

**SENATE, No. 3583**

---

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

---

INTRODUCED MARCH 22, 2021

**Sponsored by:**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**SYNOPSIS**

Concerns eviction and homelessness prevention; provides financial assistance to residential landlords and tenants in response to COVID-19 pandemic; and making appropriations.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT addressing eviction and homelessness prevention and  
2 providing assistance to residential landlords and tenants in  
3 response to COVID-19, and supplementing Title 52 of the  
4 Revised Statutes.

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 mortal threat posed by the COVID-19 pandemic  
11 compelled the Governor and Legislature to take drastic but  
12 necessary action. Executive Order No. 103 of 2020 effectively shut  
13 down the New Jersey economy on March 9, 2020, in order to hinder  
14 the rapid spread of the virus and to limit as much as possible the  
15 number of infections, severe illnesses, and deaths. At the same  
16 time, the Governor and Legislature enacted P.L.2020, c.1 (C.2A:18-  
17 59.3) and implemented a moratorium on evictions, so as to ensure  
18 that households would be able to shelter in place and eliminate the  
19 threat posed by displacement, overcrowding, and the resultant  
20 spread of the virus.

21 b. The foregoing measures caused severe but unavoidable  
22 economic difficulties, which have deeply affected the overall well-  
23 being of millions of New Jersey residents. Tenants, who in general  
24 have substantially lower-incomes and far less wealth than  
25 homeowners, have been disproportionately affected: a large and  
26 growing number of them immediately became and remain  
27 unemployed or underemployed. This is especially so for lower-  
28 income people of color, who are predominantly tenants and who  
29 continue to be victimized by systemic and structural racism, which  
30 has left them severely disadvantaged and extremely vulnerable to  
31 health emergencies and economic downturns.

32 c. Millions of jobs in our State and elsewhere have been  
33 permanently lost, and only around half of the total number of jobs  
34 abruptly interrupted by the virus-driven shutdown have returned.  
35 The general consensus is that it will take many months or even  
36 years for the devastatingly high unemployment to recede, and for  
37 the economy to recover to anywhere near its pre-pandemic level.

38 d. As a result, not only will hundreds of thousands of tenants in  
39 our State be unable to pay all or even part of the rental arrearages  
40 caused by the pandemic when the moratorium ends, but these  
41 tenants will also find it extremely difficult, or even impossible, to  
42 make their current, ongoing monthly rental payments once they  
43 resume.

44 e. An overwhelming number of struggling tenant households,  
45 disproportionately black and brown, will therefore be at risk of  
46 eviction for non-payment of all or part of their regular rent shortly  
47 after the moratorium is lifted. Combining the number of struggling  
48 tenants with the number of people at risk of displacement if the  
49 arrearage issue is not addressed, it becomes clear that the resulting

1 number of evictions, and the resulting overcrowding will create  
2 conditions likely to fuel the resurgence and spread of COVID-19,  
3 and threaten the health, safety, and lives of their families,  
4 communities, and the society at large.

5 f. In Executive Order No. 106 of 2020, the Governor expressly  
6 stated that protection and preservation of personal and public health  
7 was the primary reason driving the imposition of the economic  
8 shutdown and eviction moratorium, a health-centered concern  
9 echoed and reinforced by the national eviction moratorium  
10 subsequently mandated by the federal Centers for Disease Control  
11 and Prevention. The need to strictly limit eviction, now and for the  
12 foreseeable future, is undeniable.

13 g. It is, therefore, necessary for the Legislature to assist  
14 landlords who have suffered deep economic losses, and, at the same  
15 time, make efforts to assist the many tenants who need help as a  
16 result of this crisis, in order to ensure some measure of security and  
17 stability for their families and communities; provide landlords with  
18 the restored rental income stream required to safely and efficiently  
19 operate their buildings; and prevent a resurgence of COVID-19 that  
20 will threaten the health and safety of tenants, landlords, and the  
21 public at large.

22  
23 2. As used in P.L. , c. (C. ) (pending before the  
24 Legislature as this bill):

25 “Assistance” means one or more cash payments, tax credits, or  
26 any other form of compensation for unpaid rent, provided by the  
27 program established pursuant to section 4 of P.L. c. (C. )  
28 (pending before the Legislature as this bill).

29 “Commissioner” means the Commissioner of Community  
30 Affairs.

31 “Covered period” means the period during which a public health  
32 emergency exists as declared by the Governor in Executive Order  
33 No. 103 of 2020, as extended, and one year following the  
34 conclusion of this period.

35 “Deep subsidy” means a rental housing subsidy in an amount  
36 sufficient to allow a limit in the tenant’s share of the monthly rent  
37 to a percentage of the tenant’s income, and that can be adjusted to  
38 maintain that percentage should the tenant’s income change.

39 “Department” means the Department of Community Affairs.

40 “Eviction moratorium” or “moratorium” means the moratorium  
41 on involuntary eviction or displacement established by Executive  
42 Orders Nos. 103 and 106 of 2020, and any other related directives.

43 “Household income” means the combined income of all  
44 household members for the 12 months prior to the filing of an  
45 application for assistance or protection.

46 “Low income household” means a household with a total current  
47 annual household income equal to 50 percent or less of the area  
48 median income for a household of the same size and composition.

1 “Moderate income household” means a household with a total  
2 current gross annual household income in excess of 50 percent but  
3 less than 80 percent of the area median income for a household of  
4 the same size and composition.

5 “Non-emergency eviction” means any eviction action against a  
6 residential tenant which would have been permitted under State law,  
7 prior to the enactment of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill), but does not include eviction actions  
9 against a residential tenant who has physically endangered other  
10 tenants or the landlord. Self-quarantining due to a COVID-19  
11 infection or exposure is not an endangering act.

12 “Shallow subsidy” means a rental housing subsidy provided in an  
13 amount based on the percentage of the fair market rent of the unit,  
14 depending on size and location.

15 “Very low income household” means a household with a total  
16 current annual household income less than or equal to 30 percent of  
17 the area median income for a household of the same size and  
18 composition.

19  
20 3. a. Notwithstanding any other law to the contrary, evictions  
21 shall be prohibited for nonpayment or habitual late payment by a  
22 residential tenant of any and all rent arrearages which accrued  
23 during the covered period and that remain due and owing on the  
24 date that the covered period ends. Payments made by a tenant after  
25 the covered period shall be credited first to the current month’s  
26 rental obligation, and any balance shall be credited to any arrearage  
27 owed by the tenant.

