

[First Reprint]

## **ASSEMBLY, No. 5685**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED MAY 12, 2021

**Sponsored by:**

**Assemblywoman BRITNEE N. TIMBERLAKE**

**District 34 (Essex and Passaic)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblywoman SHANIQUE SPEIGHT**

**District 29 (Essex)**

**Co-Sponsored by:**

**Assemblywomen Jasey, Chaparro, Assemblyman Caputo,**

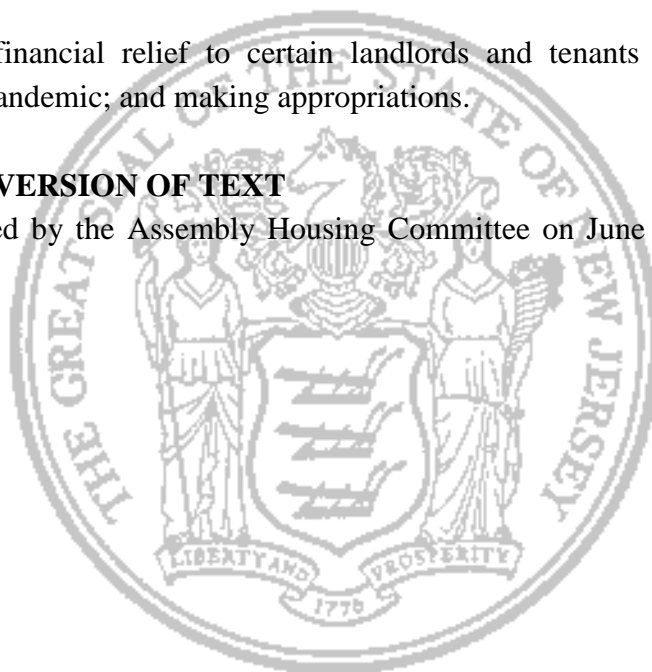
**Assemblywomen Reynolds-Jackson, Vainieri Huttie and Quijano**

**SYNOPSIS**

Provides financial relief to certain landlords and tenants in response to COVID-19 pandemic; and making appropriations.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Housing Committee on June 21, 2021, with amendments.



**(Sponsorship Updated As Of: 6/16/2021)**

1 AN ACT providing financial relief to certain landlords and tenants in  
2 response to the COVID-19 pandemic, supplementing Title 52 of  
3 the Revised Statutes, and amending P.L.2020, c.1 <sup>1</sup>, and making  
4 an appropriation<sup>1</sup>.  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

- 9 1. (New section) 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. During the same  
16 time period, the Governor and Legislature enacted P.L.2020, c.1  
17 (C.2A:18-59.3) and the Governor issued Executive Order No. 106  
18 of 2020, and implemented a moratorium on evictions, so as to  
19 ensure that during the covered period, households would be able to  
20 shelter in place and eliminate the threat posed by displacement,  
21 overcrowding, and the resultant spread of the virus.  
22 b. The foregoing measures caused severe economic difficulties  
23 for landlords and tenants alike. Tenants, who in general have lower-  
24 incomes and far less wealth than homeowners, have been  
25 disproportionately affected: a large number of them immediately  
26 became and remain unemployed or underemployed. This is  
27 especially so for lower-income people of color, who are  
28 predominantly tenants and who continue to be victimized by  
29 systemic and structural racism, which has left them severely  
30 disadvantaged and extremely vulnerable to health emergencies and  
31 economic downturns.  
32 c. Millions of jobs in our State and elsewhere have been  
33 permanently lost, and a significant number of jobs abruptly  
34 interrupted by the virus-driven shutdown have yet to return.  
35 d. As a result, thousands of tenants in our State are unable to  
36 pay all or even part of the rental arrearages caused by the pandemic  
37 when the moratorium ends, and these tenants will also find it  
38 extremely difficult to make their future, ongoing regular monthly  
39 rental payments once they resume.  
40 e. An overwhelming number of struggling tenant households,  
41 that are disproportionately Black and brown, will therefore be at  
42 risk of eviction for non-payment of all or part of their rent due and  
43 owing shortly after the moratorium is lifted. Combining the number  
44 of struggling tenants with the number of people at risk of

**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:

<sup>1</sup>Assembly AHO committee amendments adopted June 21, 2021.

1 displacement if the arrearage and future rent payment issues are not  
2 addressed, evictions and the resulting overcrowding, could create  
3 conditions that will lead to a resurgence and new spread of COVID-  
4 19.

5 f. At the same time, landlords have shouldered the financial  
6 burden of housing over a million tenants, as well as the costs of  
7 maintaining the buildings, paying their mortgages, taxes, and other  
8 financial obligations with <sup>1</sup>‘[little to no] insufficient’ help from the  
9 State or federal government.

10 g. While housing is a necessity, <sup>1</sup>‘[it is unfair to require]’  
11 private sector landlords <sup>1</sup>‘[to provide such housing without] have  
12 thus far maintained their properties and paid their financial  
13 obligations, including State and local taxes, despite a lack of full’  
14 compensation or assistance <sup>1</sup>‘[, while at the same time, requiring  
15 them to continue to maintain those properties and pay their financial  
16 obligations, including State and local taxes]’.

