

Unjustified Residential Evictions in New Jersey

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Executive Summary

For many years, a coalition of tenant advocates (the “Coalition”) has urged the New Jersey courts to undertake more thorough review of residential eviction complaints for legal deficiencies. This focus on legally deficient filings arises from two facts of life in landlord-tenant court:

- (1) The vast majority of residential tenants—97% in 2023—have no lawyer to defend them from eviction.
- (2) Over many years, lawyers representing tenants have regularly seen eviction complaints that fail to comply with the rules for filing.

Taken together, these two facts create an urgent need for the New Jersey courts to review eviction complaints for legal sufficiency before entering judgments for possession, which authorize the eviction. Self-represented tenants have little-to-no capacity to identify the legal deficiencies that regularly lead to dismissals in the few cases in which tenants have lawyers. Without such review, the courts enter thousands of eviction judgments every year based on complaints that fail to comply with the applicable rules and laws for filing. These judgments rest on quicksand because the New Jersey courts, historically protective of the rights of tenants, have long held that they lack jurisdiction in cases where the complaint does not meet the standards for filing.

The New Jersey courts have made some changes in response to our calls for stronger review of eviction filings. In the summer of 2021, the Supreme Court ordered enhanced initial review of a limited number of more complex cases. Two years later, in the summer of 2023, the Court ordered that all cases be reviewed to determine whether landlords had appended the required documents when filing residential eviction complaints.

Neither Supreme Court order directed the courts to conduct a complete review of all residential eviction complaints for legal sufficiency. Moreover, tenant advocates continued to see a rash of legally insufficient complaints that resulted in judgments despite these orders. The Coalition shared this information with the Administrative Office of the Courts and provided examples. Because the problem persisted, the Coalition decided to examine it more systematically.

In the late spring and summer of 2024, experienced tenant attorneys created a checklist for assessing the legal sufficiency of a residential eviction complaint. This checklist is based on careful review of the applicable law and rules, as explained below. *See infra* App. B. The experienced team then trained volunteers and interns to use the checklist to review complaints filed on eCourts, the public access site for court filings, during the early months of 2024. The Coalition shared preliminary data with the Administrative Office of the Courts, which alerted us to a significant error rate. As a result, experienced lawyers rechecked the data and made corrections where necessary.

The vast majority of the deficiencies we identified appeared in cases in which the courts had either entered a judgment for possession (i.e., an eviction judgment) or a “default,” meaning that the tenant did not show up for trial. A case marked as “default” is ripe for the entry of a judgment for possession even if no such judgment has been entered in eCourts, and many cases marked as “defaults” do have associated judgments for possession. Only a few of the cases remained open and pending.

The team reviewed 1,378 complaints including a sample from each county. The key findings include the following:

- **69% of the complaints had at least one legal deficiency.**
- **15% of the complaints had three or more legal deficiencies.**
- **The courts issued deficiency notices in only 11% of the cases in which landlords had filed deficient complaints, and in 23% of cases in which a deficiency notice was issued, the court entered an eviction judgment or a default even though the deficiency was unresolved or not fully resolved.**

[*See infra* App. A, Tables 2, 3.]

Our data suggests that eviction judgments or defaults may be entered against as many as 29,000 tenant families each year in cases in which the court has no jurisdiction.

In addition, the reviewers looked at whether the courts were successfully implementing a rule change that took effect in September 2023, requiring them to set eviction trials no sooner than five weeks after notifying the tenant of the trial date. The idea was to give tenants adequate time to look for lawyers and apply for rental assistance. **Unfortunately, the data shows that the courts failed to give**

tenants the full five weeks’ notice before trial in 27% of the cases. *See infra* App. A, Table 10.

This report underscores the urgent need for ongoing reform and monitoring to ensure that the landlord-tenant courts enter eviction judgments only when there is a sound legal basis to do so. The Coalition respectfully urges the New Jersey Supreme Court to ensure that our state courts:

1. Conduct initial review of all residential eviction filings to identify facial deficiencies, and give landlords an opportunity to cure;
2. Amend the form complaint to promote facially sufficient filings;
3. Conduct proof hearings in residential eviction cases when the tenant defaults;
4. Ensure adequate proofs at trial;
5. Reinforce the five-week notice requirement before trial; and
6. Monitor and report on the results of court review.

Until these steps are taken, the landlord-tenant courts will continue to enter eviction judgments when they lack jurisdiction, and tenants will lose their homes when they should not.

History

The Coalition has been raising concerns for several years about the entry of judgments against residential tenants despite the facial deficiency of the complaint. A thorough review of complaints is especially needed in the landlord-tenant docket where nearly all residential tenants are self-represented, there is no formal discovery process, and the timeline moves quickly. The complaint often serves as the only information tenants receive in advance of trial letting them know what allegations are being made against them so they can prepare a defense. Further, the complaint and its attachments are the only evidence submitted to the court to establish jurisdiction.

In a letter to Chief Justice Rabner on January 21, 2021, we outlined some of the statutory and rule-based requirements for filing a valid residential eviction complaint and noted that “when pro se tenants settle or default in their cases, there is currently no judicial review to ensure that the landlord has complied with these and other

requirements before obtaining a judgment.”¹ We have consistently advocated for enhanced review of residential eviction complaints ever since.

Members of the Coalition participated in a special committee convened by the New Jersey Supreme Court in March 2021 to make recommendations for reforming the residential eviction process, in part to take account of the backlog that was building up because of the eviction moratorium instituted at the onset of the COVID-19 pandemic in New Jersey.² One of the recommendations of the special committee was that “[t]he Judiciary should implement a process for enhanced, initial review of landlord tenant complaints.”³ The Supreme Court accepted this recommendation but only as applied to “more complex cases that involve public housing, subsidized housing, and holdover cases.”⁴ As to this limited group of cases, the courts were to conduct “additional, early, enhanced review,” provide written notice to the landlord of any deficiency, and offer the landlord an opportunity to cure.⁵ The Court explained that a landlord’s failure to cure “may result in a dismissal.”⁶ This new system took effect on September 1, 2021, but many residential evictions remained suspended under the moratorium until January 1, 2022.⁷ Even after eviction trials

¹ Letter from Tenant Advocates Coalition to Chief Justice Stuart Rabner and Judge Glenn A. Grant (Jan. 21, 2021) (on file with authors).

² Exec. Order No. 106 (Mar. 19, 2020), 52 N.J.R. 553(a) (Apr. 6, 2020) (eviction moratorium), <https://nj.gov/infobank/eo/056murphy/pdf/EO-106.pdf>.

³ N.J. Cts., *Maintaining Our Communities: Report of the Judiciary Special Committee on Landlord Tenant 10* (Recommendation 3) (2021), <https://www.njcourts.gov/sites/default/files/landlordtenantcomm.pdf>.

⁴ N.J. Cts., *Administrative Determinations by the Supreme Court on the Report and Recommendation of the Judiciary Special Committee on Landlord Tenant 2* (Recommendation 3) (July 14, 2021) (“*Administrative Determinations*”), <https://www.njcourts.gov/host/pr/landlordtenantadministrativedeterminations.pdf>. A “holdover” case is one in which the landlord alleges good cause for eviction under the Anti-Eviction Act other than nonpayment of rent, which is by far the most common cause alleged. *See id.* at 23; N.J.S.A. 2A:18-61.1.

⁵ N.J. Supreme Ct., *Order Establishing New Residential Landlord Tenant Process* ¶ 5 (July 14, 2021) (“*Order Establishing New LT Process*”), <https://www.njcourts.gov/host/pr/orderestablishnewresidentiallandlordtenant.pdf>.

⁶ *Ibid.*

⁷ *Id.* at 3; Exec. Order 249 (Aug. 4, 2021), 53 N.J.R. 1415(b) (Sept. 7, 2021) (permitting residential evictions to resume in phases, with the moratorium ending altogether on Dec. 31, 2021), <https://nj.gov/infobank/eo/056murphy/pdf/EO-249.pdf>.

resumed, however, it remained unclear whether and how the courts were reviewing the complaints subject to enhanced initial screening.

The issue of more robust review of eviction complaints surfaced again in mid-2023, when the Court was considering the elimination of pretrial case management conferences in residential eviction cases, another reform it had adopted in 2021.⁸ The Court sought feedback from tenant and landlord advocates as it considered rolling back this earlier reform. The Coalition stressed the benefits of pretrial proceedings and reiterated its view that the Court should institute a standard process for reviewing eviction complaints for legal deficiencies.⁹

Based on evidence it believed cast doubt on their efficacy, the Court eliminated pretrial conferences as of September 1, 2023.¹⁰ At the same time, it instructed landlord-tenant court staff to review all residential eviction complaints to ensure that they appended each of the documents required by the Court's earlier orders, including the registration of the building as a rental property and the lease, if written.¹¹ In the absence of these attachments, "staff will issue a deficiency notice to the filer, which will provide 10 days' notice to cure the deficiency. Failure to cure the deficiency within 10 days will result in dismissal of the complaint without prejudice."¹² Recognizing that the elimination of the pretrial conferences might make it more difficult for tenants to seek legal and financial assistance before trial, the Court also extended the pretrial period: "Notice of trial will be provided to all parties at least five weeks in advance of the trial date."¹³

⁸ *Administrative Determinations* at 2 (Recommendation 5), <https://www.njcourts.gov/host/pr/landlordtenantadministrativedeterminations.pdf>; *Order Establishing New LT Process* ¶ 7, <https://www.njcourts.gov/host/pr/orderestablishnewresidentiallandlordtenant.pdf>.

