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Administrative Office of the Courts

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, NJ 08625-0037 njcourts.gov • Tel: 609-376-3000 • Fax: 609-376-3002

TO: **Assignment Judges**
Civil Presiding Judges
Supervising Special Civil Part Judges
Trial Court Administrators

SUPPLEMENT TO DIRECTIVE #20-20
[Questions or comments may be directed to (609) 815-2900, ext. 54900]

FROM: **Glenn A. Grant, J.A.D.**

SUBJ: **Special Civil Part - Landlord/Tenant Matters During COVID-19 – CARES Act Compliance Certifications**

DATE: **November 10, 2020**

In order to ensure that complaints against residential tenants for nonpayment of rent comply with the Federal Coronavirus Aid, Relief, and Economic Security (CARES Act), 15 U.S.C. 9001 et seq., the Supreme Court in its July 14, 2020 Order temporarily relaxed Rule 6:2-2(a) to require plaintiffs/landlords to submit a CARES Act Compliance Certification. That certification must be filed by landlords in all nonpayment of rent cases filed during the CARES Act filing moratorium (March 27, 2020 through and including July 24, 2020, unless otherwise extended) before any pretrial/settlement conferences or trials are scheduled.

On July 28, 2020, Directive #20-20 ("Special Civil Part – Landlord/Tenant Matters During COVID-19") set forth the requirements of newly implemented landlord/tenant case management steps, procedures, and forms, including a Federal CARES Act Compliance Certification form. (Attachment 6 to Directive #20-20). This Supplement to Directive #20-20 clarifies the procedures to be followed when a landlord fails to submit a CARES Act Compliance Certification in accordance with the Supreme Court's July 14, 2020 Order.

If a landlord does not file the certification, before a settlement conference is scheduled, Judiciary staff will issue a Clerk's Notice to the landlord, copying the tenant, advising that the landlord has 10 days from receipt of the notice to file the required certification. The landlord/tenant complaint will be administratively dismissed without prejudice if the certification is not filed within the 10-day period. The case may subsequently be restored to the active trial calendar upon the landlord's filing of a motion, on notice to the tenant, attaching the completed CARES Act Compliance Certification.

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Questions regarding Directive #20-20 or this supplement to that directive should be directed to the Civil Practice Division by phone at (609) 815-2900 x54900 or by email at civilwebsites.mbx@njcourts.gov.

cc: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Civil Division Managers
Lloyd Garner, Chief
Assistant Civil Division Managers