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

From: John M. Krenzel, Esq.

Re: Comments on the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant.

I am a solo practitioner who has been involved with landlords and tenants since I was a law clerk in the Special Civil Part back in 1983. I have reviewed the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant (hereinafter "the Report"). According to the introductory language, there are two problems to be addressed: an estimated 194,000 case backlog by 2022 and a need to reimagine the landlord tenant judicial process.

First, let me say that I have read the letter sent on Feinstein Raiss stationary concerning the Report and I agree with the opinions expressed therein.

Secondly, I do not see how the recommendations in the Report will "prioritize neutrality, transparency, and access" for anyone. If anything, adding more steps and bureaucracy rarely adds transparency and ease of use.

A simpler solution is to open the court system. There is no reason why the courts cannot be hearing landlord tenant cases now. Whether in person or virtually, cases can be heard now as they are in other courts. Recommendation 3 talks about a "projected avalanche of LT complaints." The avalanche has occurred. Now is the time to start digging out.

As to the specific recommendations,

1 and 2. LT judges know how to handle LT cases. They do not need an LCIS or a TCIS.

3. How the judiciary is going to "commit additional resources" when money is tight is anybody's guess. The Legislature won't appoint judges to fill vacancies; I do not see the Legislature giving more money to the judiciary for more bureaucrats.

4. Again, more bureaucracy. There are law clerks in the courthouses. Train them to mediate before a trial. The clerks receive experience and the parties receive a critique of their cases.

5. This adds more steps, delays the process and adds legal costs to the process, if the parties can afford an attorney.

6. The parties do not need a Case Management Conference. The lease and registration can be filed with the Complaint.

7 and 8. Case Management Conferences and Settlement Conferences will NOT provide benefits except to an attorney's wallet. I thank you for the support but I represent mostly mom and pop clients, both landlord and tenants, who cannot afford to spend thousands of dollars to hire an attorney to navigate a complex and lengthy process. The whole idea of Landlord Tenant Court is to provide a fast, efficient way for the Landlord to regain possession. Tenants rights need to be protected but the recommendations, for the most part, are not going to help.

9. This is a good recommendation. Simple clarity is always welcome.

10. My complaint with this recommendation is that it does not go far enough. ALL settlement agreements should be in writing whether the tenant is represented or not.

11. Virtual trials can be handled now.

12. The Harris Announcement is an idea laden with good intentions and a failure in its execution. The Harris Announcement contains so much information that a person coming into court for the first time cannot comprehend the flood of information. It is not the content; the idea is good. The problem is the amount of the content. Sending out a written Harris Announcement before trial is a better idea.

13. I looked at Attachment G. It is a good start.

14. This recommendation relies upon the proposed system. The present system works fine. With the present system, the parties come to court twice—once for the trial, once for the Marini hearing. Under the proposed system, the parties will be coming more than twice.

15. I agree with the Special Committee that this recommendation would rarely be invoked.

16, 17, 18. Simple, standardized clarity is always welcome. These are good recommendations.

CONCLUSION

I have the feeling that small Landlords were not involved with putting these recommendations together. There is such a thing as too much due process. The length of time to remove a tenant will discourage small landlords from renting. They will either take their properties off the market or turn the apartments into condos. Tenants will have fewer options to rent. If the landlords stay in the business, they will raise the rent so as to afford the increase in legal fees.

And I see another problem: most charities will give three months of rent to a tenant. If the process is extended, the non-paying tenant may be stuck without enough money to pay back rent and will lose the apartment.

The recommendations have good intentions but the perceived problems will not be solved by them.

Respectfully submitted,



JOHN M. KRENZEL

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