28 b. A landlord shall remain entitled to pursue a money judgment  
29 against a residential tenant for any and all lawfully due and owing  
30 unpaid rent, for which compensation is not otherwise provided by  
31 any public or private source, by filing an action in Superior Court.  
32 A tenant in such an action shall retain the right to assert any and all  
33 counterclaims, set-offs, legal defenses, affirmative defenses, and  
34 equitable defenses that would otherwise be available to the tenant.  
35 No court shall accept any other nonpayment or late payment  
36 eviction filings during the covered period related to residential  
37 evictions.

38 c. Notwithstanding any other provision of law to the contrary,  
39 non-emergency evictions shall be prohibited during the covered  
40 period. All judgments for possession and warrants for removal  
41 entered in non-emergency eviction actions during the covered  
42 period, including those entered pursuant to stipulation or consent  
43 order, shall be null, void, and unenforceable, and the corresponding  
44 actions shall be expunged from the court records. No court shall  
45 accept any other non-emergency eviction filings during the covered  
46 period.

47 d. A landlord shall not impose any late fees for rent payments  
48 not made, or only partially made, during the covered period.

1 e. A landlord shall not increase the rent on a residential rental  
2 unit during the covered period.

3  
4 4. a. There is established in the Department of Community  
5 Affairs the “Tenant COVID Emergency Rental Arrearage  
6 Program,” to provide assistance to residential tenants for unpaid  
7 rents which have accrued during the covered period, and which are  
8 due and owing by residential tenants to their landlords, but have not  
9 been paid. The program shall not provide assistance to the tenant  
10 for unpaid rent for which the landlord has obtained compensation,  
11 or has an outstanding application for compensation, through a  
12 different program that, as determined by the commissioner,  
13 preempts the landlord from eligibility for assistance payments,  
14 including, but not limited to, funding from the Small Landlord  
15 Emergency Grant Program established by the New Jersey Housing  
16 and Mortgage Finance Agency.

17 b. Assistance shall be provided on behalf of an eligible tenant  
18 only if:

19 (1) as of the date of submission of a program application, the  
20 landlord is in substantial compliance with the requirements of: the  
21 “State Uniform Construction Code Act,” P.L.1975, c.217  
22 (C.52:27D-119 et seq.); the “Hotel and Multiple Dwelling Law,”  
23 P.L.1967, c.76 (C.55:13A-1 et seq.); and the State Housing Code,  
24 adopted by the Department of Community Affairs pursuant to P.L.  
25 1966, c. 168 (C.2A:42-74 et seq.);

26 (2) as of March 9, 2020, the landlord is in substantial  
27 compliance with property tax and other tax payment  
28 responsibilities; and

29 (3) the landlord has no pending criminal charges.

30 c. The program shall begin accepting applications from tenants  
31 as soon as possible following enactment of P.L. , c. (C. )  
32 (pending before the Legislature as this bill). A landlord may apply  
33 for assistance on behalf of a tenant as long as the tenant is in  
34 agreement with the landlord doing so, and as long as the tenant for  
35 whom the application is filed meets all of the mandatory eligibility,  
36 verification, and attestation requirement of the program. If a tenant  
37 applies for assistance prior to the conclusion of the covered period,  
38 and the tenant misses one or more rent payments after submission  
39 of the program application, then the tenant may apply to the  
40 department for one or more additional assistance payments on a  
41 quarterly basis through the conclusion of the covered period. The  
42 department may adjust this application schedule as deemed  
43 appropriate by the commissioner.

44 d. The department shall prioritize program applications based  
45 upon the financial need of the tenant, and may prioritize program  
46 application approval based on the financial need of the landlord, as  
47 determined by the commissioner. A portion of assistance funding  
48 shall be reserved for the tenants of landlords who own and rent out  
49 no more than two housing units.

1 e. The department shall prepare all application forms,  
2 application guidelines, and informational materials necessary for  
3 tenants to complete an application, and shall post materials on its  
4 internet website.

5 f. Within 15 days of the enactment of P.L. , c. (C. )  
6 (pending before the Legislature as this bill), a landlord shall provide  
7 each of its tenant households with written notice of the  
8 establishment of the program. This notice shall provide information  
9 to the tenant on how to learn more about the program and obtain  
10 assistance with the application process.

11 g. The department shall develop and fund a comprehensive  
12 public information plan to ensure that eligible tenants are aware of  
13 the assistance provided by the program, and shall assist tenants with  
14 the filing and completion of the application process to the degree  
15 required for the tenant to do so. This plan shall include but not be  
16 limited to public service announcements, notices about the program  
17 in governmental notices and utility providers billings, notices to  
18 landlords as to how to assist their tenants in applying for the  
19 program, and outreach to underserved populations.

20

21 5. a. A program application shall state: the total amount of rent  
22 due from the landlord's residential tenants established in the  
23 corresponding leases; the amount paid by the tenants or third  
24 parties; if any, the amount unpaid; the amount of security deposit  
25 funding that the landlord's tenants have applied against rent  
26 pursuant to Executive Order No. 128 of 2020; and any other  
27 information required by the department for determining financial  
28 need.

29 b. An application shall include a certification by the tenant as  
30 to: (1) the number of occupants of the unit, (2) the tenant  
31 household's income, (3) a brief statement by the tenant explaining  
32 how the pandemic affected the tenant's ability to pay rent, and (4)  
33 any other information required by the funding sources from which  
34 the program payments are intended to be made. The commissioner  
35 shall make the forms and related verification requirements as simple  
36 as possible, shall require the minimum information permissible by  
37 those funding sources, and shall permit self-certification and  
38 verification to the greatest extent possible.

39 c. A tenant seeking assistance for rental arrearages pursuant to  
40 this program shall, except for good cause shown, cooperate and  
41 comply with the reasonable, good faith information and related  
42 requests made by the department and the landlord in order to  
43 facilitate the application process, provided that the landlord also  
44 cooperates and complies with the department and tenant throughout  
45 the application process. Notwithstanding the prohibition against  
46 non-payment eviction actions for COVID-19-related rental  
47 arrearages set forth in section 3 of P.L. , c. (C. ) (pending  
48 before the Legislature as this bill), a landlord that is compliant with  
49 the landlord's obligations pursuant to this subsection may

1 commence eviction proceedings for non-payment of the rent in  
2 question against a tenant who unreasonably fails or refuses to  
3 comply without good cause.

