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Via Regular Mail and email
Hon. Stuart J. Rabner
R. J. Hughes Justice Complex
P.O. Box 970
Trenton, NJ 08625-0970

Re: Maintaining Our Communities
Report of the Judiciary Special Committee on Landlord Tenant

Dear Judge Rabner:

Please accept this letter as my comments on the Report of the Judiciary Special Committee on Landlord Tenant. I am a trained and experienced Landlord-Tenant attorney who has been practicing nearly exclusively in this area for ten years. I personally handle hundreds of cases a year and I particularly focus on subsidized housing.

Recommendation 1:

A Landlord Case Information Statement is unnecessary. The current complaint already identifies the pertinent information (Residential vs. Commercial/Non-payment vs. "Other").

A CIS is not required for any other filing in the Special Civil Part. There is no reason to cause landlords, as a class, the additional time and expense of creating and uploading a CIS when no other litigant in the Special Civil Part is required to complete this form. This requirement would go against the objective of the Judiciary's "commitment to fairness and equity in the administration of justice" because it isolates one type of litigant and subjects them to more stringent requirements than other litigants in the same section of the Court.

Moreover, the certification of accuracy is unnecessary and redundant since landlords and attorneys are already required to certify as to the accuracy of the complaint as it is a "Verified" Complaint.

Additionally, the assertion that "Statements on the LCIS might be admissible as evidence in the instant case or a related proceeding" is outrageous and again goes against

the Judiciary's "commitment to fairness and equity in the administration of justice". Even where a CIS is required, as in the Civil Division and the Family Part, neither the Court nor the opposing party can use the CIS as an evidentiary tool against the party who filed it. The CIS is simply used by Court Staff to assign the case to the appropriate "track"—i.e. to determine the anticipated length of the case and the appropriate discovery time needed. Comparing this statement to that in Recommendation 2, "The document is drafted so as to not request that the tenant make admissions related to the case" belies the ultimate goal of this requirement—to ensure that the scales of justice are firmly tilted in favor of the tenant prior to the case even initiating. The drafters are putting their "thumbs on the scale" so to speak by making the LCIS evidentiary and making the TCIS carefully drafted to ensure that it does not become evidentiary. These recommendations, when taken together, openly flout the entire purpose of the judiciary—to administer justice fairly and equitably—and is frankly unconstitutional.

Finally, as stated above, the proposed LCIS itself is redundant, unnecessary and defective. As a threshold matter all of the information requested in the upper half of the first page of the form is readily available from the complaint itself. Additionally:

- The Federal CARES Act, 15 U.S.C.S. § 9058(a) has expired in July 2020. It makes no sense to include a reference to the CARES Act for a prospective LCIS when it is no longer applicable and was only applicable to cases filed during a short four-month period a year ago. While some tenant advocates may argue that the 30-day notice continues to be applicable even though the Act itself, as a whole, has expired, this issue has not yet been decided by the Courts. Including this language on the form would be the judiciary legislating from the bench and *sua sponte* issuing a Declarative Judgment that the tenant advocates' position is correct without having received any briefing or heard from landlord advocates on the issue.

- Whether or not the landlord applied for or received any temporary emergency rental assistance funding, whether COVID or non-COVID related, is similarly largely irrelevant. If a landlord received, for example, CVERAP payments for Apartment A, what bearing could that possibly have on the landlord's claim for Apartment B? But the form makes no distinction. Moreover, even if the landlord received some funding for Apartment A it does not necessarily mean that it was sufficient to cover the total amount of rent due and owing. All that matters is the unpaid rent currently owed—not what was previously paid, how, or by what funds. These questions are prejudicial to the landlord and designed to, once again, tilt the scales of justice prior to the case even beginning.

- As a threshold matter the judiciary has not yet decided whether Gov. Murphy exceeded his authority in issuing this Executive Order 128 which is, arguably, unconstitutional because it infringes on parties' rights to contract as they see fit. The case has not yet been brought or decided. Putting this question on the

form would be the judiciary legislating from the bench and *sua sponte* issuing a Declarative Judgment that the Executive Order is valid. Moreover, whether or not the Landlord received a request from the tenant to use the security deposit is, again, irrelevant and makes no sense to include for an issue that will only temporarily exist.

