



How to Apply for a Hardship Stay in a Landlord Tenant Case Superior Court of New Jersey - Law Division, Special Civil Part

Who Should Use This Packet?

USE this packet:

- if a judgment of possession has been entered against you;
- you were evicted (locked out) more than 3 business days and less than 10 calendar days ago;
- you can pay all the past due rent, and you need to stay in the rental property due to difficulty finding another place to live.

Note: If granted, a hardship stay is temporary, lasts no longer than 6 months and will not vacate the judgment for possession previously entered. You will not be allowed to stay or return to the rental property once the hardship stay expires.

DO NOT use this packet if:

- You are asking to stay in the rental premises for up to 7 additional calendar days or less and have no money to post with the court. Instead, you would use the *Application for Order for Orderly Removal* packet (CN 12790) found on njcourts.gov.
- You are asking the court to vacate or stay the judgment for possession. Instead, you would use the *Application for Order to Show Cause* packet (CN 12792) found on njcourts.gov.
- Have all of the rent that is currently due and owing plus permissible costs and the eviction (lockout) occurred within **three (3)** business days of today's date (you have the right to pay the landlord in full to have the judgment for possession dismissed).
- You do not have the ability to pay outstanding rent plus costs in full and/or the ability to pay future rent.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The

most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the county where you are filing your case. A list of Special Civil Part Offices is provided at the customer counter and at njcourts.gov. Emergent applications can be submitted via Judiciary Electronic Document System (JEDS) or in person (attorneys must file electronically via eCourts). Documents will be filed as of the date they are received.

Definitions of Words Used in This Packet

Judgment for Possession - The *Judgment for Possession* is a court Order giving the landlord the right of possession and authority to have a tenant and their belongings removed from the rented premises.

Hardship Stay: A *Hardship Stay* is an application to the court seeking emergent relief which could stop the eviction for up to six months, if you pay all the money you owe and can continue to make payments until the expiration date.

Landlord - The *Landlord* is the owner of the rental premises.

Special Civil Part Officer - The *Special Civil Part Officer* is an Officer of the court that is granted the authority to serve and execute the warrant of removal on behalf of the landlord.

Stay - A *stay* is a ruling by a court to stop or suspend a proceeding or trial temporarily or indefinitely.

Tenant - The *Tenant* is the person paying rent to the owner for use of the rental premises.

Warrant for Removal - The *Warrant for Removal* is the legal document or Order issued by the Special Civil Part Court which notifies the tenant they must vacate within 3 business days and gives the Special Civil Part Officer the authority to evict (lockout) the tenant from the rental premises.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8.5” x 11” white paper only. Forms cannot be filed on a different size or color paper.

Steps to Apply for an Application for a Hardship Stay

STEP 1: Complete the *Certification in Support of Hardship Stay*

The *Certification in Support of the Hardship Stay* explains to the court the reason behind your request to allow you to temporarily stay in possession of the rental unit.

STEP 2: Complete the *Certification of Service* at the bottom of the *Certification of Support of Hardship Stay*

The *Certification of Service* appears at the bottom of the *Certification in Support of Hardship Stay*. The landlord is required to receive a copy of your *Application for Hardship Stay* and supporting papers. The date you put on the *Certification of Service* **MUST** be the same day you personally give these papers to the landlord OR you deliver these papers to the post office for mailing.

STEP 3: Complete the top portion only of the *Order for Hardship Stay*

You only need to complete the top portion of the *Order for Hardship Stay*, which is the case caption. The judge will complete the rest of the form.

STEP 4: Send a copy of your paperwork to the landlord or their attorney (if they have one).

Mail a copy of your paperwork to the landlord by regular and certified mail, return receipt requested. If the landlord is represented by an attorney, you should personally deliver or send by ordinary mail to their attorney.

STEP 5: Submit electronically, by mail, or deliver your paperwork to the court.

To electronically submit your documentation in to new or existing cases to the court, use the **Judiciary Electronic Document Submission (JEDS) system**. (Attorneys can use this system **only** for case types not available in eCourts.) To access the JEDS system, go to njcourts.gov and search for “*JEDS*”. From the results page, select “Judiciary Electronic Document Submission (JEDS)”

STEP 6: Follow the instructions in the signed *Order for Hardship Stay* to complete service requirements.

