

[Second Reprint]

ASSEMBLY, No. 5685

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 12, 2021

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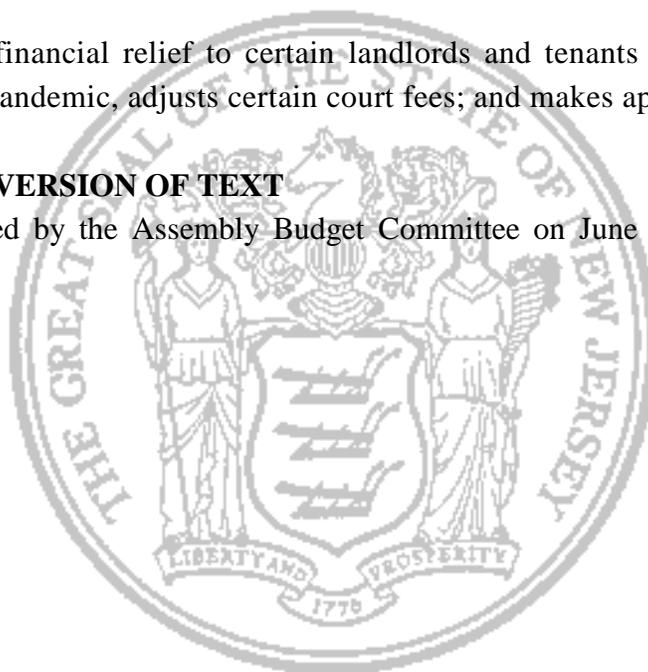
**Assemblywomen Jasey, Chaparro, Assemblyman Caputo,
Assemblywomen Reynolds-Jackson, Vainieri Huttle, Quijano and Lopez**

SYNOPSIS

Provides financial relief to certain landlords and tenants in response to COVID-19 pandemic, adjusts certain court fees; and makes appropriations.

CURRENT VERSION OF TEXT

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



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

1 AN ACT ²relating to matters of civil law by² providing financial
 2 relief to certain landlords and tenants in response to the COVID-
 3 19 pandemic ²and by altering certain court fees², supplementing
 4 Title 52 of the Revised Statutes, and amending P.L.2020, c.1
 5 ²and P.L.1991 c.177^{2 1}, and making an appropriation¹.

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

- 9
 10 1. (New section) The Legislature finds and declares that:
 11 a. The mortal threat posed by the COVID-19 pandemic
 12 compelled the Governor and Legislature to take drastic but
 13 necessary action. Executive Order No. 103 of 2020 effectively shut
 14 down the New Jersey economy on March 9, 2020, in order to hinder
 15 the rapid spread of the virus and to limit as much as possible the
 16 number of infections, severe illnesses, and deaths. During the same
 17 time period, the Governor and Legislature enacted P.L.2020, c.1
 18 (C.2A:18-59.3) and the Governor issued Executive Order No. 106
 19 of 2020, and implemented a moratorium on evictions, so as to
 20 ensure that during the covered period, households would be able to
 21 shelter in place and eliminate the threat posed by displacement,
 22 overcrowding, and the resultant spread of the virus.
 23 b. The foregoing measures caused severe economic difficulties
 24 for landlords and tenants alike. Tenants, who in general have lower-
 25 incomes and far less wealth than homeowners, have been
 26 disproportionately affected: a large number of them immediately
 27 became and remain unemployed or underemployed. This is
 28 especially so for lower-income people of color, who are
 29 predominantly tenants and who continue to be victimized by
 30 systemic and structural racism, which has left them severely
 31 disadvantaged and extremely vulnerable to health emergencies and
 32 economic downturns.
 33 c. Millions of jobs in our State and elsewhere have been
 34 permanently lost, and a significant number of jobs abruptly
 35 interrupted by the virus-driven shutdown have yet to return.
 36 d. As a result, thousands of tenants in our State are unable to
 37 pay all or even part of the rental arrearages caused by the pandemic
 38 when the moratorium ends, and these tenants will also find it
 39 extremely difficult to make their future, ongoing regular monthly
 40 rental payments once they resume.
 41 e. An overwhelming number of struggling tenant households,
 42 that are disproportionately Black and brown, will therefore be at
 43 risk of eviction for non-payment of all or part of their rent due and
 44 owing shortly after the moratorium is lifted. Combining the number

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:

¹Assembly AHO committee amendments adopted June 21, 2021.

