

[First Reprint]

SENATE, No. 3691

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 26, 2021

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SYNOPSIS

Provides financial relief to certain landlords and tenants in response to COVID-19 pandemic, adjusts certain court fees; and makes appropriations.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 21, 2021, with amendments.

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

1 AN ACT ¹relating to matters of civil law by¹ providing financial
2 relief to certain landlords and tenants in response to the COVID-
3 19 pandemic ¹and by altering certain court fees¹, supplementing
4 Title 52 of the Revised Statutes, and amending P.L.2020, c.1
5 ¹and P.L.1991 c.177, and making an appropriation¹.

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

- 9
10 1. (New section) The Legislature finds and declares that:
11 a. The mortal threat posed by the COVID-19 pandemic
12 compelled the Governor and Legislature to take drastic but necessary
13 action. Executive Order No. 103 of 2020 effectively shut down the
14 New Jersey economy on March 9, 2020, in order to hinder the rapid
15 spread of the virus and to limit as much as possible the number of
16 infections, severe illnesses, and deaths. During the same time period,
17 the Governor and Legislature enacted P.L.2020, c.1 (C.2A:18-59.3)
18 and the Governor issued Executive Order No. 106 of 2020, and
19 implemented a moratorium on evictions, so as to ensure that during the
20 covered period, households would be able to shelter in place and
21 eliminate the threat posed by displacement, overcrowding, and the
22 resultant spread of the virus.
23 b. The foregoing measures caused severe economic difficulties
24 for landlords and tenants alike. Tenants, who in general have lower-
25 incomes and far less wealth than homeowners, have been
26 disproportionately affected: a large number of them immediately
27 became and remain unemployed or underemployed. This is especially
28 so for lower-income people of color, who are predominantly tenants
29 and who continue to be victimized by systemic and structural racism,
30 which has left them severely disadvantaged and extremely vulnerable
31 to health emergencies and economic downturns.
32 c. Millions of jobs in our State and elsewhere have been
33 permanently lost, and a significant number of jobs abruptly interrupted
34 by the virus-driven shutdown have yet to return.
35 d. As a result, thousands of tenants in our State are unable to pay
36 all or even part of the rental arrearages caused by the pandemic when
37 the moratorium ends, and these tenants will also find it extremely
38 difficult to make their future, ongoing regular monthly rental payments
39 once they resume.
40 e. An overwhelming number of struggling tenant households, that
41 are disproportionately Black and brown, will therefore be at risk of
42 eviction for non-payment of all or part of their rent due and owing
43 shortly after the moratorium is lifted. Combining the number of
44 struggling tenants with the number of people at risk of displacement if
45 the arrearage and future rent payment issues are not addressed,

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 21, 2021.

1 evictions and the resulting overcrowding, could create conditions that
2 will lead to a resurgence and new spread of COVID-19.

3 f. At the same time, landlords have shouldered the financial
4 burden of housing over a million tenants, as well as the costs of
5 maintaining the buildings, paying their mortgages, taxes, and other
6 financial obligations with ¹ **["little to no"]** insufficient¹ help from the
7 State or federal government.

8 g. While housing is a necessity, ¹ **["it is unfair to require"]**¹ private
9 sector landlords ¹ **["to provide such housing without"]** have thus far
10 maintained their properties and paid their financial obligations,
11 including State and local taxes, despite a lack of full¹ compensation or
12 assistance ¹ **["**, while at the same time, requiring them to continue to
13 maintain those properties and pay their financial obligations, including
14 State and local taxes**"]**¹.

15 h. In Executive Order No. 106 of 2020, the Governor expressly
16 stated that protection and preservation of personal and public health
17 was the primary reason driving the imposition of the economic
18 shutdown and eviction moratorium, a health-centered concern echoed
19 and reinforced by the national eviction moratorium subsequently
20 mandated by the federal Centers for Disease Control and Prevention.
21 With the surge in vaccinations and a corresponding drop in COVID-19
22 pandemic-related hospitalizations, the public health justification to
23 maintain the eviction moratorium will ¹ **["also end"]** eventually
24 subside¹, and the Legislature deems it necessary to help struggling
25 tenants avoid displacement and to compensate landlords for providing
26 this necessary shelter to many tenants without compensation during
27 the pandemic.

28 i. In providing these protections, the State must ensure that rent
29 arrearages accrued during the covered period are not used as a
30 mechanism for eviction. Rather, such debt shall be treated as civil
31 debt, subject to recovery by the landlord in a civil suit for a money
32 judgment, which will balance the obligations of the tenant under a
33 lease contract with the need to provide housing stability. ¹ **["In**
34 **addition, the monetary jurisdiction of the courts that normally deal**
35 **with civil debt must be increased.**

36 j. It is also incumbent upon the State to make the distinction
37 between those tenants who were legitimately impacted by the
38 pandemic and those who were and are either exploiting the eviction
39 moratorium or have the means to pay their rent but refuse to do so.

40 **k.]** ¹ j.¹ It is, therefore, necessary for the Legislature to assist
41 landlords who have suffered deep economic losses through no fault of
42 their tenants or themselves, and, simultaneously, make efforts to assist
43 tenants who need help as a result of this crisis, in order to ensure some
44 measure of security and stability for their families and communities;
45 provide landlords with the restored rental income stream required to
46 safely and efficiently operate their buildings; and prevent a resurgence

1 of the COVID-19 pandemic that will threaten the health and safety of
2 tenants, landlords, and the public at large.

