NOTICE TO THE BAR

COVID-19 – LANDLORD/TENANT – AMENDMENT OF LANDLORD/TENANT SUMMONS AND COMPLAINT FORMS; INTERIM RULE RELAXATIONS; AND AUTHORIZATION TO APPLY FOR ORDER TO SHOW CAUSE IN AN EMERGENCY

By Order dated July 14, 2020, the Supreme Court has authorized several steps to support the resumption of landlord/tenant case processing during the ongoing COVID-19 crisis.

Background

The COVID-19 pandemic forced the New Jersey courts to transition from in-person to remote proceedings and to suspend landlord/tenant trial calendars as of March 16, 2020. Over the past four months, a significant number of landlord/tenant complaints have been docketed and have not yet been served on tenants. Additional cases that were pending as of March 16, 2020 have yet to be resolved. An influx of new landlord/tenant complaints also is anticipated when the relief provided by the federal Coronavirus Aid, Relief, and Economic Security (CARES Act), 15 U.S.C. 9001 et seq., expires on July 25, 2020.

Current circumstances require the New Jersey courts to implement a cohesive strategy for landlord/tenant cases pending service and landlord/tenant cases pending trial. To that end, with input from tenant advocates and landlord representatives, the Court has authorized both permanent and interim measures to support the resumption of service of landlord/tenant complaints and the scheduling of settlement conferences while landlord/tenant trials remain suspended. Those measures are critical to facilitating the best possible outcomes for tens of thousands of New Jersey residents who face potential loss of housing in the coming months.

Amendments to Landlord/Tenant Summons and Complaint Forms

The Court in the July 14, 2020 Order adopted amendments to the Landlord/Tenant Summons Form (Appendix XI-B) and the Landlord/Tenant Complaint Form (Appendix XI-X). Effective immediately, both forms will include fields for party email addresses and to indicate whether the case involves a residential or commercial tenancy, which information will facilitate communications and differentiated case management. Based on the ongoing suspension of landlord/tenant trials, the Summons also is amended to remove the trial date field. The July 14, 2020 Order relaxes Rules 6:2-1 (“Form of Summons”) and 6:2-2 (“Process; Filing and Issuance”) as necessary for implementation of those amendments to the forms.

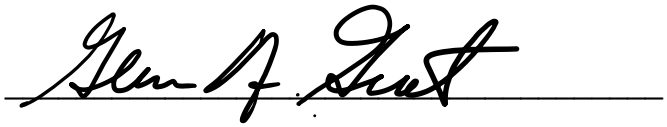
Interim Relaxation of Court Rules

The Court's July 14, 2020 Order also temporarily relaxes Rule 1:13-7(d) ("Dismissal of Civil Cases for Lack of Prosecution"), so as to prevent the dismissal of landlord/tenant complaints that have not yet been served or scheduled for trial and Rule 1:40-7(b) ("Tenancy Actions"), so as to temporarily eliminate the requirement of same-day trials if landlord/tenant matters are not resolved via complementary dispute resolution. Rule 6:2-2(a) ("Delivery to Clerk; Issuance"), is relaxed so as (1) to require landlords who have filed a complaint between March 27, 2020 and July 24, 2020 seeking to evict a tenant for nonpayment of rent to submit a CARES Act Compliance Certification in a form to be promulgated by the Administrative Director of the Courts; and (2) to eliminate the requirement for landlords that file electronically to submit an original and two copies of landlord/tenant pleadings.

Landlord/Tenant Trials Remain Suspended; Exception for Orders to Show Cause in Emergencies

The Court's July 14, 2020 Order permits landlords to apply for issuance of an Order to Show Cause for eviction. The basis of that landlord/tenant action cannot be nonpayment of rent, except in the case of the death of the tenant. All applications for an Order to Show Cause will be reviewed and will proceed to a trial only if the court determines that an emergency exists. Examples of such emergency include but are not limited to, documented violence, criminal activity, or other health and safety concerns. The Court's July 14, 2020 Order also acknowledges that an eviction may proceed in the "interest of justice" as provided by Executive Order 106 (issued March 19, 2020).

