaint~~;**
- (2) **Proof(s) of service in cases where federal, state, or local law or regulation requires service of the complaint and any associated notice(s) on housing authorities or agencies;**
- (3) **Landlord Case Information Statement;**
- (4) **Certification of Lease and Registration Statement, including:**
 - (A) **A copy of the lease or, if the lease exceeds 10 pages, of the relevant portions of the lease,**
 - (B) **Landlord Registration Statement as required by N.J.S.A. 46:8-28; and**
- (5) **Documentation of registered rent, as filed with the municipal rent control board, if applicable.**
- (g) **If the complaint is not filed using the form in Appendix XI-X, the complaint is not complete, or the required documents are not attached, court staff must issue a deficiency notice to the filer, which will provide 10 days' notice to cure the deficiency. Failure to cure the deficiency within 10 days will result in dismissal of the complaint without prejudice.**

*The proposed change in subsection (f)(1) regarding the attachment of notices is meant to clarify that **all** relevant notices must be attached to a residential eviction complaint.¹ The proposed addition of proofs of service in subsection (f)(2) is meant to ensure that plaintiffs file proof that they have complied with laws that require*

¹ Notice requirements flow from many different sources of law and apply to different recipients. *See, e.g.,* N.J.S.A. 2A:18-61.2 (notices required under the Anti-Eviction Act); 24 C.F.R. §§ 982.310(e) (notice required to terminate Section 8 tenancies); 24 C.F.R. § 966.4(k) (notice required to terminate other federally subsidized tenancies).

them to serve notice of termination of the tenancy, which in some cases may be the complaint itself, on Public Housing Authorities or other housing agencies.² The additional suggestions in subsections (f)(3)–(5) are intended to incorporate into the Court Rules directives previously contained in Notices to the Bar.³ The Coalition is grateful to the Court for having added critical filing requirements to help ensure that residential eviction matters are adequately pleaded and supported. The proposed rule amendments offer an opportunity to codify the requirements in one place and in a place litigants, even self-represented litigants, are likely to review. The Coalition also recommends that registered rents submitted to local rent control boards be appended as a matter of course (where applicable), rather than at the request of the court (as stated in a Notice to the Bar⁴), to enable litigants and the court to confirm that the rent recited in the complaint is at or below the allowable

² See, e.g., 24 C.F.R. § 982.310(e)(2) (requiring notice to “PHA” [Public Housing Authority] when landlord terminates Section 8 tenancy); U.S. Dep’t of Hous. and Urban Dev., *Tenancy Addendum, Section 8 Tenant-Based Assistance Hous. Choice Voucher Program* ¶ 11 (Apr. 2023) (same), <https://www.hud.gov/sites/dfiles/OCHCO/documents/52641A.pdf>; *Winns v. Rosado*, 440 N.J. Super. 98, 104–05 (Super. Ct. 2014) (holding that landlords must provide notice of an eviction action to the housing authority in a Section 8 case at the same time as notice is provided to the tenant).

³ N.J. Courts, *Notice to the Bar and Public* at 3 (Recommendation 6), July 14, 2021 (directing landlords to file a lease, registration statement, and a certification landlord’s lease and registration statement on a form to be promulgated by the Administrative Director), <https://www.njcourts.gov/sites/default/files/notices/2021/07/n210715b.pdf>; N.J. Courts, *Supplement to Directive #21-21*, September 1, 2021 (promulgating form for Certificate of Lease and Registration Statement) <https://www.njcourts.gov/sites/default/files/notices/2021/09/n210903a.pdf>; N.J. Courts, *Notice to the Bar*, July 18, 2023, with attached Order of the Supreme Court of New Jersey of July 14, 2023, at 2, ¶ 2 (requiring listed documents, including lease, registration statement, and certification of landlord’s lease and registration statement to be filed at the time of the filing of the complaint), <https://www.njcourts.gov/sites/default/files/notices/2023/07/n230720b.pdf>; N.J. Courts, *Administrative Directive #15-23*, August 23, 2023 (“If the landlord does not file this certification and other required documents as set forth in the July 14, 2023 Order, court staff will issue a deficiency notice to the filer, which will provide 10 days’ notice to cure the deficiency. Failure to cure the deficiency within 10 days will result in dismissal of the complaint without prejudice.”), <https://www.njcourts.gov/sites/default/files/notices/2023/08/n230825a.pdf>.

