

**22A:2-51a & 22A:2-51b; Sec 3. Appropriation
LEGISLATIVE HISTORY CHECKLIST**

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LAWS OF: 2021 **CHAPTER:** 181

NJSA: 22A:2-51a & 22A:2-51b; Sec 3. Appropriation (Provides funding for experiential housing advocacy programs to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million.)

BILL NO: A5758 (Substituted for S3842 (1R))

SPONSOR(S) Coughlin, Craig J. and others

DATE INTRODUCED: 5/17/2021

COMMITTEE: **ASSEMBLY:** Appropriations
SENATE: Community & Urban Affairs
Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/24/2021
SENATE: 6/24/2021

DATE OF APPROVAL: 7/22/2021

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

A5758

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Appropriations

SENATE: Yes Community & Urban Affairs
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

S3842 (1R)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Community & Urban Affairs
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE:

Yes

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

POST, MICHELLE BRUNETTI. "Atlantic GOP to meet Aug. 4 to pick Brown successor Atlantic County Republicans to meet Aug. 4 to pick Brown successor." Press of Atlantic City, The (NJ), July 24, 2021: 4A.

RH/CL

§§1,2
C.22A:2-51a &
22A: 2-51b
§3
Approp.

(CORRECTED COPY)
P.L. 2021, CHAPTER 181, *approved July 22, 2021*
Assembly, No. 5758 (*Second Reprint*)

1 AN ACT concerning ²**clinical** experiential housing advocacy²
2 programs to provide legal services for certain tenants in need of
3 housing assistance, supplementing P.L.1996, c.52 (C.22A:2-51 et
4 al.), and making an appropriation.

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

- 8
9 1. The Legislature finds and declares that:
- 10 a. The lack of affordable housing in New Jersey forces low- and
11 moderate-income households to spend a disproportionate share of their
12 income toward rental payments, which dynamic has resulted in an
13 eviction crisis throughout the State.
- 14 b. The COVID-19 pandemic has heightened existing economic
15 disparities and exacerbated the economic insecurity of many low- and
16 moderate-income households, thereby worsening the State's eviction
17 crisis to a critical level.
- 18 c. During the COVID-19 pandemic, a Statewide moratorium on
19 evictions was put in place pursuant to Executive Order No. 106 and
20 P.L.2020, c.1 (C.2A:18-59.3); however, this moratorium will soon
21 expire, placing many low- and moderate-income households at risk of
22 eviction.
- 23 d. It is estimated that as many as 300,000 rental households in
24 New Jersey will become subject to an eviction proceeding after the
25 eviction moratorium ends, which would be double the average annual
26 number of proceedings filed before the pandemic.
- 27 e. These evictions are expected to disproportionately impact
28 Black and Latino residents of New Jersey, as these communities
29 account for a large percentage of the State's rental population.
- 30 f. Additionally, many landlords have increasingly filed legal
31 actions against tenants to seek monetary relief rather than eviction,
32 thereby putting low- and moderate-income tenants at risk of damaged
33 credit ratings and further economic hardship.
- 34 g. The State and federal governments have established rental
35 assistance programs to assist low- and moderate-income tenants who
36 have been adversely affected by the COVID-19 pandemic, which

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:

¹Assembly AAP committee amendments adopted May 18, 2021.

²Senate SCU committee amendments adopted June 10, 2021.

1 programs include the COVID-19 Emergency Rental Assistance
2 Program administered by the Department of Community Affairs.

3 h. However, these novel State and federal programs may be
4 complex, making it difficult for some tenants to apply for and receive
5 all of the benefits to which they are entitled under these programs.

6 i. Although these rental assistance programs may provide tenants
7 with the means to pay some or all of their rental obligations, many
8 tenants may still lack the ability needed to effectively negotiate with
9 their landlords toward solutions that avert further legal proceedings.

10 j. Furthermore, when governmental assistance cannot prevent the
11 filing of an eviction proceeding, the vast majority of tenants cannot
12 afford to hire an attorney; in contrast, most landlords are represented
13 by an attorney during these proceedings, given that many landlords are
14 corporations, which are required to have counsel.

15 k. Consequently, the provision of free legal services to low- and
16 moderate-income tenants who are in need of housing assistance,
17 including those who are at risk of eviction and those who are entitled
18 to governmental rental assistance, is one of the most effective ways to
19 address the ongoing eviction crisis.

20 l. It is therefore in the public interest and a valid public purpose
21 for the Legislature to appropriate monies to the Seton Hall Law
22 School, ²the² Rutgers ²[Camden]² Law School, ²Camden location,²
23 and ²the² Rutgers ²[Newark]² Law School ², Newark location,² to
24 establish ²[clinical] experiential housing advocacy² programs that
25 provide free legal services to low- and moderate-income tenants who
26 are in need of housing assistance.

