

SENATE, No. 3842

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Provides funding for clinical program to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning clinical programs to provide legal services for
2 certain tenants in need of housing assistance, supplementing
3 P.L.1996, c.52 (C.22A:2-51 et al.), and making an appropriation.
4

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

8 1. The Legislature finds and declares that:

9 a. The lack of affordable housing in New Jersey forces low-
10 and moderate-income households to spend a disproportionate share
11 of their income toward rental payments, which dynamic has resulted
12 in an eviction crisis throughout the State.

13 b. The COVID-19 pandemic has heightened existing economic
14 disparities and exacerbated the economic insecurity of many low-
15 and moderate-income households, thereby worsening the State's
16 eviction crisis to a critical level.

17 c. During the COVID-19 pandemic, a Statewide moratorium on
18 evictions was put in place pursuant to Executive Order No. 106 and
19 P.L.2020, c.1 (C.2A:18-59.3); however, this moratorium will soon
20 expire, placing many low- and moderate-income households at risk
21 of eviction.

22 d. It is estimated that as many as 300,000 rental households in
23 New Jersey will become subject to an eviction proceeding after the
24 eviction moratorium ends, which would be double the average
25 annual number of proceedings filed before the pandemic.

26 e. These evictions are expected to disproportionately impact
27 Black and Latino residents of New Jersey, as these communities
28 account for a large percentage of the State's rental population.

29 f. Additionally, many landlords have increasingly filed legal
30 actions against tenants to seek monetary relief rather than eviction,
31 thereby putting low- and moderate-income tenants at risk of
32 damaged credit ratings and further economic hardship.

33 g. The State and federal governments have established rental
34 assistance programs to assist low- and moderate-income tenants
35 who have been adversely affected by the COVID-19 pandemic,
36 which programs include the COVID-19 Emergency Rental
37 Assistance Program administered by the Department of Community
38 Affairs.

39 h. However, these novel State and federal programs may be
40 complex, making it difficult for some tenants to apply for and
41 receive all of the benefits to which they are entitled under these
42 programs.

43 i. Although these rental assistance programs may provide
44 tenants with the means to pay some or all of their rental obligations,
45 many tenants may still lack the ability needed to effectively
46 negotiate with their landlords toward solutions that avert further
47 legal proceedings.

1 j. Furthermore, when governmental assistance cannot prevent
2 the filing of an eviction proceeding, the vast majority of tenants
3 cannot afford to hire an attorney; in contrast, most landlords are
4 represented by an attorney during these proceedings, given that
5 many landlords are corporations, which are required to have
6 counsel.

7 k. Consequently, the provision of free legal services to low-
8 and moderate-income tenants who are in need of housing assistance,
9 including those who are at risk of eviction and those who are
10 entitled to governmental rental assistance, is one of the most
11 effective ways to address the ongoing eviction crisis.

12 l. It is therefore in the public interest and a valid public
13 purpose for the Legislature to appropriate monies to the Seton Hall
14 Law School, Rutgers Camden Law School, and Rutgers Newark
15 Law School to establish clinical programs that provide free legal
16 services to low- and moderate-income tenants who are in need of
17 housing assistance.

18

19 2. a. The Legislature shall annually appropriate monies for the
20 Seton Hall Law School, Rutgers Camden Law School, and Rutgers
21 Newark Law School to establish clinical programs that provide free
22 legal services to low- and moderate-income tenants who are in need
23 of housing assistance. The clinical programs shall be implemented
24 according to guidance issued by the Seton Hall Law School, subject
25 to the limitations of this section.

26 b. (1) The clinical program shall include, but not be limited to,
27 the provision of the following services, free of charge, to low- and
28 moderate-income tenants:

29 (a) legal counsel and representation in landlord-tenant-related
30 litigation, including, but not limited to, eviction proceedings and
31 actions for unpaid rent;

32 (b) assistance applying for benefits under any State or federally
33 funded rental assistance program, or any other program providing
34 financial assistance to tenants impacted by the COVID-19
35 pandemic;

36 (c) legal counsel and assistance related to pre- and post-
37 litigation negotiations with landlords; and

38 (d) any additional services that the Seton Hall Law School may
39 deem appropriate.

40 (2) The clinical program shall assist low- and moderate-income
41 tenants residing throughout the State; provided, however, that the
42 clinical program shall prioritize qualifying tenants who are in need
43 of housing assistance as a result of the COVID-19 pandemic. The
44 clinical program may partner with legal services organizations to
45 conduct tenant outreach.

46 (3) The Seton Hall Law School may designate one or more legal
47 services organizations through which a law school may implement
48 the clinical program, provided that the legal services organization

1 shall have experience providing free legal services to low- and
2 moderate-income tenants who are in need of housing assistance.

3 (4) The clinical program may include pro bono components in
4 which one or more services may be provided by volunteer students
5 who do not receive course credit for participating in the program.

6 c. (1) If a law school elects to implement the clinical program,
7 the law school shall designate a licensed attorney in good standing,
8 with experience in landlord-tenant law and civil litigation matters,
9 to supervise the clinical program. The law school may hire such
10 administrative staff as may be needed to support the program. The
11 law school may also hire one or more licensed attorneys in good
12 standing, with experience in landlord-tenant law and civil litigation
13 matters, to support the operations of the clinical program.

14 (2) If a law school elects to implement the clinical program
15 through a designated legal services organization, then subject to the
16 availability of funds, the law school shall provide subgrants to the
17 legal services organization to defray the costs of the program.
18 When implementing the clinical program, the designated legal
19 services organization shall allow all students selected by the law
20 school to participate in the program.

