

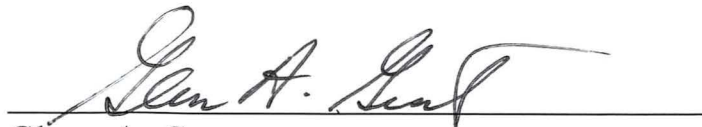
## NOTICE TO THE BAR

### LANDLORD TENANT -- FORMALIZATION OF CURRENT PROCESS; INTRODUCTION OF A CONSEQUENCE FOR PARTY NON-APPEARANCE AT CASE MANAGEMENT CONFERENCE

The Supreme Court in the attached December 16, 2022 Order has memorialized current landlord tenant processes, including the ongoing virtual format for mandatory case management conferences and the generally in-person format for trials.

The Court's December 16, 2022 Order also provides for a consequence if a party does not appear at the mandatory case management conference. This refinement follows through on the [recommendations](#) of the Judiciary Special Committee on Landlord Tenant and is intended to ensure that such conferences are meaningful and productive. As in current practice, judgment will not be entered before the trial date. This updated protocol will be effective January 1, 2023.

Questions on the Court's December 16, 2022 Order should be directed to Assistant Director for Civil Practice Taironda E. Phoenix at (609) 815-2900 x54900.

A handwritten signature in black ink, appearing to read "Glenn A. Grant", is written over a horizontal line.

Glenn A. Grant

Administrative Director of the Courts

Dated: December 16, 2022

## **SUPREME COURT OF NEW JERSEY**

The Supreme Court in 2021 reformed residential landlord tenant processes to improve equity both for renters and property owners. As detailed in the Court's July 14, 2021 Order and other orders and administrative directives, those reforms involve additional pleadings, enhanced early review of cases, multiple opportunities to resolve matters without trial, and greater transparency, including through the issuance of written judgments.

More recently, the Court in its [October 27, 2022 Order](#) directed that landlord tenant trials in general will be conducted in person, rather than virtually. In addition, the Court considered data showing that in more than half of all landlord tenant cases, one or both parties do not appear for the mandatory case management conference.

This Order memorializes current practices and makes certain adjustments in light of recent events.

IT IS ORDERED that pursuant to N.J. Const., Art. VI, sec. 2, par. 3, the provisions of Parts IV and VI of the Rules of Court, and any other applicable rules, are relaxed and supplemented effective immediately, except as otherwise specifically provided, as follows:

1. In addition to other required pleadings, landlords shall continue to file with the complaint a [Landlord Case Information Statement](#) in a form promulgated by the Administrative Director.
2. Landlords shall also continue to file a copy of the lease (or, if the lease exceeds 10 pages, the relevant provisions of the lease); the registration statement, if applicable; and a certification of the landlord's lease and registration statement.
  - a. In addition to those items, landlords shall submit a copy of the rent control statement, if requested by the court.
  - b. All required documents (lease, registration statement, and rent control statement if requested by the court) shall be filed five days before the mandatory case management conference.
3. Tenants shall file a [Tenant Case Information Statement](#) at least five days before the date of the mandatory case management conference.
4. Courts shall continue to conduct early, enhanced review of cases that involve public housing, other subsidized housing, and holdover causes of action.
  - a. If any deficiency is identified during such a review, written notice shall be issued to the landlord.
  - b. The landlord shall have an opportunity to cure such deficiency.

- c. Failure of the landlord to cure such deficiency may result in dismissal without prejudice of the complaint.
- 5. Landlord tenant trials will be conducted primarily in an in-person format, consistent with the provisions of the Court's October 27, 2022 Order.
- 6. All residential landlord tenant cases will continue to be scheduled for a mandatory case management conference before the trial date.
  - a. Mandatory case management conferences will continue to be conducted primarily in a virtual format.
  - b. Landlord Tenant Legal Specialists and other approved staff will conduct these conferences.
  - c. If a case is not resolved at the conference, it will be scheduled for trial. Courts will continue to provide both parties with information about trial processes to both parties, including explaining the consequences for failure to appear for trial.
- 7. Effective January 1, 2023, a party's failure to appear at the mandatory case management conference will have the following consequences, but no judgment will be entered before the trial date because of such failure to appear:

- a. If the landlord does not appear at the conference, the case will be dismissed without prejudice.
  - b. If the tenant does not appear at the conference, the clerk will enter default.
  - c. The case will be scheduled for trial with notice issued to the parties, including any party who did not appear.
  - d. A party who did not appear at the case management conference will be required to explain on the record the reason for such non-appearance.
    - i. If a landlord who did not appear at the case management conference subsequently appears on the trial date, the court will treat such appearance as a motion to reinstate the complaint.
    - ii. If a tenant who did not appear at the case management conference subsequently appears on the trial date, the court will treat such appearance as a motion to vacate default.
8. If the parties appear on the trial date and the case is not defaulted or dismissed, a settlement conference will be conducted.

9. If the landlord does not appear on the trial date, a judgment of dismissal will be entered.
10. If the tenant does not appear on the trial date, the court may hold a proof hearing in its discretion before entry of default judgment.
11. Courts shall continue to issue judgments for possession in a form promulgated by the Administrative Director. Such written judgments shall be issued at the conclusion of trial, in instances of default judgment, upon consent, and after breach of a settlement agreement.
12. Landlords shall continue to submit a written Request for Warrant of Removal in a form promulgated by the Administrative Director.
13. Warrants of Removal will continue to issue in accordance with Rule 6:7-1.

For the Court,

A handwritten signature in blue ink, appearing to be 'S. J. ...', written over a horizontal line.

Chief Justice

Dated: December 16, 2022