

ASSEMBLY, No. 4463

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/2021)

1 AN ACT concerning the confidentiality of court records of certain
2 eviction actions initiated during the time of the COVID-19
3 pandemic.

4
5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

7
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 any record
14 containing information regarding an emergency period nonpayment
15 eviction action, and any record of the filing of an emergency period
16 nonpayment eviction action, including but not limited to:

17 a. any information maintained by a court in any form in
18 connection with a case or judicial proceeding, including but not
19 limited to pleadings, motions, briefs and their respective
20 attachments, evidentiary exhibits, indices, calendars, and dockets;

21 b. any order, judgment, opinion, or decree related to a judicial
22 proceeding;

23 c. any official transcript or recording of a public judicial
24 proceeding, in any form;

25 d. any information in a computerized case management system
26 created or prepared by the court in connection with a case or
27 judicial proceeding; and

28 e. any record made or maintained by a judicial officer.

29 “Emergency period nonpayment eviction action” means any
30 action initiated by a landlord, and any action initiated by or on
31 behalf of a tenant in response to the landlord’s action, in the
32 Superior Court of New Jersey, including the Special Civil part of
33 the Superior Court, to evict or otherwise obtain possession of a
34 tenant’s primary residence due to the tenant’s nonpayment or
35 habitually late payment of rent during the emergency period.

36 “Landlord” means the business entity, person, or persons which
37 own, purport to own, or exercise control of a residential dwelling,
38 building, project, or mobile home park in which there is rented or
39 offered for rent housing or mobile home pad space for living or
40 dwelling purposes under either a written or oral lease.

41
42 2. a. An emergency period nonpayment court record shall
43 remain confidential and unavailable to the public indefinitely.

44 b. Prior to issuing a written opinion or decision related to an
45 emergency period nonpayment eviction action, the court shall
46 redact the names and addresses of the parties, and any information
47 that may facilitate discovery of the parties’ identities.

1 the emergency period, meaning the period beginning March 9,
2 2020, and ending 60 days following the conclusion of the public
3 health emergency declared by the Governor on that date. The bill
4 defines an “emergency period nonpayment court record” to include
5 any record containing information regarding an emergency period
6 nonpayment eviction action, and any record of the filing of that
7 action.

8 The bill would provide that an emergency period nonpayment
9 court record would remain confidential and unavailable to the
10 public indefinitely. The bill requires that prior to issuing a written
11 decision for an emergency period nonpayment eviction action, the
12 court would redact the names and addresses of the parties, and any
13 information that may facilitate discovery of the parties’ identities.

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

18 The bill provides that it would not prohibit the courts or other
19 New Jersey public entities from retaining or distributing
20 demographic information from emergency period nonpayment court
21 records for the purpose of understanding the effect of the COVID-
22 19 pandemic on evictions, or for other public purposes, so long as
23 personally-identifiable information on persons involved in
24 emergency period nonpayment eviction actions remains
25 confidential.

26 When evaluating a prospective tenant, the bill prohibits a
27 landlord from considering an emergency period nonpayment
28 eviction action. The bill also expressly prohibits a person from
29 providing court filing information or information contained in an
30 emergency period nonpayment court record to a landlord or other
31 entity involved in the rental of a dwelling unit. Any person who
32 violates either of these prohibitions would, in addition to any other
33 penalty provided by law, be liable for a penalty of not less than
34 \$1,000 for the first offense, and not less than \$5,000 for the second
35 and each subsequent offense, plus reasonable attorney fees. In
36 addition to any other remedies provided by law, the bill authorizes a
37 residential tenant or applicant for rental housing to bring an action in
38 Superior Court for a violation of either of these prohibitions.

39 This bill would take effect immediately and would apply
40 retroactively to emergency period nonpayment eviction actions
41 initiated subsequent to March 9, 2020.