

SENATE, No. 4310

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 4, 2022

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senator Stack

SYNOPSIS

Provides exception for Legal Services of New Jersey and other public interest organizations from confidentiality of certain eviction actions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/6/2022)

1 AN ACT concerning the confidentiality of certain eviction actions
2 and amending P.L.2021, c.189.

3

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

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7 1. Section 3 of P.L.2021, c.189 (C.2A:42-146) is amended to
8 read as follows:

9 3. a. **Any** Except as provided in subsection b. of this section,
10 any New Jersey public entity that maintains a written or automated
11 record or file of emergency period nonpayment court records shall
12 take appropriate actions to ensure that these records are kept
13 confidential and unavailable to the public.

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

21 (2) The provision of subsection a. of this section shall not
22 prohibit access to nonpayment court records by Legal Services of
23 New Jersey or other non-profit public interest organizations, law
24 school clinical and pro bono programs certified by the New Jersey
25 Supreme Court under the New Jersey Rules of Court, Rule 1:21-
26 11(b) regardless if any notice of appearance has been entered when
27 acting on behalf of a party in an individual matter.

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

31 (cf: P.L.2021, c.189, s.3)

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33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill provides an exception for Legal Services of New Jersey
39 and other non-profit public interest organizations, law school
40 clinical and pro bono programs from the confidentiality imposed by
41 N.J.S.A.2A:42-146.

42 Prior to enactment of N.J.S.A.2A:42-146, Legal Services of New
43 Jersey and other public interest advocates had the ability to view a
44 court case to determine the status, facts alleged, and other relevant
45 information needed to provide informed advice to unrepresented

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.

1 tenants. Without this exception, Legal Services of New Jersey and
2 other public interest organizations will be unable to provide
3 immediate legal assistance to unrepresented tenants, or to make
4 informed decisions on the merits or need for referral of a particular
5 case.

6 This bill provides that confidentiality of records imparted by
7 N.J.S.A.2A:42-146 does not prohibit access to court records for
8 Legal Services of New Jersey attorneys or for attorneys of other
9 non-profit public interest organizations certified by the New Jersey
10 Supreme Court under the New Jersey Rules of Court, Rule 1:21-
11 11(b), irrespective of whether the attorney has entered a notice of
12 appearance in a particular case. Public interest organizations, law
13 school clinical pro bono programs, and federal, state, and local
14 governmental entities can apply for yearly certification under Rule
15 1:21-11(b) if the organization provides qualifying pro bono services
16 as defined under Rule 1:21-11(a) of the court rules.