3

4 2. (New section) As used in P.L. , c. (C.) (pending
5 before the Legislature as this bill):

6 ¹“Area median income” means the median income by household
7 size for an applicable county as determined by the department.¹

8 “Assistance” means cash payments for unpaid rent provided to
9 the landlord by any federal, State, county, or local rental assistance
10 program ¹, including, but not limited to, payments ultimately
11 provided to a landlord through an application submitted by a tenant
12 through the Eviction Prevention Program, as established pursuant to
13 section 4 of P.L. , c. (C.) (pending before the Legislature
14 as this bill)¹.

15 “Commissioner” means the Commissioner of Community
16 Affairs.

17 “Covered period” means the period beginning on March 1, 2020,
18 and ending on ¹~~July~~ August¹ 31, 2021.

19 “COVID-19 pandemic” means the outbreak of COVID-19
20 throughout the world, recognized as a pandemic by the World
21 Health Organization on March 11, 2020.

22 “Credit reporting agency” means any consumer reporting agency
23 as that term is defined by the federal “Fair Credit Reporting Act,”
24 15 U.S.C. s.1681 et seq., which shall include any agencies which
25 specialize in tenant screening or rental history reporting.

26 “Deep subsidy” means a rental housing subsidy which limits the
27 tenant’s share of the monthly rent to a percentage of the tenant’s
28 income, and which can be adjusted to maintain that percentage
29 should the tenant’s income change.

30 “Department” means the Department of Community Affairs.

31 “Household income” means the ¹lower of the following numbers:
32 (1) the¹ combined income of all household members ¹over the
33 twelve months immediately preceding an application for assistance
34 or protection, or (2) the combined income of all household members
35 in the three months immediately preceding an application for
36 assistance or protection,¹ annualized ¹[at the time of filing of an
37 application for assistance or protection] by multiplying the
38 combined income by a factor of four¹.

39 “Low-income household” means a household with a total current
40 annual household income equal to 50 percent or less of the area
41 median income for a household of the same size and composition.

42 “Middle-income household” means a household with a total
43 current gross annual household income of 80 percent or more than,
44 but less than 120 percent of, the area median income for a
45 household of the same size and composition.

46 “Moderate-income household” means a household with a total
47 current gross annual household income in excess of 50 percent but

1 less than 80 percent of the area median income for a household of
2 the same size and composition.

3 “Shallow subsidy” means a rental housing subsidy ¹[provided in
4 an amount based on the percentage of the fair market rent of the
5 unit, depending on the household size and location, which] that
6 limits the tenant’s share of the rent to a percentage of the tenant’s
7 income, provided however, that the subsidy¹ shall be capped at a
8 fixed amount.

9 “Very low-income household” means a household with a total
10 current annual household income less than or equal to 30 percent of
11 the area median income for a household of the same size and
12 composition.

13

14 3. (New section) a. Notwithstanding any other law to the
15 contrary, no residential tenant of a ¹very low-income household,¹
16 low-income household, moderate-income household, or middle-
17 income household shall be evicted based upon nonpayment or
18 habitual late payment of rent ¹, or failure to pay a rent increase,¹
19 that accrued during the covered period. Payments made by a tenant
20 after the covered period ends shall be credited first to the current
21 month’s rental obligation, and any balance shall be credited to any
22 arrears owed by the tenant ¹incurred following the conclusion of
23 the covered period, and then to any arrearages incurred during the
24 covered period¹.

25 b. Any amount of rent ¹found by a court to be¹ due and owing
26 by a residential tenant described in subsection a. of this section to a
27 landlord during the covered period ¹for which compensation is not
28 otherwise provided by any public or private source,¹ shall be
29 considered civil debt and may be pursued as a money judgment in
30 the appropriate division of the Superior Court. Such civil debt
31 based on rental arrears shall be considered evidence of housing
32 instability or risk of homelessness for the purpose of qualifying a
33 household for rental assistance under any federal, State, county, or
34 local program ¹, including, but not limited to, the Eviction
35 Prevention Program, as revised pursuant to section 4 of P.L. , c.
36 (C.) (pending before the Legislature as this bill)¹.

37 c. ¹Notwithstanding any law to the contrary, no person shall sell
38 or assign any civil debt relating to rent that accrued during the
39 covered period.

40 d.¹ Any amount of rent due and owing either prior to the start of
41 the covered period or after the covered period ends may be pursued
42 in the manner allowed by law for any other landlord-tenant action
43 for rent due outside of the covered period. ¹The provisions of
44 P.L. , c. (C.) (pending before the Legislature as this bill)
45 shall not restrict a landlord from pursuing a money judgment action
46 during the covered period, or following the covered period, for

1 unpaid rent due during the covered period. An action by a landlord
2 against a residential tenant to recover unpaid rent which accrued
3 during the covered period may be commenced in the Superior
4 Court, Special Civil Part, regardless of the amount in controversy.
5 The Administrative Director of the Courts may take any
6 administrative action as may be necessary to provide a process for
7 filing these actions in the Superior Court, Special Civil Part.¹

8 (1) ¹(a)¹ Notwithstanding the provisions of this section to the
9 contrary, any tenant of a very low-income household, a low-
10 income household [tenants] , or a moderate-income household¹
11 shall have continued protections from evictions as those that are
12 applicable during the covered period pursuant to subsections a. and
13 b. of this section¹ for residential rent arrearages incurred from the
14 end of the covered period through [August] December¹ 31, 2021
15 if the household [pays 50 percent of their rent due for the month of
16 August 2021, and the remaining 50 percent of rent due for that
17 month shall be considered civil debt] certifies under penalty of
18 perjury:

19 (i) the household's income;

20 (ii) that the household was unable to pay rent due to
21 circumstances arising from the COVID-19 pandemic; and

22 (iii) that the household has applied for State, county, or local
23 rental assistance programs for which they are eligible.