27
28 2. a. The Legislature shall annually appropriate monies for the
29 Seton Hall Law School, ²the² Rutgers ²[Camden]² Law School,
30 ²Camden location,² and ²the² Rutgers ²[Newark]² Law School ²,
31 Newark location,² to establish ²[clinical] experiential housing
32 advocacy² programs that provide free legal services to low- and
33 moderate-income tenants who are in need of housing assistance. The
34 ²[clinical] experiential housing advocacy² programs shall be
35 implemented according to guidance issued by ²[the Seton Hall Law
36 School] each law school, in consultation with any other law school
37 that establishes the program², subject to the limitations of this section.

38 b. (1) The ²[clinical program] experiential housing advocacy
39 programs² shall include, but not be limited to, the provision of the
40 following services, free of charge, to low- and moderate-income
41 tenants:

42 (a) legal counsel and representation in landlord-tenant-related
43 litigation, including, but not limited to, eviction proceedings and
44 actions for unpaid rent;

45 (b) assistance applying for benefits under any State or federally
46 funded rental assistance program, ²homeownership assistance

1 program.² or any other program providing financial assistance to
2 tenants impacted by the COVID-19 pandemic;

3 (c) legal counsel and assistance related to pre- and post-litigation
4 negotiations with landlords; and

5 (d) any additional services that the ²【Seton Hall Law School】 law
6 schools² may deem appropriate ²to assist low- and moderate-income
7 tenants².

8 (2) The ²【clinical program】 experiential housing advocacy
9 programs² shall assist low- and moderate-income tenants residing
10 throughout the State; provided, however, that the ²【clinical program】
11 programs² shall prioritize qualifying tenants who are in need of
12 housing assistance as a result of the COVID-19 pandemic. The
13 ²【clinical program】 programs² may partner with legal services
14 organizations ²and community-based organizations² to conduct
15 ²【tenant】 community² outreach.

16 ¹(3) The ²【Seton Hall Law School】 law schools² may designate
17 one or more legal services organizations through which ²【a】 the² law
18 school may implement the ²【clinical】 experiential housing advocacy²
19 program, provided that the legal services organization shall have
20 experience providing free legal services to low- and moderate-income
21 tenants who are in need of housing assistance.

22 (4) The ²【clinical program】 experiential housing advocacy
23 programs² may include pro bono components in which one or more
24 services may be provided by volunteer students who do not receive
25 course credit for participating in the program.¹

26 c. ¹(1)¹ If a law school elects to implement the ²【clinical】
27 experiential housing advocacy² program, the law school shall
28 designate a licensed attorney in good standing, with experience in
29 landlord-tenant law and civil litigation matters, to supervise the
30 ²【clinical】² program. The ¹【program supervisor shall select a
31 paralegal to support the clinical program, which person shall also
32 provide translation services, as needed under】 law school may hire
33 such administrative staff as may be needed to support¹ the program.
34 ¹【All students selected to participate in the clinical program shall be
35 third-year law students.】¹ ²【The】 To support the operations of the
36 program, the² law school may also hire ²;

37 (a)² one or more licensed attorneys in good standing, with
38 experience in landlord-tenant law and civil litigation matters ²【, to
39 support the operations of the clinical program】 ; and

40 (b) one or more recent law school graduates who are not admitted
41 to the New Jersey State Bar Association but who are permitted to
42 practice law in the State pursuant to the Rules of Court, provided that
43 each graduate shall practice under the supervision of an experienced
44 attorney as required by those Rules².

1 ¹(2) If a law school elects to implement the ²[clinical]
 2 experiential housing advocacy² program through a designated legal
 3 services organization, then subject to the availability of funds, the law
 4 school shall provide subgrants to the legal services organization to
 5 defray the costs of the program. When implementing the ²[clinical]²
 6 program, the designated legal services organization shall allow all
 7 students selected by the law school to participate in the program.¹

8 d. Before the ²[clinical] experiential housing advocacy² program
 9 may commence operations, the law school ¹[shall] may¹ submit an
 10 appropriate application, as required under ¹[New Jersey Court Rules]
 11 the Rules of Court¹, in order to become a certified clinical program
 12 under those rules. ¹[The] Alternatively, the law school may provide
 13 some or all services through an existing clinical program, which has
 14 already been certified under the Rules of Court. In either
 15 circumstance, the ¹ ²[clinical] experiential housing advocacy² program
 16 shall comply with all requirements of the ¹[New Jersey Court]¹ Rules
 17 ¹of Court¹ concerning the implementation of a clinical ²or pro bono²
 18 program and the representation of litigants by law students.

19 e. After the first year of operations, and each year thereafter, the
 20 Seton Hall Law School shall submit a report to the Governor and to
 21 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
 22 19.1), detailing the operations of each ²[clinical] experiential housing
 23 advocacy² program established pursuant to this section. At a
 24 minimum, the report shall indicate the number of tenants who received
 25 assistance through each ²[clinical]² program and the service provided
 26 to each tenant. The Rutgers ²[Camden]² Law School ², Camden
 27 location,² and ²the² Rutgers ²[Newark]² Law School ², Newark
 28 location,² shall provide Seton Hall Law School with any information
 29 necessary to complete the report.