⁹ Letter from Tenant Advocates Coalition to Ms. Taironda E. Phoenix, Assistant Dir., Civ. Prac. Div., Admin. Off. of the Cts. (June 23, 2023) (on file with authors).

¹⁰ Administrative Directive # 15-23, *Landlord Tenant – Conclusion of Mandatory Case Management Conferences* (Aug. 23, 2023) ("Administrative Directive # 15-23"), <https://www.njcourts.gov/sites/default/files/notices/2023/08/n230825a.pdf>.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ N.J. Supreme Ct., *Order Concluding Mandatory Case Mgmt. Confs. & Continuing Other Landlord Tenant Reforms* ¶ 6 (July 14, 2023) ("Order Concluding Case Mgmt. Confs."), <https://www.njcourts.gov/sites/default/files/notices/2023/07/n230720b.pdf?cb=6dbd22b2>.

Again, tenant advocates observed no marked improvement in the quality of residential eviction filings after the 2023 directive took effect. The Coalition communicated its concerns to the Administrative Office of the Courts (“AOC”) and provided lists of examples of deficient filings that postdated the 2023 directive but that did not trigger the required deficiency notice. The Coalition also proposed a checklist to assist court staff in assessing the legal sufficiency of complaints. The AOC informed us that it uses its own checklist, which is an internal court document and cannot be shared. The Coalition provided additional information about the inconsistency of the courts’ compliance with the five-week pretrial notice period.

Concerned that these problems persisted, the Coalition decided to undertake the review described below.

Methodology

In compiling the data, we used the Court Management Statistics to determine how many eviction complaints were filed in the State and in each county in January and May 2024.¹⁴ Statewide, there were 9,387 eviction cases filed in January 2024 and 9,489 eviction cases filed in May 2024.¹⁵ Our first step in selecting the number of cases to be surveyed was to calculate each county’s percentage of statewide filings. For example, Essex County represented more than 20% of statewide filings, while smaller counties (Cape May, Hunterdon, Salem, and Sussex) each represented less than 1%. Based on the anticipated capacity of the data collectors, we surveyed at least 14% of the cases filed in each county. To obtain a large enough sample for each county, we increased the sample size to at least 50 cases each month for each county. To reach this minimum sample size in counties with low filing numbers, we surveyed cases that were filed in the month(s) following January and May. For ease of communication, however, we continue to refer to the cases surveyed as January 2024 and May 2024.

¹⁴ New Jersey Judiciary Court Management January 2024 (on file with authors) (“Ct. Mgmt. Stats. Jan. 2024”); New Jersey Judiciary Court Management May 2024 (on file with authors) (“Ct. Mgmt. Stats. May 2024”).

¹⁵ Ct. Mgmt. Stats. Jan. 2024 50 (69,251 tenancy cases added statewide from July 2023–Jan. 2024); New Jersey Judiciary Court Management Dec. 2023 50 (59,864 tenancy cases added statewide from July 2023–Jan. 2024) (on file with authors). The January statewide tenancy filings are derived as follows: $69,251 - 59,864 = 9,387$. Ct. Mgmt. Stats. May 2024 50 (107,044 tenancy cases added from July 2023–May 2024); New Jersey Judiciary Court Management Apr. 2024 50 (97,555 tenancy cases added from July 2023–Apr. 2024) (on file with authors). The May statewide tenancy filings are derived as follows: $107,044 - 99,555 = 9,489$.

The Coalition discussed the data collection at our meetings, and several organizations volunteered to have legal interns and others perform the data collection. These organizations were the Center for Social Justice–Seton Hall Law School, the Community Health Law Project, Newark Community Solutions, Volunteer Lawyers for Justice, Volunteer Up Legal Clinic, and The Waterfront Project.

While we do not know what deficiencies the Court identifies in the checklist it provides to the vicinages, we have ourselves reviewed the court rules, statutes, and case law to identify filing requirements for residential eviction complaints. Appendix B to this report includes the checklist and outlines the legal basis for each deficiency we identified.

The Center for Social Justice (“CSJ”) at Seton Hall Law School created and distributed a data collection tool with fields to mark each legal deficiency we had identified and assigned each reviewer a range of cases to examine. All data collectors received training on how to collect data from eCourts. We reviewed with the data collectors the law and court rules that determine whether deficiencies exist in a complaint. The CSJ Housing Justice Project Coordinator was available throughout the project to answer questions from data collectors.

After we shared early data with the AOC, staff there sent the vicinages lists of the deficiencies we had identified. The vicinages disagreed with our assessments in about one-quarter of the cases. We had an experienced landlord-tenant lawyer review each of those cases again. Through that review, we found that a survey design flaw had resulted in an erroneous finding of deficiency in 50 cases and that our initial reviewers had made an error in 7% of the cases noted by the AOC. We revised the survey to remove the design flaw and to clarify the areas in which errors had been made. Experienced landlord-tenant lawyers from the Coalition then went back into eCourts and rechecked the original data from all the cases using the revised survey tool. The results of that second review are the data presented here. The Coalition is grateful to the courts for prompting us to do this necessary secondary review of the data.

The AOC also communicated with the vicinages to reinforce the screening requirements the Court has imposed,¹⁶ along with the requirement of a five-week trial-notice period.

For each county, the data collector began with the docket number of the first case filed in the month and continued to survey each case until the number of cases in the sample size was reached.

Using this method, we surveyed 3,451 cases (1,729 cases for the January sample and 1,722 for the May sample).

Certain cases we surveyed were excluded from further review:

- 71 commercial tenancies (31 commercial cases in the January sample and 40 commercial cases in the May sample), and
- 2,002 cases (59% of all residential eviction filings) in which records were unavailable pursuant to Rule 1:38-3(f)(11), which shields from public access “records of adjudicated or otherwise disposed of landlord tenant cases in which no judgment for possession ever has been entered.” *See infra* App. A, Table 1.

As a result of this rule, although it is not perfectly implemented on eCourts, reviewers generally had access only to records from cases in which eviction judgments or defaults had been entered or in which no final disposition had been entered. Reviewers generally did *not* have access to cases that had been dismissed without the entry of an eviction judgment.

The courts enter defaults when the tenant does not appear for trial. Any default can lead to an eviction judgment, but eCourts shows the entry of defaults both with and without the subsequent entry of a judgment.

The courts enter eviction judgments in three circumstances:

1. when a tenant defaults by not showing up for trial;

¹⁶ The AOC identifies more limited screening criteria than the Coalition identifies in the attached checklist (App. B). *See infra* at B-1 to B-2 for further explanation.

2. when the landlord and tenant enter into a settlement agreement that includes the entry of a judgment, meaning that either:
 - a. the tenant agrees to move out, or
 - b. the tenant remains in the unit, but the landlord can immediately request that court officers proceed with the lockout if the landlord believes that the tenant has violated the settlement agreement (by missing a payment, for example); and
3. when the tenant loses at trial.

The net number of cases reviewed was 1,378. *See infra* App. A, Table 1.

Findings

Facial Deficiencies: 69% of the complaints reviewed contained deficiencies: 36% had one deficiency; 33% had two or more deficiencies. *See infra* App. A, Table 2.

Despite the high rate of deficient filings, deficiency notices were issued in only 11% of such cases. In 23% of the cases in which a deficiency notice was issued, the landlord-tenant court entered an eviction judgment or a default even though the deficiency was unresolved or not fully resolved. *See infra* App. A, Table 3.¹⁷

The most common deficiencies were:

- The landlord failed to attach mandatory eviction notices in 60% of the cases in which the landlord acknowledged that the tenancy was subsidized. *See infra* App. A, Table 4.¹⁸

¹⁷ It is possible, of course, that some landlords submitted missing evidence at trial. But offering a notice, registration, written lease, or other missing evidence at trial cannot “cure” a facial deficiency at filing. Such a deficiency must be cured *before* a case is set for trial. Moreover, only a minority of cases proceed to trial; most are settled, defaulted, or otherwise disposed of without trial. Thus, in the majority of cases, there is no opportunity for missing evidence to be offered at trial.

¹⁸ We treated a tenancy as “subsidized” only when the landlord acknowledged the subsidy by checking the box at ¶ 6 of the form complaint. *See infra* App. C. But the complaints we reviewed did not always check this box even when an attached lease made clear that the tenant received federal or state assistance with the rent. The number of actual subsidized tenancies, and the associated deficiencies, are therefore higher than the data indicate.

