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GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

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RH/CL

Title 2A.
Subtitle 6.
Chapter 42.
Article 11.(New)
Records
§§1-5 -
C.2A:42-144
to 2A:42-148
§6 - Note

P.L. 2021, CHAPTER 189, *approved August 4, 2021*
Assembly, No. 4463 (*First Reprint*)

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 ¹any
14 record containing information regarding an emergency period
15 nonpayment eviction action, and¹ any record of ¹the 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 ¹nonpayment eviction action¹, 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 ¹judicial¹ proceeding,
22 including but not limited to pleadings, ¹motions, briefs and their
23 respective attachments,¹ evidentiary exhibits, indices, calendars,
24 and dockets;

25 b. any order, judgment, ¹opinion, or decree¹ or warrant¹
26 related to ¹a judicial proceeding¹ a landlord-tenant action¹;

27 c. any official transcript or recording of a public ¹judicial¹
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 ¹a case or
31 judicial proceeding¹ a landlord-tenant action¹; and

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

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 ¹“Emergency period nonpayment eviction action” means any
2 action initiated by a landlord, and any action initiated by or on
3 behalf of a tenant in response to the landlord’s action, in the
4 Superior Court of New Jersey, including the Special Civil part of
5 the Superior Court, to evict or otherwise obtain possession of a
6 tenant’s primary residence due to the tenant’s nonpayment or
7 habitually late payment of rent during the emergency period.

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

13

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

17 ¹[b. Prior to issuing a written opinion or decision related to an
18 emergency period nonpayment eviction action, the court shall
19 redact the names and addresses of the parties, and any information
20 that may facilitate discovery of the parties’ identities.]¹

21

22 3. a. Any New Jersey public entity that maintains a written or
23 automated record or file of emergency period nonpayment court
24 records shall take appropriate actions to ensure that these records
25 are kept confidential and unavailable to the public.

26 b. This act shall not prohibit the courts or other New Jersey
27 public entities from retaining or distributing demographic
28 information from emergency period nonpayment court records for
29 the purpose of understanding the effect of the COVID-19 pandemic
30 on evictions, or for other public purposes, so long as personally-
31 identifiable information on persons ¹[involved in] who are the
32 subject of¹ emergency period nonpayment ¹[eviction actions] court
33 records¹ remains confidential.

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

37

38 4. a. When evaluating a prospective tenant, a landlord shall not
39 consider an emergency period nonpayment ¹[eviction action] court
40 record¹.

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

45 ¹c. No later than 30 days following the effective date of this act,
46 any person or entity that collects, distributes, and sells court filing
47 information shall update and remove any emergency period

1 nonpayment eviction records that are restricted from public access
2 pursuant to this act.¹

3
4 5. ¹**[a.]**¹ Any person who ¹knowingly¹ violates section 4 of this
5 act ¹by revealing to the public an emergency period nonpayment
6 court record, by considering an emergency period nonpayment court
7 record in the evaluation of a prospective tenant, or by failing to
8 remove emergency period nonpayment eviction records restricted
9 from public access,¹ shall, in addition to any other penalty provided
10 by law, be liable for a penalty of not less than \$1,000 for the first
11 offense, and not less than \$5,000 for the second and each
12 subsequent offense, plus reasonable attorney fees. This penalty
13 shall be exclusive of, and in addition to, any moneys or property
14 ordered to be paid or restored to any person whose information has
15 been wrongly considered or distributed. ¹A penalty imposed
16 pursuant to this section shall be enforceable by the Attorney General in
17 a summary proceeding pursuant to the "Penalty Enforcement Law of
18 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).¹

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

22
23 6. This act shall take effect ¹**[immediately]** on the first day of the
24 fourth month next following enactment¹ and shall apply
25 ¹**[retroactively to emergency period nonpayment eviction actions**
26 **initiated subsequent]**¹ to ¹landlord-tenant actions filed with a court of
27 this State between¹ March 9, 2020 ¹and the end of the emergency
28 period except that sections 4 and 5 shall apply prospectively only¹.