30 f. Nothing in this section shall be construed as requiring the
 31 Seton Hall Law School, ²the² Rutgers ²[Camden]² Law School,
 32 ²Camden location,² or ²the² Rutgers ²[Newark]² Law School ²,
 33 Newark location,² to establish or implement the ²[clinical]
 34 experiential housing advocacy² program.

35
 36 3. a. (1) There is appropriated \$575,000 from the General Fund
 37 to the Department of the Treasury for allocation to the Seton Hall Law
 38 School to support ²[a clinical] an experiential housing advocacy²
 39 program established pursuant to section 2 of P.L. , c. (C.)
 40 (pending before the Legislature as this bill).

41 (2) There is appropriated \$275,000 from the General Fund to the
 42 Department of the Treasury for allocation to the Seton Hall Law
 43 School to support the preparation of training materials and the training
 44 of students ²and law school graduates², in collaboration with ²the²
 45 Rutgers ²[Camden]² Law School ², Camden location,² and ²the²

1 Rutgers ²**[Newark]**² Law School, ²Newark location,² selected to
 2 participate in ²**[a clinical]** an experiential housing advocacy² program
 3 established pursuant to section 2 of P.L. , c. (C.) (pending
 4 before the Legislature as this bill).

5 (3) There is appropriated \$575,000 from the General Fund to the
 6 Department of the State for allocation to the Rutgers ²**[Camden]**² Law
 7 School ², Camden location,² to support ²**[a clinical]** an experiential
 8 housing advocacy² program established pursuant to section 2 of
 9 P.L. , c. (C.) (pending before the Legislature as this bill).

10 (4) There is appropriated \$575,000 from the General Fund to the
 11 Department of the State for allocation to the Rutgers ²**[Newark]**² Law
 12 School ², Newark location,² to support ²**[a clinical]** an experiential
 13 housing advocacy² program established pursuant to section 2 of
 14 P.L. , c. (C.) (pending before the Legislature as this bill).

15 b. If the Seton Hall Law School, ²the² Rutgers ²**[Camden]**² Law
 16 School, ²Camden location,² or ²the² Rutgers ²**[Newark]**² Law School
 17 ², Newark location,² does not establish ²**[a clinical]** an experiential
 18 housing advocacy² program pursuant to section 2 of P.L. , c.
 19 (C.) (pending before the Legislature as this bill), then the amounts
 20 hereinabove appropriated for the law school shall be transferred to the
 21 other participating law schools in equal amounts.

22 ¹c. The unexpended balance of any amount appropriated pursuant
 23 to this section shall be appropriated for the same purpose during the
 24 succeeding fiscal year.¹

25

26 4. This act shall take effect immediately.

27

28

29

30

31 Provides funding for experiential housing advocacy programs to
 32 provide legal services for low- and moderate-income tenants in
 33 need of housing assistance; appropriates \$2 million.

CHAPTER 181

AN ACT concerning experiential housing advocacy programs to provide legal services for certain tenants in need of housing assistance, supplementing P.L.1996, c.52 (C.22A:2-51 et al.), and making an appropriation.

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

C.22A:2-51a Findings, declarations relative to experiential housing advocacy programs.

1. The Legislature finds and declares that:

a. The lack of affordable housing in New Jersey forces low- and moderate-income households to spend a disproportionate share of their income toward rental payments, which dynamic has resulted in an eviction crisis throughout the State.

b. The COVID-19 pandemic has heightened existing economic disparities and exacerbated the economic insecurity of many low- and moderate-income households, thereby worsening the State's eviction crisis to a critical level.

c. During the COVID-19 pandemic, a Statewide moratorium on evictions was put in place pursuant to Executive Order No. 106 and P.L.2020, c.1 (C.2A:18-59.3); however, this moratorium will soon expire, placing many low- and moderate-income households at risk of eviction.

d. It is estimated that as many as 300,000 rental households in New Jersey will become subject to an eviction proceeding after the eviction moratorium ends, which would be double the average annual number of proceedings filed before the pandemic.

e. These evictions are expected to disproportionately impact Black and Latino residents of New Jersey, as these communities account for a large percentage of the State's rental population.

f. Additionally, many landlords have increasingly filed legal actions against tenants to seek monetary relief rather than eviction, thereby putting low- and moderate-income tenants at risk of damaged credit ratings and further economic hardship.

g. The State and federal governments have established rental assistance programs to assist low- and moderate-income tenants who have been adversely affected by the COVID-19 pandemic, which programs include the COVID-19 Emergency Rental Assistance Program administered by the Department of Community Affairs.

h. However, these novel State and federal programs may be complex, making it difficult for some tenants to apply for and receive all of the benefits to which they are entitled under these programs.

i. Although these rental assistance programs may provide tenants with the means to pay some or all of their rental obligations, many tenants may still lack the ability needed to effectively negotiate with their landlords toward solutions that avert further legal proceedings.

j. Furthermore, when governmental assistance cannot prevent the filing of an eviction proceeding, the vast majority of tenants cannot afford to hire an attorney; in contrast, most landlords are represented by an attorney during these proceedings, given that many landlords are corporations, which are required to have counsel.

k. Consequently, the provision of free legal services to low- and moderate-income tenants who are in need of housing assistance, including those who are at risk of eviction and those who are entitled to governmental rental assistance, is one of the most effective ways to address the ongoing eviction crisis.

l. It is therefore in the public interest and a valid public purpose for the Legislature to appropriate monies to the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish experiential housing advocacy

programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance.