- The landlord sought late fees, attorney fees, or other fees not permitted under the law in 39% of cases in which the landlord acknowledged that the tenancy was subsidized. *See infra* App. A, Table 4.
- The landlord failed to attach required notices in 34% of the cases in which the landlord sought eviction for reasons other than nonpayment of rent (called “holdover” grounds for eviction).¹⁹ *See infra* App. A, Table 5.
- The landlord failed to allege that the tenant remained in possession in 34% of the cases in which the landlord sought eviction on holdover grounds. *See infra* App. A, Table 5.
- The landlord failed to provide the mandatory explanation of the holdover grounds asserted in 8% of the holdover cases. *See infra* App. A, Table 5.
- The landlord failed to attach a Landlord Registration Statement in 6% of the cases in which the landlord acknowledged that a Landlord Registration Statement was required. In an additional 12% of cases in which the landlord acknowledged that such a statement was required, the document attached was not in fact a Landlord Registration Statement. *See infra* App. A, Table 6.
- The landlord failed to complete or sign the required verification statement in 12% of cases. *See infra* App. A, Table 7.
- The landlord omitted the 30-days’ notice of eviction required by the federal CARES Act in 89% of covered cases where the landlord did not claim to be exempt.²⁰ *See infra* App. A, Table 8.

Other deficiencies appeared in a lower percentage of cases. *See infra* App. A, Table 9.

¹⁹ In our review, we noted a deficiency only if there was no notice attached. We did not evaluate whether a notice that was attached met the requirements for notice under the particular cause of action. The rate of deficiency noted in this area is therefore understated.

²⁰ Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, 15 U.S.C. § 9058(c) (prohibiting lessors of covered properties from “requir[ing] the tenant to vacate the covered dwelling” without first providing 30 days’ notice). The deficiency rate related to the CARES Act is exceptionally high because the Administrative Office of the Courts has excused landlords from filing CARES Act notices. At least in nonpayment cases, however, such notices continue to be required by federal law, *see infra* App. B at B-7 to B-11; although there is a split in the courts about whether the notice requirement applies in both nonpayment and holdover cases, we have treated this notice requirement as applicable only in nonpayment cases, *see infra* App. B at B-9 note 6.

Because data on the disposition of eviction complaints is not available from the AOC, we used the data we collected to extrapolate annualized figures. There were 115,552 eviction complaints filed in the last court year—July 2023 to June 2024.²¹ Extrapolating from our data, we reduced this number by 2% to reflect the number of commercial tenancies we found; we reduced the resulting number by 59% to reflect the number of residential cases that would have had inaccessible records on eCourts because eviction judgments had not been entered when the case was dismissed; and we reduced the resulting number by 10% as an estimate of the number of cases that were still pending in our eCourts review. These calculations yield an estimate of approximately 42,000 residential eviction cases in the last completed court year in which the court entered an eviction judgment or marked the case as a default, which carries the threat of eviction even when no final judgment has yet been entered.²²

Of the 42,000 residential evictions cases that would have been subject to a review like this one in the last court year, our data suggest that 69% would have resulted in eviction judgments or defaults entered against tenant families in cases in which the court had no jurisdiction. Thus, as many as 29,000 tenant families would have faced displacement from their homes based on faulty judgments.

Deficiencies in Trial Notice Requirements

By order of July 14, 2023, the New Jersey Supreme Court directed that, in residential eviction cases, “[n]otice of trial will be provided to all parties at least five weeks in advance of the trial date.”²³

In our review, we found that the courts used two methods to notify the parties of their trial dates, although there was some variation among the counties.

First, the courts made an entry on eCourts that the trial was set for a particular date and time. Because the email addresses of landlords and their lawyers, if any, are nearly always included in eviction filings, they typically receive notice of the trial

²¹ New Jersey Judiciary Court Management June 2024 50, <https://www.njcourts.gov/sites/default/files/public/statistics/cman2406.pdf>.

²² $115,552 - 2,311$ (which is 2% of 115,552) = 113,241. $113,241 - 66,812$ (which is 59% of 113,241) = 46,429. $46,429 - 4,643$ (which is 10% of 46,429) = 41,786 (which is rounded to 42,000).

²³ *Order Concluding Case Mgmt. Confs.* ¶ 6, <https://www.njcourts.gov/sites/default/files/notices/2023/07/n230720b.pdf?cb=6dbd22b2>.

date by automatic email issued when eCourts entries are made. In contrast, the tenant's email address is very rarely included in eviction complaints, and even in the few cases in which the email was included in the complaint, it does not appear that the tenant's email was included in the eCourts system for notification. The typical trial notice specifically states that the notice was not electronically mailed to the tenants.

Second, the courts prepared a trial notice packet that includes the date and time of trial, information about trial procedures, and certain announcements required by case law.²⁴ There is no evidence in eCourts of the date the court mails the trial notice packet. For the purpose of this review, therefore, we treated the trial notice as effective as of the date the trial notice packet was created. We assumed no delay in mailing, and we added no time for mail delivery.²⁵

Even under this forgiving interpretation of the notice rule, our review found that the courts failed to provide the mandatory five weeks' notice in 27% of cases. *See infra* App. A, Table 10. There was wide variety among the counties in the percent of cases that were scheduled in compliance with the court directive:

- $\geq 95\%$ compliance: Bergen, Camden, Cape May, Cumberland, Hunterdon, Mercer, Passaic, Salem, Somerset, and Warren;
- 75%–94% compliance: Essex, Monmouth, Ocean, and Sussex;
- 51%–74% compliance: Gloucester, Union; and
- $< 50\%$ compliance: Atlantic (0%), Burlington (31%)²⁶, Hudson (0%), Middlesex (32%), and Morris (16%).

See infra App. A, Table 10.

Compliance with the trial notice requirement improved in some counties between the January and May filings, while compliance in other counties decreased. It appears that the higher compliance rates in some counties in January were due to

²⁴ *See Cmty. Realty Mgmt., Inc. v. Harris*, 155 N.J. 212, 242–43 (1998).

²⁵ *But see* R. 1:3-3, providing that five days “shall be added” to the recipient’s deadline for acting whenever “service of a notice or paper is made by ordinary mail.”

²⁶ We understand that the court in Burlington County made a specific effort in early 2024 to improve compliance with the trial notice requirements, and its compliance rate improved from 0% in January to 62% in May.

continued issues with backlog. Notice was prolonged because, in January, the counties in question were still scheduling older cases; in May, when the backlog was reduced, the notice period before trial decreased and the deficiency rate increased correspondingly.²⁷

Recommendations

The Coalition urges the Court to institute and monitor a process for thorough review of residential eviction complaints before entering a judgment. The legal justification is straightforward. The New Jersey Supreme Court has long held that proper pleading (i.e., proper drafting of the complaint) is a jurisdictional prerequisite in an eviction action.²⁸ A landlord's failure to provide the tenant notices that are required by federal or state law also deprives the landlord-tenant court of jurisdiction.²⁹

In dockets where both parties are generally represented, the courts can and do expect the parties to raise any applicable objections to the court's jurisdiction. In landlord-tenant court, however, where residential tenants are unrepresented in 97% of cases,³⁰

²⁷ For example, Middlesex County was fully compliant with the trial notice requirement for its January filings when the county had a backlog of 944 tenancy cases and 2,046 active pending cases. Ct. Mgmt. Stats. Jan. 2024 30. By May 2024, the backlog was only 73 cases with 993 active pending cases. Ct. Mgmt. Stats. May 2024 30. Middlesex County did not meet the trial notice requirement in a single case that was filed in May 2024.

²⁸ See, e.g., *Harris*, 155 N.J. at 239 (“As a matter of jurisdictional prerequisite, one of the enumerated statutory ‘good causes’ in the Anti-Eviction Act must be *pleaded* and established.” (emphasis added)); *Marini v. Ireland*, 56 N.J. 130, 138 (1970) (landlord’s failure to “allege the necessary facts with particularity,” so as to show good cause for eviction, “warrant[s] dismissal for lack of jurisdiction”); *Sudersan v. Royal*, 386 N.J. Super. 246, 251 (App. Div. 2005) (“In New Jersey, the trial court has jurisdiction to enter a judgment for possession only if the landlord can demonstrate one of the statutorily enumerated ‘good cause’ grounds for eviction. A landlord has the burden of proving ‘good cause,’ and the failure to meet this burden ‘is sufficient ground to warrant dismissal for lack of jurisdiction.’” (citations omitted) (quoting *Marini*, 56 N.J. at 138)); *E. & E. Newman, Inc. v. Hallock*, 116 N.J. Super. 220, 224 (App. Div. 1971) (“Since the landlord-tenant court is a statutory creation, all the statutory prerequisites must be met in order for the county district court to gain jurisdiction.”).

