

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 3842

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 3842.

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

Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish the experiential housing advocacy programs. The bill requires the programs to be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program, subject to the limitations of the bill.

Specifically, the experiential housing advocacy program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other services that the law school may deem appropriate to assist low- and moderate-income tenants.

The bill provides that the experiential housing advocacy programs may assist low- and moderate-income tenants residing throughout the State. However, each program would be required to prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic. The programs may also partner with legal services organizations and community-based organizations to conduct community outreach.

If a law school elects to implement the experiential housing advocacy program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program.

Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters, and one or more recent law school graduates.

Additionally, the bill allows the schools to designate one or more legal services organizations through which the programs may be implemented. If a law school elects to implement the program through a designated legal services organization, then subject to the availability of funds, the school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

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

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

As amended, this bill is identical to Assembly Bill No. 5758 (1R), which was also reported favorably, with amendments, by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) refer to the programs as “experiential housing advocacy programs” instead of “clinical programs” in order to reflect the potential incorporation of pro bono components;

(2) provide that the programs would be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program. As introduced, the Seton Hall Law School would have been required to issue this guidance;

(3) allow the experiential housing advocacy programs to help qualifying tenants apply for benefits under any State or federally funded homeownership assistance program;

(4) allow the experiential housing advocacy programs to partner with community-based organizations, in addition to legal services organizations, to conduct community outreach;

(5) permit participating law schools to hire one or more recent law school graduates to support the program. These graduates would include persons who have not been admitted to the New Jersey State Bar Association but who are permitted to practice law under the Rules of Court; however, each graduate would be required to practice under the supervision of an experienced attorney;

(6) provide that the monies appropriated to the Seton Hall Law School may also be used to support the training of law school graduates who are selected to participate in the programs; and

(7) provide technical changes to the bill, including updating references to the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location.