

§§1,2
C.22A:2-51a &
22A: 2-51b
§3
Approp.

(CORRECTED COPY)
P.L. 2021, CHAPTER 181, *approved July 22, 2021*
Assembly, No. 5758 (*Second Reprint*)

1 AN ACT concerning ²**clinical** experiential housing advocacy²
2 programs to provide legal services for certain tenants in need of
3 housing assistance, supplementing P.L.1996, c.52 (C.22A:2-51 et
4 al.), and making an appropriation.

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

8
9 1. The Legislature finds and declares that:

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

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

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

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

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

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

34 g. The State and federal governments have established rental
35 assistance programs to assist low- and moderate-income tenants who
36 have been adversely affected by the COVID-19 pandemic, which

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:

¹Assembly AAP committee amendments adopted May 18, 2021.

²Senate SCU committee amendments adopted June 10, 2021.

1 programs include the COVID-19 Emergency Rental Assistance
2 Program administered by the Department of Community Affairs.

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

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

10 j. Furthermore, when governmental assistance cannot prevent the
11 filing of an eviction proceeding, the vast majority of tenants cannot
12 afford to hire an attorney; in contrast, most landlords are represented
13 by an attorney during these proceedings, given that many landlords are
14 corporations, which are required to have counsel.

15 k. Consequently, the provision of free legal services to low- and
16 moderate-income tenants who are in need of housing assistance,
17 including those who are at risk of eviction and those who are entitled
18 to governmental rental assistance, is one of the most effective ways to
19 address the ongoing eviction crisis.

20 l. It is therefore in the public interest and a valid public purpose
21 for the Legislature to appropriate monies to the Seton Hall Law
22 School, ²the² Rutgers ²[Camden]² Law School, ²Camden location,²
23 and ²the² Rutgers ²[Newark]² Law School ², Newark location,² to
24 establish ²[clinical] experiential housing advocacy² programs that
25 provide free legal services to low- and moderate-income tenants who
26 are in need of housing assistance.

27
28 2. a. The Legislature shall annually appropriate monies for the
29 Seton Hall Law School, ²the² Rutgers ²[Camden]² Law School,
30 ²Camden location,² and ²the² Rutgers ²[Newark]² Law School ²,
31 Newark location,² to establish ²[clinical] experiential housing
32 advocacy² programs that provide free legal services to low- and
33 moderate-income tenants who are in need of housing assistance. The
34 ²[clinical] experiential housing advocacy² programs shall be
35 implemented according to guidance issued by ²[the Seton Hall Law
36 School] each law school, in consultation with any other law school
37 that establishes the program², subject to the limitations of this section.

38 b. (1) The ²[clinical program] experiential housing advocacy
39 programs² shall include, but not be limited to, the provision of the
40 following services, free of charge, to low- and moderate-income
41 tenants:

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

45 (b) assistance applying for benefits under any State or federally
46 funded rental assistance program, ²homeownership assistance

1 program.² or any other program providing financial assistance to
2 tenants impacted by the COVID-19 pandemic;

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

5 (d) any additional services that the ²【Seton Hall Law School】 law
6 schools² may deem appropriate ²to assist low- and moderate-income
7 tenants².

8 (2) The ²【clinical program】 experiential housing advocacy
9 programs² shall assist low- and moderate-income tenants residing
10 throughout the State; provided, however, that the ²【clinical program】
11 programs² shall prioritize qualifying tenants who are in need of
12 housing assistance as a result of the COVID-19 pandemic. The
13 ²【clinical program】 programs² may partner with legal services
14 organizations ²and community-based organizations² to conduct
15 ²【tenant】 community² outreach.

16 ¹(3) The ²【Seton Hall Law School】 law schools² may designate
17 one or more legal services organizations through which ²【a】 the² law
18 school may implement the ²【clinical】 experiential housing advocacy²
19 program, provided that the legal services organization shall have
20 experience providing free legal services to low- and moderate-income
21 tenants who are in need of housing assistance.

22 (4) The ²【clinical program】 experiential housing advocacy
23 programs² may include pro bono components in which one or more
24 services may be provided by volunteer students who do not receive
25 course credit for participating in the program.¹

26 c. ¹(1)¹ If a law school elects to implement the ²【clinical】
27 experiential housing advocacy² program, the law school shall
28 designate a licensed attorney in good standing, with experience in
29 landlord-tenant law and civil litigation matters, to supervise the
30 ²【clinical】² program. The ¹【program supervisor shall select a
31 paralegal to support the clinical program, which person shall also
32 provide translation services, as needed under】 law school may hire
33 such administrative staff as may be needed to support¹ the program.
34 ¹【All students selected to participate in the clinical program shall be
35 third-year law students.】¹ ²【The】 To support the operations of the
36 program, the² law school may also hire ²;

37 (a)² one or more licensed attorneys in good standing, with
38 experience in landlord-tenant law and civil litigation matters ²【, to
39 support the operations of the clinical program】 ; and

40 (b) one or more recent law school graduates who are not admitted
41 to the New Jersey State Bar Association but who are permitted to
42 practice law in the State pursuant to the Rules of Court, provided that
43 each graduate shall practice under the supervision of an experienced
44 attorney as required by those Rules².

