

ASSEMBLY, No. 5905

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 16, 2021

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Zwicker

SYNOPSIS

Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2021)

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2

1 AN ACT establishing a program to facilitate the prevention of
2 residential evictions during the COVID period, and making an
3 appropriation.

4

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

7

8 1. As used in this act:

9 “Commissioner” means the Commissioner of Community
10 Affairs.

11 “COVID period” means the period beginning on March 1, 2020,
12 and ending on December 31, 2021.

13 “COVID period residential nonpayment or habitually late
14 payment court record” means:

15 a. any information maintained by a court in any form in
16 connection with a landlord-tenant case or proceeding, including but
17 not limited to pleadings, evidentiary exhibits, indices, calendars,
18 and dockets;

19 b. any order, judgment, or warrant related to a landlord-tenant
20 action;

21 c. any official transcript or recording of a public landlord-
22 tenant proceeding, in any form;

23 d. any information in a computerized case management system
24 created or prepared by the court in connection with a landlord-
25 tenant action; and

26 e. any record provided to, made, or maintained by a judicial
27 officer or special civil part officer.

28 “DCA navigator” means a not-for-profit or other entity, qualified
29 in accordance with department standards, that facilitates the
30 prevention of residential evictions in one or more regions of the
31 State through fulfilling the responsibilities of the program delegated
32 to the DCA navigator pursuant to a contract with the department.

33 “Department” means the Department of Community Affairs.

34 “Nonpayment eviction action” means a residential eviction
35 action for nonpayment, for habitual late payment of rent, or for
36 refusal to pay or agree to a rental increase during the COVID
37 period.

38 “Program” means the Rental Assistance Navigation Program,
39 established pursuant to section 2 of this act.

40 “Rental assistance” means cash payments to compensate for
41 unpaid rent provided to the landlord by any federal, State, county,
42 or local rental assistance program.

43

44 2. The “Rental Assistance Navigation Program” shall be
45 established in the department, and to be administered by the
46 department as a program to facilitate the prevention of residential
47 evictions due to nonpayment and habitual late payment of rent or
48 for refusal to pay or agree to a rental increase during the COVID

1 period. The department may contract the responsibilities of the
2 program to one or more DCA navigators, as deemed appropriate by
3 the commissioner.

4 a. The department shall publish information about the program
5 on the department's Internet website, and shall engage in a
6 campaign to enhance public awareness of the program among the
7 residential landlords and tenants in the State.

8 b. If a tenant has missed one or more rent payment, owed during
9 the COVID period, a residential tenant, or the tenant's landlord,
10 may apply for rental assistance through the program. Upon
11 application for rental assistance through the program by a
12 residential landlord or tenant, the applicant party shall provide
13 notice of the application to the other party.

14 c. The department shall review rental assistance applications
15 submitted through the program. In association with each
16 application, the department shall:

17 (1) conduct outreach to each party to ensure the identity of each
18 party and the accuracy of the information submitted through the
19 application;

20 (2) determine eligibility for rental assistance available through
21 the department and through other sources;

22 (3) assist with applications for rental assistance through sources
23 other than the department; and

24 (4) maintain the confidentiality of information associated with
25 each rental assistance application, though the department shall
26 provide monthly reporting in the aggregate to the Legislature by
27 municipality of the number of households assisted, race, ethnicity,
28 and whether the households are very-low-income, low-income, or
29 moderate-income households, the amounts of assistance provided,
30 and the results of mediation through the program.

31 d. After a rental assistance application submitted pursuant to
32 subsection c. of this section has been submitted and either granted
33 or denied:

34 (1) if rental assistance sufficient to compensate for the rent
35 unpaid by the tenant has been received by the landlord, the landlord
36 shall agree to refrain from initiating or continuing any nonpayment
37 eviction action, or money judgment action for unpaid rent, against
38 the tenant for rent due during the COVID period.

