ASSEMBLY, No. 5905



STATE OF NEW JERSEY

219th LEGISLATURE



INTRODUCED JUNE 16, 2021

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Zwicker

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



An Act establishing a program to facilitate the prevention of residential evictions during the COVID period, and making an appropriation.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:

“Commissioner” means the Commissioner of Community Affairs.

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

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

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

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

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

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

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

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

“Department” means the Department of Community Affairs.

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

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

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

2. The “Rental Assistance Navigation Program” shall be established in the department, and to be administered by the department as a program to facilitate the prevention of residential evictions due to nonpayment and habitual late payment of rent or for refusal to pay or agree to a rental increase during the COVID period. The department may contract the responsibilities of the program to one or more DCA navigators, as deemed appropriate by the commissioner.

a. The department shall publish information about the program on the department’s Internet website, and shall engage in a campaign to enhance public awareness of the program among the residential landlords and tenants in the State.

b. If a tenant has missed one or more rent payment, owed during the COVID period, a residential tenant, or the tenant’s landlord, may apply for rental assistance through the program. Upon application for rental assistance through the program by a residential landlord or tenant, the applicant party shall provide notice of the application to the other party.

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

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

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

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

(4) maintain the confidentiality of information associated with each rental assistance application, though the department shall provide monthly reporting in the aggregate to the Legislature by municipality of the number of households assisted, race, ethnicity, and whether the households are very-low-income, low-income, or moderate-income households, the amounts of assistance provided, and the results of mediation through the program.

d. After a rental assistance application submitted pursuant to subsection c. of this section has been submitted and either granted or denied:

(1) if rental assistance sufficient to compensate for the rent unpaid by the tenant has been received by the landlord, the landlord shall agree to refrain from initiating or continuing any nonpayment eviction action, or money judgment action for unpaid rent, against the tenant for rent due during the COVID period.

(2) if rental assistance sufficient to compensate for the rent unpaid by the tenant has not been received by the landlord, the department shall facilitate a conference among the landlord, tenant, and a mediator to pursue a resolution.

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

(b) Through mediation, if the tenant agrees to voluntarily vacate the property, then the tenant shall be permitted no less than 30 days to vacate, and shall be referred to a housing counselor certified by the federal Department of Housing and Urban Development.

e. The department shall complete the processes established pursuant to subsections c. and d. of this section within 45 days of the submission of a rental assistance application though the program.

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

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

c. A COVID period residential nonpayment or habitually late payment court record shall be confidential and unavailable to the public.

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

a. the number of landlords and tenants who have used the program; and

b. the number of program participants who were and were not able to reach an agreement that allowed the tenant to remain in the home.

5. a. The Commissioner of Community Affairs, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in consultation with the Administrative Director of the Courts, shall adopt rules and regulations to effectuate the provisions of this act. The form indicating certification of program completion pursuant to subsection b. of section 3 of this act shall be developed and made available by the Administrative Director of the Courts.

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

6. There is appropriated from funds provided to the State by the United States government under the “Coronavirus Aid, Relief, and Economic Security Act,” Pub.L.116-136, to the Department of Community Affairs the sums necessary to administer the program and assist in the training of mediators. If sufficient funding for this purpose is not available through the “Coronavirus Aid, Relief, and Economic Security Act,” Pub.L.116-136, then the remainder of this amount shall be appropriated from other federal funding authorized for coronavirus relief as it is, or becomes, available.

7. This act shall take effect on the first day of the fourth month following enactment, except that the Commissioner of Community Affairs and the Administrative Director of the Courts may take any anticipatory action as may be necessary and that section 3 of this act shall take effect immediately.

STATEMENT

This bill would establish the “Rental Assistance Navigation Program” (“program”) in Department of Community Affairs (“DCA”) as a program to facilitate the prevention of residential evictions due to nonpayment and habitual late payment of rent during the COVID period, a timeframe from March 1, 2020, through December 31, 2021. The types of nonpayment evictions actions prohibited would also include those for any refusal to pay or agree to a rental increase during the COVID period.

The bill would authorize DCA to contract the responsibilities of the program to one or more DCA navigators, private entities that would facilitate the prevention of residential evictions through fulfilling certain program responsibilities. If a residential tenant has missed one or more rent payments during the COVID period, the bill would allow the tenant, or their landlord, to apply for rental assistance through the program.

Under the bill, DCA would review rental assistance applications submitted through the program. In association with each application, DCA would: (1) conduct outreach to ensure the identity of the landlord and tenant and the accuracy of the information submitted; (2) determine eligibility for different potential forms of rental assistance; (3) assist with applications for rental assistance through sources other than the department; and (4) maintain the confidentiality of information associated with each rental assistance application. Despite this confidentiality requirement, the department would provide monthly reporting in the aggregate to the Legislature by municipality of the number of households assisted, race, ethnicity, and whether the households are very-low-income, low-income, or moderate-income households, the amounts of assistance provided, and the results of mediation through the program.

After a rental assistance application has been submitted and either granted or denied, if assistance sufficient to compensate for the rent unpaid by the tenant has been received by the landlord, then the landlord would be required to agree to refrain from initiating or continuing any nonpayment eviction action, or money judgment action, against the tenant for unpaid rent due during the COVID period. If rental assistance sufficient to compensate for the rent unpaid by the tenant has not been received by the landlord, then DCA would facilitate a conference among the landlord, tenant, and a mediator to pursue a resolution.

If the landlord agrees through mediation to refrain from pursuing or continuing any landlord-tenant or money judgment action, then the bill would require the landlord to notify the court that any pending case should be dismissed and if a money judgment was issued, it should be satisfied. If the tenant agrees through mediation to voluntarily vacate the property, then the tenant would be permitted no less than 30 days to vacate, and would be referred to a housing counselor certified by the federal Department of Housing and Urban Development (“HUD”). The bill requires the department to effectuate the completion of the review and mediation processes within 45 days of the submission of a program application.

The bill would prohibit a landlord from filing an eviction action for nonpayment or habitual late payment of rent, or a money judgment action for unpaid rent, against a residential tenant while a rental assistance application submitted through the program is pending. Effective immediately, and in any action for unpaid rent during the COVID period, a landlord would be required to certify upon the filing of the eviction action whether the landlord or tenant has applied for rental assistance.

A court record associated with the nonpayment or habitually late payment of rent during the COVID period would be confidential and unavailable to the public.

On or before August 31, 2022, DCA, in consultation with the Administrative Director of the Courts, would be required to submit a report to the Governor and the Legislature to detail the outcomes of the program, providing information including the number of landlords and tenants who have used the program, and the number of program participants who were and were not able to reach an agreement that allowed the tenant to remain in the home.

The bill would appropriate from the “Coronavirus Aid, Relief, and Economic Security Act,” (“CARES Act”) Pub.L.116-136, to DCA, the funding necessary to administer the program and assist in the training of mediators. If sufficient funding for this purpose is not available through the CARES Act, then the remainder of this amount would be appropriated from other federal funding authorized for coronavirus relief as it is, or becomes, available.