²⁹ See *Carteret Props. v. Variety Donuts, Inc.*, 49 N.J. 116, 123–25 (1967); *Riverview Towers Assocs. v. Jones*, 358 N.J. Super. 85, 88–89 (App. Div. 2003); *Hous. Auth. of Newark v. Raindrop*, 287 N.J. Super. 222, 229 (App. Div. 1996).

³⁰ The AOC reports that 10.1% of landlords and 97% of tenants appeared without legal representation in residential eviction cases in calendar year 2023. E-mail and attached chart from

there is often no one to raise jurisdictional issues. The landlords seeking eviction judgments have no incentive to do so; the tenants generally lack the knowledge to do so. The result is what this data review shows—thousands of eviction judgments entered on legally deficient complaints.

Under the law, however, “a court cannot hear a case,” let alone render a judgment, “as to which it lacks subject matter jurisdiction.”³¹ And the courts themselves may raise a jurisdictional issue at any time, whether at trial or on appeal.³² Thus, the courts have unquestionable legal authority to review residential eviction complaints for legal sufficiency to assure themselves of the “strict compliance with the requirements of the [Anti-Eviction] Act” without which a court lacks “jurisdiction to entertain a summary dispossession action.”³³

This practice of courts’ confirming their own jurisdiction before entering judgments also has strong policy support. A 2016 report by the Civil Justice Improvements Committee to the Conference of Chief Justices found that “[r]ecent federal investigations and agency studies have found widespread instances of judgments entered in cases in which the defendant did not receive notice of the complaint or the plaintiff failed to demonstrate standing to bring suit or adequate documentation of compliance with statutory requirements for timeliness or the basis for the relief sought.”³⁴ The report went on to state explicitly that “[c]ourts must implement systems to ensure that the entry of final judgments complies with basic procedural requirements for notice, standing, timeliness, and sufficiency of documentation supporting the relief sought.”³⁵

Cheryl Hicks, Data Analytics, Rsch. and Statistics, AOC, to Catherine Weiss, Lowenstein Sandler (Oct. 23, 2024) (on file with the authors).

³¹ *Peper v. Princeton Univ. Bd. of Trs.*, 77 N.J. 55, 65 (1978).

³² *Id.* at 66 (“Objection to jurisdiction of the court over the subject matter is effective whenever made.”); *see also Triffin v. Se. Pa. Transp. Auth.*, 462 N.J. Super. 172, 178 (App. Div. 2020) (“The absence of subject matter jurisdiction . . . cannot be waived; it may be asserted at any other time, even on appeal. *See* Rule 4:6-7 (empowering a court to dismiss ‘[w]henver it appears by suggestion of the parties or otherwise’ that the court lacks subject matter jurisdiction).”).

³³ *224 Jefferson St. Condo. Ass’n v. Paige*, 346 N.J. Super. 379, 384 (App. Div. 2002).

³⁴ Conf. of Chief Justs. Civ. Just. Improvements Comm., *Call to Action: Achieving Civil Justice for All* 34 (Recommendation 11.1) (2016), https://www.ncsc.org/_data/assets/pdf_file/0029/19289/call-to-action_achieving-civil-justice-for-all.pdf.

³⁵ *Id.* at 33.

With this legal backdrop in mind, the Coalition makes the following recommendations:

1. Conduct initial review of all residential eviction filings to identify facial deficiencies and give landlords an opportunity to cure.

Court staff should conduct initial review of all residential eviction filings for legal and procedural sufficiency before serving the complaint on the tenant or scheduling the trial date. Staff in the landlord-tenant courts should be provided with a complete screening tool to assess the sufficiency of residential eviction complaints (such as the one appended here, *infra* App. B) and trained in how to use it. Supervisory staff should also periodically spot-check a sample of complaints to see whether the initial review is producing accurate results.

Landlords should receive notice of insufficient filings and an opportunity to correct them. If the landlord does not correct the filing within the time permitted, the complaint should be dismissed without prejudice.

We understand that such a process will require significant resources. Court staff have many responsibilities, especially in mass dockets with thousands of self-represented litigants such as the landlord-tenant courts. But eviction causes major, often long-lasting disruption in the lives of tenants and their families, and this drastic step should never be taken without affording the litigants the due process to which they are entitled.

This type of court review has already been implemented in other jurisdictions. In the New York State Unified Court System, for example, court process requires that the clerk “review the papers for legal and procedural sufficiency” before sending them to a judge for judgment in nonpayment cases when a tenant fails to respond to the complaint.³⁶ Given the high stakes for tenant families, it is crucial that New Jersey follow a similar course.

The greatest rate of errors in recognizing legal deficiencies, other than the failure to include a CARES Act notice when required, is in the types of cases that are already supposed to receive enhanced review, i.e., cases involving public housing or other

³⁶ N.Y. Cts., N.Y.C. Hous. Ct., *Judgments in Nonpayment Cases*, <https://nycourts.gov/courts/nyc/housing/nonpaymentjudg.shtml>.

subsidized tenants and holdover cases.³⁷ The court should examine existing review processes and consider improvements to meet the goal of ensuring that complaints comply with the law.

2. Amend the form complaint to promote facially sufficient filings.

Once the Court has identified all legal deficiencies, the form complaint should be modified to make it easier for landlords to file legally sufficient complaints. This might help reduce the rate of deficient filings. As always, the Coalition stands ready to assist in any revision process.

3. Conduct proof hearings in residential eviction cases when the tenant defaults.

While an initial review by the clerk's office for legal deficiencies is an important first step, only a judge can determine whether the landlord has met its burden of proof. Extrapolation from our review suggests that the courts took adverse action against tenants in 29,000 cases in the last year when they lacked jurisdiction. Our experience and issues uncovered during our review tell us that, particularly in default cases, there is insufficient review by the judge to ensure that all the legal requirements have been met and the plaintiff has satisfied its burden of proof.

In cases where the tenant does not appear, judges should conduct a hearing before entering judgment. Other than evictions, the only default cases in which the plaintiff is not required to appear at a hearing to prove its case are uncontested foreclosure matters³⁸ and cases in which “the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain.”³⁹ In all other cases in which “it is necessary to take an account or to determine the amount of damages or to establish the truth of any allegation by evidence or to make an investigation of any other matter,” the court may conduct a proof hearing.⁴⁰ Given the intricacies of jurisdiction in eviction cases, the deficiency rates in filings, the importance of

³⁷ *Administrative Determinations* at 2 (Recommendation 3), <https://www.njcourts.gov/host/pr/landlordtenantadministrativedeterminations.pdf>; *Order Establishing New LT Process* ¶ 5, <https://www.njcourts.gov/host/pr/orderestablishnewresidentiallandlordtenant.pdf>.

³⁸ R. 4:64-1(d); R. 4:64-2.

³⁹ R. 4:43-2(a).

⁴⁰ R. 4:43-2(b).

evidence to establish good cause for eviction under the law, and the profound effect on families who are evicted from their homes, the court should conduct proof hearings as a matter of course in default residential eviction cases.

4. Ensure adequate proofs at trial.

For those cases that proceed to trial with self-represented tenants, judges should ensure that the complaint and supporting documents filed by landlords are in fact legally sufficient to warrant judgments for possession. Examples of documents that require judicial review include Landlord Registration Statements, landlord verifications, notices attached in holdover cases, and notices attached in cases involving tenants who live in public housing or other subsidized units. Judges should also look closely at cases where the complaint demands attorney fees and late fees as such fees are prohibited in an array of eviction cases.⁴¹

5. Reinforce the five-week notice requirement before trial.

No landlord-tenant court should be ignoring the requirement that it notify tenants at least five weeks in advance of their eviction trial date.⁴² The AOC has already taken steps to remind the courts of this requirement. Further monitoring will be necessary to make sure that corrections are implemented, especially in those vicinages that have neglected to institutionalize this notice requirement.

At present, the courts are providing such notice (whether timely or not) by mailing a trial notice packet to the tenant. It would be better still for the courts to resume the pre-COVID practice of including the trial date in the summons and complaint, which are personally served as well as mailed. This would have the added benefit of

⁴¹ Landlords may not charge such fees as rent in an eviction action against subsidized tenants, *Harris*, 155 N.J. at 233–36; *Hous. Auth. & Urban Redev. Agency of Atlantic City v. Taylor*, 171 N.J. 580, 588–95 (2002); *Hodges v. Sasil Corp.*, 189 N.J. 210, 232 (2007), nor may they seek such fees when not included in a written lease, *Harris*, 155 N.J. at 234 (“The written lease . . . must expressly permit a landlord to recover reasonable attorneys’ fees and damages in a summary dispossession proceeding before a landlord/tenant court may consider those expenses as additional rent.”); *Hodges*, 189 N.J. at 221 (same). Rent control ordinances also restrict the fees landlords may add to the base rent. See *Ivy Hill Park Apartments v. Sidisin*, 258 N.J. Super. 19, 22–23 (App. Div. 1992); *Hudson View Gardens, LLC v. Reyes*, 2008 WL 4648246, at *7–*8 (N.J. Super. Ct. App. Div. Oct. 15, 2008); *Opex Realty Mgmt. v. Taylor*, 460 N.J. Super. 287, 291–96 (Law Div., Essex County, Spec. Civ. Part 2019).

