

[First Reprint]

ASSEMBLY, No. 4463

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 30, 2020

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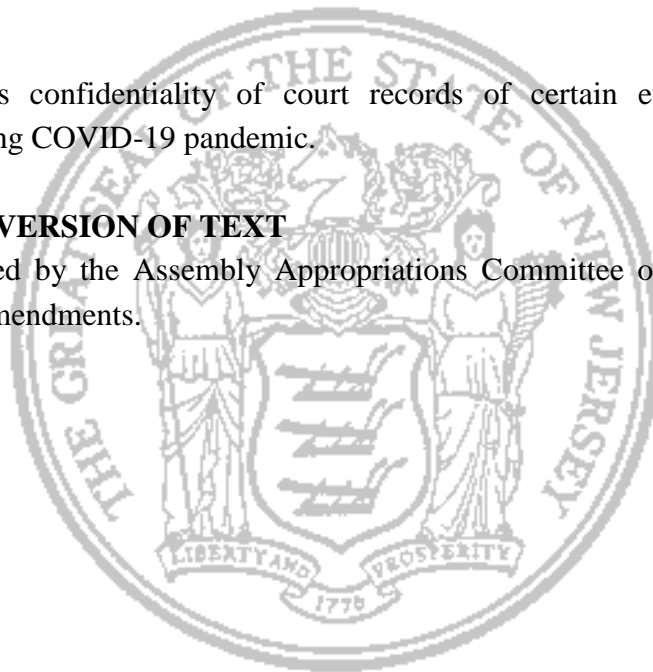
Assemblywoman Vainieri Huttie, Senators Gopal, Scutari and Gill

SYNOPSIS

Establishes confidentiality of court records of certain eviction actions initiated during COVID-19 pandemic.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on February 24, 2021, with amendments.



(Sponsorship Updated As Of: 6/30/2021)

1 AN ACT concerning the confidentiality of court records of certain
 2 eviction actions initiated during the time of the COVID-19
 3 pandemic.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. As used in this act:

9 “Emergency period” means the period during which a public
 10 health emergency exists as declared by the Governor in Executive
 11 Order No. 103 of 2020, as extended, and the 60 days following the
 12 conclusion of this period.

13 “Emergency period nonpayment court record” means ¹[any
 14 record containing information regarding an emergency period
 15 nonpayment eviction action, and]¹ any record of ¹[the filing of an]
 16 a landlord-tenant action filed with a court arising as a result of
 17 nonpayment or habitually late payment of rent during the¹
 18 emergency period ¹[nonpayment eviction action]¹, including but
 19 not limited to:

20 a. any information maintained by a court in any form in
 21 connection with a ¹landlord-tenant¹ case or ¹[judicial]¹ proceeding,
 22 including but not limited to pleadings, ¹[motions, briefs and their
 23 respective attachments,]¹ evidentiary exhibits, indices, calendars,
 24 and dockets;

25 b. any order, judgment, ¹[opinion, or decree] or warrant¹
 26 related to ¹[a judicial proceeding] a landlord-tenant action¹;

27 c. any official transcript or recording of a public ¹[judicial]
 28 landlord-tenant¹ proceeding, in any form;

29 d. any information in a computerized case management system
 30 created or prepared by the court in connection with ¹[a case or
 31 judicial proceeding] a landlord-tenant action¹; and

32 e. any record ¹provided to,¹ made ^{1,1} or maintained by a
 33 judicial officer.

34 ¹[“Emergency period nonpayment eviction action” means any
 35 action initiated by a landlord, and any action initiated by or on
 36 behalf of a tenant in response to the landlord’s action, in the
 37 Superior Court of New Jersey, including the Special Civil part of
 38 the Superior Court, to evict or otherwise obtain possession of a
 39 tenant’s primary residence due to the tenant’s nonpayment or
 40 habitually late payment of rent during the emergency period.

41 “Landlord” means the business entity, person, or persons which
 42 own, purport to own, or exercise control of a residential dwelling,
 43 building, project, or mobile home park in which there is rented or
 44 offered for rent housing or mobile home pad space for living or
 45 dwelling purposes under either a written or oral lease.]¹

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted February 24, 2021.

1 2. ¹**[a.]¹ An emergency period nonpayment court record shall
2 **[remain]** be¹ confidential and unavailable to the public
3 **[indefinitely]**¹.**

4 ¹**[b.** Prior to issuing a written opinion or decision related to an
5 emergency period nonpayment eviction action, the court shall
6 redact the names and addresses of the parties, and any information
7 that may facilitate discovery of the parties' identities. **]¹**

8
9 3. a. Any New Jersey public entity that maintains a written or
10 automated record or file of emergency period nonpayment court
11 records shall take appropriate actions to ensure that these records
12 are kept confidential and unavailable to the public.

13 b. This act shall not prohibit the courts or other New Jersey
14 public entities from retaining or distributing demographic
15 information from emergency period nonpayment court records for
16 the purpose of understanding the effect of the COVID-19 pandemic
17 on evictions, or for other public purposes, so long as personally-
18 identifiable information on persons ¹**[involved in]** who are the
19 subject of¹ emergency period nonpayment ¹**[eviction actions]** court
20 records¹ remains confidential.

21 c. The Supreme Court of New Jersey may adopt rules, and the
22 Administrative Director of the Courts may issue directives and
23 guidelines, to implement the purposes of this act.

24
25 4. a. When evaluating a prospective tenant, a landlord shall not
26 consider an emergency period nonpayment ¹**[eviction action]** court
27 record¹.

28 b. A person, tenant screening service, or other entity, shall not
29 knowingly provide court filing information or information contained in
30 an emergency period nonpayment court record to a landlord or other
31 entity involved in the rental of a dwelling unit.

32 ¹c. No later than 30 days following the effective date of this act,
33 any person or entity that collects, distributes, and sells court filing
34 information shall update and remove any emergency period
35 nonpayment eviction records that are restricted from public access
36 pursuant to this act.¹

37
38 5. ¹**[a.]¹ Any person who ¹knowingly¹ violates section 4 of this
39 act ¹by revealing to the public an emergency period nonpayment
40 court record, by considering an emergency period nonpayment court
41 record in the evaluation of a prospective tenant, or by failing to
42 remove emergency period nonpayment eviction records restricted
43 from public access,¹ shall, in addition to any other penalty provided
44 by law, be liable for a penalty of not less than \$1,000 for the first
45 offense, and not less than \$5,000 for the second and each
46 subsequent offense, plus reasonable attorney fees. This penalty**

1 shall be exclusive of, and in addition to, any moneys or property
2 ordered to be paid or restored to any person whose information has
3 been wrongly considered or distributed. ¹A penalty imposed
4 pursuant to this section shall be enforceable by the Attorney General in
5 a summary proceeding pursuant to the "Penalty Enforcement Law of
6 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).¹

7 ¹**[b.** In addition to any other remedies provided by law, a
8 residential tenant or applicant for rental housing may bring an action in
9 Superior Court for a violation of section 4 this act.]¹

10

11 6. This act shall take effect ¹**[immediately]** on the first day of the
12 fourth month next following enactment¹ and shall apply
13 ¹**[retroactively to emergency period nonpayment eviction actions**
14 **initiated subsequent]**¹ to ¹landlord-tenant actions filed with a court of
15 this State between¹ March 9, 2020 ¹and the end of the emergency
16 period except that sections 4 and 5 shall apply prospectively only¹.