29
30
31
32
33 _____
34 Establishes confidentiality of court records of certain eviction
actions initiated during COVID-19 pandemic.

CHAPTER 189

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

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

C.2A:42-144 Definitions.

1. As used in this act:

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

“Emergency period nonpayment court record” means any record of a landlord-tenant action filed with a court arising as a result of nonpayment or habitually late payment of rent during the emergency period, including but not limited to:

- a. any information maintained by a court in any form in connection with a landlord-tenant case or proceeding, including but not limited to pleadings, evidentiary exhibits, indices, calendars, and dockets;
- b. any order, judgment, or warrant related to a landlord-tenant action;
- c. any official transcript or recording of a public landlord-tenant proceeding, in any form;
- d. any information in a computerized case management system created or prepared by the court in connection with a landlord-tenant action; and
- e. any record provided to, made, or maintained by a judicial officer.

C.2A:42-145 Confidentiality, unavailability to public.

2. An emergency period nonpayment court record shall be confidential and unavailable to the public.

C.2A:42-146 Actions to ensure records kept confidential, unavailable to public.

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

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

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

C.2A:42-147 Evaluation of prospective tenant.

4. a. When evaluating a prospective tenant, a landlord shall not consider an emergency period nonpayment court record.

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

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

C.2A:42-148 Violations, penalties.

5. Any person who knowingly violates section 4 of this act by revealing to the public an emergency period nonpayment court record, by considering an emergency period nonpayment court record in the evaluation of a prospective tenant, or by failing to remove emergency period nonpayment eviction records restricted from public access, shall, in addition to any other penalty provided by law, be liable for a penalty of not less than \$1,000 for the first offense, and not less than \$5,000 for the second and each subsequent offense, plus reasonable attorney fees. This penalty shall be exclusive of, and in addition to, any moneys or property ordered to be paid or restored to any person whose information has been wrongly considered or distributed. A penalty imposed pursuant to this section shall be enforceable by the Attorney General in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

6. This act shall take effect on the first day of the fourth month next following enactment and shall apply to landlord-tenant actions filed with a court of this State between March 9, 2020 and the end of the emergency period except that sections 4 and 5 shall apply prospectively only.

Approved August 4, 2021.

ASSEMBLY, No. 4463

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/2021)

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 any record
14 containing information regarding an emergency period nonpayment
15 eviction action, and any record of the filing of an emergency period
16 nonpayment eviction action, including but not limited to:

17 a. any information maintained by a court in any form in
18 connection with a case or judicial proceeding, including but not
19 limited to pleadings, motions, briefs and their respective
20 attachments, evidentiary exhibits, indices, calendars, and dockets;

21 b. any order, judgment, opinion, or decree related to a judicial
22 proceeding;

23 c. any official transcript or recording of a public judicial
24 proceeding, in any form;

25 d. any information in a computerized case management system
26 created or prepared by the court in connection with a case or
27 judicial proceeding; and

28 e. any record made or maintained by a judicial officer.

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

36 “Landlord” means the business entity, person, or persons which
37 own, purport to own, or exercise control of a residential dwelling,
38 building, project, or mobile home park in which there is rented or
39 offered for rent housing or mobile home pad space for living or
40 dwelling purposes under either a written or oral lease.

41
42 2. a. An emergency period nonpayment court record shall
43 remain confidential and unavailable to the public indefinitely.

44 b. Prior to issuing a written opinion or decision related to an
45 emergency period nonpayment eviction action, the court shall
46 redact the names and addresses of the parties, and any information
47 that may facilitate discovery of the parties’ identities.

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

5 b. This act shall not prohibit the courts or other New Jersey
6 public entities from retaining or distributing demographic
7 information from emergency period nonpayment court records for
8 the purpose of understanding the effect of the COVID-19 pandemic
9 on evictions, or for other public purposes, so long as personally-
10 identifiable information on persons involved in emergency period
11 nonpayment eviction actions remains confidential.

