

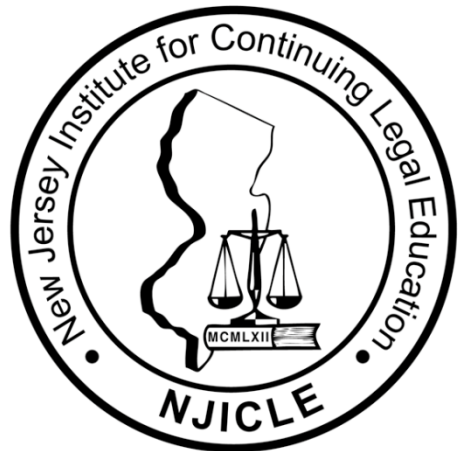
INTRO TO LANDLORD TENANT PRACTICE

2025 Seminar Material

MI0929.25

New Jersey Institute for
Continuing Legal Education

A Division of the State Bar Association
NJICLE.com



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Navigate
through landlord
tenant court (pain
free).



Agenda



01 Before the complaint filing:

- a) (a) Summary Dispossess Act or Anti Eviction;
 - b) (b) Registration Statement / DCA Certification;
 - c) (c) Government subsidy;
 - d) (d) Lease Agreement; and
 - e) (e) Notices.
-

02 Preparing the complaint:

- a) (a) Proper parties and correct address.
 - b) (b) Itemization of rents / "additional rents;"
 - c) (c) Notices and mailings;
 - d) (d) Certifications.
-

03 Court

- a) (a) Landlord needs witnesses and proof;
 - b) (b) Tenant defenses
-

04 Post judgment remedies.

05 Scenarios and case law updates

Before the
filing of the
Complaint.

Does the tenancy fall within:

The Summary Dispossession Act (NJSA 2A:18-53a)

or

The Anti-Eviction Act (NJSA 2A:18-61.1 et seq)

Registration Statements

If you do not have the landlord registration statement or the DCA Certification, you do not pass go and can not proceed to a hearing.



Rentals fall into one of these:

- Landlord Identity Law, NJSA 46:8-27
- Hotel and Multiple Dwelling Law, NJSA 55:13A-3
- Municipal Ordinances as it relates to rent control



Since 2022, Courts now require these items to be filed prior to the Court hearing.

Landlord Identity Law NJSA 46:8-28



KEY POINTS ON THIS STATUTE

1. Pertains to one and two unit properties, with very few two unit owner occupied properties being exempt from registration.
2. Many municipalities have their own version of the "landlord Registration" form.
3. Essentially provides essential contact information to the tenant and the municipality.
4. The certification needs to delivered to the tenant.
5. Landlord tenant Court's will either delay the first hearing until you have a recorded registration statement or require it the day of the hearing.
6. Court can postpone the hearing for up to 90 days for the landlord to cure the deficiency.

Certificate of Registration (Lead Paint Amendment) NJSA 46:8-28.5

1. Two-family owner-occupied dwelling must register the Certificate of Registration.
2. The goal of this amendment is to eliminate lead paint from within the property.



Standard landlord registration form

Some towns use this simple form

New Jersey Department of Community Affairs
Division of Codes and Standards
Landlord-Tenant Information Service

REGULATIONS FOR THE LANDLORD IDENTITY REGISTRATION FORM
N.J.A.C. 5:29-1.1

5.29-1.1 Applicability

(a) Pursuant to N.J.A.C. 46:9-28 and 46:9-29, the form prescribed by this subchapter is required to be given by landlords to tenants in single-unit dwellings and in two-unit dwellings that are not owner-occupied and to be filed in the office of the clerk of the municipality in which any such single-unit dwelling or two-unit dwelling is situated.

(b) Tenants in multiple dwellings are required to be given a copy of the certificate of registration filed with the Bureau of Housing Inspection in accordance with N.J.A.C. 5:29-1.1, N.J.A.C. 46:9-28 and N.J.A.C. 46:9-29. (c) Contact the Bureau of Housing Inspection, PO Box 810, Trenton, New Jersey 08625, (609) 633-6216 or BHC-CMS.Admin@dnj.nj.gov for registration of properties with three or more dwelling units.

THE ATTACHED FORM IS TO BE FILED WITH THE MUNICIPAL CLERK AND DISTRIBUTED TO TENANTS IN SINGLE UNIT DWELLING AND IN TWO UNIT DWELLINGS THAT ARE NOT OWNER OCCUPIED.

