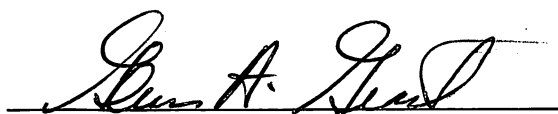# NOTICE TO THE BAR

LANDLORD TENANT -- CONCLUSION OF MANDATORY CASE MANAGEMENT CONFERENCES & CONTINUATION OF OTHER LANDLORD TENANT REFORMS

The Supreme Court in the attached July 14, 2023 Order has refined certain aspects of the landlord tenant reforms that it authorized in 2021. Effective September 1, 2023, mandatory case management conferences will conclude. As of that same date, landlords will be required to file the Certification of Lease and Registration Statement and the Landlord Case Information Statement with the complaint.

The Court's Order reinforces the continuation of other landlord tenant reforms designed to support fairness for all parties, including the availability of trained neutrals to facilitate conferences on the date of trial and potential adjournments of trial dates for up to 60 days if a party provides documentation of a pending application for rental assistance.

Questions about this notice and the Court's July 14, 2023 Order should be directed to the Civil Practice Division at (609) 815-2900 x54900.

Glenn A. Grant
Administrative Director of the Courts

Dated: July 18, 2023

SUPREME COURT OF NEW JERSEY

The Supreme Court in July 2021 made a number of reforms to residential landlord tenant processes designed to improve equity for both renters and property owners. The Court has continued since then to evaluate those reforms.

The reforms implemented in 2021 included requiring additional notices to inform parties of their rights and explain court processes, enhanced requirements to ensure that property owners substantiate their asserted right to relief, new ways for tenants to provide information and raise affirmative defenses before trial, and opportunities for parties to resolve their cases with the assistance of a neutral third party.

The changes also included a new court event: a mandatory case management conference before the trial date. Although this event served a useful purpose during the pandemic, the Court in its December 16, 2022 Order documented the diminishing utility of those new proceedings. The Court cited 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, and when both parties do appear, parties achieve resolution in only three percent of the cases.

Accordingly, 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 September 1, 2023 and until further order, as follows:

1. Landlord tenant cases will no longer be scheduled for a mandatory case management conference before the trial date.

2. At the timing of filing the complaint, landlords also shall file the following:

   a. Landlord Case Information Statement (LCIS);

   b. Copy of the lease (or, if the lease exceeds 10 pages, the relevant portions of the lease);

   c. Registration statement, if applicable; and

   d. Certification of the landlord's lease and registration statement.

   e. In addition to those items listed in (a) through (d), landlords shall submit a copy of the rent control statement, if requested by the court.

3. Tenants shall file a Tenant Case Information Statement (TCIS). The TCIS should be filed as soon as possible after receipt of the complaint. However, the TCIS shall be accepted for filing through the date of trial.

4. The courts shall continue to provide written information about landlord tenant procedures and rental assistance and other resources to both parties. Such information shall also be posted on the Judiciary's public webpage.

5. Courts shall continue to conduct additional, early, enhanced review of cases that involve public housing, and holdover causes of action.

   a. If any deficiency is identified during 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.

6. Notice of trial will be provided to all parties at least five weeks in advance of the trial date.

7. Landlord tenant proceedings, including settlement conferences and trials, will continue to be conducted primarily in an in-person format, consistent with the provisions of the Court's October 27, 2022 Order. Judges will continue to have discretion to permit remote participation based on the individual circumstances of a case.
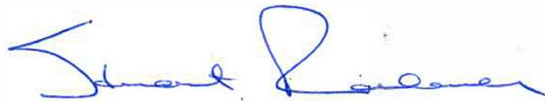
8. All residential landlord tenant cases will be scheduled for a conference on the trial date, for purposes of case management and, if applicable, settlement.

   a. Such conferences will be conducted by trained neutrals.

   b. If the case is resolved at the conference, any consent judgment for possession shall be reviewed as provided by Rule 6:6-4.

   c. If the case is not resolved at the conference, the case will proceed to trial.

9. If a party provides documentation of a pending application for rental assistance, the judge may adjourn the trial date for a period of 60 days or until the application is resolved.

10. Courts will continue to provide information about trial processes to both parties, which will explain the consequences for failure to appear for trial.

11. If the landlord does not appear for the trial date, the case will be dismissed.

12. If the tenant does not appear for the trial date, the court may hold a proof hearing in its discretion before entry of default judgment.

13. 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.

14. Landlords shall continue to submit a written Request for Warrant of

Removal in a form promulgated by the Administrative Director.

15. Warrants of Removal will continue to issue in accordance with Rule

6:7-1.

For the Court,

Chief Justice

Dated: July 14, 2023