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

15

16 4. a. When evaluating a prospective tenant, a landlord shall not
17 consider an emergency period nonpayment eviction action.

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

22

23 5. a. Any person who violates section 4 of this act shall, in
24 addition to any other penalty provided by law, be liable for a
25 penalty of not less than \$1,000 for the first offense, and not less
26 than \$5,000 for the second and each subsequent offense, plus
27 reasonable attorney fees. This penalty shall be exclusive of, and in
28 addition to, any moneys or property ordered to be paid or restored
29 to any person whose information has been wrongly considered or
30 distributed.

31 b. In addition to any other remedies provided by law, a residential
32 tenant or applicant for rental housing may bring an action in Superior
33 Court for a violation of section 4 this act.

34

35 6. This act shall take effect immediately and shall apply
36 retroactively to emergency period nonpayment eviction actions
37 initiated subsequent to March 9, 2020.

38

39

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STATEMENT

41

42 This bill would establish confidentiality standards for court
43 records of certain eviction actions initiated during the COVID-19
44 pandemic, specifically “emergency period nonpayment eviction
45 actions.” The bill defines this term as any action initiated by a
46 landlord, or by the tenant in response to the landlord’s action, in
47 Superior Court, to evict a tenant from their primary residence due to
48 the tenant’s nonpayment or habitually late payment of rent during

1 the emergency period, meaning the period beginning March 9,
2 2020, and ending 60 days following the conclusion of the public
3 health emergency declared by the Governor on that date. The bill
4 defines an “emergency period nonpayment court record” to include
5 any record containing information regarding an emergency period
6 nonpayment eviction action, and any record of the filing of that
7 action.

8 The bill would provide that an emergency period nonpayment
9 court record would remain confidential and unavailable to the
10 public indefinitely. The bill requires that prior to issuing a written
11 decision for an emergency period nonpayment eviction action, the
12 court would redact the names and addresses of the parties, and any
13 information that may facilitate discovery of the parties’ identities.

14 Additionally, the bill would require any New Jersey public entity
15 that maintains a record or file of emergency period nonpayment
16 court records to take appropriate actions to ensure that these records
17 are kept confidential and unavailable to the public.

18 The bill provides that it would not prohibit the courts or other
19 New Jersey public entities from retaining or distributing
20 demographic information from emergency period nonpayment court
21 records for the purpose of understanding the effect of the COVID-
22 19 pandemic on evictions, or for other public purposes, so long as
23 personally-identifiable information on persons involved in
24 emergency period nonpayment eviction actions remains
25 confidential.

26 When evaluating a prospective tenant, the bill prohibits a
27 landlord from considering an emergency period nonpayment
28 eviction action. The bill also expressly prohibits a person from
29 providing court filing information or information contained in an
30 emergency period nonpayment court record to a landlord or other
31 entity involved in the rental of a dwelling unit. Any person who
32 violates either of these prohibitions would, in addition to any other
33 penalty provided by law, be liable for a penalty of not less than
34 \$1,000 for the first offense, and not less than \$5,000 for the second
35 and each subsequent offense, plus reasonable attorney fees. In
36 addition to any other remedies provided by law, the bill authorizes a
37 residential tenant or applicant for rental housing to bring an action in
38 Superior Court for a violation of either of these prohibitions.

39 This bill would take effect immediately and would apply
40 retroactively to emergency period nonpayment eviction actions
41 initiated subsequent to March 9, 2020.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4463

STATE OF NEW JERSEY

DATED: OCTOBER 8, 2020

The Assembly Housing Committee reports favorably Assembly Bill No. 4463.

This bill would establish confidentiality standards for court records of certain eviction actions initiated during the COVID-19 pandemic, specifically “emergency period nonpayment eviction actions.” The bill defines this term as any action initiated by a landlord, or by the tenant in response to the landlord’s action, in Superior Court, to evict a tenant from their primary residence due to the tenant’s nonpayment or habitually late payment of rent during the emergency period, meaning the period beginning March 9, 2020, and ending 60 days following the conclusion of the public health emergency declared by the Governor on that date. The bill defines an “emergency period nonpayment court record” to include any record containing information regarding an emergency period nonpayment eviction action, and any record of the filing of that action.

