

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

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

- 1   **AN ACT** concerning the confidentiality of court records of certain  
2       eviction actions initiated during the time of the COVID-19  
3       pandemic.  
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- 5       **BE IT ENACTED** by the Senate and General Assembly of the State  
6       of New Jersey:  
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- 8       1. As used in this act:  
9       “Emergency period” means the period during which a public  
10      health emergency exists as declared by the Governor in Executive  
11      Order No. 103 of 2020, as extended, and the 60 days following the  
12      conclusion of this period.  
13      “Emergency period nonpayment court record” means <sup>1</sup>[any  
14      record containing information regarding an emergency period  
15      nonpayment eviction action, and]<sup>1</sup> any record of <sup>1</sup>[the filing of an]  
16      a landlord-tenant action filed with a court arising as a result of  
17      nonpayment or habitually late payment of rent during the<sup>1</sup>  
18      emergency period <sup>1</sup>[nonpayment eviction action]<sup>1</sup>, including but  
19      not limited to:  
20      a. any information maintained by a court in any form in  
21      connection with a <sup>1</sup>landlord-tenant<sup>1</sup> case or <sup>1</sup>[judicial]<sup>1</sup> proceeding,  
22      including but not limited to pleadings, <sup>1</sup>[motions, briefs and their  
23      respective attachments,]<sup>1</sup> evidentiary exhibits, indices, calendars,  
24      and dockets;  
25      b. any order, judgment, <sup>1</sup>[opinion, or decree] or warrant<sup>1</sup>  
26      related to <sup>1</sup>[a judicial proceeding] a landlord-tenant action<sup>1</sup>;  
27      c. any official transcript or recording of a public <sup>1</sup>[judicial]  
28      landlord-tenant<sup>1</sup> proceeding, in any form;  
29      d. any information in a computerized case management system  
30      created or prepared by the court in connection with <sup>1</sup>[a case or  
31      judicial proceeding] a landlord-tenant action<sup>1</sup>; and  
32      e. any record <sup>1</sup>provided to,<sup>1</sup> made <sup>1,1</sup> or maintained by a  
33      judicial officer.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted February 24, 2021.

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

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

13  
14       2. <sup>1</sup>[a.]<sup>1</sup> An emergency period nonpayment court record shall  
15 <sup>1</sup>[remain] be<sup>1</sup> confidential and unavailable to the public  
16 <sup>1</sup>[indefinitely]<sup>1</sup>.

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

21  
22       3. a. Any New Jersey public entity that maintains a written or  
23 automated record or file of emergency period nonpayment court  
24 records shall take appropriate actions to ensure that these records  
25 are kept confidential and unavailable to the public.

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

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

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

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

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

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

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

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

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

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