24 (b) The certification required by subparagraph (a) of this
25 paragraph shall be made on a form established by the department.
26 The tenant shall provide a copy of the completed form to the
27 landlord, and, if there is a pending eviction action, to the court¹.

28 (2) ¹[Notwithstanding the provisions of this section to the
29 contrary, moderate-income household tenants shall have continued
30 protections from evictions for residential rent arrearages incurred
31 from the end of the covered period through August 31, 2021 if the
32 household pays 75 percent of their rent due for the month of August
33 2021, and the remaining 25 percent of rent due for that month shall
34 be considered civil debt] The Administrative Director of the Courts
35 shall provide notice to any residential tenant who is party to a
36 landlord-tenant dispute for nonpayment of rent that includes
37 information regarding tenant protections, income and COVID-19
38 impact attestation, and rental assistance programs established
39 pursuant to P.L. , c. (C.) (pending before the Legislature as
40 this bill)¹.

41 ¹[d.] e.¹ All pending [landlord-tenant] eviction¹ actions
42 alleging nonpayment or habitual late payment of residential rent¹,
43 or failure to pay a rent increase,¹ that accrued during the covered
44 period shall be [stayed and shall be]¹ dismissed upon certification
45 by the tenant, under penalty of perjury, in accordance with
46 subparagraph (b) of paragraph (1) of subsection d. of this section¹

1 that the tenant is a ¹very low-income household,¹ low-income
2 household, moderate-income household, or middle-income
3 household and that the reason for filing was nonpayment or habitual
4 late payment of rent ¹, or failure to pay a rent increase,¹ during the
5 covered period.

6 ¹[e. For any case that is stayed pursuant to P.L. , c. (C.)
7 (pending before the Legislature as this bill), the Superior Court
8 shall return or credit to the landlord all fees paid by the landlord to
9 file such cases] f. If a case is dismissed and the landlord is required
10 to subsequently file against the same tenant, the landlord may
11 request that the case be reinstated with the court. In such
12 circumstances the landlord shall pay the fees to serve the amended
13 action, but no court filing fees shall be required¹.

14 ¹[f. After the expiration of the covered period, a landlord shall
15 be entitled to pursue a money judgment against a residential tenant
16 for any and all lawfully due and owing unpaid rent that was
17 converted into civil debt pursuant to P.L. , c. (C.) (pending
18 before the Legislature as this bill), for which compensation is not
19 otherwise provided by any public or private source, by filing an
20 action in the appropriate division of the Superior Court. Nothing in
21 P.L. , c. (C.) (pending before the Legislature as this bill)
22 shall impact any action for a money judgment or vacate any money
23 judgment entered during the covered period, unless the debt is
24 satisfied.]¹

25 g. ¹[The Administrative Director of the Courts shall modify the
26 jurisdictional limits of the Small Claims Section of the Special Civil
27 Part to \$9,000 for actions to recover unpaid residential rent that
28 accrued during the covered period.

29 h. The Administrative Director of the Courts shall modify the
30 jurisdictional limits of the regular Special Civil Part to \$45,000 for
31 actions to recover unpaid residential rent that accrued during the
32 covered period.

33 i.]¹ A tenant in such an action shall retain the right to assert any
34 and all counterclaims, setoffs, legal defenses, affirmative defenses,
35 and equitable defenses that would otherwise be available to them.

36 ¹[j. A landlord shall not impose any late fees for residential rent
37 payments not made during the covered period.

38 k.] h. As a condition of receiving any State or federal rental
39 assistance on behalf of a tenant for rent due and owing, a landlord
40 shall waive all late fees assessed for rent unpaid during the period
41 for which assistance is being provided.

42 i.¹ (1) Consistent with the provisions of 15 U.S.C. s.1681s-
43 2(a)(1)(F), a landlord shall not at any time furnish information
44 about the nonpayment or late payment of residential rent ¹, or
45 failure to pay a rent increase,¹ which accrued during the covered
46 period, or summary dispossess or other court filings or proceedings
47 related to non-payment or late payment of residential rent which

1 accrued during the covered period, directly to another residential
2 landlord, or to a debt collection or credit reporting agency. This
3 paragraph shall not:

- 4 (a) apply to a tenant's rent payments that remain due as the
5 result of a payment missed prior to the March 1, 2020, including
6 payments held in escrow before that date; or
7 (b) limit the ability of a landlord to share information with the
8 landlord's attorney or property management company, or to notice
9 the tenant in compliance with the Anti-Eviction Act, P.L.1974, c.49
10 (C.2A:18-61.1 et seq.).

11 (2) As a result of any record or information reflecting a tenant's
12 non-payment or late payment of residential rent, or a related court
13 filing, during the covered period, a landlord shall not:

- 14 (a) refuse to rent to a prospective tenant of residential rental
15 housing; or
16 (b) place, or disseminate a residential tenant's information for
17 the purpose of placing, a tenant on a list for the use of other
18 landlords for any purpose.

