

SENATE, No. 3387

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 28, 2021

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

Senator Stack

SYNOPSIS

Establishes confidentiality of landlord-tenant court records.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/11/2021)

1 AN ACT concerning the confidentiality of landlord-tenant court
2 records and supplementing Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Landlord-tenant court record” means any court record
10 containing information regarding a completed or pending landlord-
11 tenant action, including but not limited to:

12 a. any information maintained by a court in any form in
13 connection with a landlord-tenant case or proceeding, including but
14 not limited to pleadings, evidentiary exhibits, indices, calendars,
15 and dockets;

16 b. any order, judgment, or warrant related to a landlord-tenant
17 action;

18 c. any official transcript or recording of a public landlord-
19 tenant proceeding, in any form;

20 d. any information in a computerized case management system
21 created or prepared by the court in connection with a landlord-
22 tenant action; and

23 e. any record provided to, made or maintained by a judicial
24 officer.

25

26 2. A landlord-tenant court record shall remain confidential and
27 unavailable to the public unless and until the landlord-tenant court
28 action results in the court issuing a judgment for possession.

29

30 3. a. Any New Jersey public entity that maintains a written or
31 automated record or file of landlord-tenant court records shall take
32 appropriate actions to ensure that these landlord-tenant court
33 records are kept confidential and unavailable to the public in
34 accordance with sections 2 and 3 pursuant to P.L. , c. (C.)
35 (pending before the Legislature as this bill).

36 b. A tenant involved in a landlord-tenant action that resulted in
37 a judgment of possession may apply to the court and request that
38 the court seal the landlord-tenant court records. For that
39 application, which shall be granted for good cause, the court shall
40 consider whether a judgment for possession was subsequently
41 dismissed or vacated, and whether there have been any other
42 subsequent landlord-tenant actions filed against the tenant. No fee
43 shall be charged for filing the application to seal with the court.

44 c. After seven years from the date of entry of the judgment for
45 possession, if not already sealed by the court on tenant’s
46 application, a landlord-tenant action shall be automatically sealed
47 by the court and no longer accessible to the public.

1 d. The Supreme Court of New Jersey may adopt rules, and the
2 Administrative Director of the Courts may issue directives and
3 guidelines, to implement the purposes of P.L. , c. (C.)
4 (pending before the Legislature as this bill).

5
6 4. a. When evaluating a prospective tenant, a landlord shall not
7 consider previous landlord-tenant actions that are confidential or
8 have been sealed.

9 b. A person, tenant screening service, or other entity, shall not
10 knowingly provide court filing information or information
11 contained in landlord-tenant court records that are confidential or
12 have been sealed to a landlord or other entity involved in the rental
13 of a dwelling unit.

14
15 5. Any person who knowingly violates section 4 of
16 P.L. , c. (C.) (pending before the Legislature as this bill) by
17 revealing to the public a confidential sealed record, shall, in
18 addition to any other penalty provided by law, be liable for a civil
19 penalty in an amount not to exceed \$1,000 for the first violation,
20 and \$5,000 for each subsequent violation, plus reasonable attorney
21 fees, collectible by the Attorney General in a summary proceeding
22 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,
23 c.274 (C.2A:58-10 et seq.).

24
25 6. This act shall take effect six months from the date of
26 enactment.

27 28 29 STATEMENT

30
31 This bill would establish confidentiality requirements for
32 landlord-tenant court records of a tenant.

33 The bill provides that a landlord-tenant court record would
34 remain confidential and unavailable to the public unless and until
35 the landlord-tenant court action results in the court issuing a
36 judgment for possession.

37 Under the bill, any New Jersey public entity that maintains a
38 written or automated record or file of landlord-tenant court records
39 would take appropriate actions to ensure that these court records are
40 kept confidential and unavailable to the public. Additionally, a
41 tenant involved in a landlord-tenant action that resulted in a
42 judgment of possession may apply to court and request that the
43 court seal the landlord-tenant court records, as described in the bill.
44 For that application, the court would consider whether a judgment
45 for possession was subsequently dismissed or vacated, and whether
46 there have been any other subsequent landlord-tenant actions filed
47 against the tenant. No fees would be charged for filling the
48 application to seal with the court.

1 The bill provides that after seven years from the date of entry of
2 the judgment for possession, if not already sealed by the court on
3 tenant's application, a landlord-tenant action would be
4 automatically sealed by the court and no longer accessible to the
5 public.

6 Under the bill, when evaluating a prospective tenant, the bill
7 prohibits a landlord from considering previous landlord-tenant
8 actions that are confidential or have been sealed. The bill also
9 expressly prohibits a person, tenant screening service, or other
10 entity, from providing court filing information or information
11 contained in court record that are confidential or have been sealed
12 to a landlord or other entity involved in the rental of a dwelling
13 unit. Any person who knowingly violates either of these
14 prohibitions by revealing to the public a confidential sealed record,
15 would, in addition to any other penalty provided by law, be liable
16 for a civil penalty in an amount not to exceed \$1,000 for the first
17 violation, and \$5,000 for each subsequent violation, plus reasonable
18 attorney fees.