C.22A:2-51b Annual appropriation for programs; services provided.

2. a. The Legislature shall annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance. The experiential housing advocacy programs shall be implemented according to guidance issued by each law school, in consultation with any other law school that establishes the program, subject to the limitations of this section.

b. (1) The experiential housing advocacy programs shall include, but not be limited to, the provision of the following services, free of charge, to low- and moderate-income tenants:

(a) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent;

(b) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic;

(c) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and

(d) any additional services that the law schools may deem appropriate to assist low- and moderate-income tenants.

(2) The experiential housing advocacy programs shall assist low- and moderate-income tenants residing throughout the State; provided, however, that the programs shall prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic. The programs may partner with legal services organizations and community-based organizations to conduct community outreach.

(3) The law schools may designate one or more legal services organizations through which the law school may implement the experiential housing advocacy program, provided that the legal services organization shall have experience providing free legal services to low- and moderate-income tenants who are in need of housing assistance.

(4) The experiential housing advocacy programs may include pro bono components in which one or more services may be provided by volunteer students who do not receive course credit for participating in the program.

c. (1) If a law school elects to implement the experiential housing advocacy program, the law school shall designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program. The law school may hire such administrative staff as may be needed to support the program. To support the operations of the program, the law school may also hire:

(a) one or more licensed attorneys in good standing, with experience in landlord-tenant law and civil litigation matters; and

(b) one or more recent law school graduates who are not admitted to the New Jersey State Bar Association but who are permitted to practice law in the State pursuant to the Rules of Court, provided that each graduate shall practice under the supervision of an experienced attorney as required by those Rules.

(2) If a law school elects to implement the experiential housing advocacy program through a designated legal services organization, then subject to the availability of funds, the law school shall provide subgrants to the legal services organization to defray the costs of the program.

When implementing the program, the designated legal services organization shall allow all students selected by the law school to participate in the program.

d. Before the experiential housing advocacy program may commence operations, the law school may submit an appropriate application, as required under the Rules of Court, in order to become a certified clinical program under those rules. Alternatively, the law school may provide some or all services through an existing clinical program, which has already been certified under the Rules of Court. In either circumstance, the experiential housing advocacy program shall comply with all requirements of the Rules of Court concerning the implementation of a clinical or pro bono program and the representation of litigants by law students.

e. After the first year of operations, and each year thereafter, the Seton Hall Law School 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), detailing the operations of each experiential housing advocacy program established pursuant to this section. At a minimum, the report shall indicate the number of tenants who received assistance through each program and the service provided to each tenant. The Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, shall provide Seton Hall Law School with any information necessary to complete the report.

f. Nothing in this section shall be construed as requiring the Seton Hall Law School, the Rutgers Law School, Camden location, or the Rutgers Law School, Newark location, to establish or implement the experiential housing advocacy program.

3. a. (1) There is appropriated \$575,000 from the General Fund to the Department of the Treasury for allocation to the Seton Hall Law School to support an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

(2) There is appropriated \$275,000 from the General Fund to the Department of the Treasury for allocation to the Seton Hall Law School to support the preparation of training materials and the training of students and law school graduates, in collaboration with the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, selected to participate in an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

(3) There is appropriated \$575,000 from the General Fund to the Department of the State for allocation to the Rutgers Law School, Camden location, to support an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

(4) There is appropriated \$575,000 from the General Fund to the Department of the State for allocation to the Rutgers Law School, Newark location, to support an experiential housing advocacy program established pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b).

b. If the Seton Hall Law School, the Rutgers Law School, Camden location, or the Rutgers Law School, Newark location, does not establish an experiential housing advocacy program pursuant to section 2 of P.L.2021, c.181 (C.22A:2-51b), then the amounts hereinabove appropriated for the law school shall be transferred to the other participating law schools in equal amounts.

c. The unexpended balance of any amount appropriated pursuant to this section shall be appropriated for the same purpose during the succeeding fiscal year.

4. This act shall take effect immediately.

Approved July 22, 2021.