19 (3) In addition to a tenant's right to pursue an action seeking
20 injunctive or declaratory relief for a violation of this subsection, the
21 Attorney General, in response to a complaint from a tenant, or on
22 the Attorney General's independent initiative, may bring an action
23 alleging a landlord has violated the provisions of this subsection.
24 Regarding a first violation, the court shall provide the landlord with
25 an opportunity to correct the violation prior to imposing a penalty.
26 Following the provision of this opportunity to correct any first
27 violation, upon a finding that non-compliance with this subsection
28 has occurred, a court of competent jurisdiction may:

- 29 (a) order the non-compliant landlord to retract the report of debt
30 or court filing data provided to the collection or credit reporting
31 agency, bureau, or data collection facility;
32 (b) impose a fine on the non-compliant landlord, not to exceed
33 \$500 for a first violation, \$1,000 for a second violation, and \$2,500
34 for each subsequent violation;
35 (c) order the non-compliant landlord to pay a reasonable counsel
36 fee in connection with a tenant whose debt has been reported to a
37 debt collection or credit reporting agency, bureau, or data collection
38 facility;
39 (d) provide a copy of the order immediately upon the request of
40 the tenant and at no cost to the tenant;
41 (e) order the non-compliant landlord to take such steps as are
42 necessary, within 30 days of the order, to rehabilitate the credit
43 record of the tenant, with an exact copy provided to the tenant at no
44 cost, of the efforts made in that regard; and
45 (f) if the tenant is able to show actual damages that have
46 resulted from a violation of this section, order the non-compliant
47 landlord to pay an award of damages to the tenant not to exceed 25
48 percent of the debt attempted to be collected or reported by the non-

1 complaint landlord to the collection or credit reporting agency,
2 bureau, or data collection facility, with a minimum award of \$350.

3 (4) If a landlord furnishes rental payment data to another
4 landlord, collection or credit reporting agency related to the non-
5 payment of rent during the covered period, but before the enactment
6 of P.L. , c. (C.) (pending before the Legislature as this
7 bill), the landlord shall not be subject to the penalty provisions of
8 this section, except for an order to retract the report pursuant to
9 paragraph (3) of this subsection.

10

11 4. (New section) a. The commissioner shall ¹rename the
12 current “Homelessness Prevention Program” established pursuant to
13 the provisions of P.L.1984, c.180 (C.52:27D-280 et al.), as the
14 “Eviction and Homelessness Prevention Program.”¹ establish an
15 “Eviction Prevention Program” to provide rental relief for New Jersey
16 residents who have been or continue to be unable to pay rent because
17 of financial hardship directly or indirectly incurred because of the
18 COVID-19 pandemic.¹

19 b. ¹【The commissioner shall revise and amend the "Homeless
20 Prevention Program Regulations" established pursuant to chapter 41 of
21 Title 5 of the New Jersey Administrative Code to meet or provide for
22 the following:

23 (1) the regulations shall be renamed the “Eviction and
24 Homelessness Prevention Program Regulations”¹ The commissioner
25 shall administer the program in accordance with the following
26 principles, and, notwithstanding the provisions of the “Administrative
27 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall publish
28 regulatory guidance to that effect:

29 (1) The Eviction Prevention Program shall be considered a
30 supplement to the COVID-19 Emergency Rental Assistance Program
31 Phase II (CVERAP II) program opened by the department on March
32 22, 2021. Accordingly, to the greatest extent allowable and feasible,
33 the department should utilize programmatic infrastructure, processes,
34 and vendor contracts established under CVERAP II in order to
35 administer relief under the Eviction Prevention Program¹;

36 (2) a household shall be eligible to participate in the program if ¹【,
37 due to reasons beyond the household’s control,¹ the household is
38 unable to make residential rental payments which are due and owing
39 pursuant to a valid and enforceable oral or written lease, stipulation of
40 settlement, judgment, order or other type of legally binding agreement
41 ¹, because of a financial hardship sustained as a result of the COVID-
42 19 pandemic¹;

43 (3) a household shall be eligible for assistance under this program
44 regardless of whether the household has been served with a summons
45 and complaint for eviction ¹【, and an oral or written communication
46 from the landlord indicating that an eviction filing is imminent or

1 contemplated shall be sufficient to trigger eligibility for the
2 program¹;

3 (4) a household shall be eligible for assistance if their annualized
4 current income is no more than 120 percent of the area median
5 income; however, the commissioner may establish funding priorities to
6 benefit very low-income and low-income households;

7 (5) a household shall be eligible for assistance under this program
8 although it may be unlikely for the household to have the ability to pay
9 shelter costs after the period of assistance has ended;

10 (6) a household may utilize the assistance to pay current rent,
11 accrued rent, and future rent, as determined by the department;

12 (7) the department shall award grants to be paid on behalf of¹
13 eligible households ¹【shall be awarded grants for periods of】 to be
14 applied to¹ up to two years ¹of rent¹, depending upon the person's or
15 household's particular circumstances ¹and available funds in the
16 program¹. The department shall provide assistance along a continuum
17 based upon the income level of the tenant household, and shall include
18 deep subsidies, shallow subsidies, and flat amounts. ¹【Such grants】
19 Grants representing fewer than two years' worth of rental assistance¹
20 may be renewed ¹【to prevent eviction or homelessness】 based on a
21 renewed showing of need by the individual or household¹. ¹【The】
22 Notwithstanding the provisions of the "Administrative Procedure Act,"
23 P.L.1968, c.410 (C.52:14B-1 et seq.), the¹ commissioner shall prepare
24 detailed guidance covering the amount and duration of such grants
25 ¹【.】 . Any grants that are provided to cover ongoing rent shall be
26 awarded¹ in accordance with the following guidelines and principles:

27 (a) for a very low-income household, a deep subsidy ¹【shall】
28 may¹ be provided in the amount necessary to limit the household's
29 share of ongoing rent to not more than ¹【40】 30¹ percent of the
30 household's income;