²Assembly ABU committee amendments adopted June 21, 2021.

1 of struggling tenants with the number of people at risk of
2 displacement if the arrearage and future rent payment issues are not
3 addressed, evictions and the resulting overcrowding, could create
4 conditions that will lead to a resurgence and new spread of COVID-
5 19.

6 f. At the same time, landlords have shouldered the financial
7 burden of housing over a million tenants, as well as the costs of
8 maintaining the buildings, paying their mortgages, taxes, and other
9 financial obligations with ¹["little to no"] insufficient¹ help from the
10 State or federal government.

11 g. While housing is a necessity, ¹["it is unfair to require"]¹
12 private sector landlords ¹["to provide such housing without"] have
13 thus far maintained their properties and paid their financial
14 obligations, including State and local taxes, despite a lack of full¹
15 compensation or assistance ¹["], while at the same time, requiring
16 them to continue to maintain those properties and pay their financial
17 obligations, including State and local taxes"]¹.

18 h. In Executive Order No. 106 of 2020, the Governor expressly
19 stated that protection and preservation of personal and public health
20 was the primary reason driving the imposition of the economic
21 shutdown and eviction moratorium, a health-centered concern
22 echoed and reinforced by the national eviction moratorium
23 subsequently mandated by the federal Centers for Disease Control
24 and Prevention. With the surge in vaccinations and a corresponding
25 drop in COVID-19 pandemic-related hospitalizations, the public
26 health justification to maintain the eviction moratorium will ¹["also
27 end"] eventually subside¹, and the Legislature deems it necessary to
28 help struggling tenants avoid displacement and to compensate
29 landlords for providing this necessary shelter to many tenants
30 without compensation during the pandemic.

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

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

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

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

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

8 ¹“Area median income” means the median income by household
9 size for an applicable county as determined by the department.¹

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

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

19 “Covered period” means the period beginning on March 1, 2020,
20 and ending on ¹~~July~~ August¹ 31, 2021.

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

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

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

32 “Department” means the Department of Community Affairs.

33 “Household income” means the ¹lower of the following numbers:
34 (1) the¹ combined income of all household members ¹over the
35 twelve months immediately preceding an application for assistance
36 or protection, or (2) the combined income of all household members
37 in the three months immediately preceding an application for
38 assistance or protection,¹ annualized ¹【at the time of filing of an
39 application for assistance or protection】 by multiplying the
40 combined income by a factor of four¹.

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

44 “Middle-income household” means a household with a total
45 current gross annual household income of 80 percent or more than,
46 but less than 120 percent of, the area median income for a
47 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 ¹provided 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 ~~that~~ that
8 limits the tenant’s share of the rent to a percentage of the tenant’s
9 income, provided however, that the subsidy¹ 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 ¹very low-income household,¹
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 ¹, or failure to pay a rent increase,¹
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 ¹incurred following the conclusion of
25 the covered period, and then to any arrearages incurred during the
26 covered period¹.

27 b. Any amount of rent ¹found by a court to be¹ due and owing
28 by a residential tenant described in subsection a. of this section to a
29 landlord during the covered period ¹for which compensation is not
30 otherwise provided by any public or private source,¹ 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 ¹, including, but not limited to, the Eviction
37 Prevention Program, as revised pursuant to section 4 of P.L. , c.
38 (C.) (pending before the Legislature as this bill)¹.

39 c. ¹Notwithstanding 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.¹ 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. ¹The 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.¹

10 (1) ¹(a)¹ Notwithstanding the provisions of this section to the
11 contrary, ¹any tenant of a very low-income household, a¹ low-
12 income household ¹【tenants】 , or a moderate-income household¹
13 shall have continued protections from evictions ¹as those that are
14 applicable during the covered period pursuant to subsections a. and
15 b. of this section¹ for residential rent arrearages incurred from the
16 end of the covered period through ¹【August】 December¹ 31, 2021
17 ²【¹, and through November 15, 2021 in the case of middle-income
18 household,¹】² if the household ¹【pays 50 percent of their rent due
19 for the month of August 2021, and the remaining 50 percent of rent
20 due for that month shall be considered civil debt】 certifies under
21 penalty 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 court¹.