ASSEMBLY, No. 5758

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 17, 2021

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Provides funding for clinical program to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning clinical programs to provide legal services for
2 certain tenants in need of housing assistance, supplementing
3 P.L.1996, c.52 (C.22A:2-51 et al.), and making an appropriation.
4

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

8 1. The Legislature finds and declares that:

9 a. The lack of affordable housing in New Jersey forces low- and
10 moderate-income households to spend a disproportionate share of
11 their income toward rental payments, which dynamic has resulted in
12 an eviction crisis throughout the State.

13 b. The COVID-19 pandemic has heightened existing economic
14 disparities and exacerbated the economic insecurity of many low- and
15 moderate-income households, thereby worsening the State's eviction
16 crisis to a critical level.

17 c. During the COVID-19 pandemic, a Statewide moratorium on
18 evictions was put in place pursuant to Executive Order No. 106 and
19 P.L.2020, c.1 (C.2A:18-59.3); however, this moratorium will soon
20 expire, placing many low- and moderate-income households at risk
21 of eviction.

22 d. It is estimated that as many as 300,000 rental households in
23 New Jersey will become subject to an eviction proceeding after the
24 eviction moratorium ends, which would be double the average annual
25 number of proceedings filed before the pandemic.

26 e. These evictions are expected to disproportionately impact
27 Black and Latino residents of New Jersey, as these communities
28 account for a large percentage of the State's rental population.

29 f. Additionally, many landlords have increasingly filed legal
30 actions against tenants to seek monetary relief rather than eviction,
31 thereby putting low- and moderate-income tenants at risk of damaged
32 credit ratings and further economic hardship.

33 g. The State and federal governments have established rental
34 assistance programs to assist low- and moderate-income tenants who
35 have been adversely affected by the COVID-19 pandemic, which
36 programs include the COVID-19 Emergency Rental Assistance
37 Program administered by the Department of Community Affairs.

38 h. However, these novel State and federal programs may be
39 complex, making it difficult for some tenants to apply for and receive
40 all of the benefits to which they are entitled under these programs.

41 i. Although these rental assistance programs may provide
42 tenants with the means to pay some or all of their rental obligations,
43 many tenants may still lack the ability needed to effectively negotiate
44 with their landlords toward solutions that avert further legal
45 proceedings.

46 j. Furthermore, when governmental assistance cannot prevent
47 the filing of an eviction proceeding, the vast majority of tenants
48 cannot afford to hire an attorney; in contrast, most landlords are

1 represented by an attorney during these proceedings, given that many
2 landlords are corporations, which are required to have counsel.

3 k. Consequently, the provision of free legal services to low- and
4 moderate-income tenants who are in need of housing assistance,
5 including those who are at risk of eviction and those who are entitled
6 to governmental rental assistance, is one of the most effective ways
7 to address the ongoing eviction crisis.

8 l. It is therefore in the public interest and a valid public purpose
9 for the Legislature to appropriate monies to the Seton Hall Law
10 School, Rutgers Camden Law School, and Rutgers Newark Law
11 School to establish clinical programs that provide free legal services
12 to low- and moderate-income tenants who are in need of housing
13 assistance.

14
15 2. a. The Legislature shall annually appropriate monies for the
16 Seton Hall Law School, Rutgers Camden Law School, and Rutgers
17 Newark Law School to establish clinical programs that provide free
18 legal services to low- and moderate-income tenants who are in need
19 of housing assistance. The clinical programs shall be implemented
20 according to guidance issued by the Seton Hall Law School, subject
21 to the limitations of this section.

22 b. (1) The clinical program shall include, but not be limited to,
23 the provision of the following services, free of charge, to low- and
24 moderate-income tenants:

25 (a) legal counsel and representation in landlord-tenant-related
26 litigation, including, but not limited to, eviction proceedings and
27 actions for unpaid rent;

28 (b) assistance applying for benefits under any State or federally
29 funded rental assistance program, or any other program providing
30 financial assistance to tenants impacted by the COVID-19 pandemic;

31 (c) legal counsel and assistance related to pre- and post-litigation
32 negotiations with landlords; and

33 (d) any additional services that the Seton Hall Law School may
34 deem appropriate.

35 (2) The clinical program shall assist low- and moderate-income
36 tenants residing throughout the State; provided, however, that the
37 clinical program shall prioritize qualifying tenants who are in need
38 of housing assistance as a result of the COVID-19 pandemic. The
39 clinical program may partner with legal services organizations to
40 conduct tenant outreach.

41 c. If a law school elects to implement the clinical program, the
42 law school shall designate a licensed attorney in good standing, with
43 experience in landlord-tenant law and civil litigation matters, to
44 supervise the clinical program. The program supervisor shall select
45 a paralegal to support the clinical program, which person shall also
46 provide translation services, as needed under the program. All
47 students selected to participate in the clinical program shall be third-
48 year law students. The law school may also hire one or more licensed

1 attorneys in good standing, with experience in landlord-tenant law
2 and civil litigation matters, to support the operations of the clinical
3 program.