⁴² *Order Concluding Case Mgmt. Conf.* ¶ 6, <https://www.njcourts.gov/sites/default/files/notices/2023/07/n230720b.pdf?cb=6dbd22b2>.

informing the tenant about the grounds for eviction (by service of the complaint) at the same time that the tenant learns of the trial date. The courts could direct that personal service be completed five weeks before trial, thus ensuring that the mandated notice period is satisfied.

6. Monitor and report on the results of court review.

To promote consistent implementation of these improvements across vicinages, it would be helpful for the court to produce periodic reports of the review process: over time, thorough court review should lead to more careful initial filings by landlords, increasing the efficiency of the process for all. Most importantly, a robust system of review would help ensure that vulnerable tenants are not unjustly removed from their homes, resulting in homelessness and perpetuating the cycle of poverty.

* * * * *

Ultimately, the best solution would be a statewide right to counsel for low-income residential tenants in eviction proceedings. Tenants should not lose their homes without having lawyers to advise and represent them. For this reason, the Coalition has long advocated and continues to advocate with the New Jersey Legislature for a law guaranteeing counsel in these circumstances. But tenants cannot wait. Until they have lawyers, the courts must be responsible to ensure that they do not allow New Jersey families to be evicted based on deficient filings.

APPENDIX A

Data

TABLE 1: Cases Surveyed and Reviewed by County

County	Cases Filed	Cases Surveyed	Commercial Cases	Not accessible per R. 1:38-3(f)-11	Percent not accessible	Cases Reviewed
Atlantic	731	108	0	69	64%	39
Bergen	1292	156	7	87	56%	62
Burlington	1063	158	0	75	47%	83
Camden	1706	250	0	114	46%	136
Cape May	83	103	0	53	51%	50
Cumberland	383	105	3	73	70%	29
Essex	3980	585	12	374	65%	199
Gloucester	397	101	1	65	65%	35
Hudson	1795	262	8	171	67%	83
Hunterdon	46	100	5	55	58%	40
Mercer	988	148	3	74	51%	71
Middlesex	1441	217	4	134	63%	79
Monmouth	794	118	2	72	62%	44
Morris	396	189	5	140	76%	44
Ocean	622	100	2	37	38%	61
Passaic	1182	174	4	86	51%	84
Salem	164	101	0	58	57%	43
Somerset	322	100	0	66	66%	34
Sussex	86	100	6	47	50%	47
Union	1187	176	8	87	52%	81
Warren	218	100	1	65	66%	34
All counties	18,876	3451	71	2002	59%	1378

In compiling the data, we used the Court Management Statistics to determine how many eviction complaints were filed in the state and in each county. Statewide, there were 9,387 eviction cases filed in January 2024 and 9,489 eviction cases filed in May 2024. Our first step in selecting the number of cases to be surveyed was to calculate each county's percentage of statewide filings. For example, Essex County represented more than 20% of statewide filings, while smaller counties (Cape May, Hunterdon, Salem, and Sussex) each represented less than 1%. Based on the anticipated capacity of the data collectors, we surveyed at least 14% of the cases filed in each county. To obtain a large enough sample for each county, we increased the sample size to at least 50 cases each month for each county. To reach this minimum sample size in counties with low filing numbers, we surveyed cases that were filed in the month(s) following January and May. For ease of communication, however, we continue to refer to the cases surveyed as January 2024 and May 2024.

TABLE 2: Number of Deficiencies per Complaint by County

County	No deficiencies	Percent with no deficiencies	Complaints with at least one deficiency	Percent with at least one deficiency	Number of Deficiencies				
					1	2	3	4	5 or more
Atlantic	12	31%	27	69%	11	13	0	1	2
Bergen	41	66%	21	34%	14	5	1	0	1
Burlington	25	30%	58	70%	31	19	4	3	1
Camden	35	26%	101	74%	70	21	8	1	1
Cape May	3	6%	47	94%	8	20	13	3	3
Cumberland	1	3%	28	97%	7	3	3	8	7
Essex	62	31%	137	69%	86	33	15	2	1
Gloucester	5	14%	30	86%	15	9	3	3	0
Hudson	36	43%	47	57%	26	13	5	2	1
Hunterdon	16	40%	24	60%	11	8	4	0	1
Mercer	29	41%	42	59%	21	16	2	1	2
Middlesex	12	15%	67	85%	41	18	4	2	2
Monmouth	13	30%	31	70%	23	6	1	0	1
Morris	13	30%	31	70%	11	8	9	2	1
Ocean	26	43%	35	57%	19	11	3	0	2
Passaic	4	5%	80	95%	16	12	32	11	9
Salem	14	33%	29	67%	7	16	6	0	0
Somerset	19	56%	15	44%	10	2	2	1	0
Sussex	17	36%	30	64%	20	7	2	1	0
Union	28	35%	53	65%	32	14	5	0	2
Warren	16	47%	18	53%	13	3	1	1	0
All counties	427	31%	951	69%	492	257	123	42	37

TABLE 3: Complaints with Deficiencies and Deficiency Notices by County

County	Complaints with at least one deficiency	Percent of complaints with at least one deficiency	Number of Deficiency Notices Issued	Percent of deficient complaints in which deficiency notice was issued	Percent of complaints in which deficiency notice was issued and the deficiency was not fully resolved
Atlantic	27	69%	0	0%	
Bergen	21	34%	5	24%	40%
Burlington	58	70%	9	16%	44%
Camden	101	74%	4	4%	50%
Cape May	47	94%	5	11%	40%
Cumberland	28	97%	4	14%	50%
Essex	137	69%	15	11%	13%
Gloucester	30	86%	2	7%	0%
Hudson	47	57%	4	9%	0%
Hunterdon	24	60%	5	21%	0%
Mercer	42	59%	2	5%	0%
Middlesex	67	85%	4	6%	0%
Monmouth	31	70%	11	35%	64%
Morris	31	70%	1	3%	0%
Ocean	35	57%	7	20%	14%
Passaic	80	95%	0	0%	
Salem	29	67%	2	7%	0%
Somerset	15	44%	3	20%	0%
Sussex	30	64%	5	17%	0%
Union	53	65%	10	19%	20%
Warren	18	53%	5	28%	0%
All counties	951	69%	103	11%	23%

**TABLE 4: Deficiencies in Nonpayment Cases Involving
Public Housing and Other Subsidized Tenants, by County**

County	Number of complaints acknowledging subsidy/public housing *	Prohibited fees included in rent due (Paragraph 9A)**	Required notice not attached
Atlantic	5	1	2
Bergen	3	1	1
Burlington	4	1	2
Camden	14	12	0
Cape May	4	1	2
Cumberland	6	2	6
Essex	19	5	15
Gloucester	3	0	3
Hudson	8	2	3
Hunterdon	2	1	2
Mercer	19	4	13
Middlesex	7	6	7
Monmouth	7	0	2
Morris	8	7	6
Ocean	4	2	4
Passaic	1	0	1
Salem	2	0	2
Somerset	3	2	2
Sussex	4	2	1
Union	5	1	2
Warren	3	1	2
All counties	131	51	78
% of Cases with Deficiency		39%	60%

* We treated a tenancy as “subsidized” only when the landlord acknowledged the subsidy by checking the box in Paragraph 6 of the form complaint. See *infra* App. C. But the complaints we reviewed did not always check this box even when an attached lease made clear that the tenant received federal or state assistance with the rent. The number of actual subsidized tenancies, and the associated deficiencies, are therefore higher than the data indicate.

** The paragraph reference is to the form Verified Complaint for eviction actions, N.J. Ct. Rs. App. XI-X (see *infra* App. C),
https://www.njcourts.gov/sites/default/files/forms/11252_verified_complaint.pdf.

TABLE 5: Deficiencies in Holdover Cases by County*

County	Number of complaints asserting holdover grounds for eviction	Failure to include required explanation (Paragraph 10)**	Failure to allege the tenant remains in possession (Paragraph 11)**	Failure to include required notice(s)
Atlantic	5	0	1	0
Bergen	6	0	1	1
Burlington	6	0	1	1
Camden	6	0	4	3
Cape May	10	0	4	4
Cumberland	4	2	3	1
Essex	21	3	7	8
Gloucester	2	0	1	2
Hudson	9	0	4	0
Hunterdon	3	1	0	1
Mercer	6	1	4	2
Middlesex	5	1	0	8
Monmouth	9	0	2	1
Morris	6	0	3	2
Ocean	6	1	1	3
Passaic	2	0	1	0
Salem	4	0	1	0
Somerset	6	1	3	1
Sussex	10	0	4	5
Union	10	1	2	2
Warren	4	0	1	2
All counties	140	11	48	47
% of Cases with Deficiency		8%	34%	34%

* Holdover cases are based on statutory causes for eviction other than nonpayment of rent.