31 (2) ¹【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)¹.

44 ¹【d.】 e.¹ All pending ¹【landlord-tenant】 eviction¹ actions
45 alleging nonpayment or habitual late payment of residential rent ¹,
46 or failure to pay a rent increase,¹ that accrued during the covered

1 period shall be ¹stayed and shall be ¹dismissed upon certification
2 by the tenant, under penalty of perjury, ¹in accordance with
3 subparagraph (b) of paragraph (1) of subsection d. of this section¹
4 that the tenant is a ¹very low-income household,¹ 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 ¹, or failure to pay a rent increase,¹ during the
8 covered period.

9 ¹[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] ¹f. 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 required¹.

17 ¹f. 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.]¹

28 g. ¹[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.]¹ 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 ¹[j. A landlord shall not impose any late fees for residential rent
40 payments not made during the covered period.

41 k.] ¹h. 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 ¹i. (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 ¹, or
2 failure to pay a rent increase,¹ which accrued during the covered
3 period, or summary dispossess 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

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

7 (4) If a landlord furnishes rental payment data to another
8 landlord, collection or credit reporting agency related to the non-
9 payment of rent during the covered period, but before the enactment
10 of P.L. , c. (C.) (pending before the Legislature as this
11 bill), the landlord shall not be subject to the penalty provisions of
12 this section, except for an order to retract the report pursuant to
13 paragraph (3) of this subsection.
14

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

23 b. ¹ The commissioner shall revise and amend the "Homeless
24 Prevention Program Regulations" established pursuant to chapter 41
25 of Title 5 of the New Jersey Administrative Code to meet or provide
26 for the following:

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

33 (1) The Eviction Prevention Program shall be considered a
34 supplement to the COVID-19 Emergency Rental Assistance
35 Program Phase II (CVERAP II) program opened by the department
36 on March 22, 2021. Accordingly, to the greatest extent allowable
37 and feasible, the department should utilize programmatic
38 infrastructure, processes, and vendor contracts established under
39 CVERAP II in order to administer relief under the Eviction
40 Prevention Program¹;

41 (2) a household shall be eligible to participate in the program if
42 ¹ due to reasons beyond the household’s control, ¹ the household
43 is unable to make residential rental payments which are due and
44 owing pursuant to a valid and enforceable oral or written lease,
45 stipulation of settlement, judgment, order or other type of legally
46 binding agreement ¹ , because of a financial hardship sustained as a
47 result of the COVID-19 pandemic¹;

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 ¹[, 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]¹;

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) ¹a household may utilize the assistance to pay current rent,
15 accrued rent, and future rent, as determined by the department;

16 ¹(7) the department shall award grants to be paid on behalf of¹
17 eligible households ¹[shall be awarded grants for periods of] to be
18 applied to¹ up to two years ¹of rent¹, depending upon the person's
19 or household's particular circumstances ¹and available funds in the
20 program¹. 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. ¹[Such grants] Grants representing fewer than two years'
24 worth of rental assistance¹ may be renewed ¹[to prevent eviction or
25 homelessness] based on a renewed showing of need by the
26 individual or household¹. ¹[The] Notwithstanding the provisions of
27 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
28 et seq.), the¹ commissioner shall prepare detailed guidance covering
29 the amount and duration of such grants ¹[,] . Any grants that are
30 provided to cover ongoing rent shall be awarded¹ in accordance
31 with the following guidelines and principles:

32 (a) for a very low-income household, a deep subsidy ¹[shall]
33 may¹ be provided in the amount necessary to limit the household's
34 share of ongoing rent to not more than ¹[40] 30¹ percent of the
35 household's income;

36 (b) for a low- ¹or moderate-¹ income household that is not also
37 very low-income, a shallow subsidy ¹[shall] may¹ be provided in
38 the amount necessary to limit the household's share of ongoing rent
39 to not more than ¹[40] 30¹ percent of the household's income,
40 provided, however, that the amount of any such subsidy shall not
41 exceed \$800 per month; ¹[and]¹

42 (c) for a ¹[moderate-income or]¹ middle-income household,
43 assistance in the form of a ¹[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 month¹.