Similar forms may be obtained from private sources.

LANDLORD IDENTITY REGISTRATION STATEMENT
ONE- AND TWO-UNIT DWELLING REGISTRATION FORM

The form of the certificate of Registration to be filed with the municipal clerk and distributed to tenants by owners or non-owner occupied one and two unit dwellings shall be substantially as follows:

(1) Property Address: _____

(2) The names and addresses of all record owners of the building or the rental business (including all general partners in the case of a partnership) are as follows: _____

(3) If the record owner is a corporation, the names and addresses of the registered agent and of the corporate officers are as follows: _____

Record owner is not a corporation.

(4) If the address of any record owner is not located in the county in which the dwelling is located, the name and address of a person who resides in the county and is authorized to accept notices from a tenant, to make receipts for those notices and to accept service of process on behalf of the out-of-county record owner(s) is as follows: _____

The address of all record owners in the county in which the dwelling is located: _____

(5) The name and address of the managing agent is as follows: _____

There is no managing agent.

(6) The name and address (including dwelling unit, apartment or room number) of the superintendent, janitor, custodian or other person employed to provide regular maintenance service is as follows: _____

There is no superintendent, janitor, custodian or other person employed to provide regular maintenance service.

(7) The name, address and telephone number of an individual representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the dwelling or any dwelling unit, including such emergencies as the failure of any essential service or system, and who has authority to make emergency decisions concerning the building, including the making of repairs and expenditures, is as follows: _____

(8) The names and addresses of all holders of recorded mortgages on the property are as follows: _____

There is no recorded mortgage on the property.

(9) If fuel oil is used to heat the building and the landlord furnishes the heat, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used are as follows: _____

The building is not heated by fuel oil.
 The building is heated by fuel oil, but the landlord does not furnish heat.

Date _____ Landlord or Authorized Representative _____

SEND COMPLETED FORMS TO TENANTS AND MUNICIPAL CLERKS ONLY

The Hotel and Multiple Dwelling Law NJSA 55:13a-3




1. It pertains to 3 units or more.
2. The form can only be obtained from the Department of Community Affairs.
3. There is a public online portal to view each property subject to it:
<HTTPS://NJDCAPORTAL.DYNAMIC365PORTALS.US>
4. The purpose is to establish the existence of multiple dwelling and to establish an acknowledgement of ownership.
5. The certification needs to be posted at the building versus hand delivery
Of the Landlord Registration Statement.

DCA Certification

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
CERTIFICATE OF REGISTRATION
REGISTRATION NUMBER: 0714036917

APPLICANT:		BUILDING CODE:	
TOTAL NUMBER OF UNITS OR UNITS TO BE REGISTERED:	RESIDENTIAL	SECTION:	
TOTAL NUMBER OF APPLICANT UNITS:	STATE CONTROLLED:	SECTION:	
DATE OF RECEIPT OF APPLICATION:	REGISTERED:	SECTION:	
APPLICANT NAME ADDRESS:	REGISTERED ADDRESS:	SECTION:	
NAME MAILING ADDRESS:	REGISTERED ADDRESS:	SECTION:	
REPAIR CERTIFICATE NUMBER	REGISTERED ADDRESS		
REGISTERED ADDRESS KEYWORDS/TYPE	REGISTERED ADDRESS		
OFFICIAL OR GENERAL PAYOR	OFFICIAL OR GENERAL PAYOR		
REMARKS	REMARKS		

THE LAW REQUIRES THAT THIS CERTIFICATE OF REGISTRATION BE POSTED IN A CONSPICUOUS LOCATION IN THE REGISTERED PREMISES ALONG WITH THE NAME AND ADDRESS OF THE BUILDING OWNER.
THIS CERTIFICATE IS NOT TRANSFERABLE. IN THE CASE OF ANY CHANGE OF TITLE, AS WELL AS THE DATE OF THE NEW CERTIFICATE TO BE FILED WITH THE COMMUNITY AFFAIRS DIVISION, IT SHALL BE THE DUTY OF THE OWNER TO NOTIFY THE OFFICE OF REGISTRATION. IN THE CASE OF ANY CHANGE IN THE APPLICANT'S ADDRESS OF RECORD OR BUILDING NUMBER, THE OWNER MUST FILE THE NECESSARY CORRECTIVE INFORMATION WITH THE OFFICE OF REGISTRATION.
APPLICANTS MUST BE SUBMITTED TO THE OFFICE OF REGISTRATION AT THE OFFICE OF COMMUNITY AFFAIRS, 100 SOUTH MOUNTAIN AVENUE, SUITE 200, NEWARK, NJ 07102.
DATE RECEIVED:

