

[Second Reprint]

ASSEMBLY, No. 5758

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Senator TROY SINGLETON

District 7 (Burlington)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblymen Johnson, Conaway, Wimberly and Senator Ruiz

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on June 10, 2021, with amendments.

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

1 AN ACT concerning ²**[clinical]** experiential housing advocacy²
2 programs to provide legal services for certain tenants in need of
3 housing assistance, supplementing P.L.1996, c.52 (C.22A:2-51 et
4 al.), and making an appropriation.

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

8
9 1. The Legislature finds and declares that:

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

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

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

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

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

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

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

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

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

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 AAP committee amendments adopted May 18, 2021.

²Senate SCU committee amendments adopted June 10, 2021.

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

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

11 l. It is therefore in the public interest and a valid public purpose
12 for the Legislature to appropriate monies to the Seton Hall Law
13 School, ²the² Rutgers ²[Camden]² Law School, ²Camden location,²
14 and ²the² Rutgers ²[Newark]² Law School ², Newark location,² to
15 establish ²[clinical] experiential housing advocacy² programs that
16 provide free legal services to low- and moderate-income tenants who
17 are in need of housing assistance.

18
19 2. a. The Legislature shall annually appropriate monies for the
20 Seton Hall Law School, ²the² Rutgers ²[Camden]² Law School,
21 ²Camden location,² and ²the² Rutgers ²[Newark]² Law School ²,
22 Newark location,² to establish ²[clinical] experiential housing
23 advocacy² programs that provide free legal services to low- and
24 moderate-income tenants who are in need of housing assistance. The
25 ²[clinical] experiential housing advocacy² programs shall be
26 implemented according to guidance issued by ²[the Seton Hall Law
27 School] each law school, in consultation with any other law school
28 that establishes the program², subject to the limitations of this section.

29 b. (1) The ²[clinical program] experiential housing advocacy
30 programs² shall include, but not be limited to, the provision of the
31 following services, free of charge, to low- and moderate-income
32 tenants:

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

36 (b) assistance applying for benefits under any State or federally
37 funded rental assistance program, ²homeownership assistance
38 program,² or any other program providing financial assistance to
39 tenants impacted by the COVID-19 pandemic;

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

42 (d) any additional services that the ²[Seton Hall Law School] law
43 schools² may deem appropriate ²to assist low- and moderate-income
44 tenants².

45 (2) The ²[clinical program] experiential housing advocacy
46 programs² shall assist low- and moderate-income tenants residing

1 throughout the State; provided, however, that the ²**[clinical program]**
2 programs² shall prioritize qualifying tenants who are in need of
3 housing assistance as a result of the COVID-19 pandemic. The
4 ²**[clinical program]** programs² may partner with legal services
5 organizations ²and community-based organizations² to conduct
6 ²**[tenant]** community² outreach.

7 ¹(3) The ²**[Seton Hall Law School]** law schools² may designate
8 one or more legal services organizations through which ²**[a]** the² law
9 school may implement the ²**[clinical]** experiential housing advocacy²
10 program, provided that the legal services organization shall have
11 experience providing free legal services to low- and moderate-income
12 tenants who are in need of housing assistance.

13 (4) The ²**[clinical program]** experiential housing advocacy
14 programs² may include pro bono components in which one or more
15 services may be provided by volunteer students who do not receive
16 course credit for participating in the program.¹

17 c. ¹(1)¹ If a law school elects to implement the ²**[clinical]**
18 experiential housing advocacy² program, the law school shall
19 designate a licensed attorney in good standing, with experience in
20 landlord-tenant law and civil litigation matters, to supervise the
21 ²**[clinical]**² program. The ¹**[program supervisor shall select a**
22 paralegal to support the clinical program, which person shall also
23 provide translation services, as needed under] law school may hire
24 such administrative staff as may be needed to support¹ the program.
25 ¹**[All students selected to participate in the clinical program shall be**
26 third-year law students.]¹ ²**[The]** To support the operations of the
27 program, the² law school may also hire ²:

28 (a)² one or more licensed attorneys in good standing, with
29 experience in landlord-tenant law and civil litigation matters ²**[,** to
30 support the operations of the clinical program**]** ; and

31 (b) one or more recent law school graduates who are not admitted
32 to the New Jersey State Bar Association but who are permitted to
33 practice law in the State pursuant to the Rules of Court, provided that
34 each graduate shall practice under the supervision of an experienced
35 attorney as required by those Rules².

