

(CORRECTED COPY)

P.L. 2021, CHAPTER 188, *approved August 4, 2021*
Senate No. 3691 (*First Reprint*)

1 AN ACT ¹relating to matters of civil law by¹ providing financial
2 relief to certain landlords and tenants in response to the COVID-
3 19 pandemic ¹and by altering certain court fees¹, supplementing
4 Title 52 of the Revised Statutes, and amending P.L.2020, c.1
5 ¹and P.L.1991 c.177, 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 necessary
13 action. Executive Order No. 103 of 2020 effectively shut down the
14 New Jersey economy on March 9, 2020, in order to hinder the rapid
15 spread of the virus and to limit as much as possible the number of
16 infections, severe illnesses, and deaths. During the same time period,
17 the Governor and Legislature enacted P.L.2020, c.1 (C.2A:18-59.3)
18 and the Governor issued Executive Order No. 106 of 2020, and
19 implemented a moratorium on evictions, so as to ensure that during the
20 covered period, households would be able to shelter in place and
21 eliminate the threat posed by displacement, overcrowding, and the
22 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 especially
28 so for lower-income people of color, who are predominantly tenants
29 and who continue to be victimized by systemic and structural racism,
30 which has left them severely disadvantaged and extremely vulnerable
31 to health emergencies and economic downturns.

32 c. Millions of jobs in our State and elsewhere have been
33 permanently lost, and a significant number of jobs abruptly interrupted
34 by the virus-driven shutdown have yet to return.

35 d. As a result, thousands of tenants in our State are unable to pay
36 all or even part of the rental arrearages caused by the pandemic when
37 the moratorium ends, and these tenants will also find it extremely
38 difficult to make their future, ongoing regular monthly rental payments
39 once they resume.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 21, 2021.

1 e. An overwhelming number of struggling tenant households, that
2 are disproportionately Black and brown, will therefore be at risk of
3 eviction for non-payment of all or part of their rent due and owing
4 shortly after the moratorium is lifted. Combining the number of
5 struggling tenants with the number of people at risk of displacement if
6 the arrearage and future rent payment issues are not addressed,
7 evictions and the resulting overcrowding, could create conditions that
8 will lead to a resurgence and new spread of COVID-19.

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

14 g. While housing is a necessity, ¹['it is unfair to require']¹ private
15 sector landlords ¹['to provide such housing without'] have thus far
16 maintained their properties and paid their financial obligations,
17 including State and local taxes, despite a lack of full¹ compensation or
18 assistance ¹['], while at the same time, requiring them to continue to
19 maintain those properties and pay their financial obligations, including
20 State and local taxes¹.

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

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

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

46 k. ¹ j.¹ It is, therefore, necessary for the Legislature to assist
47 landlords who have suffered deep economic losses through no fault of

1 their tenants or themselves, and, simultaneously, make efforts to assist
2 tenants who need help as a result of this crisis, in order to ensure some
3 measure of security and stability for their families and communities;
4 provide landlords with the restored rental income stream required to
5 safely and efficiently operate their buildings; and prevent a resurgence
6 of the COVID-19 pandemic that will threaten the health and safety of
7 tenants, landlords, and the public at large.

8
9 2. (New section) As used in P.L. , c. (C.) (pending
10 before the Legislature as this bill):

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

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

20 “Commissioner” means the Commissioner of Community
21 Affairs.

22 “Covered period” means the period beginning on March 1, 2020,
23 and ending on ¹**July** August¹ 31, 2021.

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

27 “Credit reporting agency” means any consumer reporting agency
28 as that term is defined by the federal “Fair Credit Reporting Act,”
29 15 U.S.C. s.1681 et seq., which shall include any agencies which
30 specialize in tenant screening or rental history reporting.

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

35 “Department” means the Department of Community Affairs.

36 “Household income” means the ¹lower of the following numbers:
37 (1) the¹ combined income of all household members ¹over the
38 twelve months immediately preceding an application for assistance
39 or protection, or (2) the combined income of all household members
40 in the three months immediately preceding an application for
41 assistance or protection,¹ annualized ¹**at the time of filing of an**
42 application for assistance or protection¹ by multiplying the
43 combined income by a factor of four¹.

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

1 “Middle-income household” means a household with a total
2 current gross annual household income of 80 percent or more than,
3 but less than 120 percent of, the area median income for a
4 household of the same size and composition.

5 “Moderate-income household” means a household with a total
6 current gross annual household income in excess of 50 percent but
7 less than 80 percent of the area median income for a household of
8 the same size and composition.