5 ¹~~[(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)¹ 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 ¹~~["reasons beyond the household's control"]~~ continued
28 hardships suffered as a result of the COVID-19 pandemic¹, 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; ¹~~["and"]~~¹

33 ¹~~[(8)]~~ (10)¹ during the course of the payment period, a
34 participant household shall certify the household's current income
35 once every ¹~~["three"]~~ six¹ months, using a ¹~~["one-page"]~~ brief¹ 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 ¹; 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 conditions¹.

6 c. Notwithstanding any other law or regulation to the contrary,
7 any revisions to ¹**the** existing¹ program regulations or operating
8 procedures required by this section shall take effect immediately.

9 d. ¹**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, 2021¹, the department shall implement a
13 comprehensive public information plan to create awareness among
14 eligible tenants of the assistance provided by the program ¹and 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 period¹. 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, ¹including, but not limited to providing all
24 information in both English and Spanish,¹ postings on social media,
25 and any other means likely to ensure that tenants will be aware of
26 the¹**programs** program's¹ existence¹, tenant protections, tenant
27 attestation, and the provisions of section 3 of P.L. _____, c. (C. _____)
28 (pending before the Legislature as this bill)¹. In addition, the
29 department shall prepare a form notice ¹, which shall include the
30 tenant attestation, in languages including, but not limited to,
31 English and Spanish,¹ describing the program¹ and the provisions
32 of section 3 of P.L. _____, c. (C. _____) (pending before the
33 Legislature as this bill)¹ and ¹shall¹ distribute the notice to ¹**all**¹
34 landlords for inclusion with any notice or complaint sent to a tenant
35 related to an eviction for nonpayment of rent ¹, 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 website¹. Prior to the end of
40 covered period, the landlord shall post ¹**a written notice** the form
41 notice provided by the department¹ in a conspicuous location within
42 the common area of a multiple dwelling ¹**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 notice¹.

1 e. 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.¹

6 (1) A program application shall state the ¹total amount of rent
7 due from the landlord's residential tenants monthly rent as¹
8 established in the ¹corresponding leases lease or other rental
9 agreement¹, the amount ¹of rent¹ paid by the ¹tenants tenant¹ or
10 third parties, if any, the amount ¹of rent¹ unpaid, the amount of
11 security deposit funding that the ¹landlord's tenants have tenant
12 has¹ 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 ¹and
20 any documentation¹ 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 ¹[(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.]¹

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 ¹~~30~~⁶⁰ 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 ¹~~identifying and training~~ working
19 collaboratively with¹ at least one non-profit, community-based
20 organization in each county ¹~~with regard to~~ so that such
21 organizations are able to provide information regarding¹ 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. ¹~~(1)~~¹ 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 ¹~~action based on the nonpayment or~~
36 habitual late payment of rent¹ 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 ~~]~~ ¹~~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 subsection¹.

3 ¹(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 household²], and shall expire on November 15, 2021 for
18 any lessee or tenant who is a middle-income household²].
19 Provided, however, that the protections conferred on such tenants
20 by this section shall expire on August 31, 2021, to the extent that
21 such 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.¹

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.

1 c. Sheriffs, court officers, and their agents shall refrain from
 2 acting to remove individuals from residential properties through the
 3 eviction or foreclosure processes during the time of an executive
 4 order issued by the Governor prohibiting certain removals from
 5 residential property pursuant to subsection a. of this section, unless
 6 the court determines on its own motion or motion of the parties that
 7 removal is necessary in the interest of justice.