31 (b) for a low- ¹or moderate-¹ income household that is not also
32 very low-income, a shallow subsidy ¹【shall】 may¹ be provided in the
33 amount necessary to limit the household's share of ongoing rent to not
34 more than ¹【40】 30¹ percent of the household's income, provided,
35 however, that the amount of any such subsidy shall not exceed \$800
36 per month; ¹【and】¹

37 (c) for a ¹【moderate-income or】¹ middle-income household,
38 assistance in the form of a ¹【flat monthly grant of \$250 shall be
39 provided to the household if the household pays more than 50 percent
40 of the household's income as ongoing rent】 subsidy may be provided
41 in the amount necessary to limit the household's share of ongoing rent
42 to not more than 30 percent of the household's income, provided,
43 however, that the amount of any such subsidy shall not exceed \$500
44 per month¹.

1 ¹[(7)] (8) To qualify for rental assistance under the program,
2 households shall demonstrate that a person in the household:

3 (a) qualifies for unemployment or has experienced a reduction in
4 household income, incurred significant costs, or experienced a
5 financial hardship, directly or indirectly, to the COVID-19 pandemic;

6 (b) demonstrates a risk of experiencing homelessness or housing
7 instability;

8 (c) falls within a household income threshold that establishes
9 eligibility for rental assistance under the program;

10 (d) has a lack of assets and savings to pay rent arrears or current
11 and future rent;

12 (e) is a New Jersey resident; and

13 (f) is obligated to pay rent on a residential dwelling.

14 A household that has previously received rental assistance under
15 CVERAP II may apply for additional assistance under the Eviction
16 Prevention Program, but any additional grant of assistance shall take
17 into account the rental assistance previously provided pursuant to
18 CVERAP II.

19 (9)¹ during the course of the payment period, if the department is
20 notified by either the landlord or the program participant that a person
21 or household has begun to experience difficulty paying rent as a result
22 of ¹[reasons beyond the household's control] continued hardships
23 suffered as a result of the COVID-19 pandemic¹, the household's
24 income and family situation shall be reevaluated in light of the
25 changed conditions, and the person or household shall be placed in a
26 different assistance tier, if necessary, to prevent eviction; ¹[and]¹

27 ¹[(8)] (10)¹ during the course of the payment period, a participant
28 household shall certify the household's current income once every
29 ¹[three] six¹ months, using a ¹[one-page] brief¹ form to be developed
30 by the department, including any necessary attachments. Beginning the
31 month following receipt of a certification, the department shall
32 increase or decrease the amount of subsidy provided to the household
33 in accordance with the subsidy category applicable to the most recent
34 reported income, provided that limited non-recurring short term
35 increases in income shall not require a subsidy adjustment ¹; and

36 (11) during the course of the payment period, if a participant
37 household experiences conditions that violate the implied warranty of
38 habitability, the tenant may so certify those conditions to the
39 department in writing. Based on the tenant's written certification, the
40 department shall have an inspection conducted on the dwelling. Upon
41 confirmation that the violation of the implied warranty of habitability
42 exists, the department shall, after serving the landlord with written
43 notification of such violation and providing the landlord with
44 sufficient opportunity to cure, consider whether and in what amount to
45 withhold rent based on those conditions¹.

1 c. Notwithstanding any other law or regulation to the contrary, any
2 revisions to **1**the existing**1** program regulations or operating
3 procedures required by this section shall take effect immediately.

4 d. **1**At least 30 days prior to the expiration of the covered period**1**
5 As soon as possible following the enactment of P.L. , c. (C.)
6 (pending before the Legislature as this bill), and no later than August
7 31, 2021**1**, the department shall implement a comprehensive public
8 information plan to create awareness among eligible tenants of the
9 assistance provided by the program **1**and the provisions of section 3 of
10 P.L. , c. (C.) (pending before the Legislature as this bill)
11 prohibiting eviction and providing credit protection relating to
12 nonpayment or habitual late payment of rent, or failure to pay a rent
13 increase, during the covered period**1**. This plan shall include but not
14 be limited to public service announcements, information about the
15 program in governmental notices and utility providers billings, notices
16 to landlords as to how to assist their tenants in applying for the
17 program, outreach to underserved populations, **1**including, but not
18 limited to providing all information in both English and Spanish,**1**
19 postings on social media, and any other means likely to ensure that
20 tenants will be aware of the **1**programs**1** program's**1** existence **1**,
21 tenant protections, tenant attestation, and the provisions of section 3 of
22 P.L. , c. (C.) (pending before the Legislature as this bill)**1**. In
23 addition, the department shall prepare a form notice **1**, which shall
24 include the tenant attestation, in languages including, but not limited
25 to, English and Spanish,**1** describing the program **1**and the provisions
26 of section 3 of P.L. , c. (C.) (pending before the Legislature as
27 this bill)**1** and **1**shall**1** distribute the notice to **1**all**1** landlords for
28 inclusion with any notice or complaint sent to a tenant related to an
29 eviction for nonpayment of rent **1**, habitual late payment, or failure to
30 pay a rent increase, or an action seeking repayment of rental arrears
31 pursuant to P.L. , c. (C.) (pending before the Legislature as
32 this bill). The notice shall also be posted on the department's Internet
33 website**1**. Prior to the end of covered period, the landlord shall post
34 **1**a written notice**1** the form notice provided by the department**1** in a
35 conspicuous location within the common area of a multiple dwelling
36 **1**highlighting the potential availability of rental assistance from the
37 Eviction and Homelessness Prevention Program and other
38 governmental assistance programs included in the department's form
39 notice**1**.