The bill would provide that an emergency period nonpayment court record would remain confidential and unavailable to the public indefinitely. The bill requires that prior to issuing a written decision for an emergency period nonpayment eviction action, the court would redact the names and addresses of the parties, and any information that may facilitate discovery of the parties’ identities.

Additionally, the bill would require any New Jersey public entity that maintains a record or file of emergency period nonpayment court records to take appropriate actions to ensure that these records are kept confidential and unavailable to the public.

The bill provides that it would not prohibit the courts or other New Jersey public entities from retaining or distributing demographic information from emergency period nonpayment court records for the purpose of understanding the effect of the COVID-19 pandemic on evictions, or for other public purposes, so long as personally-identifiable information on persons involved in emergency period nonpayment eviction actions remains confidential.

When evaluating a prospective tenant, the bill prohibits a landlord from considering an emergency period nonpayment eviction action. The bill also expressly prohibits a person from providing court filing information or information contained in an emergency period

nonpayment court record to a landlord or other entity involved in the rental of a dwelling unit. Any person who violates either of these prohibitions would, in addition to any other penalty provided by law, be liable for a penalty of not less than \$1,000 for the first offense, and not less than \$5,000 for the second and each subsequent offense, plus reasonable attorney fees. In addition to any other remedies provided by law, the bill authorizes a residential tenant or applicant for rental housing to bring an action in Superior Court for a violation of either of these prohibitions.

This bill would take effect immediately and would apply retroactively to emergency period nonpayment eviction actions initiated subsequent to March 9, 2020.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4463

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Appropriations Committee reports favorably on Assembly Bill No. 4463, with committee amendments.

As amended, this bill would establish confidentiality standards for court records of landlord-tenant actions filed with the court during the “emergency period.” The bill defines the emergency period as a period of time during which a public health emergency exists in response to the COVID-19 pandemic, and the 60 days following the conclusion of this period. The bill defines an “emergency period nonpayment court record” to include any record of a landlord-tenant action filed with the court for nonpayment or habitually late payment of rent during the emergency period. The bill would provide that an emergency period nonpayment court record would remain confidential and unavailable to the public indefinitely.

Additionally, the bill would require any New Jersey public entity that maintains a record or file of emergency period nonpayment court records to take appropriate actions to ensure that these records are kept confidential and unavailable to the public.

The bill provides that it would not prohibit the courts or other New Jersey public entities from retaining or distributing demographic information from emergency period nonpayment court records for the purpose of understanding the effect of the COVID-19 pandemic on evictions, or for other public purposes, so long as personally-identifiable information on persons involved in emergency period nonpayment court records remains confidential.

When evaluating a prospective tenant, the bill prohibits a landlord from considering an emergency period nonpayment court record. The bill also expressly prohibits a person from providing court filing information or information contained in an emergency period nonpayment court record to a landlord or other entity involved in the rental of a dwelling unit. The bill would require any person or entity that collects, distributes, and sells court filing information to update and remove any emergency period nonpayment eviction records that are restricted from public access pursuant to the bill. Any person who knowingly violates any of these prohibitions would, in addition to any other penalty provided by law, be liable for a penalty of not less than

\$1,000 for the first offense, and not less than \$5,000 for the second and each subsequent offense, plus reasonable attorney fees.