4 d. Before the clinical program may commence operations, the
5 law school shall submit an appropriate application, as required under
6 New Jersey Court Rules, in order to become a certified clinical
7 program under those rules. The clinical program shall comply with
8 all requirements of the New Jersey Court Rules concerning the
9 implementation of a clinical program and the representation of
10 litigants by law students.

11 e. After the first year of operations, and each year thereafter, the
12 Seton Hall Law School shall submit a report to the Governor and to
13 the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
14 19.1), detailing the operations of each clinical program established
15 pursuant to this section. At a minimum, the report shall indicate the
16 number of tenants who received assistance through each clinical
17 program and the service provided to each tenant. The Rutgers
18 Camden Law School and Rutgers Newark Law School shall provide
19 Seton Hall Law School with any information necessary to complete
20 the report.

21 f. Nothing in this section shall be construed as requiring the
22 Seton Hall Law School, Rutgers Camden Law School, or Rutgers
23 Newark Law School to establish or implement the clinical program.

24
25 3. a. (1) There is appropriated \$575,000 from the General Fund
26 to the Department of the Treasury for allocation to the Seton Hall
27 Law School to support a clinical program established pursuant to
28 section 2 of P.L. , c. (C.) (pending before the Legislature as
29 this bill).

30 (2) There is appropriated \$275,000 from the General Fund to the
31 Department of the Treasury for allocation to the Seton Hall Law
32 School to support the preparation of training materials and the
33 training of students, in collaboration with Rutgers Camden Law
34 School and Rutgers Newark Law School, selected to participate in a
35 clinical program established pursuant to section 2 of
36 P.L. , c. (C.) (pending before the Legislature as this bill).

37 (3) There is appropriated \$575,000 from the General Fund to the
38 Department of the State for allocation to the Rutgers Camden Law
39 School to support a clinical program established pursuant to section
40 2 of P.L. , c. (C.) (pending before the Legislature as this
41 bill).

42 (4) There is appropriated \$575,000 from the General Fund to the
43 Department of the State for allocation to the Rutgers Newark Law
44 School to support a clinical program established pursuant to section
45 2 of P.L. , c. (C.) (pending before the Legislature as this
46 bill).

A5758 COUGHLIN

6

1 At a minimum, this report would indicate the number of tenants who
2 received assistance through each clinical program and the service
3 provided to each tenant.

4 The bill also appropriates a total of \$2 million from the General
5 Fund to support the operations of the clinical program. The Seton
6 Hall Law School, Rutgers Camden Law School and Rutgers Newark
7 Law School will each receive \$575,000. The remaining \$275,000 is
8 appropriated to the Seton Hall Law School to support the preparation
9 of training materials and the training of third-year law students
10 selected to participate in the program. If either law school does not
11 establish the clinical program, then the monies appropriated for that
12 school would be transferred to the other participating schools in equal
13 amounts.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5758

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 5758, with committee amendments.

This bill provides funding for the establishment of clinical programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance.

Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, Rutgers Camden Law School, and Rutgers Newark Law School to establish the clinical programs. The bill requires each clinical program to be implemented according to guidance issued by the Seton Hall Law School, subject to the limitations of the bill.

Specifically, the clinical program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other service that the Seton Hall Law School may deem appropriate.

The bill provides that the clinical programs may assist low- and moderate-income tenants residing throughout the State. However, each program would be required to prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic.

If a law school elects to implement the clinical program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program. Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters.

Additionally, the bill allows the Seton Hall Law School to designate one or more legal services organizations through which the clinical programs may be implemented. If a law school elects to

implement the program through a designated legal services organization, then subject to the availability of funds, the law school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the clinical program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

Under the bill, the Seton Hall Law School would be required to submit an annual report to the Governor and the Legislature detailing the operations of the clinical program established pursuant to the bill. At a minimum, this report would indicate the number of tenants who received assistance through each clinical program and the service provided to each tenant.

The bill also appropriates a total of \$2 million from the General Fund to support the operations of the clinical program. The Seton Hall Law School, Rutgers Camden Law School, and Rutgers Newark Law School will each receive \$575,000. The remaining \$275,000 is appropriated to the Seton Hall Law School to support the preparation of training materials and the training of law students selected to participate in the program. If either law school does not establish the clinical program, then the monies appropriated for that school would be transferred to the other participating schools in equal amounts.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide greater flexibility in the hiring of administrative staff to support the clinical program;

(2) remove the requirement for all participating students to be third-year law students;

(3) allow law schools to provide some or all services of the clinical program through existing clinical programs, which have already been certified under the Rules of Court;

(4) clarify that the clinical program may include pro bono components in which one or more services would be provided by volunteer students who do not receive course credit for participating in the program;

(5) permit the Seton Hall Law School to designate one or more legal services organizations through which each law school may implement the clinical program, provided that the organization has experience providing free legal services to low- and moderate-income tenants who are in need of housing assistance;

(6) provide that if a law school implements the clinical program through a designated legal services organization, then the law school would be required to provide subgrants to the organization to defray the costs of the program. Additionally, the legal services organization

would be required to allow all students selected by the law school to participate in the program; and

(7) direct the unexpended balance of appropriated funds to be carried forward for the same purposes during the following fiscal year.