17 h. In Executive Order No. 106 of 2020, the Governor expressly  
18 stated that protection and preservation of personal and public health  
19 was the primary reason driving the imposition of the economic  
20 shutdown and eviction moratorium, a health-centered concern  
21 echoed and reinforced by the national eviction moratorium  
22 subsequently mandated by the federal Centers for Disease Control  
23 and Prevention. With the surge in vaccinations and a corresponding  
24 drop in COVID-19 pandemic-related hospitalizations, the public  
25 health justification to maintain the eviction moratorium will <sup>1</sup>‘[also  
26 end] eventually subside’, and the Legislature deems it necessary to  
27 help struggling tenants avoid displacement and to compensate  
28 landlords for providing this necessary shelter to many tenants  
29 without compensation during the pandemic.

30 i. In providing these protections, the State must ensure that  
31 rent arrearages accrued during the covered period are not used as a  
32 mechanism for eviction. Rather, such debt shall be treated as civil  
33 debt, subject to recovery by the landlord in a civil suit for a money  
34 judgment, which will balance the obligations of the tenant under a  
35 lease contract with the need to provide housing stability. <sup>1</sup>‘[In  
36 addition, the monetary jurisdiction of the courts that normally deal  
37 with civil debt must be increased.

38 j. It is also incumbent upon the State to make the distinction  
39 between those tenants who were legitimately impacted by the  
40 pandemic and those who were and are either exploiting the eviction  
41 moratorium or have the means to pay their rent but refuse to do so.

42 k.] j.<sup>1</sup> It is, therefore, necessary for the Legislature to assist  
43 landlords who have suffered deep economic losses through no fault  
44 of their tenants or themselves, and, simultaneously, make efforts to  
45 assist tenants who need help as a result of this crisis, in order to  
46 ensure some measure of security and stability for their families and  
47 communities; provide landlords with the restored rental income

1 stream required to safely and efficiently operate their buildings; and  
2 prevent a resurgence of the COVID-19 pandemic that will threaten  
3 the health and safety of tenants, landlords, and the public at large.

4  
5 2. (New section) As used in P.L. , c. (C. ) (pending  
6 before the Legislature as this bill):

7 <sup>1</sup>“Area median income” means the median income by household  
8 size for an applicable county as determined by the department.<sup>1</sup>

9 “Assistance” means cash payments for unpaid rent provided to  
10 the landlord by any federal, State, county, or local rental assistance  
11 program <sup>1</sup>, including, but not limited to, payments ultimately  
12 provided to a landlord through an application submitted by a tenant  
13 through the Eviction Prevention Program, as established pursuant to  
14 section 4 of P.L. , c. (C. ) (pending before the Legislature  
15 as this bill)<sup>1</sup>.

16 “Commissioner” means the Commissioner of Community  
17 Affairs.

18 “Covered period” means the period beginning on March 1, 2020,  
19 and ending on <sup>1</sup>**July** August<sup>1</sup> 31, 2021.

20 “COVID-19 pandemic” means the outbreak of COVID-19  
21 throughout the world, recognized as a pandemic by the World  
22 Health Organization on March 11, 2020.

23 “Credit reporting agency” means any consumer reporting agency  
24 as that term is defined by the federal “Fair Credit Reporting Act,”  
25 15 U.S.C. s.1681 et seq., which shall include any agencies which  
26 specialize in tenant screening or rental history reporting.

27 “Deep subsidy” means a rental housing subsidy which limits the  
28 tenant’s share of the monthly rent to a percentage of the tenant’s  
29 income, and which can be adjusted to maintain that percentage  
30 should the tenant’s income change.

31 “Department” means the Department of Community Affairs.

32 “Household income” means the <sup>1</sup>lower of the following numbers:  
33 (1) the<sup>1</sup> combined income of all household members <sup>1</sup>over the  
34 twelve months immediately preceding an application for assistance  
35 or protection, or (2) the combined income of all household members  
36 in the three months immediately preceding an application for  
37 assistance or protection,<sup>1</sup> annualized <sup>1</sup>**at the time of filing of an**  
38 application for assistance or protection】 by multiplying the  
39 combined income by a factor of four<sup>1</sup>.

40 “Low-income household” means a household with a total current  
41 annual household income equal to 50 percent or less of the area  
42 median income for a household of the same size and composition.

43 “Middle-income household” means a household with a total  
44 current gross annual household income of 80 percent or more than,  
45 but less than 120 percent of, the area median income for a  
46 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 “Shallow subsidy” means a rental housing subsidy <sup>1</sup>provided in  
6 an amount based on the percentage of the fair market rent of the  
7 unit, depending on the household size and location, which <sup>1</sup>that  
8 limits the tenant’s share of the rent to a percentage of the tenant’s  
9 income, provided however, that the subsidy<sup>1</sup> shall be capped at a  
10 fixed amount.

11 “Very low-income household” means a household with a total  
12 current annual household income less than or equal to 30 percent of  
13 the area median income for a household of the same size and  
14 composition.

15  
16 3. (New section) a. Notwithstanding any other law to the  
17 contrary, no residential tenant of a <sup>1</sup>very low-income household,<sup>1</sup>  
18 low-income household, moderate-income household, or middle-  
19 income household shall be evicted based upon nonpayment or  
20 habitual late payment of rent <sup>1</sup>, or failure to pay a rent increase,<sup>1</sup>  
21 that accrued during the covered period. Payments made by a tenant  
22 after the covered period ends shall be credited first to the current  
23 month’s rental obligation, and any balance shall be credited to any  
24 arrearage owed by the tenant <sup>1</sup>incurred following the conclusion of  
25 the covered period, and then to any arrearages incurred during the  
26 covered period<sup>1</sup>.

27 b. Any amount of rent <sup>1</sup>found by a court to be<sup>1</sup> due and owing  
28 by a residential tenant described in subsection a. of this section to a  
29 landlord during the covered period <sup>1</sup>for which compensation is not  
30 otherwise provided by any public or private source,<sup>1</sup> shall be  
31 considered civil debt and may be pursued as a money judgment in  
32 the appropriate division of the Superior Court. Such civil debt  
33 based on rental arrears shall be considered evidence of housing  
34 instability or risk of homelessness for the purpose of qualifying a  
35 household for rental assistance under any federal, State, county, or  
36 local program <sup>1</sup>, including, but not limited to, the Eviction  
37 Prevention Program, as revised pursuant to section 4 of P.L. ,

38 c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>.

39 c. <sup>1</sup>Notwithstanding any law to the contrary, no person shall sell  
40 or assign any civil debt relating to rent that accrued during the  
41 covered period.

42 d.<sup>1</sup> Any amount of rent due and owing either prior to the start of  
43 the covered period or after the covered period ends may be pursued  
44 in the manner allowed by law for any other landlord-tenant action  
45 for rent due outside of the covered period. <sup>1</sup>The provisions of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill)

1 shall not restrict a landlord from pursuing a money judgment action  
2 during the covered period, or following the covered period, for  
3 unpaid rent due during the covered period. An action by a landlord  
4 against a residential tenant to recover unpaid rent which accrued  
5 during the covered period may be commenced in the Superior  
6 Court, Special Civil Part, regardless of the amount in controversy.  
7 The Administrative Director of the Courts may take any  
8 administrative action as may be necessary to provide a process for  
9 filing these actions in the Superior Court, Special Civil Part.<sup>1</sup>

10 (1) <sup>1</sup>(a)<sup>1</sup> Notwithstanding the provisions of this section to the  
11 contrary, <sup>1</sup>any tenant of a very low-income household, a<sup>1</sup> low-  
12 income household <sup>1</sup>【tenants】 , or a moderate-income household<sup>1</sup>  
13 shall have continued protections from evictions <sup>1</sup>as those that are  
14 applicable during the covered period pursuant to subsections a. and  
15 b. of this section<sup>1</sup> for residential rent arrearages incurred from the  
16 end of the covered period through <sup>1</sup>【August】 December<sup>1</sup> 31, 2021  
17 <sup>1</sup>, and through November 15, 2021 in the case of middle-income  
18 household,<sup>1</sup> if the household <sup>1</sup>【pays 50 percent of their rent due for  
19 the month of August 2021, and the remaining 50 percent of rent due  
20 for that month shall be considered civil debt】 certifies under penalty  
21 of perjury:

22 (i) the household's income;

23 (ii) that the household was unable to pay rent due to  
24 circumstances arising from the COVID-19 pandemic; and

25 (iii) that the household has applied for State, county, or local  
26 rental assistance programs for which they are eligible.

27 (b) The certification required by subparagraph (a) of this  
28 paragraph shall be made on a form established by the department.  
29 The tenant shall provide a copy of the completed form to the  
30 landlord, and, if there is a pending eviction action, to the court<sup>1</sup>.

31 (2) <sup>1</sup>【Notwithstanding the provisions of this section to the  
32 contrary, moderate-income household tenants shall have continued  
33 protections from evictions for residential rent arrearages incurred  
34 from the end of the covered period through August 31, 2021 if the  
35 household pays 75 percent of their rent due for the month of August  
36 2021, and the remaining 25 percent of rent due for that month shall  
37 be considered civil debt】 The Administrative Director of the Courts  
38 shall provide notice to any residential tenant who is party to a  
39 landlord-tenant dispute for nonpayment of rent that includes  
40 information regarding tenant protections, income and COVID-19  
41 impact attestation, and rental assistance programs established  
42 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
43 this bill)<sup>1</sup>.

44 <sup>1</sup>【d.】 e.<sup>1</sup> All pending <sup>1</sup>【landlord-tenant】 eviction<sup>1</sup> actions  
45 alleging nonpayment or habitual late payment of residential rent <sup>1</sup>,  
46 or failure to pay a rent increase,<sup>1</sup> that accrued during the covered

1 period shall be <sup>1</sup>["stayed and shall be"]<sup>1</sup> dismissed upon certification  
2 by the tenant, under penalty of perjury, <sup>1</sup>in accordance with  
3 subparagraph (b) of paragraph (1) of subsection d. of this section<sup>1</sup>  
4 that the tenant is a <sup>1</sup>very low-income household,<sup>1</sup> low-income  
5 household, moderate-income household, or middle-income  
6 household and that the reason for filing was nonpayment or habitual  
7 late payment of rent <sup>1</sup>, or failure to pay a rent increase,<sup>1</sup> during the  
8 covered period.

9 <sup>1</sup>["e. For any case that is stayed pursuant to P.L. , c. (C. )  
10 (pending before the Legislature as this bill), the Superior Court  
11 shall return or credit to the landlord all fees paid by the landlord to  
12 file such cases"] f. If a case is dismissed and the landlord is required  
13 to subsequently file against the same tenant, the landlord may  
14 request that the case be reinstated with the court. In such  
15 circumstances the landlord shall pay the fees to serve the amended  
16 action, but no court filing fees shall be required<sup>1</sup>.

17 <sup>1</sup>["f. After the expiration of the covered period, a landlord shall  
18 be entitled to pursue a money judgment against a residential tenant  
19 for any and all lawfully due and owing unpaid rent that was  
20 converted into civil debt pursuant to P.L. , c. (C. ) (pending  
21 before the Legislature as this bill), for which compensation is not  
22 otherwise provided by any public or private source, by filing an  
23 action in the appropriate division of the Superior Court. Nothing in  
24 P.L. , c. (C. ) (pending before the Legislature as this bill)  
25 shall impact any action for a money judgment or vacate any money  
26 judgment entered during the covered period, unless the debt is  
27 satisfied."]<sup>1</sup>

28 g. <sup>1</sup>["The Administrative Director of the Courts shall modify the  
29 jurisdictional limits of the Small Claims Section of the Special Civil  
30 Part to \$9,000 for actions to recover unpaid residential rent that  
31 accrued during the covered period.

32 h. The Administrative Director of the Courts shall modify the  
33 jurisdictional limits of the regular Special Civil Part to \$45,000 for  
34 actions to recover unpaid residential rent that accrued during the  
35 covered period.

36 i. <sup>1</sup>["A tenant in such an action shall retain the right to assert any  
37 and all counterclaims, setoffs, legal defenses, affirmative defenses,  
38 and equitable defenses that would otherwise be available to them.

39 <sup>1</sup>["j. A landlord shall not impose any late fees for residential rent  
40 payments not made during the covered period.

41 k. <sup>1</sup>["h. As a condition of receiving any State or federal rental  
42 assistance on behalf of a tenant for rent due and owing, a landlord  
43 shall waive all late fees assessed for rent unpaid during the period  
44 for which assistance is being provided.

45 i. <sup>1</sup> (1) Consistent with the provisions of 15 U.S.C. s.1681s-  
46 2(a)(1)(F), a landlord shall not at any time furnish information

1 about the nonpayment or late payment of residential rent <sup>1</sup>, or  
2 failure to pay a rent increase,<sup>1</sup> which accrued during the covered  
3 period, or summary dispossession or other court filings or proceedings  
4 related to non-payment or late payment of residential rent which  
5 accrued during the covered period, directly to another residential  
6 landlord, or to a debt collection or credit reporting agency. This  
7 paragraph shall not:

8 (a) apply to a tenant's rent payments that remain due as the  
9 result of a payment missed prior to the March 1, 2020, including  
10 payments held in escrow before that date; or

11 (b) limit the ability of a landlord to share information with the  
12 landlord's attorney or property management company, or to notice  
13 the tenant in compliance with the Anti-Eviction Act, P.L.1974, c.49  
14 (C.2A:18-61.1 et seq.).

15 (2) As a result of any record or information reflecting a tenant's  
16 non-payment or late payment of residential rent, or a related court  
17 filing, during the covered period, a landlord shall not:

18 (a) refuse to rent to a prospective tenant of residential rental  
19 housing; or

20 (b) place, or disseminate a residential tenant's information for  
21 the purpose of placing, a tenant on a list for the use of other  
22 landlords for any purpose.

23 (3) In addition to a tenant's right to pursue an action seeking  
24 injunctive or declaratory relief for a violation of this subsection, the  
25 Attorney General, in response to a complaint from a tenant, or on  
26 the Attorney General's independent initiative, may bring an action  
27 alleging a landlord has violated the provisions of this subsection.  
28 Regarding a first violation, the court shall provide the landlord with  
29 an opportunity to correct the violation prior to imposing a penalty.  
30 Following the provision of this opportunity to correct any first  
31 violation, upon a finding that non-compliance with this subsection  
32 has occurred, a court of competent jurisdiction may:

33 (a) order the non-compliant landlord to retract the report of debt  
34 or court filing data provided to the collection or credit reporting  
35 agency, bureau, or data collection facility;

36 (b) impose a fine on the non-compliant landlord, not to exceed  
37 \$500 for a first violation, \$1,000 for a second violation, and \$2,500  
38 for each subsequent violation;

39 (c) order the non-compliant landlord to pay a reasonable counsel  
40 fee in connection with a tenant whose debt has been reported to a  
41 debt collection or credit reporting agency, bureau, or data collection  
42 facility;

43 (d) provide a copy of the order immediately upon the request of  
44 the tenant and at no cost to the tenant;

45 (e) order the non-compliant landlord to take such steps as are  
46 necessary, within 30 days of the order, to rehabilitate the credit  
47 record of the tenant, with an exact copy provided to the tenant at no  
48 cost, of the efforts made in that regard; and



(f) if the tenant is able to show actual damages that have resulted from a violation of this section, order the non-compliant landlord to pay an award of damages to the tenant not to exceed 25 percent of the debt attempted to be collected or reported by the non-complaint landlord to the collection or credit reporting agency, bureau, or data collection facility, with a minimum award of \$350.

(4) If a landlord furnishes rental payment data to another landlord, collection or credit reporting agency related to the non-payment of rent during the covered period, but before the enactment of P.L. , c. (C. ) (pending before the Legislature as this bill), the landlord shall not be subject to the penalty provisions of this section, except for an order to retract the report pursuant to paragraph (3) of this subsection.

4. (New section) a. The commissioner shall <sup>1</sup>“rename the current “Homelessness Prevention Program” established pursuant to the provisions of P.L.1984, c.180 (C.52:27D-280 et al.), as the “Eviction and Homelessness Prevention Program.”<sup>1</sup> establish an “Eviction Prevention Program” to provide rental relief for New Jersey residents who have been or continue to be unable to pay rent because of financial hardship directly or indirectly incurred because of the COVID-19 pandemic.<sup>1</sup>

b. <sup>1</sup>“The commissioner shall revise and amend the "Homeless Prevention Program Regulations" established pursuant to chapter 41 of Title 5 of the New Jersey Administrative Code to meet or provide for the following:

(1) the regulations shall be renamed the “Eviction and Homelessness Prevention Program Regulations”<sup>1</sup> The commissioner shall administer the program in accordance with the following principles, and, notwithstanding the provisions of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall publish regulatory guidance to that effect:

(1) The Eviction Prevention Program shall be considered a supplement to the COVID-19 Emergency Rental Assistance Program Phase II (CVERAP II) program opened by the department on March 22, 2021. Accordingly, to the greatest extent allowable and feasible, the department should utilize programmatic infrastructure, processes, and vendor contracts established under CVERAP II in order to administer relief under the Eviction Prevention Program<sup>1</sup>;

(2) a household shall be eligible to participate in the program if <sup>1</sup>“, due to reasons beyond the household’s control,<sup>1</sup> the household is unable to make residential rental payments which are due and owing pursuant to a valid and enforceable oral or written lease, stipulation of settlement, judgment, order or other type of legally binding agreement <sup>1</sup>, because of a financial hardship sustained as a result of the COVID-19 pandemic<sup>1</sup>;

1 (3) a household shall be eligible for assistance under this  
2 program regardless of whether the household has been served with a  
3 summons and complaint for eviction <sup>1</sup>[, and an oral or written  
4 communication from the landlord indicating that an eviction filing  
5 is imminent or contemplated shall be sufficient to trigger eligibility  
6 for the program]<sup>1</sup>;

7 (4) a household shall be eligible for assistance if their  
8 annualized current income is no more than 120 percent of the area  
9 median income; however, the commissioner may establish funding  
10 priorities to benefit very low-income and low-income households;

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

14 (6) <sup>1</sup>a household may utilize the assistance to pay current rent,  
15 accrued rent, and future rent, as determined by the department;

16 (7) the department shall award grants to be paid on behalf of<sup>1</sup>  
17 eligible households <sup>1</sup>[shall be awarded grants for periods of] to be  
18 applied to<sup>1</sup> up to two years <sup>1</sup>of rent<sup>1</sup>, depending upon the person's  
19 or household's particular circumstances <sup>1</sup>and available funds in the  
20 program<sup>1</sup>. The department shall provide assistance along a  
21 continuum based upon the income level of the tenant household,  
22 and shall include deep subsidies, shallow subsidies, and flat  
23 amounts. <sup>1</sup>[Such grants] Grants representing fewer than two years'  
24 worth of rental assistance<sup>1</sup> may be renewed <sup>1</sup>[to prevent eviction or  
25 homelessness] based on a renewed showing of need by the  
26 individual or household<sup>1</sup>. <sup>1</sup>[The] Notwithstanding the provisions of  
27 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
28 et seq.), the<sup>1</sup> commissioner shall prepare detailed guidance covering  
29 the amount and duration of such grants <sup>1</sup>[.] . Any grants that are  
30 provided to cover ongoing rent shall be awarded<sup>1</sup> in accordance  
31 with the following guidelines and principles:

32 (a) for a very low-income household, a deep subsidy <sup>1</sup>[shall]  
33 may<sup>1</sup> be provided in the amount necessary to limit the household's  
34 share of ongoing rent to not more than <sup>1</sup>[40] 30<sup>1</sup> percent of the  
35 household's income;

36 (b) for a low- <sup>1</sup>or moderate-<sup>1</sup> income household that is not also  
37 very low-income, a shallow subsidy <sup>1</sup>[shall] may<sup>1</sup> be provided in  
38 the amount necessary to limit the household's share of ongoing rent  
39 to not more than <sup>1</sup>[40] 30<sup>1</sup> percent of the household's income,  
40 provided, however, that the amount of any such subsidy shall not  
41 exceed \$800 per month; <sup>1</sup>[and]<sup>1</sup>

42 (c) for a <sup>1</sup>[moderate-income or]<sup>1</sup> middle-income household,  
43 assistance in the form of a <sup>1</sup>[flat monthly grant of \$250 shall be  
44 provided to the household if the household pays more than 50  
45 percent of the household's income as ongoing rent] subsidy may be

1 provided in the amount necessary to limit the household's share of  
2 ongoing rent to not more than 30 percent of the household's  
3 income, provided, however, that the amount of any such subsidy  
4 shall not exceed \$500 per month<sup>1</sup>.