COMMITTEE AMENDMENTS

The amendments to the bill accomplish the following:

- Revise the definition of an “emergency period nonpayment court record” to mean any record of a landlord-tenant action filed with the court for nonpayment or habitually late payment of rent during the emergency period, and adjust other terminology within the definition section;
- Require emergency period nonpayment court records to remain confidential instead of requiring the court, prior to the issuance of a decision, to redact names and addresses of parties, and other information that could facilitate the discovery of identities;
- Require any person or entity that collects, distributes, and sells court filing information to update and remove any emergency period nonpayment eviction records that are restricted from public access pursuant to the bill;
- Revise the penalty enforcement provision of the bill to provide that violations would be enforceable by the Attorney General in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.);
- Establish a delayed effective date, and otherwise clarify the effective date and applicability of the bill; and
- Make technical changes to the bill.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE, No. 3713

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 6, 2021

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

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 introduced.



(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 any record
14 of a landlord-tenant action filed with a court arising as a result of
15 nonpayment or habitually late payment of rent during the
16 emergency period, including but not limited to:

17 a. any information maintained by a court in any form in
18 connection with a landlord-tenant case or proceeding, including but
19 not limited to pleadings, evidentiary exhibits, indices, calendars,
20 and dockets;

21 b. any order, judgment, or warrant related to a landlord-tenant
22 action;

23 c. any official transcript or recording of a public landlord-
24 tenant proceeding, in any form;

25 d. any information in a computerized case management system
26 created or prepared by the court in connection with a landlord-
27 tenant action; and

28 e. any record provided to, made, or maintained by a judicial
29 officer.

30
31 2. An emergency period nonpayment court record shall be
32 confidential and unavailable to the public.

33
34 3. a. Any New Jersey public entity that maintains a written or
35 automated record or file of emergency period nonpayment court
36 records shall take appropriate actions to ensure that these records
37 are kept confidential and unavailable to the public.

38 b. This act shall not prohibit the courts or other New Jersey
39 public entities from retaining or distributing demographic
40 information from emergency period nonpayment court records for
41 the purpose of understanding the effect of the COVID-19 pandemic
42 on evictions, or for other public purposes, so long as personally-
43 identifiable information on persons who are the subject of
44 emergency period nonpayment court records remains confidential.

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

1 4. a. When evaluating a prospective tenant, a landlord shall not
2 consider an emergency period nonpayment court record.

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

7 c. No later than 30 days following the effective date of this act,
8 any person or entity that collects, distributes, and sells court filing
9 information shall update and remove any emergency period
10 nonpayment eviction records that are restricted from public access
11 pursuant to this act.

12
13 5. Any person who knowingly violates section 4 of this act by
14 revealing to the public an emergency period nonpayment court
15 record, by considering an emergency period nonpayment court
16 record in the evaluation of a prospective tenant, or by failing to
17 remove emergency period nonpayment eviction records restricted
18 from public access, shall, in addition to any other penalty provided
19 by law, be liable for a penalty of not less than \$1,000 for the first
20 offense, and not less than \$5,000 for the second and each
21 subsequent offense, plus reasonable attorney fees. This penalty
22 shall be exclusive of, and in addition to, any moneys or property
23 ordered to be paid or restored to any person whose information has
24 been wrongly considered or distributed. A penalty imposed pursuant
25 to this section shall be enforceable by the Attorney General in a
26 summary proceeding pursuant to the "Penalty Enforcement Law of
27 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

28
29 6. This act shall take effect on the first day of the fourth month
30 next following enactment and shall apply to landlord-tenant actions
31 filed with a court of this State between March 9, 2020 and the end of
32 the emergency period except that sections 4 and 5 shall apply
33 prospectively only.

34

35

36

STATEMENT

37

38 This bill would establish confidentiality standards for court
39 records of landlord-tenant actions filed with the court during the
40 "emergency period." The bill defines the emergency period as a
41 period of time during which a public health emergency exists in
42 response to the COVID-19 pandemic, and the 60 days following the
43 conclusion of this period. The bill defines an "emergency period
44 nonpayment court record" to include any record of a landlord-tenant
45 action filed with the court for nonpayment or habitually late
46 payment of rent during the emergency period. The bill would
47 provide that an emergency period nonpayment court record would
48 remain confidential and unavailable to the public indefinitely.

