

[First Reprint]

**ASSEMBLY, No. 5758**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED MAY 17, 2021

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblyman NICHOLAS CHIARAVALLOTI**

**District 31 (Hudson)**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblywoman BRITNEE N. TIMBERLAKE**

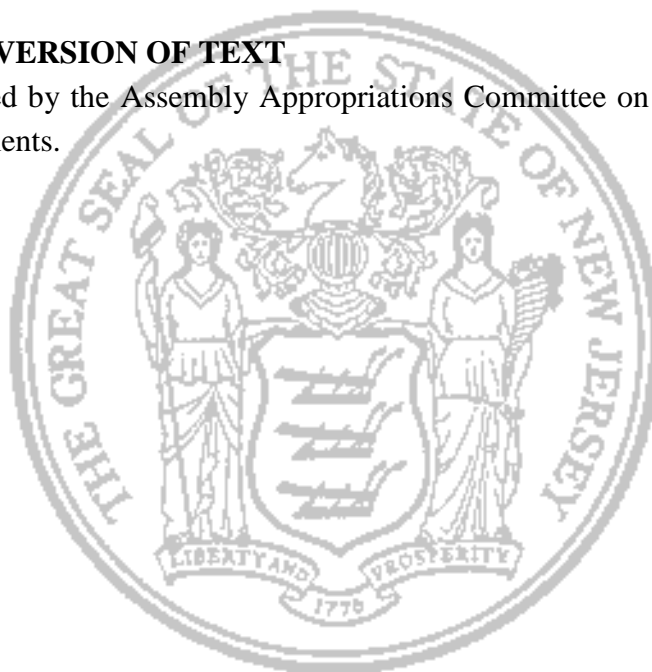
**District 34 (Essex and Passaic)**

**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 reported by the Assembly Appropriations Committee on May 18, 2021, with amendments.



**(Sponsorship Updated As Of: 5/20/2021)**

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-  
10 and moderate-income households to spend a disproportionate share  
11 of their income toward rental payments, which dynamic has resulted  
12 in 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-  
15 and moderate-income households, thereby worsening the State's  
16 eviction 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  
25 annual 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  
32 damaged 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  
35 who have been adversely affected by the COVID-19 pandemic,  
36 which programs include the COVID-19 Emergency Rental  
37 Assistance Program administered by the Department of Community  
38 Affairs.

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

43 i. Although these rental assistance programs may provide  
44 tenants with the means to pay some or all of their rental obligations,  
45 many tenants may still lack the ability needed to effectively

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted May 18, 2021.

1 negotiate with their landlords toward solutions that avert further  
2 legal proceedings.

3 j. Furthermore, when governmental assistance cannot prevent  
4 the filing of an eviction proceeding, the vast majority of tenants  
5 cannot afford to hire an attorney; in contrast, most landlords are  
6 represented by an attorney during these proceedings, given that  
7 many landlords are corporations, which are required to have  
8 counsel.

9 k. Consequently, the provision of free legal services to low-  
10 and moderate-income tenants who are in need of housing assistance,  
11 including those who are at risk of eviction and those who are  
12 entitled to governmental rental assistance, is one of the most  
13 effective ways to address the ongoing eviction crisis.

14 l. It is therefore in the public interest and a valid public  
15 purpose for the Legislature to appropriate monies to the Seton Hall  
16 Law School, Rutgers Camden Law School, and Rutgers Newark  
17 Law School to establish clinical programs that provide free legal  
18 services to low- and moderate-income tenants who are in need of  
19 housing assistance.

20

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

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

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

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

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

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

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

1 <sup>1</sup>(3) The Seton Hall Law School may designate one or more  
2 legal services organizations through which a law school may  
3 implement the clinical program, provided that the legal services  
4 organization shall have experience providing free legal services to  
5 low- and moderate-income tenants who are in need of housing  
6 assistance.