9 “Shallow subsidy” means a rental housing subsidy ¹provided in
10 an amount based on the percentage of the fair market rent of the
11 unit, depending on the household size and location, which **that**
12 limits the tenant’s share of the rent to a percentage of the tenant’s
13 income, provided however, that the subsidy¹ shall be capped at a
14 fixed amount.

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

19
20 3. (New section) a. Notwithstanding any other law to the
21 contrary, no residential tenant of a ¹very low-income household,¹
22 low-income household, moderate-income household, or middle-
23 income household shall be evicted based upon nonpayment or
24 habitual late payment of rent ¹, or failure to pay a rent increase,¹
25 that accrued during the covered period. Payments made by a tenant
26 after the covered period ends shall be credited first to the current
27 month’s rental obligation, and any balance shall be credited to any
28 arrearage owed by the tenant ¹incurred following the conclusion of
29 the covered period, and then to any arrearages incurred during the
30 covered period¹.

31 b. Any amount of rent ¹found by a court to be¹ due and owing
32 by a residential tenant described in subsection a. of this section to a
33 landlord during the covered period ¹for which compensation is not
34 otherwise provided by any public or private source,¹ shall be
35 considered civil debt and may be pursued as a money judgment in
36 the appropriate division of the Superior Court. Such civil debt
37 based on rental arrears shall be considered evidence of housing
38 instability or risk of homelessness for the purpose of qualifying a
39 household for rental assistance under any federal, State, county, or
40 local program ¹, including, but not limited to, the Eviction
41 Prevention Program, as revised pursuant to section 4 of P.L. , c.
42 (C.) (pending before the Legislature as this bill)¹.

43 c. ¹Notwithstanding any law to the contrary, no person shall sell
44 or assign any civil debt relating to rent that accrued during the
45 covered period.

46 d.¹ Any amount of rent due and owing either prior to the start of
47 the covered period or after the covered period ends may be pursued

1 in the manner allowed by law for any other landlord-tenant action
2 for rent due outside of the covered period. ¹The provisions of
3 P.L. , c. (C.) (pending before the Legislature as this bill)
4 shall not restrict a landlord from pursuing a money judgment action
5 during the covered period, or following the covered period, for
6 unpaid rent due during the covered period. An action by a landlord
7 against a residential tenant to recover unpaid rent which accrued
8 during the covered period may be commenced in the Superior
9 Court, Special Civil Part, regardless of the amount in controversy.
10 The Administrative Director of the Courts may take any
11 administrative action as may be necessary to provide a process for
12 filing these actions in the Superior Court, Special Civil Part.¹

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

24 (i) the household's income;

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

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

29 (b) The certification required by subparagraph (a) of this
30 paragraph shall be made on a form established by the department.
31 The tenant shall provide a copy of the completed form to the
32 landlord, and, if there is a pending eviction action, to the court¹.

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

1 ¹**[d.] e.** All pending ¹**[landlord-tenant]** eviction¹ actions
2 alleging nonpayment or habitual late payment of residential rent ¹,
3 or failure to pay a rent increase,¹ that accrued during the covered
4 period shall be ¹**[stayed and shall be]**¹ dismissed upon certification
5 by the tenant, under penalty of perjury, ¹in accordance with
6 subparagraph (b) of paragraph (1) of subsection d. of this section¹
7 that the tenant is a ¹very low-income household,¹ low-income
8 household, moderate-income household, or middle-income
9 household and that the reason for filing was nonpayment or habitual
10 late payment of rent ¹, or failure to pay a rent increase,¹ during the
11 covered period.

12 ¹**[e. For any case that is stayed pursuant to P.L. , c. (C.)**
13 (pending before the Legislature as this bill), the Superior Court
14 shall return or credit to the landlord all fees paid by the landlord to
15 file such cases] ¹**f. If a case is dismissed and the landlord is required**
16 to subsequently file against the same tenant, the landlord may
17 request that the case be reinstated with the court. In such
18 circumstances the landlord shall pay the fees to serve the amended
19 action, but no court filing fees shall be required¹.

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

31 g. ¹**[The Administrative Director of the Courts shall modify the**
32 jurisdictional limits of the Small Claims Section of the Special Civil
33 Part to \$9,000 for actions to recover unpaid residential rent that
34 accrued during the covered period.

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

39 i. ¹**[** A tenant in such an action shall retain the right to assert any
40 and all counterclaims, setoffs, legal defenses, affirmative defenses,
41 and equitable defenses that would otherwise be available to them.

42 ¹**[j. A landlord shall not impose any late fees for residential rent**
43 payments not made during the covered period.

