

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 3387

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2021

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 3387.

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

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

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

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

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