CHARLES A. RICHMAN
Commissioner of Community Affairs by

Edwin Thibodeau
Director of Housing Inspection

Common DCA Certification Issues & Consequences



1. Property owner never transferred or had it at the real estate closing.
2. Outstanding repairs and fines.
3. Never reinspected.
4. Court can continue the case for 90 Days.
5. No judgment for possession can be entered.

Municipal Registration NJSA 2A:42-78



1. Rent control registration

(a) Some municipalities can only increase rent by a set percentage;

(b) Others you need approval by the rent control board for any increase.

2. Certification of Occupancy of a rental

Review the Lease Agreement

1. Have the most current signed lease and addendums
2. Review the terms; parties, address, lease term, rental amount
3. Be cautious of online lease templates & provisions against public policy



Rental subsidies

In the event you received monies for a tenant, make sure you have any documents received, the address and contact person.



- Private organizations
- Charity and Church Organizations
- Local, County, and State Programs

NOTICES

If you do not have your proof of mailings, your matter will be dismissed.



- Notice to Cease. NJSA 2A: 18-61.1
- Notice to Quit. NJSA 2A: 18-61.2
- Make sure you have your certified mailings, postage receipt, and delivery verification.

Preparation of the Complaint.

Double check and triple check the property address.



1. Check property tax records.
2. Department of Community Affairs website.
3. Review the lease agreement.
4. Type in address on the web via google, etc.
5. Distinguish between floors vs. apartment numbers.

Preparation of the Complaint (the parties)



1. Plaintiff. Distinguish who is the property owner vs. the property management company, etc.
2. Defendants. Include those on the lease.
3. Exclude Minors.
4. Include "John Doe(s)" and "Jane Doe(s)"

Rent Itemization: the devil is in the details.



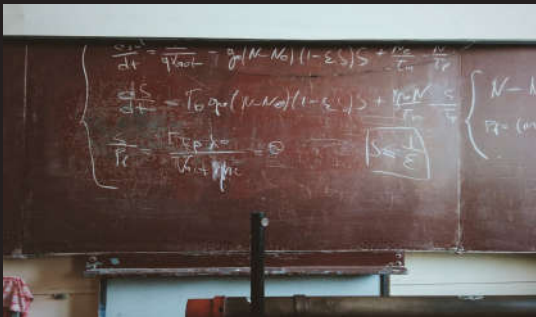
- Have a rent ledger ready & prepared by the client!
- Excel spreadsheet, accounting, or rental software.
- Avoid the handwritten notes, receipt approach.
- Client should be able to clearly explain what is due and owing.
- Court will count to the fraction of the penny at trial.

Example of a rent itemization

RENT LEDGER SAMPLE

Month	Rent	Late fee	Paid	Total due
Jan 2022	-----	\$75.00	\$2,500	\$75.00
Feb 2022	-----	\$75.00	\$2,500	\$75.00
March 2022	-----	\$75.00	\$2,500	\$75.00
April 2022	-----	-----	\$2,500	-----
May 2022	\$2,500.00	\$75.00	\$0	\$2,575.00
June 2022	\$2,500.00	\$75.00	\$0	\$2,575.00
July 2022	-----	-----	\$2,500	-----
Aug 2022	\$2,500.00	\$75.00	\$0	\$2,575.00
			Total Due:	\$7,950.00

Rents and "additional rents."



1. Rents need to be based off on the last signed lease and/or addendum.
2. Landlord unilaterally increasing the rent.
3. "Additional rent:" late fees, attorney fees and out of pocket expenses
4. Rent control and its limitation with rent and additional rent.
5. Rents and government agencies.

ATTACH ALL NOTICES AND MAILINGS TO THE COMPLAINT

1. Include all notices and mailings to the complaint.
2. Any mailings to government subsidies include those mailings as well.
3. Attach the current rent ledger to the complaint as well.



CERTIFICATIONS

Completion of the Certification of Lease & Registration.

Landlord Case Information Statement.