44 k. ¹**[** h. As a condition of receiving any State or federal rental
45 assistance on behalf of a tenant for rent due and owing, a landlord

1 shall waive all late fees assessed for rent unpaid during the period
2 for which assistance is being provided.

3 i.¹ (1) Consistent with the provisions of 15 U.S.C. s.1681s-
4 2(a)(1)(F), a landlord shall not at any time furnish information
5 about the nonpayment or late payment of residential rent ¹, or
6 failure to pay a rent increase,¹ which accrued during the covered
7 period, or summary dispossession or other court filings or proceedings
8 related to non-payment or late payment of residential rent which
9 accrued during the covered period, directly to another residential
10 landlord, or to a debt collection or credit reporting agency. This
11 paragraph shall not:

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

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

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

22 (a) refuse to rent to a prospective tenant of residential rental
23 housing; or

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

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

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

40 (b) impose a fine on the non-compliant landlord, not to exceed
41 \$500 for a first violation, \$1,000 for a second violation, and \$2,500
42 for each subsequent violation;

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

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

(e) order the non-compliant landlord to take such steps as are necessary, within 30 days of the order, to rehabilitate the credit record of the tenant, with an exact copy provided to the tenant at no 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 ¹rename 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." ²establish 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.¹

b. ¹The 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" ²The 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 Program¹;

(2) a household shall be eligible to participate in the program if ¹the 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

1 settlement, judgment, order or other type of legally binding agreement
 2 ¹, because of a financial hardship sustained as a result of the COVID-
 3 19 pandemic¹;

4 (3) a household shall be eligible for assistance under this program
 5 regardless of whether the household has been served with a summons
 6 and complaint for eviction ¹[], and an oral or written communication
 7 from the landlord indicating that an eviction filing is imminent or
 8 contemplated shall be sufficient to trigger eligibility for the
 9 program¹;

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

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

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

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

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

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

44 (c) for a ¹[moderate-income or]¹ middle-income household,
 45 assistance in the form of a ¹[flat monthly grant of \$250 shall be

provided to the household if the household pays more than 50 percent of the household's income as ongoing rent] subsidy may be provided in the amount necessary to limit the household's share of ongoing rent to not more than 30 percent of the household's income, provided, however, that the amount of any such subsidy shall not exceed \$500 per month¹.

¹~~[(7)]~~ (8) To qualify for rental assistance under the program, households shall demonstrate that a person in the household:

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

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

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

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

(e) is a New Jersey resident; and

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

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

(9)¹ during the course of the payment period, if the department is notified by either the landlord or the program participant that a person or household has begun to experience difficulty paying rent as a result of ¹reasons beyond the household's control] continued hardships suffered as a result of the COVID-19 pandemic¹, the household's income and family situation shall be reevaluated in light of the changed conditions, and the person or household shall be placed in a different assistance tier, if necessary, to prevent eviction; ¹and] ¹

¹~~[(8)]~~ (10)¹ during the course of the payment period, a participant household shall certify the household's current income once every ¹three] six¹ months, using a ¹one-page] brief¹ form to be developed by the department, including any necessary attachments. Beginning the month following receipt of a certification, the department shall increase or decrease the amount of subsidy provided to the household in accordance with the subsidy category applicable to the most recent reported income, provided that limited non-recurring short term increases in income shall not require a subsidy adjustment ¹; and

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

1 exists, the department shall, after serving the landlord with written
2 notification of such violation and providing the landlord with
3 sufficient opportunity to cure, consider whether and in what amount to
4 withhold rent based on those conditions¹.

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

8 d. ¹**At least 30 days prior to the expiration of the covered period**
9 As soon as possible following the enactment of P.L. , c. (C.)
10 (pending before the Legislature as this bill), and no later than August
11 31, 2021¹, the department shall implement a comprehensive public
12 information plan to create awareness among eligible tenants of the
13 assistance provided by the program ¹and the provisions of section 3 of
14 P.L. , c. (C.) (pending before the Legislature as this bill)
15 prohibiting eviction and providing credit protection relating to
16 nonpayment or habitual late payment of rent, or failure to pay a rent
17 increase, during the covered period¹. This plan shall include but not
18 be limited to public service announcements, information about the
19 program in governmental notices and utility providers billings, notices
20 to landlords as to how to assist their tenants in applying for the
21 program, outreach to underserved populations, ¹including, but not
22 limited to providing all information in both English and Spanish,¹
23 postings on social media, and any other means likely to ensure that
24 tenants will be aware of the ¹**programs** program's¹ existence ¹,
25 tenant protections, tenant attestation, and the provisions of section 3 of
26 P.L. , c. (C.) (pending before the Legislature as this bill)¹. In
27 addition, the department shall prepare a form notice ¹, which shall
28 include the tenant attestation, in languages including, but not limited
29 to, English and Spanish,¹ describing the program ¹and the provisions
30 of section 3 of P.L. , c. (C.) (pending before the Legislature as
31 this bill)¹ and ¹shall¹ distribute the notice to ¹**all**¹ landlords for
32 inclusion with any notice or complaint sent to a tenant related to an
33 eviction for nonpayment of rent ¹, habitual late payment, or failure to
34 pay a rent increase, or an action seeking repayment of rental arrears
35 pursuant to P.L. , c. (C.) (pending before the Legislature as
36 this bill). The notice shall also be posted on the department's Internet
37 website¹. Prior to the end of covered period, the landlord shall post
38 ¹**a written notice** the form notice provided by the department¹ in a
39 conspicuous location within the common area of a multiple dwelling
40 ¹**highlighting the potential availability of rental assistance from the**
41 **Eviction and Homelessness Prevention Program and other**
42 **governmental assistance programs included in the department's form**
43 **notice**¹.