Questions on this notice should be directed to Assistant Director for Civil Practice Taironda E. Phoenix, Esq. at Taironda.Phoenix@njcourts.gov.



Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: July 14, 2020
(corrected)

SUPREME COURT OF NEW JERSEY

In response to the ongoing COVID-19 public health emergency, the Supreme Court has authorized various interim adjustments to court operations, including the temporary suspension of landlord/tenant trials since March 16, 2020. Separate from the Court's action, Executive Order 106 (issued March 19, 2020) suspended residential evictions for two months after the conclusion of the COVID-19 public health emergency or state of emergency. Executive Order 162 (issued July 2, 2020) extended the public health emergency through August 1, 2020. With limited exceptions, evictions of residential tenants thus cannot proceed until October 1, 2020, unless Executive Order 106 is rescinded earlier.

The Court in the June 11, 2020 Fourth Omnibus Order directed that landlord/tenant proceedings shall proceed as follows: (a) lockouts of residential tenants (evictions) continue to be suspended in accordance with Executive Order 106; (b) landlord/tenant complaints may continue to be filed with the courts, and new complaints shall include an email address for the landlord and to the extent available an email address for the tenant; (c) the courts shall schedule conferences, including to obtain or confirm contact information from the parties and conduct settlement negotiations in an effort to resolve matters; and (d) trials continue to be suspended until further notice. The Court continued those provisions in the June 25, 2020 Fifth Omnibus Order and the July 9, 2020 Sixth Omnibus Order.

Consistent with the Court's prior Orders, settlement conferences in landlord/tenant cases have been conducted, and some cases have been resolved.

More than 17,200 landlord/tenant complaints have been docketed during the pendency of the COVID-19 crisis and have not yet been served on tenants due to the suspension of landlord/tenant trials. An additional 12,500 cases that were pending as of March 16, 2020 have yet to be resolved. An influx of new landlord/tenant complaints also is anticipated when the relief provided by the federal Coronavirus Aid, Relief, and Economic Security (CARES Act), 15 U.S.C. 9001 et seq., expires on July 25, 2020.

The New Jersey courts must implement a comprehensive strategy to address landlord/tenant cases pending service and landlord/tenant cases pending trial. Additional steps also are necessary to ensure compliance with the federal CARES Act, which provides a moratorium on eviction filings for certain rental properties.

Accordingly, effective immediately this Order amends certain landlord/tenant forms that are incorporated as Appendices to the Rules of Court; temporarily relaxes Court Rules for the duration of the COVID-19 public health crisis; and implements measures to ensure compliance with the CARES Act and Executive Order 106, as follows:

1. The Landlord/Tenant Summons Form (Appendix XI-B) is amended as attached to this Order: (a) to include fields for the email addresses for the

landlord and the tenant; (b) to remove the trial date field; and (c) to indicate whether the case involves a residential tenancy or a commercial tenancy.

2. The Landlord/Tenant Complaint Form (Appendix XI-X) is amended as attached to this Order: (a) to include fields for the email addresses for the landlord and the tenant; and (b) to indicate whether the case involves a residential tenancy or a commercial tenancy.

3. Pursuant to N.J. Const., Art. VI, sec. 2, par. 3, until further order, Rules 6:2-1 ("Form of Summons") and 6:2-2 ("Process; Filing and Issuance") are relaxed and supplemented as necessary for implementation of the above-referenced amendments to the Landlord/Tenant Summons Form (Appendix XI-B) and the Landlord/Tenant Complaint Form (Appendix XI-X).

4. On a temporary basis until further order, the following additional Rules of Court also are relaxed and supplemented as follows:

    a. Rule 1:13-7(d) ("Dismissal of Civil Cases for Lack of Prosecution"), so as to prevent the dismissal of landlord/tenant complaints that have not yet been served or scheduled for trial during the COVID-19 crisis;

b. Rule 1:40-7(b) ("Tenancy Actions"), so as to temporarily eliminate the requirement that if landlord/tenant matters are not resolved via complementary dispute resolution then trials shall be scheduled on the same day; and

c. Rule 6:2-2(a) ("Delivery to Clerk; Issuance"), so as (i) to require landlords who have filed a complaint between March 27, 2020 and July 24, 2020 seeking to evict a tenant for nonpayment of rent to submit a CARES Act Compliance Certification in a form promulgated by the Administrative Director of the Courts; and (ii) to eliminate the requirement for landlords that electronically submit pleadings to submit an original and two copies of landlord/tenant pleadings.

