ASSEMBLY, No. 1240

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman GARY S. SCHAER
District 36 (Bergen and Passaic)
Assemblywoman ANNETTE CHAPARRO
District 33 (Hudson)

SYNOPSIS

Concerns application of residential rental property inspection findings in rental assistance determinations and eviction actions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the application of residential rental property inspection findings, amending P.L.1984, c.180 and P.L.2004, c.140, and supplementing P.L.1992, c.79 (C.40A:12A-1 et seq.) and P.L.1974, c.49 (C.2A:18-61.1 et al.).

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

1. Section 7 of P.L.1984, c.180 (C.52:27D-285) is amended to read as follows:

7. a. The Department of Community Affairs shall establish standards of habitability applicable to any housing unit the rental for which is paid, in whole or in part, by temporary rental assistance payments from the authority.

b. A rental housing unit, the rental payment for which is paid, in whole or in part, with rental assistance received pursuant to P.L.1984, c.180 (C.52:27D-280 et seq.), shall be owned by a landlord with a record of compliance with State and local housing standards and prompt corrections of any housing standard violations. The landlord shall ensure that the unit remains in compliance with the housing quality standards of the United States Department of Housing and Urban Development. The Department of Community Affairs shall periodically consult the Statewide electronic database that contains residential rental property inspection findings to ensure that landlords benefitting from rental assistance payments are in compliance with this subsection.

c. The Department of Community Affairs shall terminate the participation of any landlord in the program established pursuant to P.L.1984, c.180 (C.52:27D-280 et seq.), if the unit has not passed its most recent inspection, provided such action shall not cause unnecessary hardship to a tenant.

d. The Department of Community Affairs may allow the continuation of a rental assistance payment for a unit with an existing federal, State, or local housing standard violation if the unit can be occupied without any imminent hazard to health or safety and the owner of the unit is proceeding in a reasonable manner to abate the violation.

(cf: P.L.1984, c.180, s.7)

2. Section 1 of P.L.2004, c.140 (C.52:27D-287.1) is amended to read as follows:

1. The Commissioner of Community Affairs shall establish a rental assistance program for low income individuals or households. This program shall be in addition to and supplement any existing

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.

programs established pursuant to the "Prevention of Homelessness Act (1984)," P.L.1984, c.180 (C.52:27D-280 et al.).

a. The program shall provide rental assistance grants comparable to the federal section 8 program, but shall be available only to State residents who are not currently holders of federal section 8 vouchers.

b. Assistance to an individual or household under the State program shall be terminated upon the award of federal section 8 rental assistance to the same individual or household.

c. The program shall reserve a portion of the grants for assistance to senior citizens aged 62 or older who otherwise meet the criteria of subsection a. of this section.

d. The program shall reserve a portion of the grants for assistance to veterans who have successfully completed the Veterans Transitional Housing Program, or "Veterans Haven," a vocational and transitional housing program for homeless veterans administered by the New Jersey Department of Military and Veterans' Affairs.

e. The program shall reserve a portion of the funds available to it for tenant-based vouchers to veterans, other than those veterans eligible for assistance pursuant to subsection d. of this section.

f. (1) A rental housing unit, the rental payment for which is paid, in whole or in part, through a rental assistance grant, shall be owned by a landlord with a record of compliance with State and local housing standards and prompt corrections of any housing standard violations. The landlord shall ensure that the unit remains in compliance with the housing quality standards of the United States Department of Housing and Urban Development. The Department of Community Affairs shall periodically consult the Statewide electronic database that contains residential rental property inspection findings to ensure that landlords benefitting from rental assistance grants are in compliance with this subsection.

(2) The Department of Community Affairs shall terminate the participation in the rental assistance program if the unit has not passed its most recent inspection, provided such action shall not cause unnecessary hardship to a tenant.

(3) The Department of Community Affairs may allow the continuation of a rental assistance grant for a unit with an existing federal, State, or local housing standard violation if the unit can be occupied without any imminent hazard to health or safety and the owner of the unit is proceeding in a reasonable manner to abate the violation.

(cf: P.L.2017, c.29, s.1)

3. (New section) In determining the frequency of periodic inspections for rental units in the federal Housing Choice Voucher Program, the Department of Community Affairs shall ensure that every public housing authority has access to consult with the

Statewide electronic database that contains residential rental property inspection findings so that it can determine whether a landlord has a record of compliance with State and local housing standards and prompt corrections of housing standard violations.

4. (New section) The Department of Community Affairs shall ensure that New Jersey courts have access to consult with the Statewide electronic database that contains residential rental property inspection findings, as necessary, in case any information contained therein is relevant to the resolution of an eviction action, a proceeding initiated pursuant to P.L.1971, c.224 (C.2A:42-85 et seq.), or any other proceeding.

5. The Commissioner of Community Affairs may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of P.L. c. (C.) (pending before the Legislature as this bill).

6. This act shall take effect immediately.

STATEMENT

This bill amends the "Prevention of Homelessness Act (1984)," P.L.1984, c.180 (C.52:27D-280 et al.), as well as P.L.2004, c.140 (C.52:27D-287.1 et al.), which establishes the State Rental Assistance Program (S-RAP), to require any landlord benefitting from either program to maintain a record of compliance with State and local housing standards. The bill requires such landlords to also ensure that their rental units remain in compliance with the housing quality standards of the United States Department of Housing and Urban Development.

The bill functions in conjunction with a companion bill that requires the Department of Community Affairs (“DCA”) to create and maintain a searchable electronic database of Statewide residential rental property inspection findings, and enables DCA to periodically consult the database to ensure that landlords benefitting from rental assistance payments maintain a record of compliance with local, State, and federal housing standards, and have promptly corrected any violations of those standards. The bill directs DCA to terminate the participation in the rental assistance program of any landlord who does not comply with these standards, provided such action shall not cause unnecessary hardship to a tenant.

Additionally, this bill directs DCA to ensure that public housing authorities have access to consult the Statewide database to determine whether a landlord has a record of compliance with State and local housing standards. The bill allows the public housing authority to utilize this information in determining the frequency of

periodic inspections of rental units in the federal Housing Choice Voucher Program.

Finally, the bill directs DCA to ensure that New Jersey courts have access to consult the Statewide database as necessary in resolving eviction actions and other proceedings, in case any information contained therein is relevant to an action's resolution. For example, if the eviction action concerns the nonpayment of rent, and the tenant argues that he has withheld the rental payment in order to make necessary repairs to the unit, then any record contained in the Statewide database of the landlord's noncompliance with housing standards could support the tenant's defense against eviction.