40 e. **1**As soon as possible following the enactment of P.L. , c.
41 (C.) (pending before the Legislature as this bill), and no later than
42 August 31, 2021, the commissioner shall start accepting applications
43 for assistance through the Eviction Prevention Program, as revised
44 pursuant to this section.**1**

45 (1) A program application shall state the **1**total amount of rent
46 due from the landlord's residential tenants**1** monthly rent as**1**

1 established in the ¹【corresponding leases】 lease or other rental
2 agreement¹, the amount ¹of rent¹ paid by the ¹【tenants】 tenant¹ or
3 third parties, if any, the amount ¹of rent¹ unpaid, the amount of
4 security deposit funding that the ¹【landlord’s tenants have】 tenant
5 has¹ applied against rent pursuant to Executive Order No. 128 of 2020,
6 and any other information required by the department for determining
7 financial need.

8 (2) An application shall include a certification by the tenant as to:
9 (a) the number of occupants of the unit;
10 (b) the tenant household’s income; and
11 (c) if a specific funding source is involved, a certification ¹and any
12 documentation¹ providing the minimum amount of information needed
13 to comply with the requirements of that funding source.

14 The commissioner shall make the application forms and related
15 verification requirements as simple as possible, shall require the
16 minimum documentation permissible by said funding sources, and
17 shall rely on self-certification and verification to the greatest extent
18 possible. Any certifications made by a tenant under this program shall
19 remain confidential to the maximum extent possible.

20 ¹【(3) A residential tenant household applying for assistance shall
21 be deemed presumptively eligible if it meets the income requirements
22 and is in need of the immediate provision of assistance to avoid an
23 eviction filing, judgment for possession, or actual displacement. Such
24 assistance as is needed shall be provided, and shall be extended in
25 monthly increments as necessary in order for the application process,
26 including any administrative appeals, to be completed and a final
27 determination made with regard to eligibility. A court of this State
28 may take into consideration any pending application for rental
29 assistance with regard to the timing of the entry of a judgment for
30 possession.】¹

31 f. The program established by this section shall work closely with
32 the Office of Eviction Prevention established by section 5 of P.L. , c.
33 (C.) (pending before the Legislature as this bill) in order to (1)
34 ensure that tenants receive the maximum assistance for which they are
35 qualified to avoid displacement and retain or obtain decent, affordable,
36 safe and suitable housing; and (2) ensure that all available sources of
37 potential assistance are explored and utilized in order to effectively
38 and efficiently extend the reach and efficacy of the funding provided
39 to this program by the State.

40

41 5. (New section) a. Within ¹【30】 60¹ days of the enactment of
42 P.L. , c. (C.) (pending before the Legislature as this bill), the
43 department shall establish an “Office of Eviction Prevention,” which
44 shall be responsible for:

45 (1) identifying all federal, State, local and other sources of
46 financial assistance which are intended or could be used to prevent the

1 eviction of residential tenants, including but not limited to programs
2 which provide both deep and shallow rental subsidies;

3 (2) becoming knowledgeable with regard to the application
4 process for each such program; and

5 (3) identifying, and proposing remedies for, the gaps in the overall
6 assistance system, especially in relation to eligibility requirements and
7 the need for addition to, or revision of, subsidy programs so as to
8 provide appropriate assistance of various sorts and in various amounts
9 to households at different income levels.

10 b. This office shall be responsible for the compilation,
11 publication, and ongoing update of this information, and shall also be
12 responsible for ¹identifying and training working collaboratively
13 with¹ at least one non-profit, community-based organization in each
14 county ¹with regard to so that such organizations are able to provide
15 information regarding¹ the availability of and means of accessing such
16 financial assistance by at-risk tenants.

17

18 6. Section 1 of P.L.2020, c.1 (C.2A:18-59.3) is amended to
19 read as follows:

20 1. a. ¹(1)¹ Notwithstanding any other law to the contrary,
21 whenever a Public Health Emergency, pursuant to the "Emergency
22 Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.) **],** or a
23 State of Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et
24 seq.), or both, **]** has been declared by the Governor in response to
25 the COVID-19 pandemic and is in effect, the Governor may issue
26 an executive order to declare that a lessee, tenant, homeowner or
27 any other person shall not be removed from a residential property as
28 the result of an eviction ¹action based on the nonpayment or
29 habitual late payment of rent¹ or foreclosure proceeding. This
30 executive order shall remain in effect **]**for no longer than two
31 months following the end of the Public Health Emergency or State
32 of Emergency **]** ¹until July 31, 2021, except that the executive
33 order may be extended if there is substantial evidence that
34 hospitalizations and deaths due to the COVID-19 pandemic are
35 likely to recur or substantially worsen if an extension is not ordered.
36 The Governor shall adjust the executive order issued pursuant to
37 P.L.2020, c.1 (C.2A:18-59.3) through the issuance of a subsequent
38 executive order, in order to comply with P.L. , c. (C.)
39 (pending before the Legislature as this bill)] for no longer than two
40 months following the end of the Public Health Emergency except as
41 provided in paragraphs (2) and (3) of this subsection ¹.

42 ¹(2) (a) For eviction actions based upon reasons other than
43 nonpayment or habitual late payment of rent, or failure to pay a rent
44 increase, Executive Order No. 106 of 2020 shall expire upon the
45 effective date of P.L. , c. (C.) (pending before the
46 Legislature as this bill).

