

[First Reprint]

SENATE, No. 3955

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2021

Sponsored by:

Senator M. TERESA RUIZ

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Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblyman WILLIAM W. SPEARMAN

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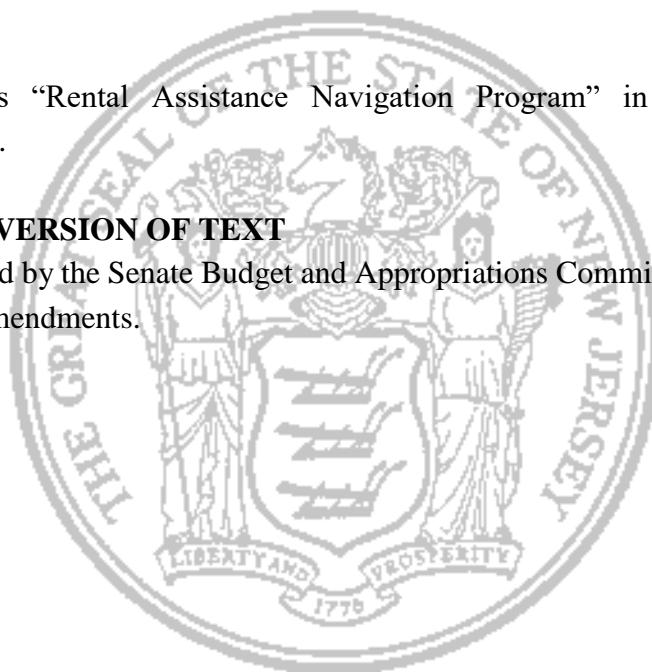
Assemblyman Zwicker, Assemblywoman Vainieri Huttle, Assemblymen Karabinchak, Caputo, Wimberly, Assemblywomen Lopez, Reynolds-Jackson and Quijano

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 17, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

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 Affairs.

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

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

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

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

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

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

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

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

32 “Department” means the Department of Community Affairs.

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

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

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

41

42 2. The “Rental Assistance Navigation Program” shall be
43 established in the department, and to be administered by the
44 department as a program to facilitate the prevention of residential
45 evictions due to nonpayment and habitual late payment of rent or for

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:

¹Senate SBA committee amendments adopted June 17, 2021.

1 refusal to pay or agree to a rental increase during the COVID period.
2 The department may contract the responsibilities of the program to
3 one or more DCA navigators, as deemed appropriate by the
4 commissioner.

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

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

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

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

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

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

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

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

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

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

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

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 the
7 submission of a rental assistance application through the program.

8
9 3. a. A landlord shall not file a nonpayment eviction action, or
10 money judgment action for unpaid rent, against a residential tenant
11 while a rental assistance application, submitted through the program,
12 is pending.

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

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

24
25 4. On or before August 31, 2022, the commissioner, in
26 consultation with the Administrative Director of the Courts, shall
27 submit a report to the Governor, and to the Legislature pursuant to
28 section 2 of P.L.1991, c.164 (C.52:14-19.1), to detail the outcomes
29 of the program, providing information that shall include, but shall not
30 be limited to:

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

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

36
37 5. a. The Commissioner of Community Affairs, in accordance
38 with the "Administrative Procedure Act," P.L.1968, c.410
39 (C.52:14B-1 et seq.), and in consultation with the Administrative
40 Director of the Courts, shall adopt rules and regulations to effectuate
41 the provisions of this act. The form indicating certification of
42 program completion pursuant to subsection b. of section 3 of this act
43 shall be developed and made available by the Administrative Director
44 of the Courts.

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

1 1 of P.L.2011, c.215 (C.52:14B-3a), in advance of the adoption of
2 regulations as necessary for the administration of this act.

3
4 6. There is appropriated from funds provided to the State by the
5 United States government under the “Coronavirus Aid, Relief, and
6 Economic Security Act,” Pub.L.116-136, to the Department of
7 Community Affairs the sums necessary to administer the program
8 and assist in the training of mediators. If sufficient funding for this
9 purpose is not available through the “Coronavirus Aid, Relief, and
10 Economic Security Act,” Pub.L.116-136, then the remainder of this
11 amount shall be appropriated from other federal funding authorized
12 for coronavirus relief as it is, or becomes, available.

13
14 7. This act shall take effect on ¹the first day of the fourth month
15 following enactment, except that the Commissioner of Community
16 Affairs and the Administrative Director of the Courts may take any
17 anticipatory action as may be necessary and that section 3 of this act
18 shall take effect immediately August 31, 2021¹.