- The list of Holdover Actions is incomplete. It does not have a provision for common law causes of action for eviction, including prostitution (N.J.S.A. 46:8-8). It also does not allow for any reasonable argument for extension of existing law. For example, in 1993 the case of *Les Gertrude Associates v. Walko* 262 N.J. Super. 544 (1993) part of which argued for the extension of existing law to allow an eviction for theft of property. As a result of that case, in 1997 the legislature responded by amending N.J.S.A. 2A:18-61.1(p) to include evictions for theft. This type of good-faith argument would not be possible with the forms as written.

Recommendation 2:

As discussed above there are inherent problems with how the forms were drafted and the intent with which they were created.

While the idea behind determining whether the case will be more complicated than a standard non-payment of rent complaint is a valid concern, this form seems to anticipate that those cases where the tenant is asserting a valid defense are the norm and not the rare variation, as is actually the case. This relies on an assumption that landlords are not acting in good faith in the filing of complaints and the maintenance of buildings, which is simply untrue. In 2016 Prof. Paula Franzese issued a report indicating that there were only 80 "Marini" cases in Essex County out of 40,000 landlord-tenant matters over the course of the entire 2015 court calendar.[1] Why would the court require tenants to fill out a form that is only applicable in 0.2% of cases?

Moreover, there are additional logical fallacies inherent in this form. The form asks whether the tenant has applied for any rental assistance. If the answer is "Yes", this question is designed to slow down the process and prejudice the fact-finder in advance. It is a far cry from applying for assistance and actually being qualified for, being approved for, and receiving said assistance. Even when tenants are approved for assistance, the receipt of said assistance is not guaranteed. I have personally been involved in several cases where the Essex County Department of Welfare ("ECDW") "approved" a tenant for emergency rental assistance and then failed to actually pay out said assistance. I have even sued the ECDW on

[1] Prof. Franzese's report inaccurately reports that this was .00002% of the annual calendar however, 80 out of 40,000 is 0.2%. Prof. Franzese's report is also based on a logical fallacy that this low number means that tenants asserting "Marini" defenses means that tenants don't know that they can assert a Marini defense while ignoring the reality that most housing is not uninhabitable and that at least 17% of housing in Newark, NJ has a project-based subsidy or is otherwise low-income and therefore subject to significant inspection and maintenance requirements that are otherwise enforced by state agencies.

behalf of a client who abandoned an eviction action in reliance on an approval from ECDW.[2] Should this question be included it should be amended to reflect that applying for emergency rental assistance is not dispositive. The question should be more pointed as in, "Have you received emergency rental assistance that has paid your rent in full?"

There is also a logistical or scheduling issue as well: it will be very difficult, if not impossible, to require the tenants to complete this form, resulting in unnecessary delays. These delays will invariably rebound to the tenant's benefit, not the landlord's, since the tenant will have additional time without paying rent and the landlord will be delayed in securing payment or possession. This requirement therefore exacerbates further the proposals tilt in favor of tenants.

Recommendation 3

This recommendation, to have court staff review complaints and attachments for legal sufficiency, is one of the more problematic recommendations. It has been tried and failed before.

Court staff are simply not prepared or trained to review complaints for legal sufficiency and this initial review is not required in any other section of the court.[3] Court staff are also often not lawyers and, even those who are, may have no prior experience or specialized knowledge of the rules of Landlord-Tenant Court. To subject landlords to this enhanced initial scrutiny flies in the fact of the Judiciary's "commitment to fairness and equity in the administration of justice" because it isolates one type of litigant and subjects them to more stringent requirements than other litigants.

For a time, prior to the COVID-19 pandemic, Passaic County clerks had been instructed to review complaints for legal sufficiency. The end result was that several of my perfectly valid complaints were rejected. In one case, I personally sent some 20 non-payment of rent complaints to the Court and several were returned as "rejected" because the reviewer could not locate where, in the lease, late fees and legal fees were permitted although the **one-page** lease amendment (which was attached to the complaint) specifically identified late fees and legal fees as additional rent. My client then had to pay me to clear up the confusion with the clerk and these cases that were returned had to be re-filed and received different court dates than the original batch, again increasing costs and time for the landlord.

Moreover, it already takes far too long for court staff to process complaints—in Warren County, for example, it currently takes court staff ten or more days to process a landlord-tenant complaint and assign a docket number despite the fact that they have

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[2] Essex County Department of Welfare is unfortunately locally notorious for this behavior, as can be attested to by many of my colleagues.

