

**SENATE, No. 3713**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MAY 6, 2021

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Senators Gopal, Scutari and Gill**

**SYNOPSIS**

Establishes confidentiality of court records of certain eviction actions initiated during COVID-19 pandemic.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/30/2021)**

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

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

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8       1.   As used in this act:

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

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

17          a.   any information maintained by a court in any form in  
18       connection with a landlord-tenant case or proceeding, including but  
19       not limited to pleadings, evidentiary exhibits, indices, calendars,  
20       and dockets;

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

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

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

28          e.   any record provided to, made, or maintained by a judicial  
29       officer.

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

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

38          b.   This act shall not prohibit the courts or other New Jersey  
39       public entities from retaining or distributing demographic  
40       information from emergency period nonpayment court records for  
41       the purpose of understanding the effect of the COVID-19 pandemic  
42       on evictions, or for other public purposes, so long as personally-  
43       identifiable information on persons who are the subject of  
44       emergency period nonpayment court records remains confidential.

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



1       Additionally, the bill would require any New Jersey public entity  
2 that maintains a record or file of emergency period nonpayment  
3 court records to take appropriate actions to ensure that these records  
4 are kept confidential and unavailable to the public.

5       The bill provides that it would not prohibit the courts or other  
6 New Jersey public entities from retaining or distributing  
7 demographic information from emergency period nonpayment court  
8 records for the purpose of understanding the effect of the COVID-  
9 19 pandemic on evictions, or for other public purposes, so long as  
10 personally-identifiable information on persons involved in  
11 emergency period nonpayment court records remains confidential.

12       When evaluating a prospective tenant, the bill prohibits a  
13 landlord from considering an emergency period nonpayment court  
14 record. The bill also expressly prohibits a person from providing  
15 court filing information or information contained in an emergency  
16 period nonpayment court record to a landlord or other entity  
17 involved in the rental of a dwelling unit. The bill would require any  
18 person or entity that collects, distributes, and sells court filing  
19 information to update and remove any emergency period  
20 nonpayment eviction records that are restricted from public access  
21 pursuant to the bill. Any person who knowingly violates any of  
22 these prohibitions would, in addition to any other penalty provided  
23 by law, be liable for a penalty of not less than \$1,000 for the first  
24 offense, and not less than \$5,000 for the second and each  
25 subsequent offense, plus reasonable attorney fees.