5 <sup>1</sup>[(7)] (8) To qualify for rental assistance under the program,  
6 households shall demonstrate that a person in the household:

7 (a) qualifies for unemployment or has experienced a reduction in  
8 household income, incurred significant costs, or experienced a  
9 financial hardship, directly or indirectly, to the COVID-19  
10 pandemic;

11 (b) demonstrates a risk of experiencing homelessness or housing  
12 instability;

13 (c) falls within a household income threshold that establishes  
14 eligibility for rental assistance under the program;

15 (d) has a lack of assets and savings to pay rent arrears or current  
16 and future rent;

17 (e) is a New Jersey resident; and

18 (f) is obligated to pay rent on a residential dwelling.

19 A household that has previously received rental assistance under  
20 CVERAP II may apply for additional assistance under the Eviction  
21 Prevention Program, but any additional grant of assistance shall  
22 take into account the rental assistance previously provided pursuant  
23 to CVERAP II.

24 (9)<sup>1</sup> during the course of the payment period, if the department  
25 is notified by either the landlord or the program participant that a  
26 person or household has begun to experience difficulty paying rent  
27 as a result of <sup>1</sup>['reasons beyond the household's control'] continued  
28 hardships suffered as a result of the COVID-19 pandemic<sup>1</sup>, the  
29 household's income and family situation shall be reevaluated in  
30 light of the changed conditions, and the person or household shall  
31 be placed in a different assistance tier, if necessary, to prevent  
32 eviction; <sup>1</sup>['and']<sup>1</sup>

33 <sup>1</sup>[(8)] (10)<sup>1</sup> during the course of the payment period, a  
34 participant household shall certify the household's current income  
35 once every <sup>1</sup>['three'] six<sup>1</sup> months, using a <sup>1</sup>['one-page'] brief<sup>1</sup> form  
36 to be developed by the department, including any necessary  
37 attachments. Beginning the month following receipt of a  
38 certification, the department shall increase or decrease the amount  
39 of subsidy provided to the household in accordance with the  
40 subsidy category applicable to the most recent reported income,  
41 provided that limited non-recurring short term increases in income  
42 shall not require a subsidy adjustment <sup>1</sup>; and

43 (11) during the course of the payment period, if a participant  
44 household experiences conditions that violate the implied warranty  
45 of habitability, the tenant may so certify those conditions to the  
46 department in writing. Based on the tenant's written certification,  
47 the department shall have an inspection conducted on the dwelling.

1 Upon confirmation that the violation of the implied warranty of  
2 habitability exists, the department shall, after serving the landlord  
3 with written notification of such violation and providing the  
4 landlord with sufficient opportunity to cure, consider whether and  
5 in what amount to withhold rent based on those conditions<sup>1</sup>.

6 c. Notwithstanding any other law or regulation to the contrary,  
7 any revisions to <sup>1</sup>**the** existing<sup>1</sup> program regulations or operating  
8 procedures required by this section shall take effect immediately.

9 d. <sup>1</sup>**At least 30 days prior to the expiration of the covered**  
10 **period** As soon as possible following the enactment of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill), and no  
12 later than August 31, 2021<sup>1</sup>, the department shall implement a  
13 comprehensive public information plan to create awareness among  
14 eligible tenants of the assistance provided by the program <sup>1</sup>and the  
15 provisions of section 3 of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill) prohibiting eviction and providing credit  
17 protection relating to nonpayment or habitual late payment of rent,  
18 or failure to pay a rent increase, during the covered period<sup>1</sup>. This  
19 plan shall include but not be limited to public service  
20 announcements, information about the program in governmental  
21 notices and utility providers billings, notices to landlords as to how  
22 to assist their tenants in applying for the program, outreach to  
23 underserved populations, <sup>1</sup>including, but not limited to providing all  
24 information in both English and Spanish,<sup>1</sup> postings on social media,  
25 and any other means likely to ensure that tenants will be aware of  
26 the <sup>1</sup>**programs** program's<sup>1</sup> existence <sup>1</sup>, tenant protections, tenant  
27 attestation, and the provisions of section 3 of P.L. , c. (C. )  
28 (pending before the Legislature as this bill)<sup>1</sup>. In addition, the  
29 department shall prepare a form notice <sup>1</sup>, which shall include the  
30 tenant attestation, in languages including, but not limited to,  
31 English and Spanish,<sup>1</sup> describing the program <sup>1</sup>and the provisions  
32 of section 3 of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill)<sup>1</sup> and <sup>1</sup>shall<sup>1</sup> distribute the notice to <sup>1</sup>**all**<sup>1</sup>  
34 landlords for inclusion with any notice or complaint sent to a tenant  
35 related to an eviction for nonpayment of rent <sup>1</sup>, habitual late  
36 payment, or failure to pay a rent increase, or an action seeking  
37 repayment of rental arrears pursuant to P.L. , c. (C. )  
38 (pending before the Legislature as this bill). The notice shall also  
39 be posted on the department's Internet website<sup>1</sup>. Prior to the end of  
40 covered period, the landlord shall post <sup>1</sup>**a written notice** the form  
41 notice provided by the department<sup>1</sup> in a conspicuous location within  
42 the common area of a multiple dwelling <sup>1</sup>**highlighting the potential**  
43 **availability of rental assistance from the Eviction and Homelessness**  
44 **Prevention Program and other governmental assistance programs**  
45 **included in the department's form notice**<sup>1</sup>.