[3] I have personally defended a case filed under the DC docket for $15,000.00 where the Plaintiff only wrote on the complaint "Someone's been messing with my milk." The court cannot require landlord complaints to meet enhanced scrutiny and still allow people to file such plainly, on their face, frivolous complaints in other dockets.

processed only about 100 landlord-tenant cases so far this year. This "enhanced review" would only elongate the time that court staff need to process a complaint and result in perfectly valid complaints being rejected for no reason and without any opportunity for appeal to a qualified judge. Court staff should not be put in the position of being a "gatekeeper" that determines whether a complaint is legally valid—that is a judicial function that can only be properly done by a judge.

Moreover, this recommendation would unfairly burden unrepresented landlords. In many counties most rental housing is owned by individuals who have 2-3 family homes who frequently rely on rental income to pay their own mortgage and costs of living. These landlords are often unrepresented generally because they cannot afford an attorney since their tenants are not paying the rent. Because they are *pro se* plaintiffs, their filings, even when presenting valid and cognizable claims, may appear deficient to reviewers. This recommendation would effectively close the courtroom doors to those landlords. This recommendation brings to mind the old axiom that the courts are open to everyone. However, implementing this recommendation would mean that the courts are open to everyone, except unrepresented landlords and those whose complaints somehow displease court staff.

Recommendation 4:

Having LT legal specialists on staff is not a bad idea, however, the court must recognize that Landlord-Tenant court is a highly specialized area of practice. Even many attorneys lack the necessary knowledge of this field, as any judge who has heard cases involving lawyers without LT experience can attest. There is a perception that Landlord-Tenant is "easy" when that is far from the case—this is a field that requires highly specialized knowledge and only those who are 1) attorneys, and 2) have the required skills and knowledge should be considered for this function.

Recommendation 5:

This recommendation, to have case management conferences, will only unnecessarily and unduly delay and complicate the process. The recommendation begins by saying "unlike other civil dockets, the existing landlord tenant process does not include any scheduled court event before the trial date." However, that is not the fact. The landlord-tenant docket, *exactly like the entirety of the Special Civil Part,* does not include any scheduled court event before the trial date. This is because cases in the Special Civil Part are supposed to be expedited and, in particular, in the landlord-tenant section are intended to be *summary actions.* Settlement conferences, for example, occur in the morning on the day of trial *exactly like cases filed under SC and DC dockets.* Requiring a case management conference or separate settlement conference would, once again, go against the objective of the Judiciary's "commitment to fairness and equity in the administration of justice" because it isolates one type of litigant (landlords) and subjects them to more stringent requirements than other litigants in the same section (plaintiff in other Special Civil Part or in Small Claims cases) of the Court. It would also effectively turn a *summary action* into a regular case.

Moreover, requiring this additional step would increase costs for landlords, increasing the rent they must charge to cover their costs, inuring only to the detriment of all the tenants. The hardest hit would be subsidized landlords and tenants. Currently N.J.A.C. 5:80-31.3(f) sets maximum fees that can be paid to attorneys from project funds for Agency-approved attorney services. That fee structure provides that for non-payment of rent cases "(2)(i) for each of the first two cases (requiring court appearance on the same day)...up to $166.00." Additional appearances require additional fees and these may be charged as "General legal matters...up to $210.00/hour" or as additional appearances under the flat fee structure or as "general litigation "Trial hours...up to $335.00/hour." This affordable fee structure is based at least in part on the existing expedited nature of LT cases as summary actions and will be untenable if the landlord's counsel has to make multiple appearances.

For the purposes of this illustration, presume the attorney has agreed to accept the flat fee as opposed to the more expensive litigation fees allowed. Thus, instead of paying $166.00 for a regular non-payment of rent eviction, the subsidized landlord will be required to pay, at minimum $332.00 per case since there will be at least two appearances, doubling their costs. If the cases are not scheduled in "block" format or are spread out the costs increase exponentially.

This process will only work to the harm of the tenants. Many subsidized landlords provide services other than housing to the tenants. One of my clients provides cradle-to-grave services in addition to affordable housing including, but not limited to, daycare, early childhood intervention and education, food delivery services, educational scholarships for children, educational programs for seniors and adults, socialization and day care programs for seniors, banking, career training, homelessness assistance and prevention, assistance with applying for subsidies and benefits, and assisted living for qualified households—they also have partnerships with other agencies for mental health assistance, medical assistance, and assistance with daily activities for those who are disabled. There is, however, only a finite amount of funds available. Should the landlord's legal costs double, as described above, those funds are going to have to come out of some of the other services provided and only the tenants will be harmed.