44 e. ¹As soon as possible following the enactment of P.L. , c.
45 (C.) (pending before the Legislature as this bill), and no later than
46 August 31, 2021, the commissioner shall start accepting applications

1 for assistance through the Eviction Prevention Program, as revised
2 pursuant to this section.¹

3 (1) A program application shall state the ¹【total amount of rent
4 due from the landlord's residential tenants】 monthly rent as¹
5 established in the ¹【corresponding leases】 lease or other rental
6 agreement¹, the amount ¹of rent¹ paid by the ¹【tenants】 tenant¹ or
7 third parties, if any, the amount ¹of rent¹ unpaid, the amount of
8 security deposit funding that the ¹【landlord's tenants have】 tenant
9 has¹ applied against rent pursuant to Executive Order No. 128 of 2020,
10 and any other information required by the department for determining
11 financial need.

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

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

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

15 (c) if a specific funding source is involved, a certification ¹and any
16 documentation¹ providing the minimum amount of information needed
17 to comply with the requirements of that funding source.

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

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

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

44
45 5. (New section) a. Within ¹【30】 60¹ days of the enactment of
46 P.L. , c. (C.) (pending before the Legislature as this bill), the

1 department shall establish an "Office of Eviction Prevention," which
2 shall be responsible for:

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

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

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

14 b. This office shall be responsible for the compilation,
15 publication, and ongoing update of this information, and shall also be
16 responsible for ¹identifying and training working collaboratively
17 with¹ at least one non-profit, community-based organization in each
18 county ¹with regard to so that such organizations are able to provide
19 information regarding¹ the availability of and means of accessing such
20 financial assistance by at-risk tenants.

21

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

24 1. a. ¹(1)¹ Notwithstanding any other law to the contrary,
25 whenever a Public Health Emergency, pursuant to the "Emergency
26 Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.) **],** or a
27 State of Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et
28 seq.), or both,**]** has been declared by the Governor in response to
29 the COVID-19 pandemic and is in effect, the Governor may issue
30 an executive order to declare that a lessee, tenant, homeowner or
31 any other person shall not be removed from a residential property as
32 the result of an eviction ¹action based on the nonpayment or
33 habitual late payment of rent¹ or foreclosure proceeding. This
34 executive order shall remain in effect **]**for no longer than two
35 months following the end of the Public Health Emergency or State
36 of Emergency¹ ¹until July 31, 2021, except that the executive
37 order may be extended if there is substantial evidence that
38 hospitalizations and deaths due to the COVID-19 pandemic are
39 likely to recur or substantially worsen if an extension is not ordered.
40 The Governor shall adjust the executive order issued pursuant to
41 P.L.2020, c.1 (C.2A:18-59.3) through the issuance of a subsequent
42 executive order, in order to comply with P.L. , c. (C.)
43 (pending before the Legislature as this bill)**]** for no longer than two
44 months following the end of the Public Health Emergency except as
45 provided in paragraphs (2) and (3) of this subsection¹.

46 ¹(2) (a) For eviction actions based upon reasons other than
47 nonpayment or habitual late payment of rent, or failure to pay a rent

1 increase, Executive Order No. 106 of 2020 shall expire upon the
2 effective date of P.L. , c. (C.) (pending before the
3 Legislature as this bill).

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

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

18 (d) To the extent that it prohibits the removal from a residential
19 property as a result of a foreclosure proceeding of any homeowner,
20 Executive Order No. 106 of 2020 shall expire on November 15,
21 2021.