1 Additionally, the bill would require any New Jersey public entity
2 that maintains a record or file of emergency period nonpayment
3 court records to take appropriate actions to ensure that these records
4 are kept confidential and unavailable to the public.

5 The bill provides that it would not prohibit the courts or other
6 New Jersey public entities from retaining or distributing
7 demographic information from emergency period nonpayment court
8 records for the purpose of understanding the effect of the COVID-
9 19 pandemic on evictions, or for other public purposes, so long as
10 personally-identifiable information on persons involved in
11 emergency period nonpayment court records remains confidential.

12 When evaluating a prospective tenant, the bill prohibits a
13 landlord from considering an emergency period nonpayment court
14 record. The bill also expressly prohibits a person from providing
15 court filing information or information contained in an emergency
16 period nonpayment court record to a landlord or other entity
17 involved in the rental of a dwelling unit. The bill would require any
18 person or entity that collects, distributes, and sells court filing
19 information to update and remove any emergency period
20 nonpayment eviction records that are restricted from public access
21 pursuant to the bill. Any person who knowingly violates any of
22 these prohibitions would, in addition to any other penalty provided
23 by law, be liable for a penalty of not less than \$1,000 for the first
24 offense, and not less than \$5,000 for the second and each
25 subsequent offense, plus reasonable attorney fees.

Governor Murphy Signs Sweeping Housing Eviction Prevention and Utility Assistance Bill

08/4/2021

This press release has been updated with signing statements for S-3691 and A-4463.

DCA Surpasses Milestone of Delivering Over \$100 Million in Federal Emergency Rental Assistance

UNION CITY - Governor Phil Murphy today signed legislation that will provide comprehensive housing eviction prevention and utility assistance for renters who have been financially impacted by the COVID-19 pandemic. The legislation (S-3691) appropriates an additional \$500 million for the COVID-19 Emergency Rental Assistance Program (CVERAP) and \$250 million for utility assistance, both programs administered by the New Jersey Department of Community Affairs (DCA). The bill also mandates new eviction and foreclosure moratorium deadlines and special eviction protections for tenants who were directly impacted by the pandemic. This legislation will ensure that New Jersey's eviction moratorium continues through August for all state residents with household incomes below 120% Area Medium Income (AMI) and through the end of the year for certain households with incomes below 80% AMI. Yesterday's announcement from the Centers for Disease Control and Prevention extending the nationwide moratorium on evictions for 60 days may provide additional protections for certain residents.

The Governor also signed legislation (A-4463) providing additional protections for individuals who were unable to pay rent during the public health emergency by mandating that court records pertaining to their non-payment during this period be kept confidential.

"We have heard the continuing calls for help from New Jerseyans who are struggling to pay their rent and utilities. COVID-19 has put tenants and landlords in a difficult place, and I am pleased to say that more assistance is on the way," **said Governor Murphy**. "This bill is going to direct money to the people and programs that need it most. Housing and access to utilities are fundamental to human health and safety and we want to ensure that as many eligible applicants impacted by the pandemic get the help they need during this challenging time."

"This comprehensive eviction protections bill is the result of some of the best and brightest minds coming together to find practical and realistic solutions for the struggling renters and landlords who have face unprecedented circumstances during this pandemic," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the Department of Community Affairs**. "As DCA Commissioner, I'm aware of the daily struggle that people are facing in finding and keeping housing and our team at DCA is prepared to continue to administer housing and utility assistance to them. I'm in full support of the actions laid out in this bill package to make their lives easier as we financially recover from the pandemic."

"This measure provides a lifeline to people who need it most at a time of real crisis. It will help prevent renters from losing the safety and security of their homes and allow landlords to continue to maintain their properties in a safe and secure way," **said Senate President Steve Sweeney**. "It's real eviction prevention because it backs up housing protections with finances so tenants aren't burdened with debt and landlords aren't forced into bankruptcy. Housing and utilities are essential needs that should be protected as we continue to work to emerge from the most challenging crisis of our lifetime. I want to praise Senator Stack, Senator Ruiz, Senator Rice and Senator Singleton for their productive work with advocates and other public officials to develop this plan. It is a wise use of federal funds to address two of

the most serious threats caused by the pandemic.”