** The paragraph reference is to the form Verified Complaint for eviction actions, N.J. Ct. Rs. App. XI-X (see *infra* App. C),
https://www.njcourts.gov/sites/default/files/forms/11252_verified_complaint.pdf.

TABLE 6: Deficiencies Related to Landlord Registration Statements, by County

County	Number of complaints in which landlord did not claim exemption from Landlord Registration requirements	Failure to include a document purporting to be a Landlord Registration Statement	Document attached is not a Landlord Registration Statement	Combined Landlord Registration deficiencies
Atlantic	39	4	2	6
Bergen	62	2	4	6
Burlington	74	5	19	24
Camden	131	2	19	21
Cape May	47	2	23	25
Cumberland	26	2	12	14
Essex	192	5	10	15
Gloucester	33	1	11	12
Hudson	82	1	3	4
Hunterdon	36	4	3	7
Mercer	50	9	13	22
Middlesex	79	1	6	7
Monmouth	44	0	5	5
Morris	39	3	3	6
Ocean	59	1	2	3
Passaic	70	33	0	33
Salem	41	1	19	20
Somerset	33	1	2	3
Sussex	42	1	0	1
Union	78	2	3	5
Warren	32	0	0	0
All counties	1289	80	159	239
% of Cases with Deficiency		6%	12%	18%

TABLE 7: Landlord Verification Deficiencies by County

County	Cases Reviewed	Landlord Verification is unsigned or incomplete	Percent of cases with Landlord Verification Deficiency
Atlantic	39	0	0%
Bergen	62	0	0%
Burlington	83	4	5%
Camden	136	13	10%
Cape May	50	5	10%
Cumberland	29	3	10%
Essex	199	41	21%
Gloucester	35	2	6%
Hudson	83	7	8%
Hunterdon	40	1	3%
Mercer	71	4	6%
Middlesex	79	3	4%
Monmouth	44	3	7%
Morris	44	8	18%
Ocean	61	6	10%
Passaic*	84	43	51%
Salem	43	2	5%
Somerset	34	0	0%
Sussex	47	2	4%
Union	81	10	12%
Warren	34	2	6%
All counties	1378	159	12%

* All the Passaic County cases with this deficiency were filed by a single attorney.

TABLE 8: CARES Act Deficiencies by County*

County	Nonpayment cases reviewed	Cases in which CARES Act exemption was not claimed	CARES Act notice was not attached to complaint in covered cases	Percent of cases with CARES Act deficiency
Atlantic	37	20	19	95%
Bergen	60	15	14	93%
Burlington	81	58	51	88%
Camden	133	108	86	80%
Cape May	47	38	38	100%
Cumberland	29	21	21	100%
Essex	188	77	41	53%
Gloucester	35	28	25	89%
Hudson	77	36	36	100%
Hunterdon	38	20	20	100%
Mercer	66	19	17	89%
Middlesex	75	57	57	100%
Monmouth	37	17	16	94%
Morris	44	22	21	95%
Ocean	59	23	21	91%
Passaic	83	32	32	100%
Salem	42	26	26	100%
Somerset	31	7	7	100%
Sussex	44	22	21	95%
Union	76	35	34	97%
Warren	33	13	13	100%
All counties	1315	694	616	89%

* As noted in the report, the CARES Act deficiency rate is exceptionally high because the Administrative Office of the Courts has excused landlords from filing CARES Act notices.

TABLE 9: Other Deficiencies – All Counties

Deficiency	Number of Other Deficiencies	Percent of cases with other deficiencies
Corporate owner not represented by attorney	8	<1%
Address of rental property missing	1	<1%
Owner not identified	38	2.8%
Plaintiff role not identified	48	3.5%
Does not state whether landlord acquired ownership from the tenant	74	5.4%
Does not state whether tenant was given an option to purchase	67	4.9%
Complaint not signed	6	<1%
Amount of rent due not stated in nonpayment complaint	43	3.3%
Does not specify date next rent is due or amount due if trial scheduled before or after that date	57	4.3%
Landlord Certification of Lease and Landlord Registration not filed	36	2.6%
Lease or portion of lease not attached in cases with written lease	75	6.2%

TABLE 10: Trial Notice Deficiencies by County*

County	Number of cases with trial notice deficiency	Percent of cases with trial notice deficiency
Atlantic	39	100%
Bergen	0	0%
Burlington	57	69%
Camden	1	1%
Cape May	1	2%
Cumberland	0	0%
Essex	40	20%
Gloucester	12	33%
Hudson	88	100%
Hunterdon	1	2%
Mercer	1	1%
Middlesex	54	68%
Monmouth	8	17%
Morris	38	84%
Ocean	17	24%
Passaic	0	0%
Salem	0	0%
Somerset	1	3%
Sussex	3	6%
Union	23	28%
Warren	1	3%
All counties	385	27%

- * By Order dated July 14, 2023, effective September 1, 2023, the Court required that notice of the trial date be provided to all parties at least five weeks before trial. N.J. Supreme Ct., *Order Concluding Mandatory Case Mgmt. Confs. & Continuing Other Landlord Tenant Reforms* ¶ 6 (July 14, 2023), <https://www.njcourts.gov/sites/default/files/notices/2023/07/n230720b.pdf?cb=6dbd22b2>. The results reported above are based on the interval between the entry of the trial notice in eCourts and the initial trial date. We do not know if the trial notice packet is mailed on the same day that it is entered, and we did not add time for mailing. If we had added the standard five days for mailing, R. 1:3-3, the percentage of cases with insufficient notice of trial would have been significantly higher.

APPENDIX B

Proposed Checklist for Initial Review of Residential Eviction Complaints

The Checklist and the Legal Basis for the Deficiencies Identified

The Administrative Office of the Courts (AOC) and the Coalition take slightly different positions on what constitutes a legal deficiency that should prevent the filing and service of an eviction complaint.

The AOC states that only the following deficiencies will trigger a deficiency notice and prevent a complaint from being served:

- Those set forth in Rule 1:5-6;
- Those set forth in Administrative Directive # 15-23;
- Those set forth in the Supreme Court’s Order of July 14, 2023; and
- Those set forth in the Anti-Eviction Act pertaining to “for cause” or “holdover” evictions, i.e., evictions based on causes of action other than or in addition to nonpayment of rent.¹

This list aligns with the Coalition’s list (fully described below) to some extent. Rule 1:5-6 states: “a paper is filed with the trial court if the original is filed as follows: . . . In actions of the Special Civil Part, as provided by Part VI of these rules.” Thus, the filing requirement of Rule 1:5-6 contemplates compliance with all the court rules that apply in the Special Civil Part, where eviction cases are filed. While saying it relies on Rule 1:5-6, the AOC appears to discount some of the rules Rule 1:5-6 incorporates by reference.² In contrast, the Coalition treats any failure to comply with the applicable court rules as a deficiency.

As described above, Administrative Directive 15-23 requires the landlord to file a certification attaching the property registration and the lease, if any.³ Like the courts, the Coalition treats the failure to append these documents as deficiencies. The Court’s Order of July 14, 2023, requires enhanced review of cases involving public

¹ Letter from Hon. Glenn A. Grant, Admin. Dir. of the Cts., to Diane K. Smith, Hous. Just. Project, Ctr. for Soc. Just., Seton Hall Univ. Sch. of L. (Sept. 18, 2024) (on file with authors).

² For example, Judge Grant explains in his letter, *ibid.*, that the AOC excuses deficiencies in which the plaintiff fails to identify whether it is the owner, agent, prime tenant, or another individual with a right to sue for eviction, but Rule 6:3-4(c) requires nonpayment complaints to state expressly “the relationship of the plaintiff to the owner.”

³ Administrative Directive # 15-23 (Aug. 23, 2023), <https://www.njcourts.gov/sites/default/files/notices/2023/08/n230825a.pdf>.

housing, subsidized housing, and holdover causes of action.⁴ As more fully explained below, the Coalition treats as a deficiency the landlord's failure to append to an eviction complaint any notice that is required by state or federal law, whether in a holdover case or a case against a public housing or other subsidized tenant. The Coalition also treats as a deficiency a landlord's demand for attorney fees, late fees, or other ancillary fees from a subsidized tenant, as the New Jersey Supreme Court and the court rules invalidate such a demand.

Deficiencies in the Complaint⁵

☐ The complaint does not provide the tenant's name or address (i.e., the caption omits the tenant's name and/or the line just under the caption labeled "Address of Rental Premises" is blank).

The complaint asks for the name of the tenant and contact information, including residential address, telephone number, and email address. Rule 1.4-1(a) requires civil complaints to include the names of the parties and their residential addresses (unless the defendant's name is unknown to the plaintiff, *see* R. 4:26-4). The Landlord Case Information Statement seeks the same contact information for the tenant, while stating that the landlord must provide an email address for the tenant only "if known."