⁴ N.J. Courts, *Notice to the Bar and Public* at 3 (Recommendation 6), July 14, 2021 (“[All] required documents (lease, registration statement, and rent control statement if requested by the court) shall be filed five days before the required conference.”), <https://www.njcourts.gov/sites/default/files/notices/2021/07/n210715b.pdf>; N.J. Courts, *Notice to the Bar*, July 18, 2023 with attached Order of the Supreme Court of New Jersey of July 14, 2023, at 2, ¶ 2.e. (“In addition to those items listed in (a) through (d), landlords shall submit a copy of the rent control statement, if requested by the court.”), <https://www.njcourts.gov/sites/default/files/notices/2023/07/n230720b.pdf>.

threshold and that additional rents charged as fees do not push the rent above that threshold.

Rule 6:4-1. Transfer of Actions

...

(g) Transfer of Landlord Tenant (LT).

(1) A motion to transfer a Landlord Tenant (LT) action to the ~~[Civil Part]~~ Law Division, Civil Part pursuant to N.J.S.A. 2A:18-60 must be filed on the ~~[the Special Civil Part]~~ Landlord Tenant (LT) docket no later than the business day before trial, unless the court authorizes an extension.

(2) The motion is returnable on the trial date or the date as may be scheduled by the court. The court has discretion to grant an application by the opposing party for more time to prepare a response. Landlord Tenant (LT) must take no further action until the motion is decided.

~~(3) [If the motion is not resolved on the original trial date, the court may require security for payment of rent pending disposition of the motion.] If the motion is granted, ~~[the Special Civil Part]~~ Landlord Tenant (LT) must electronically transfer the action. If the motion is denied, the court must schedule an expedited trial date.~~

*These suggested revisions are meant to clarify that a motion to transfer an LT action is filed in Landlord Tenant (LT). N.J.S.A. 2A:18-60 provides for “transfer[] from the Special Civil Part to the Law Division.” The proposed changes therefore clarify the location of the matter once transferred. The changes would also allow Landlord Tenant (LT) to permit an extension of the filing date for a transfer motion. Finally, the Coalition suggests removing the provision that would require a defendant to post the rent as a condition of transfer, if the transfer motion is not decided on the trial date. The tenant-defendant cannot control when the court decides a transfer motion and should not be prevented from achieving a transfer because of any inability to post the rent claimed to be due but not yet proven. Moreover, the amount of rent **legally** due is frequently the precise issue in dispute*

in the matter, whether transferred or not. It is therefore both impracticable and a due process problem to demand that a tenant deposit a rental amount that may prove unwarranted at trial.

Rule 6:4-3. Discovery

...

(g) Summary actions. Unless ordered by the court, discovery is not allowed in:

...

(3) ejectment actions ~~[that plead only forcible entry and detainer]~~ pursuant to N.J.S.A. 2A:35-1 et seq., N.J.S.A. 2A:39-1 et seq., or both.

The changes above are meant to permit the trial court to order limited discovery in appropriate cases and to clarify application of the rule to all ejectment actions, whether pleaded under N.J.S.A. 2A:35-1 et seq., N.J.S.A. 2A:39-1 et seq., or both.

Rule 6:4-4. Depositions

...

(c) Ejectments. Depositions are not allowed in ejectments ~~[that plead only forcible entry and detainer]~~ pursuant to N.J.S.A. 2A:35-1 et seq., N.J.S.A. 2A39-1 et seq., or both.

Again, clarifying that the rule applies to all ejectment actions.

Rule 6:4-7. Adjournment of Proceedings

...

(d) Landlord Tenant (LT). If a party provides evidence of a pending application for rental assistance, the judge may adjourn the trial date for 30 days or until the application is resolved.

This proposed addition is intended to codify a directive authorizing adjournments to allow tenants to secure rental assistance.⁵ Through the State’s Eviction Prevention Program,⁶ comparable local governmental programs, and a host of nonprofits offering assistance to support stable housing, tenants may have access to help with the rent, but they frequently need brief adjournments to access such assistance.