39 (2) if rental assistance sufficient to compensate for the rent
40 unpaid by the tenant has not been received by the landlord, the
41 department shall facilitate a conference among the landlord, tenant,
42 and a mediator to pursue a resolution.

43 (a) Through mediation, if the landlord agrees to refrain from
44 pursuing or continuing any landlord-tenant or money judgment
45 action, the landlord shall notify the court that any pending case
46 should be dismissed and if a money judgment was issued it should
47 be satisfied.

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1 (b) Through mediation, if the tenant agrees to voluntarily vacate
2 the property, then the tenant shall be permitted no less than 30 days
3 to vacate, and shall be referred to a housing counselor certified by
4 the federal Department of Housing and Urban Development.

5 e. The department shall complete the processes established
6 pursuant to subsections c. and d. of this section within 45 days of
7 the submission of a rental assistance application through the
8 program.

9

10 3. a. A landlord shall not file a nonpayment eviction action, or
11 money judgment action for unpaid rent, against a residential tenant
12 while a rental assistance application, submitted through the
13 program, is pending.

14 b. Effective immediately and in any action for unpaid rent
15 during the COVID period, a landlord shall certify upon the filing of
16 a nonpayment eviction action whether the landlord or tenant has
17 applied for rental assistance, either through the program or
18 otherwise. A landlord who has a pending nonpayment eviction
19 action on the effective date of this act shall certify that the landlord
20 or tenant has applied for rental assistance or participated in the
21 program prior to continuing to advance the eviction action.

22 c. A COVID period residential nonpayment or habitually late
23 payment court record shall be confidential and unavailable to the
24 public.

25

26 4. On or before August 31, 2022, the commissioner, in
27 consultation with the Administrative Director of the Courts, shall
28 submit a report to the Governor, and to the Legislature pursuant to
29 section 2 of P.L.1991, c.164 (C.52:14-19.1), to detail the outcomes
30 of the program, providing information that shall include, but shall
31 not be limited to:

32 a. the number of landlords and tenants who have used the
33 program; and

34 b. the number of program participants who were and were not
35 able to reach an agreement that allowed the tenant to remain in the
36 home.

37

38 5. a. The Commissioner of Community Affairs, in accordance
39 with the "Administrative Procedure Act," P.L.1968, c.410
40 (C.52:14B-1 et seq.), and in consultation with the Administrative
41 Director of the Courts, shall adopt rules and regulations to
42 effectuate the provisions of this act. The form indicating
43 certification of program completion pursuant to subsection b. of
44 section 3 of this act shall be developed and made available by the
45 Administrative Director of the Courts.

46 b. Notwithstanding the limitations established in section 1 of
47 P.L.2011, c.215 (C.52:14B-3a) on the use of regulatory guidance
48 documents, the commissioner shall prepare and disseminate

1 regulatory guidance documents as defined in subsection d. of
2 section 1 of P.L.2011, c.215 (C.52:14B-3a), in advance of the
3 adoption of regulations as necessary for the administration of this
4 act.

5
6 6. There is appropriated from funds provided to the State by the
7 United States government under the “Coronavirus Aid, Relief, and
8 Economic Security Act,” Pub.L.116-136, to the Department of
9 Community Affairs the sums necessary to administer the program
10 and assist in the training of mediators. If sufficient funding for this
11 purpose is not available through the “Coronavirus Aid, Relief, and
12 Economic Security Act,” Pub.L.116-136, then the remainder of this
13 amount shall be appropriated from other federal funding authorized
14 for coronavirus relief as it is, or becomes, available.

15
16 7. This act shall take effect on the first day of the fourth month
17 following enactment, except that the Commissioner of Community
18 Affairs and the Administrative Director of the Courts may take any
19 anticipatory action as may be necessary and that section 3 of this act
20 shall take effect immediately.

