

[First Reprint]

## **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:**

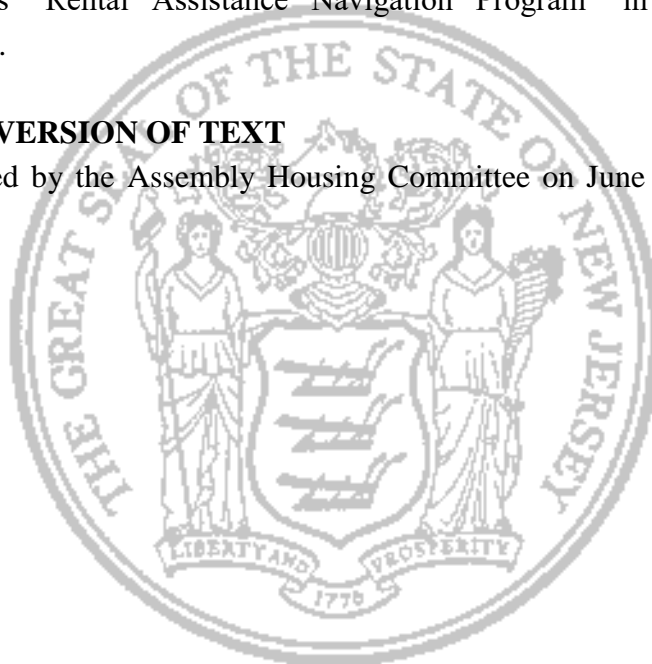
**Assemblyman Zwicker, Assemblywoman Vainieri Huttie, Assemblymen Karabinchak, Caputo, Wimberly, Assemblywomen Lopez, Reynolds-Jackson and Quijano**

### **SYNOPSIS**

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

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Housing Committee on June 21, 2021, with amendments.



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

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

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  
10 Affairs.

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

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

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

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

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

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

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

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

33 “Department” means the Department of Community Affairs.

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

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

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

43  
44 2. The “Rental Assistance Navigation Program” shall be  
45 established in the department, and to be administered by the

**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:

<sup>1</sup>Assembly AHO committee amendments adopted June 21, 2021.

1 department as a program to facilitate the prevention of residential  
2 evictions due to nonpayment and habitual late payment of rent or  
3 for refusal to pay or agree to a rental increase during the COVID  
4 period. The department may contract the responsibilities of the  
5 program to one or more DCA navigators, as deemed appropriate by  
6 the commissioner.

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

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

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

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

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

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

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

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

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

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

46 (a) Through mediation, if the landlord agrees to refrain from  
47 pursuing or continuing any landlord-tenant or money judgment  
48 action, the landlord shall notify the court that any pending case

1 should be dismissed and if a money judgment was issued it should  
2 be satisfied.

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

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

11

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

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

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

27

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

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

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

39

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

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

8  
9       6. There is appropriated from funds provided to the State by the  
10 United States government under the “Coronavirus Aid, Relief, and  
11 Economic Security Act,” Pub.L.116-136, to the Department of  
12 Community Affairs the sums necessary to administer the program  
13 and assist in the training of mediators. If sufficient funding for this  
14 purpose is not available through the “Coronavirus Aid, Relief, and  
15 Economic Security Act,” Pub.L.116-136, then the remainder of this  
16 amount shall be appropriated from other federal funding authorized  
17 for coronavirus relief as it is, or becomes, available.

18  
19       7. This act shall take effect on <sup>1</sup>the first day of the fourth  
20 month following enactment, except that the Commissioner of  
21 Community Affairs and the Administrative Director of the Courts  
22 may take any anticipatory action as may be necessary and that  
23 section 3 of this act shall take effect immediately August 31,  
24 2021<sup>1</sup>.