4  
5 6. a. Assistance in the form of cash, tax credits, or other  
6 means, shall be provided to the landlord in an amount equal to 70  
7 percent of the amount of the arrearages as determined by the  
8 department, without limitation on the landlord's right to pursue a  
9 money judgment for the lawfully due balance as provided for in  
10 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
11 this bill).

12 b. Upon the provision of assistance as described in subsection  
13 a. of this section, the commissioner shall notify the tenant of the  
14 protections provided to them as a consequence of the landlord's  
15 receipt of assistance.

16 c. A landlord shall not accept a delinquent rent payment from a  
17 residential tenant if the rent payment has been covered by an  
18 assistance payment.

19 d. In accordance with the provisions of section 3 of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill), a landlord  
21 receiving assistance or awaiting the department's response to a  
22 program application, shall not initiate an eviction proceeding, or  
23 complete a previously-initiated eviction proceeding, for any unpaid  
24 rent balances, or late or other fees, owed by a residential tenant for  
25 rent due during the covered period. This subsection shall protect  
26 such tenants from an eviction action for nonpayment or habitually  
27 late payment of rent during this period.

28 e. A landlord initiating an eviction action shall provide  
29 documentation on a form to be prepared and adopted by the  
30 Administrative Director of the Courts that the landlord is not  
31 prohibited from initiating the action by the eviction limitations  
32 provided by section 3 of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), or any provision of P.L. , c. (C. )  
34 (pending before the Legislature as this bill).

35  
36 7. a. A taxpayer who is a landlord for one or more residential  
37 units occupied by a tenant with a household income of less than 80  
38 percent of the median gross household income for households of the  
39 same size within the housing region in which the housing is located,  
40 and who does not receive cash assistance covering the percentage of  
41 arrearages authorized by this program, shall be provided with  
42 assistance by the department in the form of an allowed credit  
43 against the tax otherwise due for the taxable year under the "New  
44 Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., in an amount  
45 equal to the amount of assistance that the landlord is eligible to  
46 receive under the program for a tenant meeting the income  
47 qualifications provided in this subsection during the covered period  
48 minus the amount of assistance and other preempting compensation  
49 provided to the landlord, or for which the landlord has an

1 outstanding application, for the same property. A landlord shall not  
2 be awarded a tax credit pursuant to this section unless the tenant has  
3 already applied for assistance, the landlord has with due diligence  
4 and in good faith assisted the tenant with regard to filing and  
5 completing the application, and the tenant has either been denied  
6 the assistance, or has obtained assistance in an amount insufficient  
7 to compensate the landlord for a significant portion of the rent  
8 unpaid by the tenant meeting the income qualifications provided in  
9 this subsection during the covered period. A landlord allowed an  
10 income tax credit pursuant to this subsection shall:

11 (1) In accordance with the provisions of section 3 of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill), refrain  
13 from evicting or otherwise dispossessing a tenant of a property on  
14 behalf of which the credit was requested for nonpayment or  
15 habitually late payment of rent due during the covered period;

16 (2) permanently forgive the tenant or tenants from paying the  
17 same percentage of unpaid rent owed by the tenant or tenants during  
18 the covered period as the percentage of unpaid rent owed to the  
19 landlord's during the covered period, for the same property, that is  
20 not accommodated by assistance payments, and income tax credits  
21 issued pursuant to this subsection, combined. The landlord shall  
22 retain the ability to obtain the unpaid rent not covered by the  
23 income tax credit or by assistance payments, and owed by the tenant  
24 or tenants during the covered period, through a monetary judgment  
25 action.

26 b. Upon obtaining an award of a tax credit pursuant to  
27 subsection a. of this section, the landlord shall notify the landlord's  
28 tenants of the protections provided to the tenants as a consequence  
29 of the landlord's receipt of the tax credit.

30 c. The order of priority of the application of the credit allowed  
31 pursuant to this section and any other credits allowed pursuant to  
32 the "New Jersey Gross Income Tax Act" N.J.S.54A:1-1 et seq. for a  
33 taxable year shall be as prescribed by the Director of the Division of  
34 Taxation in the Department of the Treasury. The amount of the  
35 credit applied under this section against the tax imposed for a  
36 taxable year, together with any other credits allowed by law, shall  
37 not reduce the tax liability to an amount less than zero. The amount  
38 of unused credit allowable under this section may be carried  
39 forward, if necessary, to the three taxable years following the  
40 taxable year for which the tax credit is allowed.

41 d. A business entity that is classified as a partnership for  
42 federal income tax purposes shall not be allowed the credit directly,  
43 but the amount of credit of a taxpayer in respect of a distributive  
44 share of partnership income shall be determined by allocating to the  
45 taxpayer that proportion of the credit acquired by the partnership  
46 that is equal to the taxpayer's share, whether or not distributed, of  
47 the total distributive income or gain of the partnership for its  
48 taxable year ending within or with the taxpayer's taxable year. A  
49 taxpayer that is a New Jersey S corporation shall not be allowed the



1 credit directly, but the amount of credit of a taxpayer in respect of a  
2 pro rata share of S corporation income shall be determined by  
3 allocating to the taxpayer that proportion of the credit acquired by  
4 the New Jersey S corporation that is equal to the taxpayer's share,  
5 whether or not distributed, of the total pro-rata share of the S  
6 corporation's income of the New Jersey S corporation for its  
7 privilege period ending within or with the taxpayer's taxable year.

8 e. The Director of the Division of Taxation in the Department  
9 of the Treasury, in consultation with the commissioner, is  
10 authorized to adopt rules and regulations in accordance with the  
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
12 seq.) and prescribe forms as necessary to implement this section.  
13 These forms may include, but shall not be limited to, forms  
14 necessary to certify that a tenant meets the income limitations  
15 established pursuant to subsection a. of this section.

16  
17 8. a. The Department of Community Affairs shall, as soon as  
18 practicable following the enactment of P.L. , c. (C. )  
19 (pending before the Legislature as this bill), prepare and make  
20 available, on its Internet website, information for landlords on: (1)  
21 when assistance applications shall be available, (2) the necessary  
22 steps for application submission, (3) how to obtain help in  
23 application completion, and (4) other matters related to assistance  
24 applications deemed necessary by the commissioner. This  
25 information shall be made available in English, Spanish, and any  
26 other languages determined to be necessary by the commissioner.