COURT

1. Expect to be their majority of the day
2. Take advantage of the mediation process.
3. Have in duplicate all documents for the Court and tenant.
4. Have someone with personal knowledge of the facts.
5. For notice cases, have your witnesses ready the day of.
6. Tenant defenses; throw everything against the wall
7. Some Judges know landlord tenant law others do not.

COURT (What to expect)



OVERALL KEY POINTS

All parties have more control over the outcome than what the Court can provide.

Be clear and concise in writing on the forms provided.

Always place it on the record. Do not shortchange it.

COMMON SETTLEMENT TERMS (AT LEAST FOR ME)

"Parties reserve their rights at law and at equity for any and all claims"

"Anything left after the tenant vacates shall be deemed Abandoned." Avoids the Abandonment statute

"Property to be in broom swept condition"

"All terms are material"

"Time is of the ee

SETTLEMENT AGREEMENTS



JUDGMENT OF POSSESSION

1. Three ways to obtain: (a) Upon default by the tenant; (b) Upon Consent; © following a trial (d) breach of settlement

AND

2. Certification of Landlord providing rents due and owing and Landlord Attorney Certification must be filed first to obtain a JOP.

WARRANT OF REMOVAL

Warrants can be issued 3 days after the Judgement of Possession is entered. It is a waiting game.

JUDGMENTS OF POSSESSION & WARRANT OF REMOVAL

Name: _____
Address ID Number: _____
Address: _____
Telephone Number: _____
Email Address: _____

Superior Court of New Jersey
Law Division, Special Civil Part
Landlord-Tenant
County: _____

Plaintiff: _____
v. _____
Defendant: _____

Case Action
Request for Residential
Warrant of Removal

I, _____, am requesting a Warrant of Removal be issued in this matter and hereby certify and say:

1. I am the (check one): landlord, general partner of the partnership or authorized officer or agent of a corporation or limited liability company that owns the premises in which tenant(s) resides in this matter.
2. On _____ a landlord/tenant summary dispossession action was filed in the Special Civil Part of the Law Division.
3. A Judgment for Possession (check one): by consent, after breach, after default or as trial was issued in this action on _____.
4. I am aware that I have a continuing obligation under Rule 1:4-8 to attend this certification if a reasonable opportunity for further investigation or discovery indicates that any of the above may be incorrect.

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

Dated: _____
of _____
(Signature of Landlord, Partner, Agent or Officer)
(Printed Name of Landlord, Partner, Agent or Officer)

Revised Form Promulgated by Division 415-2 (06/23/2023), CNJ 1206 page 1 of 1

POST JUDGMENT APPLICATIONS

1. Good cause is shown via R.4:43-3/ R.4:50-1
2. Motion for reconsideration;
3. Landlord agrees to vacate the default via R.6:6-2
4. Tenant pays monies to Court before judgment via NJSA 2A:18-55
5. Tenant pays money to Landlord via NJSA 2A: 42-9
6. Breach of a "pay and stay" and "pay and vacate"
7. Post judgment relief premised on a defective notices after the fact
8. Tenant needs more time.
9. Tenant already removed from the premises.
10. When does the jurisdiction of the court end?

POST JUDGMENT APPLICATIONS



Tenant owes the Landlord \$5,000 in rent. Parties enter into a signed agreement ("a pay and vacate") where the Tenant will leave the premises 2 weeks from the court date. A judgment of possession has been entered. On the day of the lockout, Tenant files an application to dismiss the judgment and complaint because she has the monies in full.

What is the court's position?

COMMON FACT PATTERN 1



On the day of trial, Tenant enters a "pay and stay" agreement where she would stay at the premises provided, she adhered to the payment plan for previous rent. Payment was to paid weekly. Tenant misses the second week and has it ready the subsequent week. Landlord files for the breach.

Will it be enforced?

COMMON FACT PATTERN 2



Landlord wants to file a nonpayment complaint and wants to include "late fees" and "attorney fees." In the expired lease agreement, it has the following provision "Late fees, filing fee, and attorneys are in addition to rents due and owing from the tenant." Can the landlord collect these expenses as "additional rent?"

COMMON FACT PATTERN 3

What do
you think?

KEY TAKEAWAYS

01

Key to a successful experience in Court is having all of your documents prepared ahead of time.

02

You need to counsel your client as to what their expectations are.

03

It is a summary proceeding, no discovery and be ready for anything.