1 (b) For eviction actions based upon nonpayment or habitual late
2 payment of rent, or failure to pay a rent increase, Executive Order
3 No. 106 of 2020 shall expire on August 31, 2021, for any lessee or
4 tenant who is not a very low-income, low-income, or moderate-
5 income household.

6 (c) For eviction actions based upon nonpayment or habitual late
7 payment of rent, or failure to pay a rent increase, Executive Order
8 No. 106 of 2020 shall expire on December 31, 2021, for any lessee
9 or tenant who is a very low-income, low-income, or moderate-
10 income household. Provided, however, that the protections
11 conferred on such tenants by this section shall expire on August 31,
12 2021, to the extent that such tenants do not comply with the
13 certification requirements of subsection c. of section 3 of P.L. , c.
14 (C.) (pending before the Legislature as this bill).

15 (d) To the extent that it prohibits the removal from a residential
16 property as a result of a foreclosure proceeding of any homeowner,
17 Executive Order No. 106 of 2020 shall expire on November 15,
18 2021.

19 (e) The Governor shall have the ability to revoke or modify
20 Executive Order No. 106 of 2020 prior to December 31, 2021 in a
21 manner not inconsistent with the provisions of this section.

22 (3) Notwithstanding the provisions of paragraph (2) of this
23 subsection, Executive Order No. 106 of 2020 may be extended
24 pursuant to the procedures set forth in subsection b. of section 3 of
25 P.L. 2021, c. 103, if there is substantial evidence that
26 hospitalizations and deaths due to the COVID-19 pandemic are
27 likely to recur or substantially worsen if an extension is not
28 ordered.¹

29 b. Eviction and foreclosure proceedings may be initiated or
30 continued during the time of an executive order issued pursuant to
31 this section, but enforcement of all judgments for possession,
32 warrants of removal, and writs of possession shall be stayed during
33 this period if the Governor has issued an executive order prohibiting
34 certain removals from residential property pursuant to subsection a.
35 of this section, unless the court determines on its own motion or
36 motion of the parties that enforcement is necessary in the interest of
37 justice.

38 c. Sheriffs, court officers, and their agents shall refrain from
39 acting to remove individuals from residential properties through the
40 eviction or foreclosure processes during the time of an executive
41 order issued by the Governor prohibiting certain removals from
42 residential property pursuant to subsection a. of this section, unless
43 the court determines on its own motion or motion of the parties that
44 removal is necessary in the interest of justice.

45 d. As used in this section, "residential property" means any
46 property rented or owned for residential purposes, including, but
47 not limited to, any house, building, mobile home or land in a mobile
48 home park, or tenement leased for residential purposes, but shall not

1 include any hotel, motel, or other guest house, or part thereof,
 2 rented to a transient guest or seasonal tenant, or a residential health
 3 care facility.

4 (cf: P.L.2020, c.1, s.1)

5
 6 7. (New section) The following sums are appropriated from the
 7 funds provided to the State by the United States government for the
 8 purpose of providing relief to tenants affected in any way due to the
 9 COVID-19 pandemic: for the “Eviction ¹【and Homelessness】¹
 10 Prevention Program” the sum of \$750,000,000; for the Office of
 11 Eviction Prevention the sum of \$5,000,000. ¹Of the monies
 12 appropriated, the department shall use \$500,000,000 as assistance for
 13 very-low, low-, moderate-, and middle-income tenants. The remainder
 14 may be used as utility assistance.¹ The department may use up to
 15 ¹【\$20,000,000】 2.5 percent¹ of the sums appropriated pursuant to this
 16 section for the purpose of funding those actions needed to effectively
 17 implement and administer the Eviction ¹【and Homelessness】¹
 18 Prevention Program, \$2,000,000 million of which shall be provided to
 19 nonprofit organizations for supporting the education and outreach for
 20 this program. ¹【Additional federal funding for emergency rental
 21 assistance related to the COVID-19 pandemic shall be appropriated to
 22 the foregoing programs as it becomes available.】¹ Households
 23 otherwise ineligible for assistance using federal funds shall be assisted
 24 with State funds.

25
 26 ¹8. Section 14 of P.L.1991 c.177 (C.22A:2-37.1) is amended to
 27 read as follows:

28 14. a. In all civil actions and proceedings in the Special Civil
 29 Part of the Superior Court, Law Division, only the following fees
 30 shall be charged by the clerk and no service shall be performed until
 31 the specified fee has been paid:

32 (1) Filing of small claim, one defendant	\$15.00
33 Each additional defendant	\$ 2.00
34 (2) Filing of complaint in tenancy, 35 one defendant	\$25.00
36 Each additional defendant	\$ 2.00
37 (3) (a) Filing of complaint or other initial 38 pleading containing a counterclaim, cross-claim 39 or third party complaint in all other civil actions, 40 whether commenced without process or by summons, 41 capias, replevin or attachment where the amount 42 exceeds the small claims monetary limit	\$50.00
43 Each additional defendant	\$ 2.00
44 (b) Filing of complaint or other initial 45 pleading containing a counterclaim, cross-claim 46 or third party complaint in all other civil actions, 47 whether commenced without process or by summons,	