27 b. The department shall engage in a substantial effort to  
28 enhance awareness among the State's landlords of the ability to  
29 apply for assistance. Once assistance applications are made  
30 available, the department shall provide for the establishment and  
31 maintenance of a toll-free telephone hotline available, at a  
32 minimum, weekdays between 8:30 a.m. and 5:30 p.m. through  
33 which a landlord may ask questions and obtain help in application  
34 completion. The department shall maintain the telephone hotline  
35 for the entire period that the department continues to accept  
36 assistance applications.

37  
38 9. If a landlord has submitted a program application to the  
39 department, but has not yet obtained an assistance payment, or a  
40 denial of an assistance payment, the landlord may assert an  
41 affirmative defense to a foreclosure action initiated against any  
42 residential rental property owned by the landlord. This section shall  
43 exclusively apply to a landlord whose principal residence is in the  
44 State and who, together with immediate family members, partners,  
45 or other related entities, owns no more than 50 rental units in the  
46 State.

47  
48 10. a. The Commissioner of Community Affairs shall rename  
49 the current "Homelessness Prevention Program" established

1 pursuant to the provisions of P.L.1984, c.180 (C.52:27D-280 et al.),  
2 as the “Eviction and Homelessness Prevention Program.”

3 b. The commissioner shall revise and amend the "Homeless  
4 Prevention Program Regulations" established pursuant to chapter 41  
5 of Title 5 of the New Jersey Administrative Code to meet or provide  
6 for the following:

7 (1) the regulations shall be renamed the “Eviction and  
8 Homelessness Prevention Program Regulations”;

9 (2) a household shall be eligible to participate in the program if,  
10 due to reasons beyond the household’s control, the household is  
11 unable to make residential rental payments which are due and  
12 owing pursuant to a valid and enforceable oral or written lease,  
13 stipulation of settlement, judgment, order or other type of legally  
14 binding agreement;

15 (3) a household shall be eligible for assistance under this  
16 program regardless of whether the household has been served with a  
17 summons and complaint for eviction;

18 (4) a household shall be eligible for assistance if their  
19 annualized current income is no more than 80 percent of the area  
20 median income; however, the commissioner may establish funding  
21 priorities to benefit very low income and low income households;

22 (5) a household shall be eligible for assistance under this  
23 program although it may be unlikely for the household to have the  
24 ability to pay shelter costs after the period of assistance has ended;

25 (6) eligible households shall be awarded grants for periods of up  
26 to two years, depending upon the person’s or household’s particular  
27 circumstances. The department shall provide assistance along a  
28 continuum based upon the income level of the tenant household,  
29 and shall include deep subsidies, shallow subsidies, and flat  
30 amounts. Such grants may be renewed to prevent eviction or  
31 homelessness. The commissioner shall prepare a detailed guidance  
32 covering the amount and duration of such grants, in accordance  
33 with the following guidelines and principles:

34 (a) for a very low income household, a deep subsidy shall be  
35 provided in the amount necessary to limit the household’s share of  
36 ongoing rent to not more than 40 percent of the household’s  
37 income;

38 (b) for a low income household, a shallow subsidy shall be  
39 provided in the amount necessary to limit the household’s share of  
40 ongoing rent to not more than 40 percent of the household’s  
41 income, provided, however, that the amount of any such subsidy  
42 shall not exceed \$800 per month; and

43 (c) for a moderate-income household, assistance in the form of a  
44 flat monthly grant of \$250 shall be provided to the household if the  
45 household pays more than 50 percent of the household’s income as  
46 ongoing rent.

47 (7) during the course of the payment period, if the department is  
48 notified by either the landlord or the program participant that a  
49 person or household has begun to experience difficulty paying rent

1 as a result of reasons beyond the household's control, the  
2 household's income and family situation shall be reevaluated in  
3 light of the changed conditions, and the person or household shall  
4 be placed in a different assistance tier, if necessary, to prevent  
5 eviction; and

6 (8) during the course of the payment period, a participant  
7 household shall certify the household's current income once every  
8 two months, using a one-page form to be developed by the  
9 department, including any necessary attachments. Beginning the  
10 month following receipt of a certification, the department shall  
11 increase or decrease the amount of subsidy provided to the  
12 household in accordance with the subsidy category applicable to the  
13 most recent reported income, provided that limited non-recurring  
14 short term increases in income shall not require a subsidy  
15 adjustment.

16  
17 11. There is established within the Department of Community  
18 Affairs the "NJ Early Intervention Eviction Prevention Program,"  
19 which shall include the following components:

20 a. Within 30 days of the enactment of P.L. , c. (C. )  
21 (pending before the Legislature as this bill), the department shall  
22 establish an "Office of Eviction Prevention," which shall be  
23 responsible for the: (1) identification of all federal, State, local, and  
24 other sources of financial assistance which are intended or could be  
25 used to prevent the eviction of residential tenants, including but not  
26 limited to programs which provide both deep subsidies and shallow  
27 subsidies; (2) becoming knowledgeable with regard to the  
28 application process for each such program; and (3) identifying, and  
29 proposing remedies for, the gaps in the overall assistance system,  
30 especially in relation to eligibility requirements and the need for  
31 addition to, or revision of, subsidy programs so as to provide  
32 appropriate assistance of various sorts and in various amounts to  
33 households at different income levels. This office shall be  
34 responsible for the compilation, publication, and ongoing update of  
35 this information, and shall also be responsible for identifying and  
36 training at least one non-profit, community-based organization in  
37 each county with regard to the availability of and means of  
38 accessing such financial assistance by at-risk tenants.