N.J. Judiciary Civ. Prac. Div., *Landlord Case Information Statement*, https://www.njcourts.gov/sites/default/files/forms/12770_lcis.pdf. At a minimum, therefore, the complaint is legally deficient if it omits the tenant's known name and residential address.

☐ The complaint does not expressly state the identity of the owner of record (i.e., Compl. ¶ 1 is blank).

⁴ N.J. Supreme Ct., *Order Concluding Mandatory Case Mgmt. Confs. & Continuing Other Landlord Tenant Reforms* ¶ 5 (July 14, 2023), <https://www.njcourts.gov/sites/default/files/notices/2023/07/n230720b.pdf?cb=6dbd22b2>.

⁵ In creating the checklist, we relied on the form *Verified Complaint – Landlord/Tenant* at Appendix XI-X of the N.J. Court Rules ("Compl.") (*see infra* App. C), https://www.njcourts.gov/sites/default/files/forms/11252_verified_complaint.pdf. Although the Court Rules require only that the complaint be "substantially in the form set forth in the model verified complaint," R. 6:3-4(c), landlords nearly always use the form complaint when filing eviction actions.

Rule 6:3-4(c) provides that nonpayment complaints “must expressly state the owner’s identity.” This is important in all residential eviction actions (including those based on grounds other than nonpayment of rent) because self-represented tenants often do not know who owns the property where they live; many tenants deal only with property managers. A tenant cannot verify ownership of the property to ensure that the plaintiff has a right to pursue eviction unless the tenant knows the identity of the owner. In addition, if the owner of record is a corporate entity, as is often the case, the owner must be represented by counsel (see below), and the tenant must be informed of the owner’s identity to know whether this rule applies.

- ☐ The complaint does not expressly state the relationship of the plaintiff to the owner (i.e., Compl. ¶ 1 identifies an owner that is *not* the plaintiff, but Compl. ¶ 2 fails to check a box indicating that the plaintiff is instead the agent, assignee, grantee, or prime tenant of the owner).

Rule 6:3-4(c) requires nonpayment complaints to state expressly “the relationship of the plaintiff to the owner.” Again, this information is important in all residential eviction cases, in which the owner’s agents (such as property managers) are permitted to sue on the owner’s behalf. The tenant needs to know whether the person identified as the plaintiff in the complaint has authority to file suit on behalf of the owner.

- ☐ The complaint identifies the owner as a Limited Liability Corporation (“LLC”) or Limited Liability Partnership (“LLP”), but the complaint was not filed by an attorney.

Rule 6:10 prohibits corporations other than sole proprietors or general partnerships from filing eviction actions except through a lawyer.

- ☐ The complaint does not state whether the landlord acquired ownership of the property from the tenant (i.e., Compl. ¶ 3 is blank).

Rule 6:3-4(b) requires the complaint to state whether “the landlord acquired title from the tenant.” When the tenant has sold the property to their landlord, the Court Rules prevent the entry of an eviction judgment against a defaulting

tenant except by “proof in open court.” R. 6:6-3(c). The complaint must state this fact for the court to know how to proceed if the tenant does not appear for trial.

- ☐ The complaint does not state whether the landlord has given the tenant an option to purchase the property (i.e., Compl. ¶ 4 is blank).

Rule 6:3-4(b) requires the complaint to state whether “the landlord . . . has given the tenant an option to purchase the property.” Tenants with a right to purchase their homes have the same protection from default judgments as tenants who sold the property to their landlords. R. 6:6-3(b), (c). So again, the court must know this fact to avoid entering an invalid default judgment.

- ☐ The complaint is for nonpayment of rent and does not expressly state the amount due to avoid eviction (i.e., Compl. ¶ 9A is blank or merely refers to a ledger or other attachment that does not expressly state the amount due to avoid eviction; or Compl. ¶ 9B is blank in any of its three fields (the date the next rent is due, the amount due if trial is before that date; the amount due if trial is after that date)).

Rule 6:3-4(c) requires nonpayment complaints to state “the amount of rent owed for purposes of the dispossession action,” which “can include only the amount that the tenant is required to pay by federal, state or local law and the lease executed by the parties.” In addition, the New Jersey Supreme Court has held that “the complaint filed against a defaulting tenant should expressly and conspicuously emphasize the amount the tenant is required to remit to avoid eviction.” *Hodges v. Sasil Corp.*, 189 N.J. 210, 232 (2007).

- ☐ The complaint identifies the tenancy as subsidized by checking ¶ 6 but also demands late fees, attorney fees, or other fees in ¶ 9A.

The court has held that landlords may not seek attorney fees, late fees, or other fees in eviction actions against subsidized tenants; rental subsidies typically cap the rent of covered tenants at a specified amount, precluding the addition of fees. *See Hodges*, 189 N.J. at 232; *Hous. Auth. & Urb. Redev. Agency of Atlantic City v. Taylor*, 171 N.J. 580, 588–95 (2002); *Cnty. Realty Mgmt., Inc. v. Harris*, 155 N.J. 212, 233–36 (1998); *see also* Compl. at 2 (including a statement, to be sworn to by the landlord and attorney, if any, attesting that

“[t]he 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”); R. 6:6-3(b) (prohibiting entry of a default judgment for eviction unless the landlord and lawyer, if any, both certify again to this statement). The only permissible fees are filing and service fees, which the court has set at \$57 plus \$5 for every additional defendant, and which the court allows the landlord to recover from the tenant. N.J. Cts., Landlord/Tenant Self-Help, <https://www.njcourts.gov/self-help/landlord-tenant>.

- ☐ The complaint includes a “holdover” cause of action, meaning one other than for nonpayment of rent, but does not state the reasons for that claim (i.e., Compl. ¶ 10 is checked but there is no explanation following it).

Like the Landlord Case Information Statement, the form Complaint asks the landlord to state the basis of any holdover claim. This requirement is supported by case law. *See, e.g., Harris*, 155 N.J. at 239 (“As a matter of jurisdictional prerequisite, one of the enumerated statutory ‘good causes’ in the Anti-Eviction Act must be pleaded . . .” (citing cases)).

- ☐ The holdover complaint does not state whether the tenant remains in possession of the property (i.e., the checkbox at Compl. ¶ 11 is blank).

Because a court has jurisdiction to enter a judgment for possession (i.e., an eviction judgment) only if the tenant remains in the property, it is important in every case (and not just in holdover cases) for the landlord to state that the tenant has not vacated the premises. *Hous. Auth. of Morristown v. Little*, 135 N.J. 274, 280 (1994) (“The only remedy that can be granted in a summary-dispossess proceeding is possession; no money damages may be awarded.”); *Daoud v. Mohammad*, 402 N.J. Super. 57, 61 (App. Div. 2008) (“Because the court’s jurisdiction is limited to determining the issue of the landlord’s right to possession of the premises,” if the tenant vacates the property, “the issue can no longer be determined.”); *Cahayla v. Saikevich*, 119 N.J. Super. 116, 118 (Bergen Cnty. Ct. 1972) (“The prime requisite for a summary dispossess action is the existence of a landlord-tenant relationship between the parties.”).

- ☐ The complaint is not signed by either the landlord's attorney or the landlord, if pro se.

Rule 1:4-5 requires pleadings to be signed by the attorney or the pro se party filing the pleading.

- ☐ The complaint is not verified (i.e., the Landlord Verification is blank or is signed by someone other than the landlord or the landlord's partner or officer).

Rule 6:3-4(c) requires the complaint to be verified in accordance with Rule 1:4-7.

Deficient Attachments to the Complaint

- ☐ The complaint is missing a Certification of Lease and Registration Statement.
- ☐ The Certification states that the full lease is attached, but the full lease is not attached.
- ☐ The Certification states that the lease is more than ten pages and pertinent portions are attached, but no portions of the lease are attached.
- ☐ No registration statement is attached, but the Certification does **not** state that the property is exempt from registration.

Administrative Directive # 15-23 (Aug. 23, 2023) requires that every residential eviction complaint include this certification and attached documents if they exist.

- ☐ The complaint is against a subsidized tenant (i.e., the box at ¶ 6 is checked), but no notice of the eviction is attached.

Rule 6:3-4(d) requires landlords to attach to complaints all notices on which they intend to rely. Under various federal and state laws, a landlord may not evict a subsidized tenant without providing notice. *See, e.g.*, 24 C.F.R. § 982.310(e) (requiring notice of eviction, which may be the complaint itself, to tenants with Section 8 vouchers and to the relevant Public Housing Authority); 24 C.F.R. § 966.4(l)(3) (requiring notice to tenants in public housing authority properties); 24 C.F.R. §§ 247.4, 882.511(d) (requiring notice to tenants in

federally subsidized buildings); U.S. Dep't of Hous. & Urb. Dev., *HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs*, §§ 8-13.B., 8-16.B. (2013) (requiring notice to tenants in subsidized buildings owned by private landlords), <https://www.hud.gov/sites/documents/43503HSGH.PDF>. Thus, a landlord must include these notices when filing against a subsidized tenant.