“This past year has been some of the hardest times in most people’s lives. I’ve been desperately trying to help my constituents in Union City and the greater Hudson County since the very beginning of the pandemic, and have heard first hand all that they have gone through,” **said Senator and Union City Mayor Brian Stack**. “We have to recognize that includes many landlords, especially those with only a few tenants, who are also struggling to pay their own bills. Being a public servant is about finding solutions to problems we never thought we would have to face, and ultimately, it is about helping the people of New Jersey when they need it most. That is what we did with this law and I am proud to have been a part of it.”

“The loss of millions of jobs and the resulting economic crisis caused by the pandemic has the potential to trigger an eviction tsunami in the coming months if we do not act now,” **said Assembly sponsors Britnee Timberlake, Benjie Wimberly, Angela McKnight, and Shanique Speight**. “While many tenants have faced economic hardship during the pandemic, landlords have shouldered the financial burden of housing their tenants, maintaining their buildings, paying their mortgages, taxes, and other financial obligations with limited help from the State or federal government and reduced rental income. This new law will provide significant eviction protections to struggling tenants and a steady stream of assistance income to struggling landlords as New Jersey continues to recover from the pandemic.”

“The pandemic sapped the economic resources of many working-class families particularly among communities of color,” **said Frank Argote-Freyre, Chair of the Latino Action Network Foundation**. “It was a once in a century crisis that left families impoverished and unable to pay their rents. This legislation offers families an opportunity to reclaim their lives and stay in their homes. It further cements Governor Murphy’s progressive legacy and his dream of creating a more inclusive New Jersey.”

“The signing of this bill marks an important day for New Jersey’s pandemic recovery. We are thankful to the Legislature and Governor Murphy for their leadership and commitment to providing relief for individuals and families throughout our state,” **said James C. Williams, Director of Racial Justice Policy at the Fair Share Housing Center**. “The COVID-19 pandemic created an unprecedented situation for many New Jerseyans. Black and Latino communities were hit especially hard by the pandemic, and are also disproportionately represented among those currently facing eviction in our state. The \$750 million in assistance, as well as the protections provided by this legislation, will provide critical support to individuals and families across our state. We look forward to working with the administration on the implementation of this bill as well as other housing protections.”

“This historic legislation is a comprehensive approach toward ending New Jersey’s eviction moratorium while providing additional rental assistance and tenant protections,” **said David H. Brogan, Executive Director of the New Jersey Apartment Association**. “It recognizes the struggles of both landlords and tenants, and it puts the necessary tools in the hands of government to help those in need. We strongly support the legislation and look forward to working with the Administration to ensure the viability of New Jersey’s housing stock.”

The eviction prevention bill will gradually phase out the State’s eviction moratorium based on individual renters’ situations while mandating special protections for those who were unable to pay their rent during the period of March 1, 2020 through August 31, 2021, or, for certain tenants, through December 31, 2021. Additionally, the CVERAP program, which was previously aimed at those who were making less than 80 percent of AMI, will expand its scope of eligible applicants by August 31, 2021, to include those making less than 120 percent of AMI.

Additional details on S-3691:

- Ensures that eviction protection is available for tenants with household incomes below 120 percent AMI who were unable to pay their rent between the covered period of March 1, 2020 and August 31, 2021, and who provide a [self-certification form](#) to their landlords and, when applicable, to the court. Tenants meeting these requirements cannot ever be evicted for any outstanding rent during

the covered period. While tenants who are covered by this special protection may not be evicted, this rent is still due to landlords and landlords may pursue this rent through a money judgment.