39 b. Also within 30 days of the enactment of P.L. , c. (C. )  
40 (pending before the Legislature as this bill), the department shall  
41 establish the "NJ Eviction Prevention Mediation Program," which  
42 shall operate in a manner similar to the "NJ Foreclosure Mediation  
43 Program," except as otherwise established herein. In addition to  
44 facilitating the provision of mediation in the form and for the  
45 purposes outlined below, it shall be the responsibility of the  
46 program to ensure that participating tenants are provided with legal  
47 advice and assistance if they are not otherwise represented or  
48 advised by counsel. The department shall contract with a non-profit  
49 provider or providers in each county for the purpose of conducting

1 the mediation sessions, providing the necessary advice regarding  
2 tenants' rights, and also providing the necessary legal assistance.  
3 Each such provider shall be responsible for employing a sufficient  
4 number of mediators, in-house attorneys, and experts in tenants'  
5 rights to ensure that mediation sessions are conducted in a timely  
6 fashion. The department shall be responsible for ensuring that all  
7 mediators, attorneys, and tenants' rights experts are appropriately  
8 trained, and that such training is ongoing to ensure that up-to-date  
9 assistance is provided.

10 c. At least 21 days prior to the filing of an eviction complaint for  
11 non-payment of rent which has accrued subsequent to the end of the  
12 moratorium period, a landlord shall, using forms prepared by the  
13 department, notify both the department and the affected tenant that  
14 such an eviction filing may be necessary. If the matter is not  
15 resolved in accordance with the procedures outlined in subsections  
16 d. through j. of this section, and a summary dispossession complaint is  
17 subsequently filed, a copy of this notice shall be attached to the  
18 complaint. Failure to serve and attach the required notice shall  
19 result in dismissal of the complaint.

20 d. Within seven days of receipt of this notice, the department  
21 shall contact both parties and establish a date and time for the  
22 convening of an assisted eviction prevention mediation session,  
23 which shall take place no later than 16 days subsequent to receipt of  
24 the notice, and prior to the filing of an action for eviction.

25 e. Eviction prevention mediation sessions shall be conducted  
26 electronically, on an agreed upon day at and agreed upon time, via a  
27 process that allows all parties, as well as the mediator and any other  
28 participants, to see and hear each other, unless all parties and  
29 participants agree that the session will be conducted in person. In  
30 person eviction prevention mediation sessions shall not be  
31 conducted in the courthouse or other government building. All such  
32 sessions shall be conducted at schools, churches, non-profit office  
33 facilities, or other appropriate locations within five miles of the  
34 courthouse. All such sessions shall be scheduled at times agreed  
35 upon and convenient to all parties, including evenings and  
36 weekends.

37 f. A knowledgeable, trained representative of the Office of  
38 Eviction Prevention shall be present at each scheduled mediation  
39 session, in order to facilitate resolution of all payment-related  
40 issues.

41 g. The purposes and goals of the mediation process shall be: (1)  
42 to identify all existing and potential legal issues and tenants' rights  
43 that may have an impact upon the jurisdiction of the court or  
44 otherwise affect the possible outcomes of any summary dispossession  
45 proceeding, (2) to identify all existing or potential issues that do or  
46 may affect the participating tenants ability to make rental payments  
47 in a timely fashion and in full, (3) to identify, prepare and  
48 implement an affordable payment plan that will address all payment  
49 issues so identified, in order to insure to the greatest extent possible

1 that rent will be timely paid, (4) identify all potential sources of  
2 one-time, short and long-term funding, including the use of deep  
3 subsidies and shallow subsidies, which will facilitate successful  
4 creation and implementation of such a plan, (5) establish an  
5 implementation plan which identifies and provides the hands-on  
6 assistance tenants will need to pursue and apply to the particular  
7 funding sources identified as necessary, and (6) produce a written  
8 agreement embodying and memorializing all of the above.

9 h. It shall be the obligation of all parties to undertake the  
10 mediation process in good faith and with the intent of reaching a  
11 reasonable resolution of all issues involved. Failure by a landlord  
12 to negotiate and participate in good faith shall be a defense to and  
13 action for eviction; failure to do so by a tenant may lead to an  
14 eviction filing and displacement.

15 i. If the mediation is successful, and the parties reach an  
16 agreement with regard to a reasonable and affordable payment plan,  
17 a Stipulation of Settlement will be prepared, which stipulation shall  
18 be in the form established by the department. The Stipulation of  
19 Settlement shall further provide that, in the event a tenant fails to  
20 abide by the payment plan, the landlord may institute a summary  
21 dispossession proceeding. If the matter cannot be resolved through  
22 mediation, and the amounts claimed due are not paid, the landlord  
23 may commence a summary dispossession proceeding against the  
24 tenant.

25 j. In any such civil action for non-payment of rent, a tenant shall  
26 be advised of the tenant's right to request a two-week adjournment,  
27 which shall be granted as a matter of right. At least one week prior  
28 to the trial of any matter involving non-payment of rent, the tenant  
29 shall again be advised of all rights provided by P.L. ,  
30 c. (C. ) (pending before the Legislature as this bill), as well as  
31 all potential sources of funding that may be available to reduce the  
32 tenant's obligation, and offered the opportunity to engage in a final  
33 mediation session on or prior to the trial date. Any and all payment  
34 arrangements subsequently agreed to shall be reviewed by the court,  
35 and shall not be approved unless the court finds that the tenant  
36 clearly understood the tenant's rights as well as the terms of the  
37 agreement.

38  
39 12. The following sums are appropriated from the funds  
40 provided to the State by the United States government for the  
41 purpose of providing relief to tenants affected in any way by the  
42 COVID-19 pandemic: for the "Tenant COVID Emergency Rental  
43 Arrearage Program" the sum of \$350,000,000; for the "Eviction and  
44 Homelessness Prevention Program" the sum of \$350,000,000; for  
45 the Office of Eviction Prevention the sum of \$5,000,000; and for  
46 the "NJ Eviction Prevention Mediation Program" the sum of  
47 \$20,000,000. The sum of \$20,000,000 is appropriated to the  
48 department from the same funds, as described above, provided to  
49 the State by the United States government for the purpose of

1 funding those actions needed to be taken by the department to  
2 effectively implement and administer the rental arrearage and  
3 homelessness prevention programs. Additional federal funding for  
4 emergency rental assistance related to the COVID-19 pandemic  
5 shall be appropriated to the foregoing programs as it becomes  
6 available. Households otherwise ineligible for assistance using  
7 federal funds shall be assisted with State funds.

8  
9 13. This act shall take effect immediately.

10  
11  
12 STATEMENT

13  
14 This bill would address eviction and homelessness prevention,  
15 and would provide financial assistance to residential landlords and  
16 tenants in response to COVID-19 pandemic.