6:5-2. Notice of trial; Pre-Trial

...

(b) Landlord Tenant (LT)

(1) Landlord Tenant (LT) actions must be listed on separate calendars and must be heard on the return date. Trial may be adjourned by the court on its own motion, in response to a request for adjournment by either party on notice to the other party, or by consent of the parties with the approval of the court.

The suggested addition is meant to ensure that parties may request adjournments, on notice to the opposing party, even if they are unable to secure consent or even to reach the other party to seek consent.

Rule 6:6-3. Judgment by Default

...

(b) By the Clerk for Judgment of Possession.

⁵ Notice to the Bar dated July 18, 2023 (“If a party provides documentation of a pending application for rental assistance, the judge may adjourn the trial date for a period of 60 days or until the application is resolved”). Notice to the Bar and Omnibus Rule Amendment Order dated July 31, 2025 (reducing the initial timeframe for judicial adjournments based on pending rental assistance to 30 days).

⁶ Dep’t of Community Affairs, Office of Eviction Prevention, <https://www.nj.gov/dca/dhcr/offices/dhcroep.shtml>.

(1) Request. In Landlord Tenant (LT) a judgment for possession must be entered by the clerk against a defendant in default on request of plaintiff, **provided that the plaintiff's affidavit contains all required content.** Plaintiff's request must be by affidavit.

(2) Required content. Plaintiff's affidavit must state:

(A) defendant is not a minor or mentally incapacitated person;

(B) landlord did not acquire title from tenant;

(C) landlord has not given tenant an option to purchase the property;

(D) facts establishing the jurisdictional good cause for eviction required by the applicable statute;

(E) charges and fees due as rent – other than base rent – are permitted as additional rent by the lease and by applicable federal, state, and local law;

(F) all notices required by federal, state, or local law, regulation, rule, or policy as part of the eviction process, or otherwise relied upon by the plaintiff, were served as required by law, the facts alleged in them are true, and a copy of each was attached to the complaint; and

(G) where federal, state, or local law or regulation requires service of the complaint and any associated notice(s) on housing authorities or agencies, such service has been made.

...

~~[(4) — Notices. If the basis for eviction required a notice to quit, the landlord's affidavit must state that notices were served as required by law, the facts alleged in them are true, and a copy of each is attached.]~~

...

(c) By the Court; Particular Actions.

...

(2) Minor and incapacitated person. Judgment by default may not be entered against a minor or mentally incapacitated person without ~~5~~ 30 days' written notice to the defaulting defendant's guardian or a guardian ad litem.

...

(d)

(1) Time for Entry in Special Civil (DC) or Small Claims (SC). If a party entitled to [a] default judgment in Special Civil (DC) or Small Claims (SC) [by default fails to apply therefor] does not request a judgment within [6] six months after entry of default, judgment [shall] may not be entered except on motion [to the court and all applicable] with proofs attached as required [under] pursuant to R. 6:6-3(a) through (c) [shall be attached to the moving papers].

(2) Time for Entry in Landlord Tenant (LT). **If a party entitled to default judgment in Landlord Tenant (LT) does not request a judgment within 60 days after entry of default, or within an extension granted by the court or agreed by the parties pursuant to subsection (b)(6) of this Rule, the clerk must dismiss the case.**

The proposed change to subsection (b)(1) is meant to ensure that the clerks enter judgments for possession only upon complete plaintiff affidavits. The proposed changes to subsection (b)(2) are meant to consolidate the requirements for a complete plaintiff's affidavit in one place. These changes also clarify:

- *that the plaintiff's affidavit must affirm that **all** required notices (not just notices to quit) were duly served on the defendant and attached to the complaint, and*
- *that the plaintiff's affidavits must affirm service of the complaint and any other notice(s) terminating the tenancy on the housing authority or other housing agency when required by law or regulation.⁷*

⁷ See *supra* note 2.

The extended notice for guardians and guardians ad litem for minors and people with disabilities proposed in subsection (c)(2) would provide more adequate time for them to secure help in responding to the entry of a default judgment. The proposed changes to subsection (d) are meant to prevent a default from hanging over defendant's head for an indefinite period if plaintiff does not request entry of the judgment for possession in a timely manner. It is especially important in Landlord Tenant (LT) matters to ensure a disposition—rather than allowing a default to linger for six months or longer—because the Court Rules provide confidentiality protections for LT records that have been “adjudicated or otherwise disposed of” without the entry of a judgment for possession. See R. 1:38-3(f)(11).

Rule 6:6-4. Settlement Agreements in Landlord Tenant (LT)

(a) Entry by the Court.

(1) If a [A] settlement agreement ~~reached on the day of a court proceeding that~~ provides for entry of a judgment for possession against a self-represented tenant **but does not require a self-represented tenant to both pay rent and vacate the premises:**

(A) **the agreement** must be in writing, signed by the parties, and submitted to the court~~[-];~~

(B) [A] a judge must review **and, if the judge** approves, ~~and~~ sign the settlement~~[-]; and~~

(C) the consent of the parties may be put on the record instead of signing the agreement.

(2) If a settlement requires a self-represented tenant to both pay rent and vacate the premises:

(A) **the agreement must be in writing, signed by the parties, and submitted to the court;**

(B) a judge must review **and, if the judge** approves, ~~and~~ sign the settlement agreement; and

(C) the agreement and consent of the parties must be put on the record.

(3) Settlement agreements must be accompanied by the affidavits of plaintiff and plaintiff’s attorney pursuant to R. 6:6-3(b).

(b) Entry by the Clerk. When the tenant is represented by an attorney and the attorney has signed a **settlement** ~~[the]~~ agreement **that provides for the entry of a judgment for possession**, the clerk may enter judgment upon receipt of the signed consent of the parties and the affidavits of [the landlord] plaintiff and [the certification of the landlord’s] plaintiff’s attorney [specified in] pursuant to R. 6:6-3(b).

The purpose of the revisions to subsections (a)(1) and (a)(2) is to distinguish them clearly while also putting them in parallel form (including subsections (A)–(C)) and to clarify that the judge has discretion to approve or reject a settlement. The purpose of the revision to subsection (b) is to authorize the clerk to enter a judgment for possession based on a settlement only when the settlement so authorizes.

Rule 6:6-6. Post Judgment Relief

...

(c) Hardship Stay. Defendant in Landlord Tenant (LT) may file an application for a Hardship Stay pursuant to N.J.S.A. 2A:42-10.1 and 2A:42-10.6.

[Redesignate existing subsections (c)–(d) to subsections (d)–(f).]

The addition is meant to ensure the inclusion of this otherwise missing form of post-judgment relief available to defendants in LT matters.

Rule 6:7-1. Enforcement of judgments

...

(e) Warrant of Removal

...

(4) Extension. A warrant may be issued or executed after the respective 30-day period by giving at least ~~seven~~ 10 days' notice to defendant before filing a request with the clerk. Proof of service must be attached to the request. Notice to defendant must be by both certified and ordinary mail. The 30-day period is extended: (1) during any court-initiated stay, (2) court ordered extension, or (3) by written agreement signed by the parties and filed with the clerk.

(g) Writ[s] of Possession. A request for a writ of possession to enforce a judgment for possession in Landlord Tenant (LT) must be filed with the clerk. [Orders and] A writ[s] of possession [in summary actions for the possession of real property filed pursuant to R. 6:1-2(a)(4) shall] to enforce a judgment of possession in an ejectment must be issued to the sheriff [, except that in cases]. In actions brought by a tenant against a landlord pursuant to **N.J.S.A. 2A:35-1 et seq.**, N.J.S.A. 2A:39-1 et seq., **or both**, [orders and] a writ[s] of possession may be issued to a Special Civil Part Officer.

These small changes are self-explanatory.

CONCLUSION

The revisions the Coalition recommends would align the Court Rules with directives from Notices to the Bar and other sources, ensuring that litigants can find all the information they need for proper filings in one place. Other suggested revisions would clarify and, in some cases, expand the procedural protections available to tenants facing residential eviction. The Coalition also recommends that the instructions for landlords and tenants on the court website be updated to reflect the rule changes and include a link to the applicable Court Rules. As always, we stand ready to work with the Court on any further revisions to the Rules.