- Provides additional eviction preventions for tenants with household incomes below 80 percent AMI, who have applied for state or local rental assistance, and who have experienced an economic impact due to the COVID-19 pandemic. Tenants meeting these requirements who provide a self-certification for to their landlords and, when applicable, to the courts, are protected from eviction prior to December 31, 2021, for unpaid rent accrued from September 1, 2021 through December 31, 2021. This is in addition to protection from eviction for rent accrued during the covered period as described above.
- For the special eviction protections to take effect, the tenant MUST provide the required self-certification form to their landlord and, when applicable, to the courts.
- All New Jersey households with income less than 120 percent AMI may apply for the [COVID-19 Emergency Rental Assistance Program](#).
- Landlords who are receiving rental assistance must waive any late fees accrued by tenants during the special protections period.
- Landlords may not report delayed rent to crediting agencies and they cannot sell the debt.
- Landlords may not disclose non-payment of rent to others and prospective landlords may not deny renting to a person who wasn't able to pay rent during the covered period of March 1, 2020 and August 31, 2021.
- The moratorium on home foreclosures ends on November 15, 2021, for all income levels. This includes landlords facing foreclosure who currently have tenants.

The new funds appropriated through S-3691 bring the total funds allocated to the COVID-19 Emergency Rental Assistance Program and Eviction Prevention Program to more than \$1.2 billion.

The DCA Division of Housing and Community Resources (DHCR) also announced today that it has reached the milestone of delivering more than \$100 million in federal Emergency Rental Assistance Program (ERAP) funds throughout the state with nearly \$131 million in rental relief having been distributed to more than 15,000 households to date. This funding milestone is in addition to the \$91.75 million that DCA distributed to 15,000 households in the first phase of the CVERAP program last year.

U.S. Treasury recently published a report on the Emergency Rental Assistance Program in which it describes DCA's program as a high performer. For the month of June, DCA's program ranked 6th among all state programs in the amount of ERAP funds expended for that month. According to the report, DCA's program is also ranked 8th among all state programs in the total amount of ERAP funds expended to date. The report can be found at: [Emergency Rental Assistance Program | U.S. Department of the Treasury](#).

Click [here](#) to view the signing statement for S-3691.

Click [here](#) to view the signing statement for A-4463.

**GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL NO. 4463
(First Reprint)**

Today I am pleased to sign Assembly Bill No. 4463 (First Reprint), which makes confidential certain eviction filings that occurred during the Coronavirus disease 2019 ("COVID-19") pandemic. The bill defines an "emergency period nonpayment court record" as "any record of a landlord-tenant action filed with a court arising as a result of nonpayment or habitually late payment of rent during the emergency period," and contains a non-exhaustive list of examples. The emergency period as defined by the bill runs from the beginning of the Public Health Emergency established by Executive Order No. 103 (March 9, 2020) to 60 days following the termination of the Public Health Emergency (August 3, 2021).

Records of eviction actions may have adverse long-term consequences for tenants; even when the filing does not result in a judgment of eviction, the record can restrict a person's ability to rent an apartment or house in the future. I commend the bill's sponsors for working to prevent filings that occurred during the emergency period from following tenants when they seek to apply for rental housing in the future.

To facilitate the bill's confidentiality requirements, the bill instructs public entities that are afforded access to emergency period nonpayment court records or that maintain written or automated records or files of emergency period nonpayment court records to take appropriate actions to ensure that these records are kept confidential and unavailable to the public, with exceptions for distributing and studying non-personally identifying demographic information related to eviction filings. Importantly, this requirement does not restrict public entities, such as the Department of Community Affairs ("DCA") or any county or local rental assistance programs, from sharing with each other any emergency period nonpayment court records pursuant to preexisting or future information-sharing agreements, so long as the information shared among the public entities remains confidential and unavailable to the public.

Information sharing among these public entities is crucial to ensuring that tenants facing eviction are provided the opportunity to apply for rental assistance before they are evicted. Because I am confident that this bill will in no way limit this important collaboration among the DCA and other public entities, I am pleased to sign Assembly Bill No. 4463 (First Reprint) into law.

Date: August 4, 2021

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor