

CHAPTER 189

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

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:42-144 Definitions.

1. As used in this act:

“Emergency period” means the period during which a public health emergency exists as declared by the Governor in Executive Order No. 103 of 2020, as extended, and the 60 days following the conclusion of this period.

“Emergency period nonpayment court record” means any record of a landlord-tenant action filed with a court arising as a result of nonpayment or habitually late payment of rent during the emergency period, including but not limited to:

- a. any information maintained by a court in any form in connection with a landlord-tenant case or proceeding, including but not limited to pleadings, evidentiary exhibits, indices, calendars, and dockets;
- b. any order, judgment, or warrant related to a landlord-tenant action;
- c. any official transcript or recording of a public landlord-tenant proceeding, in any form;
- d. any information in a computerized case management system created or prepared by the court in connection with a landlord-tenant action; and
- e. any record provided to, made, or maintained by a judicial officer.

C.2A:42-145 Confidentiality, unavailability to public.

2. An emergency period nonpayment court record shall be confidential and unavailable to the public.

C.2A:42-146 Actions to ensure records kept confidential, unavailable to public.

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

b. This act shall 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 who are the subject of emergency period nonpayment court records remains confidential.

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

C.2A:42-147 Evaluation of prospective tenant.

4. a. When evaluating a prospective tenant, a landlord shall not consider an emergency period nonpayment court record.

b. A person, tenant screening service, or other entity, shall not knowingly provide 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.

c. No later than 30 days following the effective date of this act, any person or entity that collects, distributes, and sells court filing information shall update and remove any emergency period nonpayment eviction records that are restricted from public access pursuant to this act.

C.2A:42-148 Violations, penalties.

5. Any person who knowingly violates section 4 of this act by revealing to the public an emergency period nonpayment court record, by considering an emergency period nonpayment court record in the evaluation of a prospective tenant, or by failing to remove emergency period nonpayment eviction records restricted from public access, shall, 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. This penalty shall be exclusive of, and in addition to, any moneys or property ordered to be paid or restored to any person whose information has been wrongly considered or distributed. A penalty imposed pursuant to this section shall 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.).

6. This act shall take effect on the first day of the fourth month next following enactment and shall apply to landlord-tenant actions filed with a court of this State between March 9, 2020 and the end of the emergency period except that sections 4 and 5 shall apply prospectively only.

Approved August 4, 2021.