1 e. <sup>1</sup>As soon as possible following the enactment of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill), and no  
3 later than August 31, 2021, the commissioner shall start accepting  
4 applications for assistance through the Eviction Prevention  
5 Program, as revised pursuant to this section.<sup>1</sup>

6 (1) A program application shall state the <sup>1</sup>~~total amount of rent~~  
7 ~~due from the landlord's residential tenants~~ monthly rent as<sup>1</sup>  
8 ~~established in the~~ <sup>1</sup>~~corresponding leases~~ lease or other rental  
9 agreement<sup>1</sup>, the amount <sup>1</sup>~~of rent~~ paid by the <sup>1</sup>~~tenants~~ tenant<sup>1</sup> or  
10 third parties, if any, the amount <sup>1</sup>~~of rent~~ unpaid, the amount of  
11 security deposit funding that the <sup>1</sup>~~landlord's tenants have~~ tenant  
12 has<sup>1</sup> applied against rent pursuant to Executive Order No. 128 of  
13 2020, and any other information required by the department for  
14 determining financial need.

15 (2) An application shall include a certification by the tenant as  
16 to:

17 (a) the number of occupants of the unit;

18 (b) the tenant household's income; and

19 (c) if a specific funding source is involved, a certification <sup>1</sup>and  
20 any documentation<sup>1</sup> providing the minimum amount of information  
21 needed to comply with the requirements of that funding source.

22 The commissioner shall make the application forms and related  
23 verification requirements as simple as possible, shall require the  
24 minimum documentation permissible by said funding sources, and  
25 shall rely on self-certification and verification to the greatest extent  
26 possible. Any certifications made by a tenant under this program  
27 shall remain confidential to the maximum extent possible.

28 <sup>1</sup>~~[(3) A residential tenant household applying for assistance~~  
29 ~~shall be deemed presumptively eligible if it meets the income~~  
30 ~~requirements and is in need of the immediate provision of~~  
31 ~~assistance to avoid an eviction filing, judgment for possession, or~~  
32 ~~actual displacement. Such assistance as is needed shall be~~  
33 ~~provided, and shall be extended in monthly increments as necessary~~  
34 ~~in order for the application process, including any administrative~~  
35 ~~appeals, to be completed and a final determination made with~~  
36 ~~regard to eligibility. A court of this State may take into~~  
37 ~~consideration any pending application for rental assistance with~~  
38 ~~regard to the timing of the entry of a judgment for possession.]~~<sup>1</sup>

39 f. The program established by this section shall work closely  
40 with the Office of Eviction Prevention established by section 5 of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill) in  
42 order to (1) ensure that tenants receive the maximum assistance for  
43 which they are qualified to avoid displacement and retain or obtain  
44 decent, affordable, safe and suitable housing; and (2) ensure that all  
45 available sources of potential assistance are explored and utilized in  
46 order to effectively and efficiently extend the reach and efficacy of  
47 the funding provided to this program by the State.

1        5. (New section) a. Within <sup>1</sup>~~30~~ 60<sup>1</sup> days of the enactment of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 the department shall establish an “Office of Eviction Prevention,”  
4 which shall be responsible for:

5        (1) identifying all federal, State, local and other sources of  
6 financial assistance which are intended or could be used to prevent  
7 the eviction of residential tenants, including but not limited to  
8 programs which provide both deep and shallow rental subsidies;

9        (2) becoming knowledgeable with regard to the application  
10 process for each such program; and

11        (3) identifying, and proposing remedies for, the gaps in the  
12 overall assistance system, especially in relation to eligibility  
13 requirements and the need for addition to, or revision of, subsidy  
14 programs so as to provide appropriate assistance of various sorts  
15 and in various amounts to households at different income levels.

16        b. This office shall be responsible for the compilation,  
17 publication, and ongoing update of this information, and shall also  
18 be responsible for <sup>1</sup>~~identifying and training~~ working  
19 collaboratively with<sup>1</sup> at least one non-profit, community-based  
20 organization in each county <sup>1</sup>~~with regard to~~ so that such  
21 organizations are able to provide information regarding<sup>1</sup> the  
22 availability of and means of accessing such financial assistance by  
23 at-risk tenants.

24  
25        6. Section 1 of P.L.2020, c.1 (C.2A:18-59.3) is amended to  
26 read as follows:

27        1. a. <sup>1</sup>~~(1)~~<sup>1</sup> Notwithstanding any other law to the contrary,  
28 whenever a Public Health Emergency, pursuant to the "Emergency  
29 Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.) ~~], or a~~  
30 State of Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et  
31 seq.), or both, ~~]~~ has been declared by the Governor in response to  
32 the COVID-19 pandemic and is in effect, the Governor may issue  
33 an executive order to declare that a lessee, tenant, homeowner or  
34 any other person shall not be removed from a residential property as  
35 the result of an eviction <sup>1</sup>~~action based on the nonpayment or~~  
36 habitual late payment of rent<sup>1</sup> or foreclosure proceeding. This  
37 executive order shall remain in effect ~~for no longer than two~~  
38 months following the end of the Public Health Emergency or State  
39 of Emergency ~~]~~ <sup>1</sup>~~until July 31, 2021, except that the executive~~  
40 order may be extended if there is substantial evidence that  
41 hospitalizations and deaths due to the COVID-19 pandemic are  
42 likely to recur or substantially worsen if an extension is not ordered.  
43 The Governor shall adjust the executive order issued pursuant to  
44 P.L.2020, c.1 (C.2A:18-59.3) through the issuance of a subsequent  
45 executive order, in order to comply with P.L. , c. (C. )  
46 (pending before the Legislature as this bill)] for no longer than two

1 months following the end of the Public Health Emergency except as  
2 provided in paragraphs (2) and (3) of this subsection<sup>1</sup>.