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1	capias, replevin or attachment where the amount	
2	does not exceed the small claims monetary limit	\$32.00
3	Each additional defendant	\$ 2.00
4	(4) Filing of appearance or answer	
5	to a complaint or third party complaint in all	
6	matters except small claims	\$15.00
7	(5) Service of Process: Fees for service of process, including:	
8	summons by mail, each defendant; summons by mail each	
9	defendant at place of business or employment with postal	
10	instructions to deliver to addressee only; reservice of summons by	
11	mail, each defendant; postage for substituted service of process by	
12	the clerk upon the Chief Administrator of the New Jersey Motor	
13	Vehicle Commission in addition to the substituted service fee	
14	provided below; and wage execution by mail to a federal agency,	
15	shall be set by the Administrative Director of the Courts. The fee	
16	for service of process shall not exceed the postal rates for ordinary	
17	and certified mail, return receipt requested, and may include an	
18	administrative fee that shall not exceed \$0.25 for each defendant	
19	served with process by mail. The total service of process fee shall	
20	be rounded upward to the nearest dollar. For the purposes of this	
21	paragraph, service of process means the simultaneous mailing by	
22	ordinary and certified mail, return receipt requested, to the	
23	defendant at the address provided by the plaintiff.	
24	Reservice of summons or other original process by	
25	court officer, one defendant	\$ 3.00
26	plus mileage	
27	Each additional defendant	\$ 2.00
28	plus mileage	
29	Substituted service of process by the clerk upon	
30	the Chief Administrator of the	
31	New Jersey Motor Vehicle Commission	\$10.00
32	(6) 【Mileage of court officer in】 <u>For</u> serving or executing any	
33	process, writ, order, execution, notice, or warrant 【 , the distance to	
34	be computed by counting the number of miles in and out, by the	
35	most direct route from the place where process is issued, at the	
36	same rate per mile set by the State for other State employees and	
37	the total mileage fee rounded upward to the nearest dollar 】	<u>\$ 7.00</u>
38	(7) Jury of six persons	\$50.00
39	(8) Warrant for possession in tenancy	\$15.00
40	(9) Warrant to arrest, commitment	
41	or writ of capias ad respondendum, each defendant	\$15.00
42	(10) Writ of execution or an order in	
43	the nature of execution, writs of replevin and	
44	attachment issued subsequent to summons	\$ 5.00
45	(11) For advertising property under execution	
46	or any order	\$10.00
47	(12) For selling property under	
48	execution or any order	\$10.00

- 1 (13) Exemplified copy of judgment
2 (two pages) \$ 5.00
3 each additional page \$ 1.00
4 b. (Deleted by amendment, P.L.2002, c.34).
5 c. (Deleted by amendment, P.L.2002, c.34).
6 d. (Deleted by amendment, P.L.2009, c.32).¹
7 (cf: P.L.2009, c.32, s.1)
8
9 ¹9. Section 15 of P.L.1991, c.177 (C.22A:2-37.2) is amended to
10 read as follows:
11 15. a. From the fees set forth in section 14 of P.L.1991, c.177
12 (C.22A:2-37.1), the clerk of the Special Civil Part of the Superior
13 Court, Law Division, shall pay to officers designated by the
14 Assignment Judge to serve process the following fees:
15 (1) Serving summons, notice or
16 third party complaint on one defendant \$ 3.00
17 on every additional defendant \$ 2.00
18 (2) Reserving summons or other
19 original process on any defendant \$ 3.00
20 (3) Warrant to arrest, capias, or
21 commitment, for each defendant served \$15.00
22 (4) Serving writ and summons in
23 replevin, taking bond and any inventory, against
24 one defendant \$ 6.00
25 on every additional defendant \$ 2.00
26 (5) Serving writ in replevin when
27 issued subsequent to service of summons,
28 against one defendant \$ 5.00
29 on every additional defendant \$ 2.00
30 (6) Serving order for possession
31 in replevin \$ 4.00
32 (7) Serving writ of attachment and
33 making inventory, one defendant \$ 4.00
34 on every additional defendant \$ 2.00
35 (8) Serving and executing warrant
36 for possession in tenancy \$10.00
37 (9) Every execution, or any order in
38 the nature of an execution, on a judgment, for
39 each defendant \$ 2.00
40 b. For **【every mile of travel in】** serving or executing any
41 process, writ, order, execution, notice or warrant **【**, the distance to
42 be computed by counting the number of miles in and out, by the
43 most direct route from the place where process is issued, at the
44 same rate per mile set by the State for other State employees and
45 the total mileage fee rounded upward to the nearest dollar.**】**
46 c. In addition to the foregoing, the following fees for officers
47 of the Special Civil Part shall be taxed in the costs and collected on

1 execution, writ of attachment or order in the nature of any execution
2 on any final judgment, or on a valid and subsisting levy of an
3 execution or attachment which may be the effective cause in
4 producing payment or settlement of a judgment or attachment:

- 5 (1) For advertising property
6 under execution or any order \$10.00
7 (2) For selling property under
8 execution or any order \$10.00
9 (3) On every dollar collected on
10 execution, writ of attachment, or any order, \$ 0.10.

11 (4) In the event a judgment is vacated for any reason after a
12 court officer has made a levy and thereafter the judgment is
13 reinstated or the case is settled, the dollarage due the court officer
14 on payment of the judgment amount or settlement amount again
15 shall be taxed in the costs and collected.

16 d. In addition to the foregoing, the clerk of the Special Civil
17 Part shall pay to officers designated by the Assignment Judge to
18 serve wage executions on a federal agency an amount equal to the
19 fee set by either the Administrative Director of the Courts pursuant
20 to paragraph (5) of subsection a. of section 14 of P.L.1991, c.177
21 (C.22A:2-37.1) or set pursuant to subsection d. of that section,
22 whichever then may be applicable, for each wage execution
23 served.¹

24 (cf: P.L.2003, c.259, s.2)

25

26 ¹**[8.] 10.**¹ This act shall take effect immediately.