21 d. Before the clinical program may commence operations, the
22 law school may submit an appropriate application, as required under
23 the Rules of Court, in order to become a certified clinical program
24 under those rules. Alternatively, the law school may provide some
25 or all services through an existing clinical program, which has
26 already been certified under the Rules of Court. In either
27 circumstance, the clinical program shall comply with all
28 requirements of the Rules of Court concerning the implementation
29 of a clinical program and the representation of litigants by law
30 students.

31 e. After the first year of operations, and each year thereafter,
32 the Seton Hall Law School shall submit a report to the Governor
33 and to the Legislature, pursuant to section 2 of P.L.1991, c.164
34 (C.52:14-19.1), detailing the operations of each clinical program
35 established pursuant to this section. At a minimum, the report shall
36 indicate the number of tenants who received assistance through
37 each clinical program and the service provided to each tenant. The
38 Rutgers Camden Law School and Rutgers Newark Law School shall
39 provide Seton Hall Law School with any information necessary to
40 complete the report.

41 f. Nothing in this section shall be construed as requiring the
42 Seton Hall Law School, Rutgers Camden Law School, or Rutgers
43 Newark Law School to establish or implement the clinical program.
44

45 3. a. (1) There is appropriated \$575,000 from the General
46 Fund to the Department of the Treasury for allocation to the Seton
47 Hall Law School to support a clinical program established pursuant

1 to section 2 of P.L. , c. (C.) (pending before the Legislature
2 as this bill).

3 (2) There is appropriated \$275,000 from the General Fund to the
4 Department of the Treasury for allocation to the Seton Hall Law
5 School to support the preparation of training materials and the
6 training of students, in collaboration with Rutgers Camden Law
7 School and Rutgers Newark Law School, selected to participate in a
8 clinical program established pursuant to section 2 of
9 P.L. , c. (C.) (pending before the Legislature as this bill).

10 (3) There is appropriated \$575,000 from the General Fund to the
11 Department of the State for allocation to the Rutgers Camden Law
12 School to support a clinical program established pursuant to section
13 2 of P.L. , c. (C.) (pending before the Legislature as this
14 bill).

15 (4) There is appropriated \$575,000 from the General Fund to the
16 Department of the State for allocation to the Rutgers Newark Law
17 School to support a clinical program established pursuant to section
18 2 of P.L. , c. (C.) (pending before the Legislature as this
19 bill).

20 b. If the Seton Hall Law School, Rutgers Camden Law School,
21 or Rutgers Newark Law School does not establish a clinical
22 program pursuant to section 2 of P.L. , c. (C.) (pending
23 before the Legislature as this bill), then the amounts hereinabove
24 appropriated for the law school shall be transferred to the other
25 participating law schools in equal amounts.

26 c. The unexpended balance of any amount appropriated
27 pursuant to this section shall be appropriated for the same purpose
28 during the succeeding fiscal year.

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30 4. This act shall take effect immediately.

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STATEMENT

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35 This bill provides funding for the establishment of clinical
36 programs that provide free legal services to low- and moderate-
37 income tenants who are in need of housing assistance.

38 Under the bill, the Legislature is directed to annually appropriate
39 monies for the Seton Hall Law School, Rutgers Camden Law
40 School, and Rutgers Newark Law School to establish the clinical
41 programs. The bill requires each clinical program to be
42 implemented according to guidance issued by the Seton Hall Law
43 School, subject to the limitations of the bill.

44 Specifically, the clinical program would provide the following
45 services, free of charge, to low- and moderate-income tenants: (1)
46 legal counsel and representation in landlord-tenant-related
47 litigation, including, but not limited to, eviction proceedings and
48 actions for unpaid rent; (2) assistance applying for benefits under

1 any State or federally funded rental assistance program, or any
2 other program providing financial assistance to tenants impacted by
3 the COVID-19 pandemic; (3) legal counsel and assistance related to
4 pre- and post-litigation negotiations with landlords; and (4) any
5 other service that the Seton Hall Law School may deem appropriate.

6 The bill provides that the clinical programs may assist low- and
7 moderate-income tenants residing throughout the State. However,
8 each program would be required to prioritize qualifying tenants who
9 are in need of housing assistance as a result of the COVID-19
10 pandemic.

11 If a law school elects to implement the clinical program, the
12 school would be required to designate a licensed attorney in good
13 standing, with experience in landlord-tenant law and civil litigation
14 matters, to supervise the program. Thereafter, the bill permits the
15 law school to hire such additional staff as may be needed to support
16 the program, including one or more licensed attorneys with
17 experience in landlord-tenant law and civil litigation matters.

18 Additionally, the bill allows the Seton Hall Law School to
19 designate one or more legal services organizations through which
20 the clinical programs may be implemented. If a law school elects to
21 implement the program through a designated legal services
22 organization, then subject to the availability of funds, the law
23 school would be required to provide subgrants to the organization to
24 defray the costs of the program. However, when implementing the
25 clinical program, the legal services organization would be required
26 to allow all students selected by the law school to participate in the
27 program.

28 Under the bill, the Seton Hall Law School would be required to
29 submit an annual report to the Governor and the Legislature
30 detailing the operations of the clinical program established pursuant
31 to the bill. At a minimum, this report would indicate the number of
32 tenants who received assistance through each clinical program and
33 the service provided to each tenant.

34 The bill also appropriates a total of \$2 million from the General
35 Fund to support the operations of the clinical program. The Seton
36 Hall Law School, Rutgers Camden Law School, and Rutgers
37 Newark Law School will each receive \$575,000. The remaining
38 \$275,000 is appropriated to the Seton Hall Law School to support
39 the preparation of training materials and the training of law students
40 selected to participate in the program. If either law school does not
41 establish the clinical program, then the monies appropriated for that
42 school would be transferred to the other participating schools in
43 equal amounts.