5. The July 9, 2020 Sixth Omnibus Order is amended as to landlord/tenant trials such that landlords/plaintiffs may in emergent circumstances apply for an Order to Show Cause for eviction. The basis of that landlord/tenant action cannot be nonpayment of rent, except in the case of the death of the tenant. In determining whether to issue the Order to Show Cause, the court will review the complaint and determine whether an emergency exists (e.g., violence against other tenants; criminal activity; extreme damage to residence; death of tenant resulting in

vacancy of the rental unit), and based on that determination may schedule a landlord/tenant trial. As permitted by Executive Order 106, an eviction may proceed in the "interest of justice."

For the Court,

Chief Justice

Dated: July 14, 2020
(corrected)

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number, or military status.

Plaintiff or Filing Attorney Information:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Email _____

Telephone Number _____

_____

_____

Plaintiff(s)

versus

_____

_____

Defendant (s)

Superior Court of New Jersey
Law Division, Special Civil Part
_____ County

_____

_____

_____

_____

Docket Number: LT - _____
(to be provided by the court)

Civil Action
SUMMONS
LANDLORD/TENANT

Defendant Information:

Name: _____

Address: _____

_____

Email _____

Phone: _____

____ Nonpayment
____ Other
____ Commercial
____ Residential

NOTICE TO TENANT: The purpose of the attached complaint is to permanently remove you and your belongings from the premises. [If you want the court to hear your side of the case you must appear in court on this date and time: _____ at _____ ☐ a.m. ☐ p.m., or the court may rule against you. REPORT TO: _____.]

You will be notified when a court proceeding is scheduled. Please contact the Office of the Special Civil Part at _____ ext. _____ regarding your case. Please go to njcourts.gov for general information on landlord/tenant actions.

If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at _____. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at _____.

You may be eligible for housing assistance. To determine your eligibility, you must immediately contact the welfare agency in your county at _____, telephone number _____.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

Si ud. no tiene dinero para pagar a un abogado, es posible que pueda recibir consejos legales gratuitos si se comunica con Servicios Legales (Legal Services) al _____. Si tiene dinero para pagar a un abogado pero no conoce ninguno puede llamar a Servicios de Recomendación de Abogados (Lawyer Referral Services) del Colegio de Abogados (Bar Association) de su condado local al_____.

Es posible que pueda recibir asistencia con la vivienda si se comunica con la agencia de asistencia publica (welfare agency) de su condado al _____, telefono _____.

Si necesita un interprete o alguna acomodación para un impedimento fisico, tiene que notificárselo inmediatamente al tribunal.

Date: _____ _____

Clerk of the Superior Court

COURT OFFICER'S RETURN OF SERVICE (FOR COURT USE ONLY)

Docket Number: _____ Date: _____ Time: _____
WM ___ WF ___ BM ___ BF__ OTHER _____ HT ____ WT _____ AGE ___ MUSTACHE ___ BEARD ___ GLASSES___
NAME: _____ RELATIONSHIP: _____

Efforts Made to Personally Serve _____

_____

Description of Premises if Posted _____

_____

I hereby certify the above to be true and accurate: _____
Special Civil Part Officer

Appendix XI-X Verified Complaint - Nonpayment of Rent

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number, or military status.

Plaintiff or Filing Attorney Information:

Name _____

NJ Attorney ID Number _____

Address _____

_____

Email _____

Telephone Number _____

Superior Court of New Jersey
Law Division, Special Civil Part
_____ County
Docket Number: LT _____

_____,
Name of Plaintiff(s)/Landlord(s),
v.

_____,
Name of Defendant(s)/Tenant(s).

Civil Action

Verified Complaint
Landlord/Tenant

☐ Non-payment of Rent
☐ Other (Required Notices Attached)
☐ Commercial
☐ Residential

Address of Rental Premises: _____.

