

NOTICE TO THE BAR

LANDLORD TENANT – TEMPORARY MODIFICATIONS FOR CASES AFFECTED BY THE COVID-19 PANDEMIC; RELAXATION OF COURT RULES IN FURTHERANCE OF NEW LEGISLATION

New legislation (L. 2021, c. 188) established additional protections and remedies for certain tenants and landlords affected by the COVID-19 pandemic, effective August 4, 2021. The Supreme Court has relaxed and supplemented the Rules of Court in furtherance of the provisions of the new legislation. The Court's August 9, 2021 Order is attached.

The new legislation instituted temporary measures designed to "help struggling tenants avoid displacement and compensate landlords for providing this necessary shelter to many tenants without compensation during the pandemic." For tenants, courts are required to dismiss certain cases if a tenant files a [certification](#), promulgated by the Department of Community Affairs, with the court. For landlords, courts are required to process complaints to pursue collection of unpaid rent that accrued during the covered period in the Special Civil Part regardless of the amount in controversy.

The remedies established by L. 2021, c. 188 are in addition to the Judiciary's other protocols designed to support landlords and tenants in resolving cases without trial whenever possible. See the August 5, 2021 notice for further information on the Judiciary's adjournment protocols for cases in which a rental assistance application is pending.

Questions about this notice and the Court's August 9, 2021 Order may be directed to Taironda E. Phoenix, Assistant Director for Civil Practice at (609) 815-2900 ext. 54900 or taironda.phoenix@njcourts.gov.



Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: August 9, 2021

SUPREME COURT OF NEW JERSEY

Effective August 4, 2021, L. 2021, c. 188 provides additional legal remedies for tenants and landlords affected by the COVID-19 pandemic. Among other provisions, the new legislation requires that for certain residential landlord tenant cases affected by COVID-19, courts must (1) dismiss a complaint upon receipt of a certification from a tenant; and (2) permit a landlord to pursue collection of unpaid rent beyond standard Special Civil Part (DC) jurisdictional limits.

In furtherance of the provisions of L. 2021 c. 188, IT IS ORDERED, pursuant to N.J. Const., Art. VI, sec. 2, par. 3, that effective immediately and until further order, the provisions of Rules 1:32-2A, 6:1-2 and 6:2-2 of the Rules Governing the Courts, and any other applicable rules, are relaxed and supplemented as follows:

1. The Court in its COVID-19 Omnibus Orders relaxed Rule 1:32-2A (“Electronic Court Systems, Electronic Records, Electronic Signatures, Metadata”) so as to permit electronic signatures and to provide that such electronic signatures have the same force and effect as an original handwritten signature. Such permission for electronic signatures extends to certifications as authorized by L. 2021, c. 188 and submitted through the online application provided by the Department of Community Affairs. The permission for electronic signature of such certifications shall continue

notwithstanding any earlier conclusion of the Court's acceptance of electronic signatures in other contexts.

2. Rule 6:1-2 ("Cognizability") so as to expand the jurisdictional limits of the Special Civil Part (DC) as provided by L. 2021, c. 188, solely for actions against residential tenants to collect unpaid rent that accrued during the period of March 1, 2020 through August 31, 2021.
3. Rule 6:2-2 ("Process; Filing and Issuance") so as to require administrative dismissal of certain residential landlord tenant (LT) cases by the clerk if both of the following criteria are satisfied: (i) the complaint alleges non-payment of rent, habitual late payment of rent, and/or failure to pay a rent increase for rent that accrued between March 1, 2020 through August 31, 2021; and (ii) the tenant files with the court a certification as authorized by L. 2021, c. 188.
4. Rule 6:3-1 ("Applicability of Part IV Rules") so as to provide that if a case is dismissed and the landlord is required to subsequently file an eviction complaint against the same tenant as authorized by L. 2021, c. 188, the landlord may request that the case be reinstated with the court by amending the original complaint. In such circumstances the landlord shall pay the fees to serve the amended action, but no court filing fees shall be required.
5. The Administrative Director of the Courts is authorized to take any additional steps in furtherance of the provisions of L. 2021, c. 188.

The provisions of this order will remain in effect pending further court order.

For the Court,

A handwritten signature in blue ink, appearing to read "S. R. ...", is written over the text "For the Court,".

Chief Justice

Dated: August 9, 2021