

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4463

STATE OF NEW JERSEY

DATED: OCTOBER 8, 2020

The Assembly Housing Committee reports favorably Assembly Bill No. 4463.

This bill would establish confidentiality standards for court records of certain eviction actions initiated during the COVID-19 pandemic, specifically “emergency period nonpayment eviction actions.” The bill defines this term as any action initiated by a landlord, or by the tenant in response to the landlord’s action, in Superior Court, to evict a tenant from their primary residence due to the tenant’s nonpayment or habitually late payment of rent during the emergency period, meaning the period beginning March 9, 2020, and ending 60 days following the conclusion of the public health emergency declared by the Governor on that date. The bill defines an “emergency period nonpayment court record” to include any record containing information regarding an emergency period nonpayment eviction action, and any record of the filing of that action.

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

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 eviction actions remains confidential.

When evaluating a prospective tenant, the bill prohibits a landlord from considering an emergency period nonpayment eviction action. 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. Any person who violates either 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. In addition to any other remedies provided by law, the bill authorizes a residential tenant or applicant for rental housing to bring an action in Superior Court for a violation of either of these prohibitions.

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