The signed *Order for Hardship Stay* requires you to serve a signed copy of the order on the defendant/landlord.

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

Superior Court Of New Jersey
Law Division, Special Civil Part
_____ County

Plaintiff/Landlord Name

Docket Number LT- _____

Street Address

Town, State, Zip Code

Telephone Number

vs.

Civil Action

Defendant/Tenant Name

**Certification in Support of
Hardship Stay**

Street Address

Town, State, Zip Code

Telephone Number

I, _____ tenant of the property, hereby certify and say:

1. I was evicted on _____.

2. The following people live with me:

3. a. The amount of rent due and owing is \$ _____.

b. The monthly rent is \$ _____ and I currently have \$ _____.

c. The next month's rent is due on _____.

4. The reason for my hardship request is:

5. I understand that the granting of a hardship stay is in the sole discretion of the Judge. If granted, the relief provided under a hardship stay is temporary in nature and at no point can exceed 6 months.

I certify that I provided a copy of my hardship stay application paperwork to the landlord or landlord’s attorney, if any. I am aware that if any of the above statements are willfully false, I am subject to punishment.

Date

s/

Defendant/Tenant’s Signature

Certification of Service

_____, defendant/tenant, being of full age, certifies and states that:

I served a copy of the Certification in Support of Hardship Stay and accompanying pages on the plaintiff/landlord(s) in the following manner: (check one)

- I personally served** _____ on _____. A certification of the process server or Sheriff is attached.
- I mailed the plaintiff/landlord** a copy of the enclosed Certification in Support of Hardship Stay and accompanying pages by regular **and** certified mail, return receipt requested, from the _____ Post Office, addressed to the plaintiff/landlord, as set forth in the Certification. The Certified Receipt numbers are: _____.
- I mailed the plaintiff/landlord’s attorney** a copy of the enclosed Certification in Support of Hardship Stay and accompanying pages by regular mail, from the _____ Post Office, addressed to the plaintiff/landlord’s attorney, as set forth in the Certification on _____.

I certify that the above statements made by me are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to punishment.

Date

s/_____
Defendant/Tenant's Signature

Filing Attorney Information or Pro Se Litigant:

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

Superior Court Of New Jersey
Law Division, Special Civil Part
_____ County

Plaintiff/Landlord Name

Docket Number LT- _____

Street Address

Town, State, Zip Code

Telephone Number

vs.

Civil Action

Defendant/Tenant Name

**Order for Hardship Stay
(N.J.S.A. 2A:42.10.1)**

Street Address

Town, State, Zip Code

Telephone Number

A Judgment for Possession having been entered in favor of the landlord(s) and subsequent application having been made to the court by the tenant(s), and it appearing from the supporting certification that notice has been provided to the landlord(s),

IT IS on this ____ day of _____, 20 __, **ORDERED THAT:**

A stay of the enforcement of the judgment for possession is denied/ granted (and tenant shall be restored possession) through _____, 20 __, provided that:

1. The total amount due of \$ _____ (rent owed plus costs) shall be provided immediately to the court;

2. The monthly rent will be paid to the landlord on or before the ____ day of each month during the hardship stay;
3. The tenant agrees to not destroy, damage, or injure the premise or otherwise become so disorderly as to destroy the peace and quiet of other tenants living in the same building or neighborhood during the period of the hardship stay;
4. If the tenant violates any part of this agreement, the plaintiff/landlord shall file a certification on notice to the tenant seeking the immediate removal of the tenant;
5. Tenant(s) submits that they have no claims to make under Rule 4:50-1, that no more applications will be made for additional relief (extra time) from any judge relating to the judgment of possession or the warrant of removal (eviction or lockout) under Rule 6:6-6(b). This waiver also includes the tenant(s) waiving their right to pay rent in full, up to three (3) business days after execution of the warrant of removal (the lockout) and also constitutes tenant(s) waiver of their right to file a motion to dismiss landlord(s) complaint with prejudice pursuant to N.J.S.A. 2A:42-10.16a.
6. A copy of this order shall be delivered by the tenant(s) personally, or by regular mail, to the landlord(s) or landlords' attorney immediately.

7. Other:

s/ _____ J.S.C.