17 The bill would prohibit eviction for nonpayment or habitual late  
18 payment by a residential tenant of any rent arrearages accrued  
19 during the covered period and that remain due and owing on the  
20 date that the covered period ends. The bill defines the “covered  
21 period” as the period during which a public health emergency exists  
22 as declared by the Governor in Executive Order No. 103 of 2020, as  
23 extended, and one year following its conclusion. Rent payments  
24 made after the covered period would be credited first to the current  
25 month’s rental obligation, and any balance shall be credited to any  
26 arrearage.

27 The bill would permit a landlord to pursue a money judgment  
28 against a residential tenant for any lawfully due unpaid rent by  
29 filing an action in Superior Court.

30 Non-emergency evictions would also be prohibited during the  
31 covered period. All judgments for possession and warrants for  
32 removal entered in non-emergency eviction actions during the  
33 covered period would be null, void, and unenforceable, and the  
34 corresponding actions would be expunged from the court records.  
35 No court would be authorized to accept any nonpayment, late  
36 payment, or other non-emergency eviction filings during the  
37 covered period.

38 The bill would prohibit a landlord from imposing any late fees  
39 for rent payments not fully made during the covered period. A  
40 landlord would be prohibited from increasing the rent on a  
41 residential rental unit during the covered period.

42 The bill would establish in the Department of Community  
43 Affairs the “Tenant COVID Emergency Rental Arrearage  
44 Program,” to provide assistance to residential tenants for unpaid  
45 rents which have accrued during the covered period, and which are  
46 due and owing by residential tenants to their landlords, but have not  
47 been paid. The program would not provide assistance to the tenant  
48 for unpaid rent for which the landlord has obtained compensation,  
49 or has an outstanding application for compensation, through a

1 different program that, as determined by the commissioner,  
2 preempts the landlord from eligibility for assistance payments.

3 Assistance would be provided on behalf of an eligible tenant  
4 only if: (1) as of the date of submission of a program application,  
5 the landlord is in substantial compliance with the requirements of:  
6 the “State Uniform Construction Code Act,” P.L.1975, c.217  
7 (C.52:27D-119 et seq.); the “Hotel and Multiple Dwelling Law,”  
8 P.L.1967, c.76 (C.55:13A-1 et seq.); and the State Housing Code;  
9 (2) as of March 9, 2020, the landlord is in substantial compliance  
10 with property tax and other tax payment responsibilities; and (3)  
11 the landlord has no pending criminal charges.

12 The Tenant COVID Emergency Rental Arrearage Program  
13 would begin accepting applications from tenants as soon as possible  
14 following the enactment of the bill. A landlord would be able to  
15 apply for assistance on behalf of a tenant as long as the tenant is in  
16 agreement with the landlord doing so, and meets all of the  
17 mandatory eligibility, verification and attestation requirement of the  
18 program. If a tenant applies for assistance prior to the conclusion of  
19 the covered period, and the tenant misses one or more rent  
20 payments after submission of the program application, then the  
21 tenant would be permitted to apply for one or more additional  
22 assistance payments on a quarterly basis through the conclusion of  
23 the covered period. The department would be able to adjust this  
24 application schedule as deemed appropriate by the commissioner.

25 The department would prioritize program applications based  
26 upon the financial need of the tenant, and prioritize program  
27 application approval based on the financial need of the landlord. A  
28 portion of assistance funding would be reserved for the tenants of  
29 landlords who own and rent out no more than two housing units.  
30 Within 15 days of the enactment of the bill, a landlord would be  
31 required to provide each of its tenant households with written notice  
32 of the establishment of the program.

33 The bill would direct the department to develop and fund a  
34 comprehensive public information plan to ensure that eligible  
35 tenants are aware of the assistance provided by the program, and  
36 assist tenants with the filing and completion of the application  
37 process.

38 A program application would state the total amount of rent due  
39 from the landlord’s residential tenants established in the  
40 corresponding leases, the amount paid by the tenants or third  
41 parties, if any, the amount unpaid, the amount of security deposit  
42 funding that the landlord’s tenants have applied against rent  
43 pursuant to Executive Order No. 128 of 2020, and any other  
44 information required by the department for determining financial  
45 need.

46 An application would include a certification by the tenant as to  
47 (1) the number of occupants of the unit, (2) the tenant household’s  
48 income, (3) a brief statement or by the tenant explaining how the  
49 pandemic affected their ability to pay rent, and (4) any other

1 information required by the funding sources from which the  
2 program payments are intended to be made.

3 A tenant seeking assistance for rental arrearages through this  
4 program would, except for good cause shown, be required to  
5 cooperate and comply with the reasonable, good faith information  
6 and related requests made by the department and the landlord in  
7 order to facilitate the application process, provided that the landlord  
8 also cooperates and complies with the department and tenant  
9 throughout the application process. Notwithstanding the  
10 prohibition against non-payment eviction actions for COVID-19-  
11 related rental arrearages set forth in the bill, a landlord that is  
12 compliant with the landlord's obligations would be authorized to  
13 commence eviction proceedings for non-payment of the rent in  
14 question against a tenant who unreasonably fails or refuses to  
15 comply without good cause.

16 Assistance in the form of cash, tax credits, or other means, would  
17 be provided to a landlord in an amount equal to 70 percent of the  
18 amount of the arrearages as determined by the department, without  
19 limitation on the landlord's right to pursue a money judgment for  
20 the lawfully due balance. Upon the provision of assistance, the  
21 commissioner would notify the tenant of the protections provided to  
22 them as a consequence of the landlord's receipt of assistance. A  
23 landlord would not be permitted to accept a delinquent rent payment  
24 from a residential tenant if the rent payment has been covered by an  
25 assistance payment. A landlord initiating an eviction action would  
26 be required to provide documentation on a form to be prepared and  
27 adopted by the Administrative Director of the Courts that the  
28 landlord is not prohibited from initiating the action by the eviction  
29 limitations provided by the bill.