36 ¹(2) If a law school elects to implement the ²**[clinical]**
37 experiential housing advocacy² program through a designated legal
38 services organization, then subject to the availability of funds, the law
39 school shall provide subgrants to the legal services organization to
40 defray the costs of the program. When implementing the ²**[clinical]**²
41 program, the designated legal services organization shall allow all
42 students selected by the law school to participate in the program.¹

43 d. Before the ²**[clinical]** experiential housing advocacy² program
44 may commence operations, the law school ¹**[shall]** may¹ submit an
45 appropriate application, as required under ¹**[New Jersey Court Rules]**

1 the Rules of Court¹, in order to become a certified clinical program
 2 under those rules. ¹**【The】** Alternatively, the law school may provide
 3 some or all services through an existing clinical program, which has
 4 already been certified under the Rules of Court. In either
 5 circumstance, the¹ ²**【clinical】** experiential housing advocacy² program
 6 shall comply with all requirements of the ¹**【New Jersey Court】**¹ Rules
 7 ¹of Court¹ concerning the implementation of a clinical ²or pro bono²
 8 program and the representation of litigants by law students.

9 e. After the first year of operations, and each year thereafter, the
 10 Seton Hall Law School shall submit a report to the Governor and to
 11 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
 12 19.1), detailing the operations of each ²**【clinical】** experiential housing
 13 advocacy² program established pursuant to this section. At a
 14 minimum, the report shall indicate the number of tenants who received
 15 assistance through each ²**【clinical】**² program and the service provided
 16 to each tenant. The Rutgers ²**【Camden】**² Law School ², Camden
 17 location,² and ²the² Rutgers ²**【Newark】**² Law School ², Newark
 18 location,² shall provide Seton Hall Law School with any information
 19 necessary to complete the report.

20 f. Nothing in this section shall be construed as requiring the
 21 Seton Hall Law School, ²the² Rutgers ²**【Camden】**² Law School,
 22 ²Camden location,² or ²the² Rutgers ²**【Newark】**² Law School ²,
 23 Newark location,² to establish or implement the ²**【clinical】**
 24 experiential housing advocacy² program.

25
 26 3. a. (1) There is appropriated \$575,000 from the General Fund
 27 to the Department of the Treasury for allocation to the Seton Hall Law
 28 School to support ²**【a clinical】** an experiential housing advocacy²
 29 program established pursuant to section 2 of P.L. , c. (C.)
 30 (pending before the Legislature as this bill).

31 (2) There is appropriated \$275,000 from the General Fund to the
 32 Department of the Treasury for allocation to the Seton Hall Law
 33 School to support the preparation of training materials and the training
 34 of students ²and law school graduates², in collaboration with ²the²
 35 Rutgers ²**【Camden】**² Law School ², Camden location,² and ²the²
 36 Rutgers ²**【Newark】**² Law School, ²Newark location,² selected to
 37 participate in ²**【a clinical】** an experiential housing advocacy² program
 38 established pursuant to section 2 of P.L. , c. (C.) (pending
 39 before the Legislature as this bill).

40 (3) There is appropriated \$575,000 from the General Fund to the
 41 Department of the State for allocation to the Rutgers ²**【Camden】**² Law
 42 School ², Camden location,² to support ²**【a clinical】** an experiential
 43 housing advocacy² program established pursuant to section 2 of
 44 P.L. , c. (C.) (pending before the Legislature as this bill).

45 (4) There is appropriated \$575,000 from the General Fund to the
 46 Department of the State for allocation to the Rutgers ²**【Newark】**² Law

1 School ², Newark location,² to support ²**[a clinical]** an experiential
2 housing advocacy² program established pursuant to section 2 of
3 P.L. , c. (C.) (pending before the Legislature as this bill).

4 b. If the Seton Hall Law School, ²the² Rutgers ²**[Camden]**² Law
5 School, ²Camden location,² or ²the² Rutgers ²**[Newark]**² Law School
6 ², Newark location,² does not establish ²**[a clinical]** an experiential
7 housing advocacy² program pursuant to section 2 of P.L. , c.
8 (C.) (pending before the Legislature as this bill), then the amounts
9 hereinabove appropriated for the law school shall be transferred to the
10 other participating law schools in equal amounts.

11 ¹c. The unexpended balance of any amount appropriated pursuant
12 to this section shall be appropriated for the same purpose during the
13 succeeding fiscal year.¹

14

15 4. This act shall take effect immediately.