

## NOTICE TO THE BAR

### **LANDLORD TENANT –AMENDMENTS TO RULE 1:38-3(f) TO REMOVE FROM PUBLIC ACCESS RECORDS OF LANDLORD TENANT CASES (a) IN WHICH NO JUDGMENT FOR POSSESSION EVER HAS BEEN ENTERED, AND (b) IN WHICH A JUDGMENT FOR POSSESSION WAS ENTERED SEVEN YEARS AGO OR LONGER**

The Supreme Court in the attached February 28, 2022 order has amended Rule 1:38-3(f) (“Court Records Excluded from Public Access”) to remove from public access records of landlord tenant cases in two instances: (1) in cases adjudicated or otherwise disposed of where no judgment for possession has ever been entered; and (2) in cases where a judgment for possession was entered seven years ago or longer. The amendments are effective May 1, 2022.

The amendments arise out of the Court’s July 16, 2020 Action Plan for Ensuring Equal Justice where the Court stated its commitment to examine public access to court records that as currently maintained may create hardships for disadvantaged populations. The Court acknowledged that landlords should have access to relevant information as to a prospective tenant. Similarly, in the interests of equity, information regarding tenants that is dated should not create indefinite obstacles to rental housing. These amendments balance those interests.

Questions regarding this notice may be directed to Superior Court Clerk Michelle M. Smith at [michelle.smith@njcourts.gov](mailto:michelle.smith@njcourts.gov) or (609) 421-6100, or Taironda E. Phoenix, Assistant Director for Civil Practice at (609) 815-2900 ext. 54900 or [taironda.phoenix@njcourts.gov](mailto:taironda.phoenix@njcourts.gov).



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Glenn A. Grant  
Administrative Director of the Courts

Dated: March 14, 2022

**SUPREME COURT OF NEW JERSEY**

It is ORDERED that the attached amendments to Rule 1:38-3 (“Court Records Excluded from Public Access”) of the Rules Governing the Courts of the State of New Jersey are adopted to be effective May 1, 2022.

For the Court,



Chief Justice

Dated: February 28, 2022

### 1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) – (e) ... no change

(f) Records of Other Proceedings.

(1) – (9) ...no change

(10) All records in actions for change of name pursuant to N.J.S.A.

2A:52- 1 and R. 4:72-1 et seq. ;

(11) Records of (i) adjudicated or otherwise disposed of landlord tenant cases in which no judgment for possession ever has been entered; and (ii) landlord tenant cases in which judgment for possession was entered seven years ago or longer.

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 26, 2010 to be effective immediately; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017, subparagraphs (c)(1), (d)(1), (d)(2), (d)(5), (d)(6), (d)(9), and (f)(6) amended May 15, 2018 to be effective immediately; new subparagraph (c)(13) adopted July 27, 2018 to be effective September 1, 2018; new subparagraph (c)(14) adopted and subparagraph (f)(5) amended September 12, 2018 to be effective immediately; new subparagraph (d)(18) adopted July 29, 2019 to be effective September 1, 2019; new subparagraphs (c)(1) and (d)(19) adopted February 5, 2021 to be effective February 15, 2021; subparagraph (c)(4) amended, subparagraph (d)(19) amended, new subparagraph (d)(20) adopted, and subparagraph (f)(10) amended July 30, 2021 to be effective September 1, 2021; new subparagraph (f)(11) adopted February 28, 2022 to be effective May 1, 2022.