For landlords who provide non-subsidized housing, the leases generally provide that the defaulting tenant is responsible to pay the landlord's legal fees as additional rent. Adding additional appearances and conferences will only add to the total amount due from the tenant should the landlord prevail. This harms tenants as well as landlords.

And for both subsidized and non-subsidized landlords, money spent on additional legal fees owing to additional appearances necessitated by adding conferences to LT cases will be money not available for capital improvement or property maintenance.

Recommendation 6:

This recommendation, that the landlord should be required to submit a copy of the lease, registration statement, and a certification before the case management conference, is unnecessary and requires additional work. First, this recommendation ignores the reality

that there often isn't a written lease, or that the landlord may not have a copy of a written lease (such as because the lease was between a tenant and a prior owner). This recommendation also presumes that every property is required to be registered, which is simply not the case. Moreover, in many circumstances, such as holdover cases for Disorderly Conduct or Assault, Theft, or Drug-Related Criminal Activity, the lease is simply irrelevant since the eviction isn't based on a violation of lease terms, but an action established by the legislature.

This recommendation also requires additional attorney time that would have to be compensated to the detriment of landlords and tenants alike. Currently, the landlord can bring a copy of the lease to the trial. Under this recommendation, the landlord would have to send a copy to the attorney, and the attorney would have to upload it to the court, costing the landlord additional legal fees.

Recommendation 7:

As described above, this recommendation, calling for a second case management conference in the event of non-appearance at the first, and the opportunity for the parties to *still* appear at trial even after missing both case management conferences, only increases costs for landlords and inures to the detriment of tenants. Allowing this recommendation could turn what should be a one-time court appearance into a four-time court appearance, quadrupling the costs for landlords. Using my example from Recommendation 5 above, if this recommendation is adopted, for subsidized landlords, the attorney cost would be increased from $166.00 per tenant to $664.00 per tenant.

Moreover, Court Rules currently require the landlord to request the warrant of removal within 30 days of the default. But this recommendation would have the default enter prior to the trial date, when the tenant could then get the default lifted. Requesting the default in advance would be a waste of time and money, but failing to request the default in advance could result in running out of time. This puts the landlord in an untenable position.

Additionally, as this proposal is written, any party who values their time or is paying for an attorney would simply skip both pre-trial conferences since ultimately there is no lasting penalty for doing so. Faced with spending the additional attorney fees and/or hours of time at two different conference dates, it makes more sense financially to simply skip the conferences and go directly to trial. There is no benefit to a landlord to participate in these conferences, especially since it is unlikely the tenants will choose to participate. Experienced tenants already know that there is no need to appear for the trial date—they simply wait until the warrant of removal issues and go to court to get a new trial date on an Order to Show Cause. Adding additional conferences and dates will only mean more conferences and dates that tenants will skip, leaving landlords to foot the bill for those appearances.

Recommendation 8:

Requiring settlement conferences with a mediator is a recipe for disaster, unless the court were to heavily invest in trained mediators. In some counties a mediator (a clerk or

law clerk) is provided. The end result is that the parties and the attorneys mill around for hours waiting for their turns because there are limited resources and not enough mediators. Moreover, having to have each and every settlement approved by either a LTLS or a judge will only lead to unnecessary delays and inefficiency.

Recommendation 9:

Adding a provision whereby the parties have to decide whether a judgment for possession enters on signing or on breach will only lead to cases not settling. Landlords will inherently want an immediate judgment and tenants will inherently want the judgment to enter only on default. There is no benefit to the landlord in waiting for the judgment to enter and there is no benefit to the tenant to the judgment entering immediately. No experienced attorney representing a landlord will enter into an agreement where the judgment only enters on default and no experienced attorney representing a tenant will enter into an agreement where the judgment enters immediately. This will lead to an impasse where cases will never settle, which inures to the detriment of both parties—but particularly towards tenants who are seeking payment plans. Moreover, arguably, if the landlord agrees to the entry of a judgment only upon default, there would have to be a hearing on the default, leading to a fifth court appearance and quintupling the attorney costs. Using my example from Recommendations 5 and 7 above, if the court were to adopt this recommendation, the cost for subsidized landlords, the attorney cost would be increased from $166.00 per tenant to $830.00 per tenant.

