

STATEMENT TO

[Second Reprint]

SENATE, No. 2340

with Senate Floor Amendments
(Proposed by Senator SINGLETON)

ADOPTED: OCTOBER 29, 2020

These Senate floor amendments would:

- Establish an income tax credit for certain landlords who permanently forgive a portion of rent unpaid during the emergency period;
- Clarify the categories of mortgage loans that would be exempted from the mortgage forbearance provisions of the bill;
- Remove certain redundancies in reference to, and clarify the responsibilities of creditors and landlords regarding the “New Jersey Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.);
- Clarify a restriction on reporting of emergency period rent nonpayment information by landlords to collections and credit reporting agencies;
- Adjust the penalty for a landlord’s noncompliance with restrictions on rent nonpayment reporting to credit agencies from \$5,000 per impacted tenant to initially provide an opportunity to correct, and subsequently, require \$500 for a first violation, \$1,000 for a second violation, and \$2,500 for each subsequent violation, in addition to 25 percent of the debt attempted to be collected if the tenant can demonstrate actual damages resulting from the landlord’s noncompliance;
- Provide that a rent payment remaining due from prior to the emergency period shall not restrict a tenant from accessing the protections provided in the bill to other impacted tenants as long as the payment has subsequently been made;
- Provide that the landlord, in addition to other delivery options in the bill, may deliver the repayment agreement offer, and notification of back-rent owed during the emergency period, by certified mail or text message, but not by regular mail;
- Require a tenant to attest by affidavit to meeting the definition of an “impacted tenant” in order to benefit from the repayment period protections of the bill;
- Remove a provision authorizing a landlord to require a tenant to provide a cash asset certification, if available, to benefit from a repayment period;
- Clarify a prohibition on late fees for rent unpaid during the repayment period;
- Provide landlords with 30 days to offer the statement of the rights and responsibilities of impacted tenants and landlords to

their tenants after the statement is made available by the Department of Community Affairs;

- Clarify a penalty that could be applied by a court against a landlord for miscalculating the amount due in a rent repayment agreement;
- Provide that an impacted tenant may only revoke a repayment agreement with a landlord in favor of the default agreement provided by the bill if the tenant deems the agreement unaffordable within 30 days following the tenant's receipt of the notification of rights from the landlord;
- Provide that, under the default repayment plan, payments would be due in equal monthly installments during the repayment period, and that if any rent that went unpaid during the emergency period continues to be unpaid despite an impacted tenant's compliance with this repayment schedule, then that remaining unpaid rent would be due in full on the last day of the 30th month of the repayment period;
- Clarify authorization provided in the bill to allow the Governor to adjust the existing eviction protections in Executive Order 106 of 2020 to be consistent with the bill;
- Remove a severability clause to avoid redundancy with R.S.1:1-10; and
- make technical amendments to the bill.