[First Reprint]
SENATE, No. 3955

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 15, 2021

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)
Assemblywoman BRITNEE N. TIMBERLAKE
District 34 (Essex and Passaic)
Assemblywoman SHANIQUE SPEIGHT
District 29 (Essex)
Assemblyman WILLIAM W. SPEARMAN
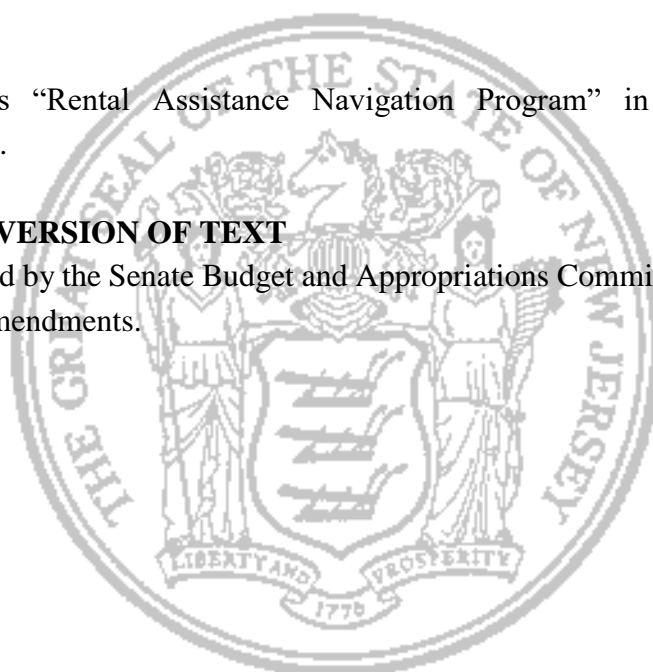**District 5 (Camden and Gloucester)**

Co-Sponsored by:
Assemblyman Zwicker, Assemblywoman Vainieri Huttle, Assemblymen Karabinchak, Caputo, Wimberly, Assemblywomen Lopez, Reynolds-Jackson, Quijano and Senator Turner

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: 12/2/2021)

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

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 though 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 [1][the 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, 2021[1].