

[Second Reprint]

SENATE, No. 3955

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2021

Sponsored by:

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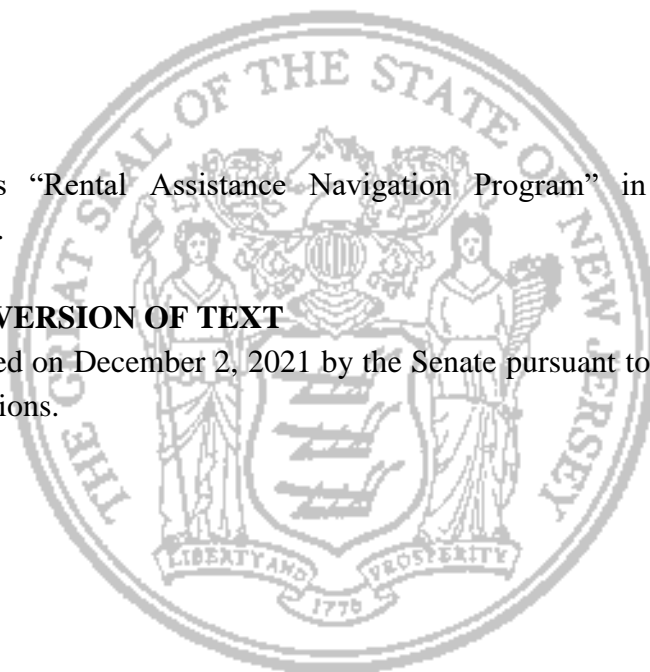
Assemblyman Zwicker, Assemblywoman Vainieri Huttle, Assemblymen Karabinchak, Caputo, Wimberly, Assemblywomen Lopez, Reynolds-Jackson, Quijano and Senator Turner

SYNOPSIS

Establishes “Rental Assistance Navigation Program” in DCA; makes appropriation.

CURRENT VERSION OF TEXT

As amended on December 2, 2021 by the Senate pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT establishing a program to facilitate the prevention of
2 residential evictions ²[during the COVID period, and making an
3 appropriation]².
4

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

7
8 1. As used in this act:

9 “Commissioner” means the Commissioner of Community Affairs.

10 ²[“COVID period” means the period beginning on March 1, 2020,
11 and ending on December 31, 2021.

12 “COVID period residential nonpayment or habitually late payment
13 court record” means:

14 a. any information maintained by a court in any form in
15 connection with a landlord-tenant case or proceeding, including but
16 not limited to pleadings, evidentiary exhibits, indices, calendars, and
17 dockets;

18 b. any order, judgment, or warrant related to a landlord-tenant
19 action;

20 c. any official transcript or recording of a public landlord-tenant
21 proceeding, in any form;

22 d. any information in a computerized case management system
23 created or prepared by the court in connection with a landlord-tenant
24 action; and

25 e. any record provided to, made, or maintained by a judicial
26 officer or special civil part officer.]²

27 “DCA navigator” means a not-for-profit or other entity, qualified
28 in accordance with department standards, that facilitates the prevention
29 of residential evictions in one or more ²[regions] vicinages² of the
30 State through fulfilling the responsibilities of the program delegated to
31 the DCA navigator pursuant to a contract with the department.

32 “Department” means the Department of Community Affairs.

33 ²“Eligible tenant” means a tenant facing or at risk of facing a
34 nonpayment eviction action who has directly or indirectly incurred
35 financial hardship because of the COVID-19 pandemic and whose
36 household income is not more than 120 percent of the area median
37 income for a household of the same size and composition.²

38 “Nonpayment eviction action” means a residential eviction action
39 for nonpayment, for habitual late payment of rent, or for refusal to pay
40 or agree to a rental increase ²[during the COVID period]².

41 “Program” means the Rental Assistance Navigation Program,
42 established pursuant to section 2 of this act.

43 ²“Resource navigator” means an employee or contractor of a DCA
44 navigator.²

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:

¹Senate SBA committee amendments adopted June 17, 2021.

²Senate amendments adopted in accordance with Governor's recommendations December 2, 2021.

1 “Rental assistance” means cash payments to compensate for unpaid
2 rent provided to the landlord by any federal, State, county, or local
3 rental assistance program.