- ☐ The complaint includes a holdover cause of action (i.e., the box in ¶ 10 is checked or holdover grounds are stated there), but there are no notices to cease or notices to quit attached.

Rule 6:3-4(d) requires landlords to attach to complaints all notices on which they intend to rely. The New Jersey Anti-Eviction Act sets forth specific notice requirements that landlords who seek to evict tenants on any ground other than nonpayment of rent must follow. N.J.S.A. 2A:18-61.2. These notices must be attached to the complaint.

- ☐ There is no CARES Act certification attached to a nonpayment complaint, but the landlord did not claim to be exempt from the CARES Act in the Landlord Case Information Statement.

Although Administrative Directive # 15-23 states that the CARES Act is “inapplicab[le]” to “current landlord tenant cases,” this reading of the Act lacks support in the law.

The notice provision of the CARES Act, 15 U.S.C. § 9058(c), provides as follows:

The lessor of a covered dwelling unit—

- (1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and
- (2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in subsection (b) [defining the federal eviction moratorium].

This provision did not terminate when the CARES Act eviction moratorium ended on July 24, 2020. Indeed, by its terms, the notice requirement *began* on that date, as subsection (2) above prevented lessors of covered properties from sending any notice to vacate until the moratorium had expired. See *Olentangy Commons Owner LLC v. Fawley*, 228 N.E.3d 621, 633–34 (Ohio Ct. App. 2023) (“Olentangy Commons’ interpretation is nonsensical. Under 15 U.S.C. 9058(c)(2), lessors did not have an obligation to provide a 30-day notice to vacate pursuant to subsection (c)(1) until *after* the moratorium expired. Consequently, 15 U.S.C. 9058(c)(1) did not become operative until July 25, 2020—the day after the moratorium expired. Under Olentangy Commons’ interpretation of 15 U.S.C. 9058(b) and (c), the notice provision in subsection (c)(1) is meaningless, as it would have expired on July 24, 2020—a day prior to becoming operational.”).

There is nothing in the CARES Act that sets a sunset date for the notice provision. Every court to have confronted the question has therefore held that the notice provision remains effective. *Arvada Vill. Gardens LP v. Garate*, 529 P.3d 105, 108 (Colo. 2023) (“[W]e must presume that Congress meant what it said—although the Moratorium Provision expired, the Notice Provision did not.”); *D.H. v. Common Wealth Apartments*, 231 N.E.3d 284, 288 (Ind. Ct. App. 2024) (“We follow the lead of our sister states and hold that the notice provision did not expire with the temporary eviction moratorium.”); *Olentangy Commons Owner*, 228 N.E.3d at 633 (“We cannot insert an expiration date in 15 U.S.C. 9058(c) when Congress omitted one from that subsection. . . . According to the plain language of the statute, the moratorium provision expired, but the notice provision did not.”); *Sherwood Auburn LLC v. Pinzon*, 521 P.3d 212, 220 (Wash. Ct. App. 2022) (“[T]he plain language of the CARES Act notice provision requires that landlords subject to the act provide a 30-day notice to tenants prior to commencing an unlawful detainer action.”); *Vandersluis v. Hilton*, No. WWM-CV22-6024867-S, 2023 WL 4738059, at *4 (Conn. Super. Ct. July 18, 2023) (“[T]he 30-day notice requirement for non-payment notices to quit survives the CARES Act” (citation omitted)); *Nwagwu v. Dawkins*, No. BPHCV215004438S, 2021 WL 2775065, at *2–3 (Conn. Super. Ct. Mar. 2, 2021) (same); *Watson v. Vici Cmty. Dev. Corp.*, No. CIV-20-1011-F, 2022 WL 910155, at *10 (W.D. Okla. Mar.

28, 2022) (applying the 30-day notice provision to a residential eviction action filed after the Moratorium Provision had expired).⁶

The courts have also rejected a reading of the CARES Act notice provision that would merely prevent a *lockout* within 30 days of the notice, holding instead that a landlord may not *file an eviction action* until 30 days after the notice is sent: “If the CARES Act provision simply prevented the eviction of tenants for 30 days following notice, without providing tenants the ability to cure the breach or vacate the premises during that period, the notice provision would be rendered meaningless.” *Sherwood Auburn*, 521 P.3d at 218. As the court explained, “service of the pay or vacate notice *is* the landlord requiring the tenant to quit the premises. Only when the tenant refuses the demand to vacate the premises (or to pay the rent deficiency) can the landlord commence an unlawful detainer action.” *Ibid.* Thus, the notice must precede the filing, not the lockout, by 30 days. *See also Arvada Vill. Gardens*, 529 P.3d at 108 (“A landlord of a property covered by the CARES Act must give thirty days’ notice *before filing* for FED [forcible entry and detainer] in Colorado.”) (emphasis added).

These decisions align with New Jersey’s treatment of other notice requirements under the Anti-Eviction Act.

All of the subsections in N.J.S.A. 2A:18–61.2, imposing time periods for a Notice to Quit, actually refer not to the time periods of the Notice to Quit, but rather to the time periods “prior to the institution of the action.” The significance is that filing a complaint before the expiration of the required period means that the cause of action has not yet accrued. The consequence is that

⁶ The state courts are split on the question whether the CARES Act notice requirement applies in all eviction actions or only in nonpayment cases. *Compare Pendleton Place, LLC v. Asentista*, 541 P.3d 397, 402 (Wash. Ct. App. 2024) (holding that CARES Act notice requirement is generally applicable), *with Hous. Auth. of Cnty. of King v. Knight*, 543 P.3d 891, 895 (Wash. Ct. App. 2024) (holding that notice requirement applies only in nonpayment cases), *and W. Haven Hous. Auth. v. Armstrong*, No. NHHCV206013057S, 2021 WL 2775095, at *3–4 (Conn. Super. Ct. Mar. 16, 2021) (same). We treat the failure to file a CARES Act notice as a deficiency only in nonpayment cases.

the court has no jurisdiction to act in a summary dispossession action.

[*Hous. Auth. of Newark v. Caldwell*, 247 N.J. Super. 595, 598 (Law. Div. 1991).]

Beyond the courtroom, federal agencies echo the continued applicability of the CARES Act notice requirement. For example, the HUD Office of Multifamily Housing Programs issued guidance to multifamily owners on April 26, 2021, clarifying that “[n]otwithstanding the expiration of the CARES Act eviction moratorium, the CARES Act 30-day notice to vacate requirement for nonpayment of rent, in [15 U.S.C. § 9058](c)(1), is still in effect for all CARES Act covered properties.” U.S. Dep’t of Hous. & Urb. Dev. Off. of Multifamily Hous. Programs, “Questions and Answers for Office of Multifamily Housing Stakeholders” 18 (Q. 25), https://www.hud.gov/sites/dfiles/Housing/documents/MF_COVID-19%20QA_8_4_21.pdf. Similarly, on October 7, 2021, HUD’s Office of Public and Indian Housing issued a notice to housing authorities, multifamily housing owners and operators, and other stakeholders, stating that “the CARES Act provision requiring 30-days’ notice to vacate for nonpayment of rent remains in effect for all CARES Act-covered properties, including both public housing and properties assisted under HUD’s project-based rental assistance programs.” U.S. Dep’t of Hous. & Urb. Dev. Off. of Pub. & Indian Hous., Notice 2021-29 (Oct. 7, 2021), <https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2021-29.pdf>. On September 14, 2022, the Federal Housing Finance Administration made clear that “CARES Act section 4024(c)(1) [operates] to permanently require a 30-day notice to vacate.” Nat’l Housing Law Project, *Enforcing the CARES Act 30-Day Eviction Notice Requirement* 12 (citing Letter from Sandra L. Thompson of FHFA to Diane Yentel of NLIHC and Shamus Roller of NHLP (Sept. 14, 2022)), <https://www.nhlp.org/wp-content/uploads/2024.05.28-Enforcing-the-CARES-Act-30-Notice.pdf>.

Finally, recent proposed federal legislation, which would strike the CARES Act notice provision, indicates that Congress—the body that enacted the CARES Act—believes that the notice provision remains in effect until Congress removes it. Respect State Housing Laws Act, H.R. 802, 118th Cong. (2023),

<https://docs.house.gov/meetings/BA/BA00/20240417/117163/BILLS-118HR802ih.pdf>.

These sources establish the ongoing effectiveness of the CARES Act notice requirement. This study therefore treats the lack of a CARES Act notice as a legal deficiency in nonpayment cases despite the language in Administrative Directive # 15-23 mistakenly stating that the CARES Act no longer applies.

APPENDIX C

Form Eviction Complaint

Save

Print

Clear

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 _____

Civil Action

Verified Complaint Landlord/Tenant

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

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

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

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)	

\$ 0.00 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) \$ 0.00.

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: _____

S/ _____
(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)