30 The bill would permit a landlord for one or more residential units  
31 occupied by a low- or moderate-income tenant, and who does not  
32 receive cash assistance covering the percentage of arrearages  
33 authorized by this program, to be provided with assistance in the  
34 form of a credit against the tax otherwise due for the taxable year  
35 under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et  
36 seq., in an amount equal to the amount of assistance that the  
37 landlord is eligible to receive under the program for a tenant  
38 meeting the income qualifications provided in this subsection  
39 during the covered period minus the amount of assistance and other  
40 preempting compensation provided to the landlord, or for which the  
41 landlord has an outstanding application, for the same property. A  
42 landlord would not be awarded a tax credit through the bill unless  
43 the tenant has already applied for assistance, the landlord has with  
44 due diligence and in good faith assisted the tenant with regard to  
45 filing and completing the application, and the tenant has either been  
46 denied the assistance, or has obtained assistance in an amount  
47 insufficient to compensate the landlord for a significant portion of  
48 the rent unpaid by the tenant meeting the income qualifications.



1 A landlord allowed an income tax credit would be required to  
2 permanently forgive the tenant from paying the same percentage of  
3 unpaid rent owed by the tenant during the covered period as the  
4 percentage of unpaid rent owed to the landlord's during the covered  
5 period, for the same property, that is not accommodated by  
6 assistance payments, and income tax credits issued pursuant to this  
7 subsection, combined. The landlord would retain the ability to  
8 obtain the unpaid rent not covered by the income tax credit or by  
9 assistance payments, and owed by the tenant or tenants during the  
10 covered period, through a monetary judgment action.

11 The Department of Community Affairs would be required to  
12 prepare and make available, on its Internet website, information for  
13 landlords on (1) when assistance applications would be available,  
14 (2) the necessary steps for application submission, (3) how to obtain  
15 help in application completion, and (4) other matters related to  
16 assistance applications deemed necessary by the commissioner.  
17 This information would be made available in English, Spanish, and  
18 any other languages determined by the commissioner to be  
19 necessary.

20 The department would be required to engage in a substantial  
21 effort to enhance awareness among the State's landlords of the  
22 ability to apply for assistance. Once assistance applications are  
23 made available, the department would provide for the establishment  
24 and maintenance of a toll-free telephone hotline available, at a  
25 minimum, weekdays between 8:30 a.m. and 5:30 p.m. through  
26 which a landlord may ask questions and obtain help in application  
27 completion. The department would maintain the telephone hotline  
28 for the entire period that the department continues to accept  
29 assistance applications.

30 If a landlord submits a program application to the department,  
31 but has not yet obtained an assistance payment, or a denial of an  
32 assistance payment, the landlord would be authorized to assert an  
33 affirmative defense to a foreclosure action initiated against any  
34 residential rental property owned by the landlord. This provision  
35 would exclusively apply to a landlord whose principal residence is  
36 in the State and who, together with immediate family members,  
37 partners, or other related entities, owns no more than 50 rental units  
38 in the State.

39 The bill would also direct the Commissioner of Community  
40 Affairs would rename the current "Homelessness Prevention  
41 Program" as the "Eviction and Homelessness Prevention Program."  
42 The bill directs the commissioner to revise and amend the  
43 "Homeless Prevention Program Regulations" to meet or provide for  
44 the following: (1) the regulations would be renamed the "Eviction  
45 and Homelessness Prevention Program Regulations", (2) a  
46 household would be eligible to participate in the program if, due to  
47 reasons beyond the household's control, the household is unable to  
48 make residential rental payments which are due and owing pursuant  
49 to a valid and enforceable oral or written lease, stipulation of

1 settlement, judgment, order or other type of legally binding  
2 agreement, (3) a household would be eligible for assistance under  
3 this program regardless of whether the household has been served  
4 with a summons and complaint for eviction, (4) a household would  
5 be eligible for assistance if their annualized current income is no  
6 more than 80 percent of the area median income; however, the  
7 commissioner may establish funding priorities to benefit very low  
8 income and low income households, (5) a household would be  
9 eligible for assistance under this program although it may be  
10 unlikely for the household to have the ability to pay shelter costs  
11 after the period of assistance has ended, and (6) eligible households  
12 would be awarded grants for periods of up to two years, depending  
13 upon the person's or household's particular circumstances. The  
14 department would provide assistance along a continuum based upon  
15 the income level of the tenant household, and would include deep  
16 subsidies, shallow subsidies, and flat amounts. The bill would  
17 authorize these grants be renewed to prevent eviction or  
18 homelessness. The commissioner would prepare guidance covering  
19 the amount and duration of the grants, in accordance with the  
20 following guidelines and principles: (a) for a very low income  
21 household, a deep subsidy would be provided in the amount  
22 necessary to limit the household's share of ongoing rent to not more  
23 than 40 percent of the household's income, (b) for a low income  
24 household, a shallow subsidy would be provided in the amount  
25 necessary to limit the household's share of ongoing rent to not more  
26 than 40 percent of the household's income, provided, however, that  
27 the amount of any such subsidy would not exceed \$800 per month,  
28 and (c) for a moderate-income household, assistance in the form of  
29 a flat monthly grant of \$250 would be provided to the household if  
30 the household pays more than 50 percent of the household's income  
31 as ongoing rent.

32 The revisions to the "Homeless Prevention Program Regulations"  
33 would also provide that, during the course of the payment period, if  
34 the department is notified by either the landlord or the program  
35 participant that a person or household has begun to experience  
36 difficulty paying rent as a result of reasons beyond the household's  
37 control, the household's income and family situation would be  
38 reevaluated in light of the changed conditions, and the person or  
39 household would be placed in a different assistance tier, if  
40 necessary, to prevent eviction. Finally, these regulatory revisions  
41 would also provide that, during the course of the payment period, a  
42 participant household would certify the household's current income  
43 once every two months, using a one-page form to be developed by  
44 the department, including any necessary attachments. Beginning  
45 the month following receipt of a certification, the department would  
46 increase or decrease the amount of subsidy provided to the  
47 household in accordance with the subsidy category applicable to the  
48 most recent reported income, provided that limited non-recurring

1 short term increases in income would not require a subsidy  
2 adjustment.

3 The bill would also establish within the Department of  
4 Community Affairs the “NJ Early Intervention Eviction Prevention  
5 Program.” Within 30 days of the enactment of the bill, the  
6 department would be required to establish an “Office of Eviction  
7 Prevention,” which would be responsible for the (1) identification  
8 of all federal, state, local, and other sources of financial assistance  
9 available for use to prevent the eviction of residential tenants,  
10 including but not limited to programs which provide both deep and  
11 shallow rental subsidies, (2) becoming knowledgeable with regard  
12 to the application process for each such program, and (3)  
13 identifying, and proposing remedies for, the gaps in the overall  
14 assistance system. This office would be responsible for the  
15 compilation, publication, and ongoing update of this information,  
16 and for identifying and training at least one non-profit, community-  
17 based organization in each county with regard to the availability of  
18 and means of accessing such financial assistance by at-risk tenants.