04

Settlements are vital.

05

Courts will always give the tenant the benefit. Always make the argument to protect the landlord and for appeal

Thank you!

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About the Panelists...

Lindsay R. Baretz, Lindsay R. Baretz, Esq., LLC in Lodi, New Jersey, concentrates her practice in landlord-tenant law.

Ms. Baretz received her B.A., *cum laude*, from New York University, where she was the recipient of the Founders Day Award; attended William Paterson University; and received her J.D., *cum laude*, from Seton Hall University School of Law, where she was a member of the American Constitution Society and the Eugene Gressman Moot Court Competition. She was a Judicial Law Clerk in the Union County Chancery Division, Family Part.

Lawrence M. Centanni, Law Office of Lawrence M. Centanni in Elizabeth, New Jersey, is an experienced litigator with more than ten years of experience in commercial and residential closings, commercial litigation disputes, commercial collection matters, landlord tenant issues and municipal court violations.

Admitted to practice in New Jersey and before the United States District Court for the District of New Jersey, Mr. Centanni is a member of the New Jersey State and Union County Bar Associations. He is a former member of the District XII Ethics Committee and a member of the Richard J. Hughes American Inn of Court.

Mr. Centanni received his B.A. from Lafayette College and his J.D. from Thomas M. Cooley Law School.

Eileen A. Conati practices with the Law Office of Lawrence M. Centanni in Elizabeth, New Jersey, and concentrates her practice in landlord-tenant issues, residential and commercial lease drafting and negotiations, and municipal court violations.

Ms. Conati is admitted to practice in New Jersey. For her public service and dedication to law reform she is the recipient of several awards, including the New Jersey State Governor's Jefferson Award, the New Jersey Child Abuse Prevention Award and the National Liberty Museum Young Heroes Award.

Ms. Conati received her B.A. from Fordham University and her J.D. from St. John's University School of Law.

Tracey Goldstein is a Member of Goldstein Kelin LLC in Livingston, New Jersey, where she represents and counsels multi-family apartment owners, property managers and developers in real estate-related litigation. Her areas of concentration include novel and complex landlord/tenant issues, contract and real estate disputes, residential and commercial evictions, rent control and housing discrimination matters, and toxic tort defense (mold and lead paint). She has been involved in several published decisions and also counsels the New Jersey Apartment Association (NJAA) on emerging landlord-tenant issues and key legislation.

Admitted to practice in New Jersey and New York, Ms. Goldstein is a member of the New Jersey State, Essex County, Hudson County and Creditor's Bar Associations, and is Chair of

the NJSBA Special Civil Part Committee. She serves on the Board of Directors of the NJAA, is a member of the Property Owners Association and the New Jersey Affordable Housing Management Association, and has collaborated with the Office of the Governor. She has testified before the New Jersey Assembly Judiciary Committee and has served as a panelist for the Division on Civil Rights.

Ms. Goldstein has lectured for ICLE, Rutgers Law School, the Hudson County Bar Association, NJ Cooperator, NJAA, the Property Owners Association and the New Jersey Affordable Housing Management Association. She is a sought-after media resource and has garnered numerous business and industry honors, and her articles have appeared in *New Jersey Lawyer* and the *NJ Apartment Industry Magazine*. In 2021 she was the recipient of ICLE's Distinguished Service Award for her many years of service to the Institute.

Ms. Goldstein received her B.A. from the State University of New York at Albany and her law degree from Western New England School of Law.

Honorable Stephen L. Petrillo, J.S.C. is a Superior Court Judge, Law Division, Civil Part, and sits in Newark, New Jersey. Assigned to the Complex Business Litigation in 2024, he was initially assigned to the Chancery Division, Family Part, and in 2018 was reassigned to the Civil Division and served as Supervising Judge of the Special Civil Part for five years. In 2022 he was temporarily assigned to the Appellate Division for several months and authored 12 opinions.

Prior to his appointment Judge Petrillo was a partner in a large regional law firm and also served as Vice President and General Counsel for a privately-owned holding company. He has lectured at bar and bench outreach events, often on landlord-tenant topics, and has served as a moderator and panelist at judicial education events, bar conferences and CLE seminars. The author of two published opinions, in 2022 he received the Thurgood Marshall Award from the New Jersey State Bar Association.

Judge Petrillo is a graduate of Rutgers Law School-Newark.