4
5 2. The “Rental Assistance Navigation Program” shall be
6 established in the department, and ²to be administered by the
7 department as a program to facilitate the ²diversion from and²
8 prevention of residential evictions due to nonpayment and habitual late
9 payment of rent or for refusal to pay or agree to a rental increase
10 ²during the COVID period². The department may contract the
11 responsibilities of the program to one or more DCA navigators, as
12 deemed appropriate by the commissioner. ²The purpose of the
13 program is to provide support for tenants facing or at risk of eviction
14 who have suffered financial hardship as a result of the COVID-19
15 pandemic and provide resources to alleviate the burden placed on
16 landlord-tenant courts that may be facing increased caseloads and
17 additional resource constraints as a result of the COVID-19
18 pandemic.²

19 a. The department shall publish information about the program on
20 the department’s Internet website, and shall engage in ²a campaign²
21 efforts² to enhance public awareness of the program among the
22 residential landlords and tenants in the State.

23 b. ²If a tenant has missed one or more rent payment, owed during
24 the COVID period, a residential tenant, or the tenant’s landlord, may
25 apply for rental assistance through the program. Upon application for
26 rental assistance through the program by a residential landlord or
27 tenant, the applicant party shall provide notice of the application to the
28 other party. As part of the program, Resource Navigators shall be
29 allocated to court vicinages in the State for one year beginning on the
30 effective date of P.L. , c. (C.) (pending before the Legislature
31 as this bill). Resource Navigators may be proportionally allocated to
32 vicinages based on need, as determined by the number of nonpayment
33 eviction filings in the vicinage or according to other criteria
34 established by the department.²

35 c. ²The department shall review rental assistance applications
36 submitted through the program. In association with each application,
37 the department shall:

38 (1) conduct outreach to each party to ensure the identity of each
39 party and the accuracy of the information submitted through the
40 application;

41 (2) determine eligibility for rental assistance available through the
42 department and through other sources;

43 (3) assist with applications for rental assistance through sources
44 other than the department; and

45 (4) maintain the confidentiality of information associated with
46 each rental assistance application, though the department shall provide
47 monthly reporting in the aggregate to the Legislature by municipality

1 of the number of households assisted, race, ethnicity, and whether the
2 households are very-low-income, low-income, or moderate-income
3 households, the amounts of assistance provided, and the results of
4 mediation through the program.】 Each Resource Navigator shall
5 attend eviction proceedings where possible in the Resource
6 Navigator’s vicinage or vicinages and shall otherwise conduct
7 outreach and work in conjunction with the department, the
8 Administrative Office of the Courts, and local resource agencies of the
9 county or counties that comprise the Resource Navigator’s assigned
10 vicinage or vicinages to identify eligible tenants as defined by section
11 1 of P.L. , c. (C.) (pending before the Legislature as this bill).²

12 d. ²【After a rental assistance application submitted pursuant to
13 subsection c. of this section has been submitted and either granted or
14 denied:】 A Resource Navigator shall provide services to eligible
15 tenants in the Resource Navigator’s vicinage or vicinages in the form
16 of information and connections to resources that may help the eligible
17 tenant avoid eviction, which may include but need not be limited to:²

18 (1) ²【if rental assistance sufficient to compensate for the rent
19 unpaid by the tenant has been received by the landlord, the landlord
20 shall agree to refrain from initiating or continuing any nonpayment
21 eviction action, or money judgment action for unpaid rent, against the
22 tenant for rent due during the COVID period.】 information about the
23 availability of local, State, or federal rental assistance and other
24 benefits, including benefits intended to provide relief due to hardships
25 incurred because of the COVID-19 pandemic, and about how to apply
26 for such assistance and other benefits:²

27 (2) ²【if rental assistance sufficient to compensate for the rent
28 unpaid by the tenant has not been received by the landlord, the
29 department shall facilitate a conference among the landlord, tenant,
30 and a mediator to pursue a resolution.】 information about how to
31 obtain protections against evictions, including those protections
32 established in subsection d. of section 3 of P.L.2021, c.188 (C.52:27D-
33 287.9) for households that were unable to pay rent due to
34 circumstances arising from the COVID-19 pandemic;²

35 ²【(a) Through mediation, if the landlord agrees to refrain from
36 pursuing or continuing any landlord-tenant or money judgment action,
37 the landlord shall notify the court that any pending case should be
38 dismissed and if a money judgment was issued it should be satisfied.】

39 (3) connections to counseling, legal services, and other resources
40 related to helping eligible tenants prevent evictions;²

41 ²【(b) Through mediation, if the tenant agrees to voluntarily vacate
42 the property, then the tenant shall be permitted no less than 30 days to
43 vacate, and shall be referred to a housing counselor certified by the
44 federal Department of Housing and Urban Development.】 (4)
45 connections to other intervention supports for households facing
46 financial hardships; and