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

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

16

17 7. (New section) The following sums are appropriated from the
 18 funds provided to the State by the United States government for the
 19 purpose of providing relief to tenants affected in any way due to the
 20 COVID-19 pandemic: for the "Eviction ¹~~and Homelessness~~¹
 21 Prevention Program" the sum of \$750,000,000; for the Office of
 22 Eviction Prevention the sum of \$5,000,000. ¹Of the monies
 23 appropriated, the department shall use \$500,000,000 as assistance
 24 for very-low, low-, moderate-, and middle-income tenants. The
 25 remainder may be used as utility assistance.¹ The department may
 26 use up to ¹~~[\$20,000,000]~~ 2.5 percent¹ of the sums appropriated
 27 pursuant to this section for the purpose of funding those actions
 28 needed to effectively implement and administer the Eviction ¹~~and~~
 29 ~~Homelessness~~¹ Prevention Program, \$2,000,000 million of which
 30 shall be provided to nonprofit organizations for supporting the
 31 education and outreach for this program. ¹~~Additional federal~~
 32 ~~funding for emergency rental assistance related to the COVID-19~~
 33 ~~pandemic shall be appropriated to the foregoing programs as it~~
 34 ~~becomes available.~~¹ Households otherwise ineligible for
 35 assistance using federal funds shall be assisted with State funds.

36

37 ²8. Section 14 of P.L.1991 c.177 (C. 22A:2-37.1) is amended to
 38 read as follows:

39 14. a. In all civil actions and proceedings in the Special Civil
 40 Part of the Superior Court, Law Division, only the following fees
 41 shall be charged by the clerk and no service shall be performed until
 42 the specified fee has been paid:

43 (1) Filing of small claim, one defendant	\$15.00
44 Each additional defendant	\$ 2.00
45 (2) Filing of complaint in tenancy,	
46 one defendant	\$25.00
47 Each additional defendant	\$ 2.00

1 (3) (a) Filing of complaint or other initial
2 pleading containing a counterclaim, cross-claim
3 or third party complaint in all other civil actions,
4 whether commenced without process or by summons,
5 capias, replevin or attachment where the amount
6 exceeds the small claims monetary limit \$50.00
7 Each additional defendant \$ 2.00

8 (b) Filing of complaint or other initial
9 pleading containing a counterclaim, cross-claim
10 or third party complaint in all other civil actions,
11 whether commenced without process or by summons,
12 capias, replevin or attachment where the amount
13 does not exceed the small claims monetary limit \$32.00
14 Each additional defendant \$ 2.00

15 (4) Filing of appearance or answer
16 to a complaint or third party complaint in all
17 matters except small claims \$15.00

18 (5) Service of Process: Fees for service of process, including:
19 summons by mail, each defendant; summons by mail each
20 defendant at place of business or employment with postal
21 instructions to deliver to addressee only; reservice of summons by
22 mail, each defendant; postage for substituted service of process by
23 the clerk upon the Chief Administrator of the New Jersey Motor
24 Vehicle Commission in addition to the substituted service fee
25 provided below; and wage execution by mail to a federal agency,
26 shall be set by the Administrative Director of the Courts. The fee
27 for service of process shall not exceed the postal rates for ordinary
28 and certified mail, return receipt requested, and may include an
29 administrative fee that shall not exceed \$0.25 for each defendant
30 served with process by mail. The total service of process fee shall
31 be rounded upward to the nearest dollar. For the purposes of this
32 paragraph, service of process means the simultaneous mailing by
33 ordinary and certified mail, return receipt requested, to the
34 defendant at the address provided by the plaintiff.
35 Reservice of summons or other original process by
36 court officer, one defendant \$ 3.00
37 plus mileage
38 Each additional defendant \$ 2.00
39 plus mileage
40 Substituted service of process by the clerk upon
41 the Chief Administrator of the
42 New Jersey Motor Vehicle Commission \$10.00

43 (6) **【Mileage of court officer in】** For serving or executing any
44 process, writ, order, execution, notice, or warrant **【**, the distance to
45 be computed by counting the number of miles in and out, by the
46 most direct route from the place where process is issued, at the
47 same rate per mile set by the State for other State employees and
48 the total mileage fee rounded upward to the nearest dollar**】** \$ 7.00