19 Also within 30 days of the enactment of this legislation, the  
20 department would be required to establish the “NJ Eviction  
21 Prevention Mediation Program,” which would operate in a manner  
22 similar to the “NJ Foreclosure Mediation Program.” In addition to  
23 facilitating the provision of mediation in the form and for the  
24 purposes outlined below, it would be the responsibility of the  
25 program to ensure that participating tenants are provided with legal  
26 advice and assistance if they are not otherwise represented or  
27 advised by counsel. The department would contract with a non-  
28 profit provider or providers in each county for the purpose of  
29 conducting the mediation sessions, providing the necessary advice  
30 regarding tenants’ rights, and also providing the necessary legal  
31 assistance. Each such provider would be responsible for employing  
32 a sufficient number of mediators, in-house attorneys and experts in  
33 tenants’ rights to ensure that mediation sessions are conducted in a  
34 timely fashion.

35 At least 21 days prior to the filing of an eviction complaint for  
36 non-payment of rent which has accrued subsequent to the end of the  
37 moratorium period, a landlord would, using forms prepared by the  
38 department, notify both the department and the affected tenant that  
39 such an eviction filing may be necessary. If the matter is not  
40 resolved in accordance with the procedures outlined in the  
41 following sections, and a summary dispossession complaint is  
42 subsequently filed, a copy of this notice would be attached to the  
43 complaint. Failure to serve and attach the required notice would  
44 result in dismissal of the complaint.

45 Within seven days of receipt of this notice, the department would  
46 contact both parties and establish a date and time for the convening  
47 of an assisted eviction prevention mediation session, which would  
48 take place no later than 16 days subsequent to receipt of the notice,  
49 and prior to the filing of an action for eviction.

1       Eviction prevention mediation sessions would be conducted  
2 electronically, on an agreed upon day at and agreed upon time, via a  
3 process that allows all parties, as well as the mediator and any other  
4 participants, to see and hear each other, unless all parties and  
5 participants agree that the session will be conducted in person. In  
6 person eviction prevention mediation sessions would not be  
7 conducted in the courthouse or other government building. All such  
8 sessions would be conducted at schools, churches, non-profit office  
9 facilities, or other appropriate locations within five miles of the  
10 courthouse. All such sessions would be scheduled at times agreed  
11 upon and convenient to all parties, including evenings and  
12 weekends.

13       A representative of the Office of Eviction Prevention would be  
14 present at each scheduled mediation session, in order to facilitate  
15 resolution of all payment-related issues.

16       The purposes and goals of the mediation process would be: (1) to  
17 identify all existing and potential legal issues and tenants' rights  
18 that may have an impact upon the jurisdiction of the court or  
19 otherwise affect the possible outcomes of any summary dispossession  
20 proceeding, (2) to identify all existing or potential issues that do or  
21 may affect the participating tenants ability to make rental payments  
22 in a timely fashion and in full, (3) to identify, prepare and  
23 implement an affordable payment plan that will address all payment  
24 issues so identified, in order to insure to the greatest extent possible  
25 that rent will be timely paid, (4) identify all potential sources of  
26 one-time, short and long-term funding, including the use of deep  
27 and shallow subsidies, which will facilitate successful creation and  
28 implementation of such a plan, (5) establish an implementation plan  
29 which identifies and provides the hands-on assistance tenants will  
30 need to pursue and apply to the particular funding sources identified  
31 as necessary, and (6) produce a written agreement embodying and  
32 memorializing all of the above.

33       It would be the obligation of all parties to undertake the  
34 mediation process in good faith and with the intent of reaching a  
35 reasonable resolution of all issues involved. Failure by a landlord  
36 to negotiate and participate in good faith would be a defense to and  
37 action for eviction; failure to do so by a tenant may lead to an  
38 eviction filing and displacement.

39       If the mediation is successful, and the parties reach an agreement  
40 with regard to a reasonable and affordable payment plan, a  
41 Stipulation of Settlement would be prepared, which stipulation  
42 would be in the form established by the department. The  
43 Stipulation of Settlement would further provide that, in the event a  
44 tenant fails to abide by the payment plan, the landlord may institute  
45 a summary dispossession proceeding. If the matter cannot be resolved  
46 through mediation, and the amounts claimed due are not paid, the  
47 landlord may commence a summary dispossession proceeding against  
48 the tenant.

1        In any such civil action for non-payment of rent, a tenant would  
2        be advised of the tenant's right to request a two-week adjournment,  
3        which would be granted as a matter of right. At least one-week prior  
4        to the trial of any matter involving non-payment of rent, the tenant  
5        would again be advised of all rights provided by the bill, as well as  
6        all potential sources of funding that may be available to reduce the  
7        tenant's obligation, and offered the opportunity to engage in a final  
8        mediation session on or prior to the trial date. Payment  
9        arrangements subsequently agreed to would be reviewed by the  
10       court, and would not be approved unless the court finds that the  
11       tenant clearly understood the tenant's rights as well as the terms of  
12       the agreement.

13       The bill would appropriate from the funds provided to the State  
14       by the United States government for the purpose of providing relief  
15       to tenants affected in any way by the COVID-19 pandemic: for the  
16       "Tenant COVID-19 Emergency Rental Arrearage Program" the sum  
17       of \$350,000,000; for the "Eviction and Homelessness Prevention  
18       Program" the sum of \$350,000,000; for the Office of Eviction  
19       Prevention the sum of \$5,000,000; for the "NJ Eviction Prevention  
20       Mediation Program" the sum of \$20,000,000. The sum of  
21       \$20,000,000 would be appropriated to the department from the  
22       same funds, as described above, provided by the federal  
23       government in order to fund those actions needed to be taken by the  
24       department to effectively implement the rental arrearage and  
25       homelessness prevention programs. Additional federal funding for  
26       emergency rental assistance related to the COVID-19 pandemic  
27       would be appropriated to the foregoing programs as it becomes  
28       available. Households otherwise ineligible for assistance using  
29       federal funds would be assisted with State funds.