1 (5) any other services or supports the department or the DCA
2 navigator deems necessary to assist an eligible tenant in avoiding
3 eviction.²

4 e. ²【The department shall complete the processes established
5 pursuant to subsections c. and d. of this section within 45 days of the
6 submission of a rental assistance application through the program.】 A
7 DCA navigator and a Resource Navigator shall have experience in
8 fulfilling one or more responsibilities of the program and shall be
9 qualified in accordance with criteria established by the department.²

10
11 3. ²【a. A landlord shall not file a nonpayment eviction action, or
12 money judgment action for unpaid rent, against a residential tenant
13 while a rental assistance application, submitted through the program, is
14 pending.

15 b. Effective immediately and in any action for unpaid rent during
16 the COVID period, a landlord shall certify upon the filing of a
17 nonpayment eviction action whether the landlord or tenant has applied
18 for rental assistance, either through the program or otherwise. A
19 landlord who has a pending nonpayment eviction action on the
20 effective date of this act shall certify that the landlord or tenant has
21 applied for rental assistance or participated in the program prior to
22 continuing to advance the eviction action.

23 c. A COVID period residential nonpayment or habitually late
24 payment court record shall be confidential and unavailable to the
25 public.】 The department may collaborate with counties and
26 municipalities that received an allocation of federal Emergency Rental
27 Assistance from the United States Department of the Treasury to
28 facilitate the collection of applications for and distribution of such
29 assistance.²

30
31 4. On or before ²【August 31, 2022】 June 1, 2023², the
32 commissioner, in consultation with the Administrative Director of the
33 Courts, shall submit a report to the Governor, and to the Legislature
34 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to detail the
35 outcomes of the program, providing information that shall include, but
36 shall not be limited to:

37 a. the number of ²【landlords and】 eligible² tenants who have
38 ²【used】 been served by² the program; and

39 b. ²【the number of program participants who were and were not
40 able to reach an agreement that allowed the tenant to remain in the
41 home.】 non-personally identifiable information on the race, ethnicity,
42 gender, primary language spoken, household size, and vicinage of
43 tenants assisted by the program.²

44
45 5. ²【a. The Commissioner of Community Affairs, in accordance
46 with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
47 et seq.), and in consultation with the Administrative Director of the

1 Courts, shall adopt rules and regulations to effectuate the provisions of
2 this act. The form indicating certification of program completion
3 pursuant to subsection b. of section 3 of this act shall be developed and
4 made available by the Administrative Director of the Courts.

5 b.]² Notwithstanding the limitations established in section 1 of
6 P.L.2011, c.215 (C.52:14B-3a) on the use of regulatory guidance
7 documents, the commissioner ²~~shall~~ may² prepare and disseminate
8 regulatory guidance documents as defined in subsection d. of section 1
9 of P.L.2011, c.215 (C.52:14B-3a), in advance of the adoption of
10 regulations as necessary for the administration of this act.

11

12 6. ²~~There is appropriated from funds provided to the State by~~
13 ~~the United States government under the “Coronavirus Aid, Relief,~~
14 ~~and Economic Security Act,” Pub.L.116-136, to the Department of~~
15 ~~Community Affairs the sums necessary to administer the program~~
16 ~~and assist in the training of mediators. If sufficient funding for this~~
17 ~~purpose is not available through the “Coronavirus Aid, Relief, and~~
18 ~~Economic Security Act,” Pub.L.116-136, then the remainder of this~~
19 ~~amount shall be appropriated from other federal funding authorized~~
20 ~~for coronavirus relief as it is, or becomes, available.] The
21 Commissioner of Community Affairs shall consult with the
22 Division of Disaster Recovery and Mitigation to effectuate the
23 purposes of this act, to establish appropriate administrative costs,
24 and to ensure that any expenditure of federal funds in connection to
25 this act are expended in compliance with federal rules and guidance,
26 including with respect to the American Rescue Plan Act,
27 Pub.L.117-2.²~~

28

29 7. This act shall take effect ²~~on~~ immediately.² ¹~~the first day~~
30 ~~of the fourth month following enactment, except that the~~
31 ~~Commissioner of Community Affairs and the Administrative~~
32 ~~Director of the Courts may take any anticipatory action as may be~~
33 ~~necessary and that section 3 of this act shall take effect~~
34 ~~immediately] ²August 31, 2021¹.]²~~