Tenant's Phone Number: _____. Tenant's Email: _____.

1. The owner of record is (name of owner) _____.
2. Plaintiff is the owner or (check one) ☐ agent, ☐ assignee, ☐ grantee or ☐ prime tenant of the owner.
3. The landlord ☐ did ☐ did not acquire ownership of the property from the tenant(s).
4. The landlord ☐ has ☐ has not given the tenant(s) an option to purchase the property.
5. The tenant(s) now reside(s) in and has (have) been in possession of these premises since (date) _____, under (check one) ☐ written or ☐ oral agreement
6. ☐ Check here if the tenancy is subsidized pursuant to either a federal or state program or the rental unit is public housing.
7. The landlord has registered the leasehold and notified tenant as required by *N.J.S.A.* 46:8-27.
8. The amount that must be paid by the tenant(s) for these premises is $_____, payable on the _____ day of each ☐ month or ☐ week in advance.

Complete Paragraphs 9A and 9B if Complaint is for Non-Payment of Rent

9A. There is due, unpaid and owing from tenant(s) to plaintiff/landlord rent as follows:

$_____ base rent for _____ (specify the week or month)
$_____ base rent for _____ (specify the week or month)
$_____ base rent for _____ (specify the week or month)
$_____ late charge* for _____ (specify the week or month)
$_____ late charge* for _____ (specify the week or month)
$_____ late charge* for _____ (specify the week or month)
$_____ attorney fees*
$_____ other* (specify) _____

$_____ TOTAL

* The late charges, attorney fees and other charges are permitted to be charged as rent for purposes of this action by federal, state and local law (including rent control and rent leveling) and by the lease.

9B. **The date that the next rent is due is** (date) _____.

If this case is scheduled for trial before that date, the total amount you must pay to have this complaint dismissed is (Total from line 9A) $_____.

If this case is scheduled for trial on or after that date, the total amount you must pay to have this complaint dismissed is $_____.
(Total from line 9A plus the amount of the next rent due)

These amounts do not include late fees or attorney fees for Section 8 and public housing tenants. Payment may be made to the landlord or the clerk of the court at any time before the trial date, but on the trial date payment must be made by 4:30 p.m. to get the case dismissed.

Check Paragraphs 10 and 11 if the Complaint is for other than, or in addition to, Non-Payment of Rent. Attach All Notices to Cease and Notices to Quit/Demands For Possession.

10. ☐ Landlord seeks a judgment for possession for the additional or alternative reason(s) stated in the notices attached to this complaint. **State Reasons**: (Attach additional sheets if necessary.)

_____
_____
_____
_____

11. ☐ The tenant(s) has (have) not surrendered possession of the premises and tenant(s) hold(s) over and continue(s) in possession without the consent of landlord.

WHEREFORE, plaintiff/landlord demands judgment for possession against the tenant(s) listed above, together with costs

Dated: _____

_____
(Signature of Filing Attorney or Landlord Pro Se)

_____
(Printed or Typed Name of Attorney or Landlord Pro Se)

Landlord Verification

1. I certify that I am the ☐ landlord, ☐ general partner of the partnership, or ☐ authorized officer of a corporation or limited liability company that owns the premises in which tenant(s) reside(s).

2. I have read the verified complaint and the information contained in it is true and based on my personal knowledge.

3. The matter in controversy is not the subject of any other court action or arbitration proceeding now pending or contemplated and no other parties should be joined in this action except (list exceptions or indicate none):

   _____.

4. I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

5. The foregoing statements made by me are true and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

At the trial plaintiff will require:

An interpreter ☐ Yes ☐ No Indicate language _____

An accommodation for a disability ☐ Yes ☐ No Required accommodation _____

Dated: _____

_____
(Signature of Landlord, Partner or Officer)

_____
(Printed Name of Landlord, Partner or Officer)