7 (4) The clinical program may include pro bono components in  
8 which one or more services may be provided by volunteer students  
9 who do not receive course credit for participating in the program.<sup>1</sup>

10 c. <sup>1</sup>(1)<sup>1</sup> If a law school elects to implement the clinical  
11 program, the law school shall designate a licensed attorney in good  
12 standing, with experience in landlord-tenant law and civil litigation  
13 matters, to supervise the clinical program. The <sup>1</sup>program  
14 supervisor shall select a paralegal to support the clinical program,  
15 which person shall also provide translation services, as needed  
16 under] law school may hire such administrative staff as may be  
17 needed to support<sup>1</sup> the program. <sup>1</sup>[All students selected to  
18 participate in the clinical program shall be third-year law  
19 students.]<sup>1</sup> The law school may also hire one or more licensed  
20 attorneys in good standing, with experience in landlord-tenant law  
21 and civil litigation matters, to support the operations of the clinical  
22 program.

23 <sup>1</sup>(2) If a law school elects to implement the clinical program  
24 through a designated legal services organization, then subject to the  
25 availability of funds, the law school shall provide subgrants to the  
26 legal services organization to defray the costs of the program.  
27 When implementing the clinical program, the designated legal  
28 services organization shall allow all students selected by the law  
29 school to participate in the program.<sup>1</sup>

30 d. Before the clinical program may commence operations, the  
31 law school <sup>1</sup>[shall] may<sup>1</sup> submit an appropriate application, as  
32 required under <sup>1</sup>[New Jersey Court Rules] the Rules of Court<sup>1</sup>, in  
33 order to become a certified clinical program under those rules.  
34 <sup>1</sup>[The] Alternatively, the law school may provide some or all  
35 services through an existing clinical program, which has already  
36 been certified under the Rules of Court. In either circumstance,  
37 the<sup>1</sup> clinical program shall comply with all requirements of the  
38 <sup>1</sup>[New Jersey Court] Rules <sup>1</sup>of Court<sup>1</sup> concerning the  
39 implementation of a clinical program and the representation of  
40 litigants by law students.

41 e. After the first year of operations, and each year thereafter,  
42 the Seton Hall Law School shall submit a report to the Governor  
43 and to the Legislature, pursuant to section 2 of P.L.1991, c.164  
44 (C.52:14-19.1), detailing the operations of each clinical program  
45 established pursuant to this section. At a minimum, the report shall  
46 indicate the number of tenants who received assistance through  
47 each clinical program and the service provided to each tenant. The

1 Rutgers Camden Law School and Rutgers Newark Law School shall  
2 provide Seton Hall Law School with any information necessary to  
3 complete the report.

4 f. Nothing in this section shall be construed as requiring the  
5 Seton Hall Law School, Rutgers Camden Law School, or Rutgers  
6 Newark Law School to establish or implement the clinical program.

7  
8 3. a. (1) There is appropriated \$575,000 from the General  
9 Fund to the Department of the Treasury for allocation to the Seton  
10 Hall Law School to support a clinical program established pursuant  
11 to section 2 of P.L. , c. (C. ) (pending before the Legislature  
12 as this bill).

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

20 (3) There is appropriated \$575,000 from the General Fund to the  
21 Department of the State for allocation to the Rutgers Camden Law  
22 School to support a clinical program established pursuant to section  
23 2 of P.L. , c. (C. ) (pending before the Legislature as this  
24 bill).

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

30 b. If the Seton Hall Law School, Rutgers Camden Law School,  
31 or Rutgers Newark Law School does not establish a clinical  
32 program pursuant to section 2 of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill), then the amounts hereinabove  
34 appropriated for the law school shall be transferred to the other  
35 participating law schools in equal amounts.

36 <sup>1</sup>c. The unexpended balance of any amount appropriated  
37 pursuant to this section shall be appropriated for the same purpose  
38 during the succeeding fiscal year.<sup>1</sup>

39  
40 4. This act shall take effect immediately.