21
22
23 STATEMENT
24

25 This bill would establish the “Rental Assistance Navigation
26 Program” (“program”) in Department of Community Affairs
27 (“DCA”) as a program to facilitate the prevention of residential
28 evictions due to nonpayment and habitual late payment of rent
29 during the COVID period, a timeframe from March 1, 2020,
30 through December 31, 2021. The types of nonpayment evictions
31 actions prohibited would also include those for any refusal to pay or
32 agree to a rental increase during the COVID period.

33 The bill would authorize DCA to contract the responsibilities of
34 the program to one or more DCA navigators, private entities that
35 would facilitate the prevention of residential evictions through
36 fulfilling certain program responsibilities. If a residential tenant has
37 missed one or more rent payments during the COVID period, the
38 bill would allow the tenant, or their landlord, to apply for rental
39 assistance through the program.

40 Under the bill, DCA would review rental assistance applications
41 submitted through the program. In association with each
42 application, DCA would: (1) conduct outreach to ensure the identity
43 of the landlord and tenant and the accuracy of the information
44 submitted; (2) determine eligibility for different potential forms of
45 rental assistance; (3) assist with applications for rental assistance
46 through sources other than the department; and (4) maintain the
47 confidentiality of information associated with each rental assistance
48 application. Despite this confidentiality requirement, the

1 department would provide monthly reporting in the aggregate to the
2 Legislature by municipality of the number of households assisted,
3 race, ethnicity, and whether the households are very-low-income,
4 low-income, or moderate-income households, the amounts of
5 assistance provided, and the results of mediation through the
6 program.

7 After a rental assistance application has been submitted and
8 either granted or denied, if assistance sufficient to compensate for
9 the rent unpaid by the tenant has been received by the landlord, then
10 the landlord would be required to agree to refrain from initiating or
11 continuing any nonpayment eviction action, or money judgment
12 action, against the tenant for unpaid rent due during the COVID
13 period. If rental assistance sufficient to compensate for the rent
14 unpaid by the tenant has not been received by the landlord, then
15 DCA would facilitate a conference among the landlord, tenant, and
16 a mediator to pursue a resolution.

17 If the landlord agrees through mediation to refrain from pursuing
18 or continuing any landlord-tenant or money judgment action, then
19 the bill would require the landlord to notify the court that any
20 pending case should be dismissed and if a money judgment was
21 issued, it should be satisfied. If the tenant agrees through mediation
22 to voluntarily vacate the property, then the tenant would be
23 permitted no less than 30 days to vacate, and would be referred to a
24 housing counselor certified by the federal Department of Housing
25 and Urban Development (“HUD”). The bill requires the
26 department to effectuate the completion of the review and
27 mediation processes within 45 days of the submission of a program
28 application.

29 The bill would prohibit a landlord from filing an eviction action
30 for nonpayment or habitual late payment of rent, or a money
31 judgment action for unpaid rent, against a residential tenant while a
32 rental assistance application submitted through the program is
33 pending. Effective immediately, and in any action for unpaid rent
34 during the COVID period, a landlord would be required to certify
35 upon the filing of the eviction action whether the landlord or tenant
36 has applied for rental assistance.

37 A court record associated with the nonpayment or habitually late
38 payment of rent during the COVID period would be confidential
39 and unavailable to the public.

40 On or before August 31, 2022, DCA, in consultation with the
41 Administrative Director of the Courts, would be required to submit
42 a report to the Governor and the Legislature to detail the outcomes
43 of the program, providing information including the number of
44 landlords and tenants who have used the program, and the number
45 of program participants who were and were not able to reach an
46 agreement that allowed the tenant to remain in the home.

47 The bill would appropriate from the “Coronavirus Aid, Relief,
48 and Economic Security Act,” (“CARES Act”) Pub.L.116-136, to

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1 DCA, the funding necessary to administer the program and assist in
2 the training of mediators. If sufficient funding for this purpose is
3 not available through the CARES Act, then the remainder of this
4 amount would be appropriated from other federal funding
5 authorized for coronavirus relief as it is, or becomes, available.