FISCAL IMPACT:

The Office of Legislative Services expects the bill to increase annual State expenditures, assuming that the Seton Hall Law School, Rutgers Camden Law School, and Rutgers Newark Law School establish the clinical program authorized under the bill.

Under the bill, these law schools are permitted to establish a clinical program to provide free legal services to low- and moderate-income tenants who are in need of housing assistance. If a law school establishes the program, the bill directs the Legislature to annually appropriate monies to support the program.

As a result, the bill is expected to increase State expenditures to the extent that each law school establishes and implements the clinical program. If a law school implements the clinical program, State expenditures would be increased to reimburse participating schools for the personnel and operational costs incurred through the program. Alternatively, if a law school implements the program through a legal services organization, State expenditures would be increased to support the provision of subgrants to participating organizations.

The OLS lacks sufficient information to quantify the ongoing fiscal impact of the bill. Notably, the OLS cannot predict whether the program guidance issued by the Seton Hall Law School will require participating schools to incur certain ongoing costs. Similarly, the OLS cannot predict whether participating law schools will employ one or more licensed attorneys to support the program.

The bill appropriates a total of \$2,000,000 to support the costs of the clinical programs. Of this total, each law school would receive \$575,000. The remaining \$275,000 would be appropriated to the Seton Hall Law School to support certain startup costs, including the preparation of training materials and the training of law students selected to participate in the program.

The bill also directs the unexpended balance of appropriated funds to be carried forward for the same purposes during the following fiscal year. Consequently, short-term increases in State expenditures could be reduced to the extent that the appropriated funds can be used to support program costs in future fiscal years.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5758

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 5758 (1R).

This bill provides funding for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance.

Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish the experiential housing advocacy programs. The bill requires the programs to be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program, subject to the limitations of the bill.

Specifically, the experiential housing advocacy program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other services that the law school may deem appropriate to assist low- and moderate-income tenants.

The bill provides that the experiential housing advocacy programs may assist low- and moderate-income tenants residing throughout the State. However, each program would be required to prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic. The programs may also partner with legal services organizations and community-based organizations to conduct community outreach.

If a law school elects to implement the experiential housing advocacy program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program. Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters, and one or more recent law school graduates.

Additionally, the bill allows the schools to designate one or more legal services organizations through which the programs may be implemented. If a law school elects to implement the program through a designated legal services organization, then subject to the availability of funds, the school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

Under the bill, the Seton Hall Law School would be required to submit an annual report to the Governor and the Legislature detailing the operations of each experiential housing advocacy program established pursuant to the bill. At a minimum, this report would indicate the number of tenants who received assistance through each program and the service provided to each tenant.

The bill also appropriates a total of \$2 million from the General Fund to support the operations of the clinical program. The Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, will each receive \$575,000. The remaining \$275,000 is appropriated to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. If either law school does not establish the program, then the monies appropriated for that school would be transferred to the other participating schools in equal amounts.

As amended, this bill is identical to Senate Bill No. 3842, which was also reported favorably, with amendments, by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) refer to the programs as “experiential housing advocacy programs” instead of “clinical programs” in order to reflect the potential incorporation of pro bono components;

(2) provide that the programs would be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program. As introduced, the Seton Hall Law School would have been required to issue this guidance;

(3) allow the experiential housing advocacy programs to help qualifying tenants apply for benefits under any State or federally funded homeownership assistance program;

(4) allow the experiential housing advocacy programs to partner with community-based organizations, in addition to legal services organizations, to conduct community outreach;

(5) permit participating law schools to hire one or more recent law school graduates to support the program. These graduates would include persons who have not been admitted to the New Jersey State Bar Association but who are permitted to practice law under the Rules of Court; however, each graduate would be required to practice under the supervision of an experienced attorney;

(6) provide that the monies appropriated to the Seton Hall Law School may also be used to support the training of law school graduates who are selected to participate in the programs; and

(7) provide technical changes to the bill, including updating references to the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 5758

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 5758 (2R).

This bill provides funding for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance.

Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish the experiential housing advocacy programs. The bill requires the programs to be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program, subject to the limitations of the bill.

Specifically, the experiential housing advocacy program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other services that the law school may deem appropriate to assist low- and moderate-income tenants.

The bill provides that the experiential housing advocacy programs may assist low- and moderate-income tenants residing throughout the State. However, each program would be required to prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic. The programs may also partner with legal services organizations and community-based organizations to conduct community outreach.

If a law school elects to implement the experiential housing advocacy program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program.

Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters, and one or more recent law school graduates.

Additionally, the bill allows the schools to designate one or more legal services organizations through which the programs may be implemented. If a law school elects to implement the program through a designated legal services organization, then subject to the availability of funds, the school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

Under the bill, the Seton Hall Law School would be required to submit an annual report to the Governor and the Legislature detailing the operations of each experiential housing advocacy program established pursuant to the bill. At a minimum, this report would indicate the number of tenants who received assistance through each program and the service provided to each tenant.

