

[First Reprint]  
**ASSEMBLY, No. 4463**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JULY 30, 2020



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**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on February 24, 2021, with amendments.



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:

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 <sup>1</sup>[any record containing information regarding an emergency period nonpayment eviction action, and]<sup>1</sup> any record of <sup>1</sup>[the filing of an] a landlord-tenant action filed with a court arising as a result of nonpayment or habitually late payment of rent during the<sup>1</sup> emergency period <sup>1</sup>[nonpayment eviction action]<sup>1</sup>, including but not limited to:

a. any information maintained by a court in any form in connection with a <sup>1</sup>landlord-tenant<sup>1</sup> case or <sup>1</sup>[judicial]<sup>1</sup> proceeding, including but not limited to pleadings, <sup>1</sup>[motions, briefs and their respective attachments,]<sup>1</sup> evidentiary exhibits, indices, calendars, and dockets;

b. any order, judgment, <sup>1</sup>[opinion, or decree] or warrant<sup>1</sup> related to <sup>1</sup>[a judicial proceeding] a landlord-tenant action<sup>1</sup>;

c. any official transcript or recording of a public <sup>1</sup>[judicial] landlord-tenant<sup>1</sup> proceeding, in any form;

d. any information in a computerized case management system created or prepared by the court in connection with <sup>1</sup>[a case or judicial proceeding] a landlord-tenant action<sup>1</sup>; and

e. any record <sup>1</sup>provided to,<sup>1</sup> made <sup>1</sup>,<sup>1</sup> or maintained by a judicial officer.

<sup>1</sup>[“Emergency period nonpayment eviction action” means any action initiated by a landlord, and any action initiated by or on behalf of a tenant in response to the landlord’s action, in the Superior Court of New Jersey, including the Special Civil part of the Superior Court, to evict or otherwise obtain possession of a tenant’s primary residence due to the tenant’s nonpayment or habitually late payment of rent during the emergency period.

“Landlord” means the business entity, person, or persons which own, purport to own, or exercise control of a residential dwelling, building, project, or mobile home park in which there is rented or offered for rent housing or mobile home pad space for living or dwelling purposes under either a written or oral lease.]<sup>1</sup>

2. <sup>1</sup>[a.]<sup>1</sup> An emergency period nonpayment court record shall <sup>1</sup>[remain] be<sup>1</sup> confidential and unavailable to the public <sup>1</sup>[indefinitely]<sup>1</sup>.

<sup>1</sup>[b. Prior to issuing a written opinion or decision related to an emergency period nonpayment eviction action, the court shall redact the names and addresses of the parties, and any information that may facilitate discovery of the parties’ identities.]<sup>1</sup>

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 <sup>1</sup>[involved in] who are the subject of<sup>1</sup> emergency period nonpayment <sup>1</sup>[eviction actions] court records<sup>1</sup> 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.

4. a. When evaluating a prospective tenant, a landlord shall not consider an emergency period nonpayment <sup>1</sup>[eviction action] court record<sup>1</sup>.

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.

<sup>1</sup>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.<sup>1</sup>

5. <sup>1</sup>[a.]<sup>1</sup> Any person who <sup>1</sup>knowingly<sup>1</sup> violates section 4 of this act <sup>1</sup>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,<sup>1</sup> 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. <sup>1</sup>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.).<sup>1</sup>

<sup>1</sup>[b. In addition to any other remedies provided by law, a residential tenant or applicant for rental housing may bring an action in Superior Court for a violation of section 4 this act.]<sup>1</sup>

6. This act shall take effect <sup>1</sup>[immediately] on the first day of the fourth month next following enactment<sup>1</sup> and shall apply <sup>1</sup>[retroactively to emergency period nonpayment eviction actions initiated subsequent]<sup>1</sup> to <sup>1</sup>landlord-tenant actions filed with a court of this State between<sup>1</sup> March 9, 2020 <sup>1</sup>and the end of the emergency period except that sections 4 and 5 shall apply prospectively only.<sup>1</sup>