

ASSEMBLY, No. 5758

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Provides funding for clinical program to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning clinical programs to provide legal services for
2 certain tenants in need of housing assistance, supplementing
3 P.L.1996, c.52 (C.22A:2-51 et al.), and making an appropriation.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. The Legislature finds and declares that:

9 a. The lack of affordable housing in New Jersey forces low- and
10 moderate-income households to spend a disproportionate share of
11 their income toward rental payments, which dynamic has resulted in
12 an eviction crisis throughout the State.

13 b. The COVID-19 pandemic has heightened existing economic
14 disparities and exacerbated the economic insecurity of many low- and
15 moderate-income households, thereby worsening the State's eviction
16 crisis to a critical level.

17 c. During the COVID-19 pandemic, a Statewide moratorium on
18 evictions was put in place pursuant to Executive Order No. 106 and
19 P.L.2020, c.1 (C.2A:18-59.3); however, this moratorium will soon
20 expire, placing many low- and moderate-income households at risk
21 of eviction.

22 d. It is estimated that as many as 300,000 rental households in
23 New Jersey will become subject to an eviction proceeding after the
24 eviction moratorium ends, which would be double the average annual
25 number of proceedings filed before the pandemic.

26 e. These evictions are expected to disproportionately impact
27 Black and Latino residents of New Jersey, as these communities
28 account for a large percentage of the State's rental population.

29 f. Additionally, many landlords have increasingly filed legal
30 actions against tenants to seek monetary relief rather than eviction,
31 thereby putting low- and moderate-income tenants at risk of damaged
32 credit ratings and further economic hardship.

33 g. The State and federal governments have established rental
34 assistance programs to assist low- and moderate-income tenants who
35 have been adversely affected by the COVID-19 pandemic, which
36 programs include the COVID-19 Emergency Rental Assistance
37 Program administered by the Department of Community Affairs.

38 h. However, these novel State and federal programs may be
39 complex, making it difficult for some tenants to apply for and receive
40 all of the benefits to which they are entitled under these programs.

41 i. Although these rental assistance programs may provide
42 tenants with the means to pay some or all of their rental obligations,
43 many tenants may still lack the ability needed to effectively negotiate
44 with their landlords toward solutions that avert further legal
45 proceedings.

46 j. Furthermore, when governmental assistance cannot prevent
47 the filing of an eviction proceeding, the vast majority of tenants
48 cannot afford to hire an attorney; in contrast, most landlords are

1 represented by an attorney during these proceedings, given that many
2 landlords are corporations, which are required to have counsel.

3 k. Consequently, the provision of free legal services to low- and
4 moderate-income tenants who are in need of housing assistance,
5 including those who are at risk of eviction and those who are entitled
6 to governmental rental assistance, is one of the most effective ways
7 to address the ongoing eviction crisis.

8 l. It is therefore in the public interest and a valid public purpose
9 for the Legislature to appropriate monies to the Seton Hall Law
10 School, Rutgers Camden Law School, and Rutgers Newark Law
11 School to establish clinical programs that provide free legal services
12 to low- and moderate-income tenants who are in need of housing
13 assistance.

14
15 2. a. The Legislature shall annually appropriate monies for the
16 Seton Hall Law School, Rutgers Camden Law School, and Rutgers
17 Newark Law School to establish clinical programs that provide free
18 legal services to low- and moderate-income tenants who are in need
19 of housing assistance. The clinical programs shall be implemented
20 according to guidance issued by the Seton Hall Law School, subject
21 to the limitations of this section.

22 b. (1) The clinical program shall include, but not be limited to,
23 the provision of the following services, free of charge, to low- and
24 moderate-income tenants:

25 (a) legal counsel and representation in landlord-tenant-related
26 litigation, including, but not limited to, eviction proceedings and
27 actions for unpaid rent;

28 (b) assistance applying for benefits under any State or federally
29 funded rental assistance program, or any other program providing
30 financial assistance to tenants impacted by the COVID-19 pandemic;

31 (c) legal counsel and assistance related to pre- and post-litigation
32 negotiations with landlords; and

33 (d) any additional services that the Seton Hall Law School may
34 deem appropriate.

