

[First Reprint]

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 amended by the Senate on March 25, 2021.



(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 ¹**[unless and]**¹ until the landlord-tenant
28 court ¹**[action results in the court issuing]** issues¹ a judgment for
29 possession ¹or the case is otherwise resolved or decided by the
30 court. The landlord-tenant court record shall thereafter be made
31 available to the public, except the court shall, consistent with its
32 rules and procedures, order the landlord-tenant court record to
33 remain confidential if one the following has occurred:

34 a. A tenant successfully asserts a breach of the warranty of
35 habitability as a defense to an eviction action based upon
36 nonpayment of rent; or

37 b. A tenant proves at trial that the rent due and owing alleged
38 in the complaint was unlawful or was not valid¹.

39
40 3. a. Any New Jersey public entity that maintains a written or
41 automated record or file of landlord-tenant court records shall take
42 appropriate actions to ensure that these landlord-tenant court
43 records are kept confidential and unavailable to the public in

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:

¹Senate floor amendments adopted March 25, 2021.

1 accordance with sections 2 and 3 pursuant to P.L. , c. (C.)
2 (pending before the Legislature as this bill).

3 b. A tenant involved in a landlord-tenant action that resulted in
4 a judgment of possession may apply to the court and request that
5 the court seal the landlord-tenant court records. For that
6 application, which shall be granted for good cause, the court shall
7 consider whether a judgment for possession was subsequently
8 dismissed or vacated, and whether there have been any other
9 subsequent landlord-tenant actions filed against the tenant. No fee
10 shall be charged for filing the application to seal with the court.

11 c. After seven years from the date of entry of the judgment for
12 possession, if not already sealed by the court on tenant's
13 application, a landlord-tenant action shall be automatically sealed
14 by the court and no longer accessible to the public.

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

19

20 4. a. When evaluating a prospective tenant, a landlord shall not
21 consider previous landlord-tenant actions that are confidential or
22 have been sealed.

23 b. A person, tenant screening service, or other entity, shall not
24 knowingly provide court filing information or information
25 contained in landlord-tenant court records that are confidential or
26 have been sealed to a landlord or other entity involved in the rental
27 of a dwelling unit.

28

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

38

39 6. This act shall take effect six months from the date of
40 enactment.