1 ¹(2) If a law school elects to implement the ²[clinical]
 2 experiential housing advocacy² program through a designated legal
 3 services organization, then subject to the availability of funds, the law
 4 school shall provide subgrants to the legal services organization to
 5 defray the costs of the program. When implementing the ²[clinical]²
 6 program, the designated legal services organization shall allow all
 7 students selected by the law school to participate in the program.¹

8 d. Before the ²[clinical] experiential housing advocacy² program
 9 may commence operations, the law school ¹[shall] may¹ submit an
 10 appropriate application, as required under ¹[New Jersey Court Rules]
 11 the Rules of Court¹, in order to become a certified clinical program
 12 under those rules. ¹[The] Alternatively, the law school may provide
 13 some or all services through an existing clinical program, which has
 14 already been certified under the Rules of Court. In either
 15 circumstance, the ¹ ²[clinical] experiential housing advocacy² program
 16 shall comply with all requirements of the ¹[New Jersey Court]¹ Rules
 17 ¹of Court¹ concerning the implementation of a clinical ²or pro bono²
 18 program and the representation of litigants by law students.

19 e. After the first year of operations, and each year thereafter, the
 20 Seton Hall Law School shall submit a report to the Governor and to
 21 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
 22 19.1), detailing the operations of each ²[clinical] experiential housing
 23 advocacy² program established pursuant to this section. At a
 24 minimum, the report shall indicate the number of tenants who received
 25 assistance through each ²[clinical]² program and the service provided
 26 to each tenant. The Rutgers ²[Camden]² Law School ², Camden
 27 location,² and ²the² Rutgers ²[Newark]² Law School ², Newark
 28 location,² shall provide Seton Hall Law School with any information
 29 necessary to complete the report.

30 f. Nothing in this section shall be construed as requiring the
 31 Seton Hall Law School, ²the² Rutgers ²[Camden]² Law School,
 32 ²Camden location,² or ²the² Rutgers ²[Newark]² Law School ²,
 33 Newark location,² to establish or implement the ²[clinical]
 34 experiential housing advocacy² program.

35
 36 3. a. (1) There is appropriated \$575,000 from the General Fund
 37 to the Department of the Treasury for allocation to the Seton Hall Law
 38 School to support ²[a clinical] an experiential housing advocacy²
 39 program established pursuant to section 2 of P.L. , c. (C.)
 40 (pending before the Legislature as this bill).

41 (2) There is appropriated \$275,000 from the General Fund to the
 42 Department of the Treasury for allocation to the Seton Hall Law
 43 School to support the preparation of training materials and the training
 44 of students ²and law school graduates², in collaboration with ²the²
 45 Rutgers ²[Camden]² Law School ², Camden location,² and ²the²

1 Rutgers ²**[Newark]**² Law School, ²Newark location,² selected to
 2 participate in ²**[a clinical]** an experiential housing advocacy² program
 3 established pursuant to section 2 of P.L. , c. (C.) (pending
 4 before the Legislature as this bill).

5 (3) There is appropriated \$575,000 from the General Fund to the
 6 Department of the State for allocation to the Rutgers ²**[Camden]**² Law
 7 School ², Camden location,² to support ²**[a clinical]** an experiential
 8 housing advocacy² program established pursuant to section 2 of
 9 P.L. , c. (C.) (pending before the Legislature as this bill).

10 (4) There is appropriated \$575,000 from the General Fund to the
 11 Department of the State for allocation to the Rutgers ²**[Newark]**² Law
 12 School ², Newark location,² to support ²**[a clinical]** an experiential
 13 housing advocacy² program established pursuant to section 2 of
 14 P.L. , c. (C.) (pending before the Legislature as this bill).

15 b. If the Seton Hall Law School, ²the² Rutgers ²**[Camden]**² Law
 16 School, ²Camden location,² or ²the² Rutgers ²**[Newark]**² Law School
 17 ², Newark location,² does not establish ²**[a clinical]** an experiential
 18 housing advocacy² program pursuant to section 2 of P.L. , c.
 19 (C.) (pending before the Legislature as this bill), then the amounts
 20 hereinabove appropriated for the law school shall be transferred to the
 21 other participating law schools in equal amounts.

22 ¹c. The unexpended balance of any amount appropriated pursuant
 23 to this section shall be appropriated for the same purpose during the
 24 succeeding fiscal year.¹

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26 4. This act shall take effect immediately.

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31 Provides funding for experiential housing advocacy programs to
 32 provide legal services for low- and moderate-income tenants in
 33 need of housing assistance; appropriates \$2 million.