35 (2) The clinical program shall assist low- and moderate-income
36 tenants residing throughout the State; provided, however, that the
37 clinical program shall prioritize qualifying tenants who are in need
38 of housing assistance as a result of the COVID-19 pandemic. The
39 clinical program may partner with legal services organizations to
40 conduct tenant outreach.

41 c. If a law school elects to implement the clinical program, the
42 law school shall designate a licensed attorney in good standing, with
43 experience in landlord-tenant law and civil litigation matters, to
44 supervise the clinical program. The program supervisor shall select
45 a paralegal to support the clinical program, which person shall also
46 provide translation services, as needed under the program. All
47 students selected to participate in the clinical program shall be third-
48 year law students. The law school may also hire one or more licensed

1 attorneys in good standing, with experience in landlord-tenant law
2 and civil litigation matters, to support the operations of the clinical
3 program.

4 d. Before the clinical program may commence operations, the
5 law school shall submit an appropriate application, as required under
6 New Jersey Court Rules, in order to become a certified clinical
7 program under those rules. The clinical program shall comply with
8 all requirements of the New Jersey Court Rules concerning the
9 implementation of a clinical program and the representation of
10 litigants by law students.

11 e. After the first year of operations, and each year thereafter, the
12 Seton Hall Law School shall submit a report to the Governor and to
13 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
14 19.1), detailing the operations of each clinical program established
15 pursuant to this section. At a minimum, the report shall indicate the
16 number of tenants who received assistance through each clinical
17 program and the service provided to each tenant. The Rutgers
18 Camden Law School and Rutgers Newark Law School shall provide
19 Seton Hall Law School with any information necessary to complete
20 the report.

21 f. Nothing in this section shall be construed as requiring the
22 Seton Hall Law School, Rutgers Camden Law School, or Rutgers
23 Newark Law School to establish or implement the clinical program.
24

25 3. a. (1) There is appropriated \$575,000 from the General Fund
26 to the Department of the Treasury for allocation to the Seton Hall
27 Law School to support a clinical program established pursuant to
28 section 2 of P.L. , c. (C.) (pending before the Legislature as
29 this bill).

30 (2) There is appropriated \$275,000 from the General Fund to the
31 Department of the Treasury for allocation to the Seton Hall Law
32 School to support the preparation of training materials and the
33 training of students, in collaboration with Rutgers Camden Law
34 School and Rutgers Newark Law School, selected to participate in a
35 clinical program established pursuant to section 2 of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 (3) There is appropriated \$575,000 from the General Fund to the
38 Department of the State for allocation to the Rutgers Camden Law
39 School to support a clinical program established pursuant to section
40 2 of P.L. , c. (C.) (pending before the Legislature as this
41 bill).

42 (4) There is appropriated \$575,000 from the General Fund to the
43 Department of the State for allocation to the Rutgers Newark Law
44 School to support a clinical program established pursuant to section
45 2 of P.L. , c. (C.) (pending before the Legislature as this
46 bill).

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1 At a minimum, this report would indicate the number of tenants who
2 received assistance through each clinical program and the service
3 provided to each tenant.

4 The bill also appropriates a total of \$2 million from the General
5 Fund to support the operations of the clinical program. The Seton
6 Hall Law School, Rutgers Camden Law School and Rutgers Newark
7 Law School will each receive \$575,000. The remaining \$275,000 is
8 appropriated to the Seton Hall Law School to support the preparation
9 of training materials and the training of third-year law students
10 selected to participate in the program. If either law school does not
11 establish the clinical program, then the monies appropriated for that
12 school would be transferred to the other participating schools in equal
13 amounts.