1	(7) Jury of six persons	\$50.00
2	(8) Warrant for possession in tenancy	\$15.00
3	(9) Warrant to arrest, commitment	
4	or writ of capias ad respondendum, each defendant	\$15.00
5	(10)Writ of execution or an order in	
6	the nature of execution, writs of replevin and	
7	attachment issued subsequent to summons	\$ 5.00
8	(11)For advertising property under execution	
9	or any order	\$10.00
10	(12)For selling property under	
11	execution or any order	\$10.00
12	(13)Exemplified copy of judgment	
13	(two pages)	\$ 5.00
14	each additional page	\$ 1.00
15	b. (Deleted by amendment, P.L.2002, c.34).	
16	c. (Deleted by amendment, P.L.2002, c.34).	
17	d. (Deleted by amendment, P.L.2009, c.32). ²	
18	(cf: P.L.2009, c.32, s.1)	
19		
20	² 9. Section 15 of P.L.1991, c.177 (C.22A:2-37.2) is amended to	
21	read as follows:	
22	15. a. From the fees set forth in section 14 of P.L.1991, c.177	
23	(C.22A:2-37.1), the clerk of the Special Civil Part of the Superior	
24	Court, Law Division, shall pay to officers designated by the	
25	Assignment Judge to serve process the following fees:	
26	(1) Serving summons, notice or	
27	third party complaint on one defendant	\$ 3.00
28	on every additional defendant	\$ 2.00
29	(2) Reserving summons or other	
30	original process on any defendant	\$ 3.00
31	(3) Warrant to arrest, capias, or	
32	commitment, for each defendant served	\$15.00
33	(4) Serving writ and summons in	
34	replevin, taking bond and any inventory, against	
35	one defendant	\$ 6.00
36	on every additional defendant	\$ 2.00
37	(5) Serving writ in replevin when	
38	issued subsequent to service of summons,	
39	against one defendant	\$ 5.00
40	on every additional defendant	\$ 2.00
41	(6) Serving order for possession	
42	in replevin	\$ 4.00
43	(7) Serving writ of attachment and	
44	making inventory, one defendant	\$ 4.00
45	on every additional defendant	\$ 2.00
46	(8) Serving and executing warrant	
47	for possession in tenancy	\$10.00
48	(9) Every execution, or any order in	

1 the nature of an execution, on a judgment, for
2 each defendant \$ 2.00

3 b. For **every mile of travel in** serving or executing any
4 process, writ, order, execution, notice or warrant **],** the distance to
5 be computed by counting the number of miles in and out, by the
6 most direct route from the place where process is issued, at the
7 same rate per mile set by the State for other State employees and
8 the total mileage fee rounded upward to the nearest dollar. **]** \$ 7.00

9 c. In addition to the foregoing, the following fees for officers
10 of the Special Civil Part shall be taxed in the costs and collected on
11 execution, writ of attachment or order in the nature of any execution
12 on any final judgment, or on a valid and subsisting levy of an
13 execution or attachment which may be the effective cause in
14 producing payment or settlement of a judgment or attachment:

15 (1) For advertising property
16 under execution or any order \$10.00

17 (2) For selling property under
18 execution or any order \$10.00

19 (3) On every dollar collected on
20 execution, writ of attachment, or any order, \$ 0.10.

21 (4) In the event a judgment is vacated for any reason after a
22 court officer has made a levy and thereafter the judgment is
23 reinstated or the case is settled, the dollarage due the court officer
24 on payment of the judgment amount or settlement amount again
25 shall be taxed in the costs and collected.

26 d. In addition to the foregoing, the clerk of the Special Civil
27 Part shall pay to officers designated by the Assignment Judge to
28 serve wage executions on a federal agency an amount equal to the
29 fee set by either the Administrative Director of the Courts pursuant
30 to paragraph (5) of subsection a. of section 14 of P.L.1991, c.177
31 (C.22A:2-37.1) or set pursuant to subsection d. of that section,
32 whichever then may be applicable, for each wage execution
33 served.²

34 (cf: P.L.2003, c.259, s.2)

35

36 ²**[8.] 10.**² This act shall take effect immediately.