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

25 (3) Notwithstanding the provisions of paragraph (2) of this
26 subsection, Executive Order No. 106 of 2020 may be extended
27 pursuant to the procedures set forth in subsection b. of section 3 of
28 P.L. 2021, c. 103, if there is substantial evidence that
29 hospitalizations and deaths due to the COVID-19 pandemic are
30 likely to recur or substantially worsen if an extension is not
31 ordered.¹

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

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

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

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

9

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

29

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

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

36 (1) Filing of small claim, one defendant	\$15.00
37 Each additional defendant	\$ 2.00
38 (2) Filing of complaint in tenancy,	
39 one defendant	\$25.00
40 Each additional defendant	\$ 2.00
41 (3) (a) Filing of complaint or other initial	
42 pleading containing a counterclaim, cross-claim	
43 or third party complaint in all other civil actions,	
44 whether commenced without process or by summons,	
45 capias, replevin or attachment where the amount	
46 exceeds the small claims monetary limit	\$50.00
47 Each additional defendant	\$ 2.00

1 (b) 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 does not exceed the small claims monetary limit \$32.00
 7 Each additional defendant \$ 2.00
 8 (4) Filing of appearance or answer
 9 to a complaint or third party complaint in all
 10 matters except small claims \$15.00
 11 (5) Service of Process: Fees for service of process, including:
 12 summons by mail, each defendant; summons by mail each
 13 defendant at place of business or employment with postal
 14 instructions to deliver to addressee only; reservice of summons by
 15 mail, each defendant; postage for substituted service of process by
 16 the clerk upon the Chief Administrator of the New Jersey Motor
 17 Vehicle Commission in addition to the substituted service fee
 18 provided below; and wage execution by mail to a federal agency,
 19 shall be set by the Administrative Director of the Courts. The fee
 20 for service of process shall not exceed the postal rates for ordinary
 21 and certified mail, return receipt requested, and may include an
 22 administrative fee that shall not exceed \$0.25 for each defendant
 23 served with process by mail. The total service of process fee shall
 24 be rounded upward to the nearest dollar. For the purposes of this
 25 paragraph, service of process means the simultaneous mailing by
 26 ordinary and certified mail, return receipt requested, to the
 27 defendant at the address provided by the plaintiff.
 28 Reservice of summons or other original process by
 29 court officer, one defendant \$ 3.00
 30 plus mileage
 31 Each additional defendant \$ 2.00
 32 plus mileage
 33 Substituted service of process by the clerk upon
 34 the Chief Administrator of the
 35 New Jersey Motor Vehicle Commission \$10.00
 36 (6) **【Mileage of court officer in】** ~~For~~ serving or executing any
 37 process, writ, order, execution, notice, or warrant **【**, the distance to
 38 be computed by counting the number of miles in and out, by the
 39 most direct route from the place where process is issued, at the
 40 same rate per mile set by the State for other State employees and
 41 the total mileage fee rounded upward to the nearest dollar **】** \$ 7.00
 42 (7) Jury of six persons \$50.00
 43 (8) Warrant for possession in tenancy \$15.00
 44 (9) Warrant to arrest, commitment
 45 or writ of capias ad respondendum, each defendant \$15.00
 46 (10) Writ of execution or an order in
 47 the nature of execution, writs of replevin and
 48 attachment issued subsequent to summons \$ 5.00

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

1 same rate per mile set by the State for other State employees and
2 the total mileage fee rounded upward to the nearest dollar. **1** \$ 7.00

3 c. In addition to the foregoing, the following fees for officers
4 of the Special Civil Part shall be taxed in the costs and collected on
5 execution, writ of attachment or order in the nature of any execution
6 on any final judgment, or on a valid and subsisting levy of an
7 execution or attachment which may be the effective cause in
8 producing payment or settlement of a judgment or attachment:

9 (1) For advertising property
10 under execution or any order \$10.00

11 (2) For selling property under
12 execution or any order \$10.00

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

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

20 d. In addition to the foregoing, the clerk of the Special Civil
21 Part shall pay to officers designated by the Assignment Judge to
22 serve wage executions on a federal agency an amount equal to the
23 fee set by either the Administrative Director of the Courts pursuant
24 to paragraph (5) of subsection a. of section 14 of P.L.1991, c.177
25 (C.22A:2-37.1) or set pursuant to subsection d. of that section,
26 whichever then may be applicable, for each wage execution
27 served.¹

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

29
30 ¹**[8.] 10.**¹ This act shall take effect immediately.

31
32
33
34
35 Provides financial relief to certain landlords and tenants in
36 response to COVID-19 pandemic, adjusts certain court fees; and
37 makes appropriations.