3 <sup>1</sup>(2) (a) For eviction actions based upon reasons other than  
4 nonpayment or habitual late payment of rent, or failure to pay a rent  
5 increase, Executive Order No. 106 of 2020 shall expire upon the  
6 effective date of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill).

8 (b) For eviction actions based upon nonpayment or habitual late  
9 payment of rent, or failure to pay a rent increase, Executive Order  
10 No. 106 of 2020 shall expire on August 31, 2021, for any lessee or  
11 tenant who is not a very low-income, low-income, or moderate-  
12 income household.

13 (c) For eviction actions based upon nonpayment or habitual late  
14 payment of rent, or failure to pay a rent increase, Executive Order  
15 No. 106 of 2020 shall expire on December 31, 2021, for any lessee  
16 or tenant who is a very low-income, low-income, or moderate-  
17 income household, and shall expire on November 15, 2021 for any  
18 lessee or tenant who is a middle-income household. Provided,  
19 however, that the protections conferred on such tenants by this  
20 section shall expire on August 31, 2021, to the extent that such  
21 tenants do not comply with the certification requirements of  
22 subsection c. of section 3 of P.L. , c. (C. ) (pending before  
23 the Legislature as this bill).

24 (d) To the extent that it prohibits the removal from a residential  
25 property as a result of a foreclosure proceeding of any homeowner,  
26 Executive Order No. 106 of 2020 shall expire on November 15,  
27 2021.

28 (e) The Governor shall have the ability to revoke or modify  
29 Executive Order No. 106 of 2020 prior to December 31, 2021 in a  
30 manner not inconsistent with the provisions of this section.

31 (3) Notwithstanding the provisions of paragraph (2) of this  
32 subsection, Executive Order No. 106 of 2020 may be extended  
33 pursuant to the procedures set forth in subsection b. of section 3 of  
34 P.L. 2021, c. 103, if there is substantial evidence that  
35 hospitalizations and deaths due to the COVID-19 pandemic are  
36 likely to recur or substantially worsen if an extension is not  
37 ordered.<sup>1</sup>

38 b. Eviction and foreclosure proceedings may be initiated or  
39 continued during the time of an executive order issued pursuant to  
40 this section, but enforcement of all judgments for possession,  
41 warrants of removal, and writs of possession shall be stayed during  
42 this period if the Governor has issued an executive order prohibiting  
43 certain removals from residential property pursuant to subsection a.  
44 of this section, unless the court determines on its own motion or  
45 motion of the parties that enforcement is necessary in the interest of  
46 justice.

47 c. Sheriffs, court officers, and their agents shall refrain from  
48 acting to remove individuals from residential properties through the

1 eviction or foreclosure processes during the time of an executive  
2 order issued by the Governor prohibiting certain removals from  
3 residential property pursuant to subsection a. of this section, unless  
4 the court determines on its own motion or motion of the parties that  
5 removal is necessary in the interest of justice.

6 d. As used in this section, "residential property" means any  
7 property rented or owned for residential purposes, including, but  
8 not limited to, any house, building, mobile home or land in a mobile  
9 home park, or tenement leased for residential purposes, but shall not  
10 include any hotel, motel, or other guest house, or part thereof,  
11 rented to a transient guest or seasonal tenant, or a residential health  
12 care facility.

13 (cf: P.L.2020, c.1, s.1)

14  
15 7. (New section) The following sums are appropriated from the  
16 funds provided to the State by the United States government for the  
17 purpose of providing relief to tenants affected in any way due to the  
18 COVID-19 pandemic: for the "Eviction <sup>1</sup>【and Homelessness】<sup>1</sup>  
19 Prevention Program" the sum of \$750,000,000; for the Office of  
20 Eviction Prevention the sum of \$5,000,000. <sup>1</sup>Of the monies  
21 appropriated, the department shall use \$500,000,000 as assistance  
22 for very-low, low-, moderate-, and middle-income tenants. The  
23 remainder may be used as utility assistance.<sup>1</sup> The department may  
24 use up to <sup>1</sup>【\$20,000,000】 2.5 percent<sup>1</sup> of the sums appropriated  
25 pursuant to this section for the purpose of funding those actions  
26 needed to effectively implement and administer the Eviction <sup>1</sup>【and  
27 Homelessness】<sup>1</sup> Prevention Program, \$2,000,000 million of which  
28 shall be provided to nonprofit organizations for supporting the  
29 education and outreach for this program. <sup>1</sup>【Additional federal  
30 funding for emergency rental assistance related to the COVID-19  
31 pandemic shall be appropriated to the foregoing programs as it  
32 becomes available.】<sup>1</sup> Households otherwise ineligible for  
33 assistance using federal funds shall be assisted with State funds.

34  
35 8. This act shall take effect immediately.