Recommendation 10:

Amending R. 6:6-4 and requiring every settlement agreement with an unrepresented tenant to be reviewed and approved by the court would require a significant expansion of the number of judges assigned to landlord-tenant court. The Courts, particularly in Essex County, are already completely overwhelmed with cases. This will only add delays, increase costs for landlords, and require multiple appearances, since it is simply impossible to put all the cases on the record in any given day. Using my example from Recommendations 5, 7, and 9 above, adding an additional court appearance to put stipulations on the record, the adoption of these recommendations will increase the cost for subsidized landlords from $166.00 per tenant to $996.00 per tenant.

Substantial delays waiting for the court to approve settlements or hours waiting for a mediator makes it more likely that the cost to landlords will have to be increased and the flat-rate fee structure unserviceable.

Moreover, in the event a tenant does breach and agreement and the landlord requests a warrant of removal, the tenant can and often does go to court on an Order to Show Cause hearing wherein the court usually and certainly can raise questions about the nature of the voluntariness of the agreement. This is a perfectly serviceable arena for determining whether the tenant voluntarily entered into the agreement.

Recommendation 11:

While I inherently have no objection to this recommendation, it is with the caveat that there must be sufficient resources available to avoid unnecessary wait times. Currently many municipal courts and some County Courts are holding "virtual calendar calls" that often require significant expenditure of time—including all day and even multiple-day appearances—because there are insufficient resources available to handle the cases remotely. Moreover, there must be a mechanism for handling attorneys who will be called to appear in multiple courts or before multiple judges simultaneously.

Recommendation 12:

Changes to the *Harris* Announcement: The proposed changes to the *Harris* Announcement, and particularly that section that says, "a residential tenant may be able to return to stay in the rental property if the tenant pays the landlord all rent due plus proper costs up to three (3) business days after the eviction" would be the judiciary legislating from the bench and *sua sponte* issuing a Declarative Judgment on an issue that has not yet been decided. While tenant advocates may argue that N.J.S.A. 2A:42-10.16a requires that the tenant be put back into possession upon the payment of the rent three days after the lockout, that is not the text of the law as adopted. The original draft of S3124 (2018) did provide for that outcome. However, as adopted, it only requires the landlord to notify the Court that the case should be dismissed—not put the tenant back in possession. Taken together with concurrent proposed legislation that did not pass, and the fact that N.J.S.A. 2A:18-55 (requiring cessation of eviction if all the rent and costs are paid into court on the day of trial) was not changed or altered even slightly, and reviewing the legislative history, it could be argued that the purpose of this law is to "clear" the tenant's record by changing the disposition of the case to "dismissed" rather than reinstating a tenant. The Court may not, in the guise of a policy change, litigate and legislate this issue without a proper hearing from advocates for both sides. Adopting this change would be extra-judicial and unconstitutional.

Recommendation 13:

No comment

Recommendation 14:

This recommendation is an exercise in futility. The end result of allowing the tenant to only deposit a fraction of what is due and owing will be the unnecessary expenditure of limited judicial resources. The court will be required to have a "show" trial, where the end result is certain because in the event that the court finds that even one cent over the 50% deposit is due and owing and the tenant does not have that amount readily available at the time of the trial, the court will have no choice but to enter a judgment for possession.

Moreover, since appearances would be proceeding remotely, the adjournment would be granted <u>prior to</u> the payment of the rent due, unless the Court established some sort of online payment system. There is no mechanism in the system for what happens if the tenant fails to pay.

Recommendation 15:

No Comment

Recommendation 16:

No Comment

Recommendation 17:

The Federal CARES Act, 15 U.S.C.S. § 9058(a) expired in July 2020. While some tenant advocates may argue that the 30-day notice continues to be applicable even though the Act itself, as a whole, has expired, this issue has not yet been decided by the Courts. Including this language on the form would be the judiciary legislating from the bench and *sua sponte* issuing a Declarative Judgment that the tenant advocates' position is correct without having received any briefing or heard from landlord advocates on the issue, this is extra-judicial and unconstitutional.

Including the CARES Act Certification in the request for a residential warrant of removal is additionally problematic, arguably giving the tenants an additional 30 days to remain in the unit contrary to all other state laws, which allow a lockout 8-days after application for the warrant of removal.

Recommendation 18:

No Comment.

