

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4463**

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

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

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

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

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

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

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

#### COMMITTEE AMENDMENTS

The amendments to the bill accomplish the following:

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

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.