

CHAPTER 181

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

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

C.22A:2-51a Findings, declarations relative to experiential housing advocacy programs.

1. The Legislature finds and declares that:

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

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

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

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

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

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

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

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

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

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

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

l. It is therefore in the public interest and a valid public purpose for the Legislature to appropriate monies to the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish experiential housing advocacy

programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance.

C.22A:2-51b Annual appropriation for programs; services provided.

2. a. The Legislature shall annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance. The experiential housing advocacy programs shall be implemented according to guidance issued by each law school, in consultation with any other law school that establishes the program, subject to the limitations of this section.

b. (1) The experiential housing advocacy programs shall include, but not be limited to, the provision of the following services, free of charge, to low- and moderate-income tenants:

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

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

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

(d) any additional services that the law schools may deem appropriate to assist low- and moderate-income tenants.

(2) The experiential housing advocacy programs shall assist low- and moderate-income tenants residing throughout the State; provided, however, that the programs shall prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic. The programs may partner with legal services organizations and community-based organizations to conduct community outreach.

(3) The law schools may designate one or more legal services organizations through which the law school may implement the experiential housing advocacy program, provided that the legal services organization shall have experience providing free legal services to low- and moderate-income tenants who are in need of housing assistance.

(4) The experiential housing advocacy programs may include pro bono components in which one or more services may be provided by volunteer students who do not receive course credit for participating in the program.

c. (1) If a law school elects to implement the experiential housing advocacy program, the law school shall designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program. The law school may hire such administrative staff as may be needed to support the program. To support the operations of the program, the law school may also hire:

(a) one or more licensed attorneys in good standing, with experience in landlord-tenant law and civil litigation matters; and

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

(2) If a law school elects to implement the experiential housing advocacy program through a designated legal services organization, then subject to the availability of funds, the law school shall provide subgrants to the legal services organization to defray the costs of the program.

When implementing the program, the designated legal services organization shall allow all students selected by the law school to participate in the program.

d. Before the experiential housing advocacy program may commence operations, the law school may submit an appropriate application, as required under the Rules of Court, in order to become a certified clinical program under those rules. Alternatively, the law school may provide some or all services through an existing clinical program, which has already been certified under the Rules of Court. In either circumstance, the experiential housing advocacy program shall comply with all requirements of the Rules of Court concerning the implementation of a clinical or pro bono program and the representation of litigants by law students.

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

f. Nothing in this section shall be construed as requiring the Seton Hall Law School, the Rutgers Law School, Camden location, or the Rutgers Law School, Newark location, to establish or implement the experiential housing advocacy program.

3. a. (1) There is appropriated \$575,000 from the General Fund to the Department of the Treasury for allocation to the Seton Hall Law School to support an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

(2) There is appropriated \$275,000 from the General Fund to the Department of the Treasury for allocation to the Seton Hall Law School to support the preparation of training materials and the training of students and law school graduates, in collaboration with the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, selected to participate in an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

(3) There is appropriated \$575,000 from the General Fund to the Department of the State for allocation to the Rutgers Law School, Camden location, to support an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

(4) There is appropriated \$575,000 from the General Fund to the Department of the State for allocation to the Rutgers Law School, Newark location, to support an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

b. If the Seton Hall Law School, the Rutgers Law School, Camden location, or the Rutgers Law School, Newark location, does not establish an experiential housing advocacy program pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b), then the amounts hereinabove appropriated for the law school shall be transferred to the other participating law schools in equal amounts.

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

4. This act shall take effect immediately.

Approved July 22, 2021.