Attachment Q:

The entire purpose of the summary dispossess action is that the landlord can recover possession of the unit quickly. The Court Rules anticipate that a landlord could recover possession as soon as 18 days after filing. *See* R. 6:2-1 which provides that trial can be held not less than 10 days after service and R. 6:7-1 which provides that the warrant of removal cannot be executed for 8 days after the judgment for possession enters. However, in practice Pre-COVID, it generally takes two to three months in many counties (*e.g.* Essex, Passaic, Hudson) to get a judgment for possession and a lockout. This proposal indicates that, should everything go smoothly and timely, that the process for a lockout is now anticipated to take a <u>minimum</u> of 64 days, more than three times the amount currently anticipated in court rules. By extension, logically that means in practice should these recommendations be approved, the process should actually be expected take at least 192 days, or nearly seven months, to accomplish. In many counties, this leaves landlords without any rental income for more than half a year and the delays are simply inexcusable.

The fact is that any delay in the proceedings, any additional time spent on cases, and any additional conferences or court dates acts only to the benefit of tenants who are facing

eviction. Tenants who are not paying their rent will be gifted with additional rent-free living; landlords, other tenants who are victimized by a disorderly or violent tenant, and the communities targeted by tenants engaging in violent or criminal behavior will all be damaged by delays and by these proposals.

The purpose of this committee was to streamline the process and come up with recommendations for resuming operations. The recommendations made will only cause additional costs and delays. Given that we will be facing a one-to-two-year backlog when the courts reopen, the Court should be looking for ways to make the process more efficient and not less efficient.

Should the entirety of the Committee's recommendations be adopted, the cost to landlords of evicting a non-paying tenant will increase six-fold or more. This will inevitably rebound to the detriment of tenants, since landlords, faced with escalating costs and delays in either regaining possession or being paid, will inevitably do one of two things: either raise their rents to cover the enhanced costs and decreased revenue, or else exit the rental market. Making tenancy proceedings more costly and burdensome will also disincentivize the creation of new rental housing, by making it a less-attractive investment. Less housing and/or more expensive housing: that is the downstream impact of these proposals.

Additional Recommendations:

Digital Divide—buried in Recommendation 5 is a comment about the litigants' access to "smart" technology that would enable them to participate remotely. This is a concern I shared with the court during a bench-bar conference in April 2020 and I wholly support the court establishing on-site technology for litigants' use should any portion of any court process continue remotely in the future. As far as I know, only Monmouth County has established a room where litigants can participate remotely during the COVID pandemic. This technology should be available state-wide.

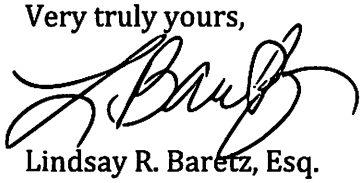
Process on Orders for Orderly Removal—The AOC should clarify to litigants and court staff that the Order for Orderly Removal under R. 6:6-6(b) is a one-time application and that it is not intended to give tenants additional time to come up with the rent—it is intended for the tenant to vacate in an orderly fashion. In certain counties, particularly in Middlesex County, tenants are given repeated Orders for Orderly Removal in the hopes that they will eventually come up with the rent and the case can be dismissed.

Process on Orders to Show Cause—the AOC should clarify to litigants and court staff that certain procedures apply to Order to Show Cause applications. As a threshold matter, the court should require that the applicant have standing to make the application. On a regular basis, Orders to Show Cause are given to family members who do not reside on the property and no effort is made to ascertain whether the applicant is a resident. Moreover, the standard for an Order to Show Cause should be adhered to—that standard as laid out in *Crowe v. DeGioia,* 90 N.J. 126 (1982). Moreover, applications should also be screened to ensure that if the tenant is seeking to vacate a default they have shown 1)

excusable neglect and 2) the likelihood of success on the merits. On a regular basis throughout the state, Courts and hearing officers grant Orders to Show Cause and schedule additional hearings without any showing of the *Crowe* factors or any showing of the likelihood of success on the merits. Nearly every tenant who asks for an Order to Show Cause is granted an additional hearing without any consideration of the additional time and expense incurred by landlords and their counsel. At the barest minimum the amount of rent shown in the application for the warrant of removal should be deposited with the court in order to secure a new court date.

Thank you for your time and consideration of these issues.

Very truly yours,



Lindsay R. Baretz, Esq.

cc: Glenn A. Grant, J.A.D.