The bill also appropriates a total of \$2 million from the General Fund to support the operations of the clinical program. The Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, will each receive \$575,000. The remaining \$275,000 is appropriated to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. If either law school does not establish the program, then the monies appropriated for that school would be transferred to the other participating schools in equal amounts.

As reported, this bill is identical to Senate Bill No. 3842 (1R), as also reported by the committee.

FISCAL IMPACT:

Fiscal information is currently unavailable for this bill.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 5758

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 29, 2021

SUMMARY

- Synopsis:** Provides funding for experiential housing advocacy programs to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million.
- Type of Impact:** State expenditure increase; revenue increase to the Rutgers Law School - Camden location and the Rutgers Law School - Newark location.
- Agencies Affected:** Rutgers Law School, Camden location and Rutgers Law School, Newark location.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2022</u>	<u>FY 2023 and Each Year Thereafter</u>
State Cost Increase	\$2 million	Indeterminate
Revenue Increase to Rutgers Law Schools	\$1,150,000	Indeterminate

- The Office of Legislative Services (OLS) concludes that this bill will result in increased State expenditures to provide funding to the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance. The increased State expenditures will coincide with a revenue increase to the three law schools enumerated in the bill.
- The bill provides a supplemental appropriation of \$2 million to be allocated in the following manner: \$575,000 to each the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location to support an experiential housing advocacy program; and \$275,000 to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. The OLS assumes that this funding would first be made available beginning in FY 2022.

BILL DESCRIPTION

This bill provides funding for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance. Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish the experiential housing advocacy programs.

Specifically, the experiential housing advocacy program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other services that the law school may deem appropriate to assist low- and moderate-income tenants.

If a law school elects to implement the experiential housing advocacy program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program. Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters, and one or more recent law school graduates.

Additionally, the bill allows the schools to designate one or more legal services organizations through which the programs may be implemented. If a law school elects to implement the program through a designated legal services organization, then subject to the availability of funds, the school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

The bill also appropriates a total of \$2 million from the State General Fund to support the operations of the clinical program. The Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, will each receive \$575,000. The remaining \$275,000 is appropriated to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. If a law school does not establish the program, then the monies appropriated for that school would be transferred to the other participating schools in equal amounts.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill will result in increased State expenditures to provide funding to the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing

assistance. The increased State expenditures will coincide with a revenue increase to the three law schools enumerated in the bill.

The bill provides a supplemental appropriation of \$2 million to be allocated in the following manner: \$575,000 to each the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location; and \$275,000 to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. The OLS assumes that this funding would first be made available beginning in FY 2022.

The level of appropriations in the years following FY 2022 for the programs to be established under the bill is indeterminate. The OLS notes that the appropriations acts in recent years have provided funding for Clinical Legal Programs for the Poor, which appear to be similar in nature to the programs to be established under this bill. In FY 2021, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, each received \$200,000 for Clinical Legal Programs for the Poor. Meanwhile, the Seton Hall Law School received \$195,000 for this purpose.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 3842

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 1, 2021

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS

Provides funding for clinical program to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning clinical programs to provide legal services for
2 certain tenants in need of housing assistance, supplementing
3 P.L.1996, c.52 (C.22A:2-51 et al.), and making an appropriation.
4

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

8 1. The Legislature finds and declares that:

9 a. The lack of affordable housing in New Jersey forces low-
10 and moderate-income households to spend a disproportionate share
11 of their income toward rental payments, which dynamic has resulted
12 in an eviction crisis throughout the State.

13 b. The COVID-19 pandemic has heightened existing economic
14 disparities and exacerbated the economic insecurity of many low-
15 and moderate-income households, thereby worsening the State's
16 eviction crisis to a critical level.

17 c. During the COVID-19 pandemic, a Statewide moratorium on
18 evictions was put in place pursuant to Executive Order No. 106 and
19 P.L.2020, c.1 (C.2A:18-59.3); however, this moratorium will soon
20 expire, placing many low- and moderate-income households at risk
21 of eviction.

22 d. It is estimated that as many as 300,000 rental households in
23 New Jersey will become subject to an eviction proceeding after the
24 eviction moratorium ends, which would be double the average
25 annual number of proceedings filed before the pandemic.

26 e. These evictions are expected to disproportionately impact
27 Black and Latino residents of New Jersey, as these communities
28 account for a large percentage of the State's rental population.

29 f. Additionally, many landlords have increasingly filed legal
30 actions against tenants to seek monetary relief rather than eviction,
31 thereby putting low- and moderate-income tenants at risk of
32 damaged credit ratings and further economic hardship.

33 g. The State and federal governments have established rental
34 assistance programs to assist low- and moderate-income tenants
35 who have been adversely affected by the COVID-19 pandemic,
36 which programs include the COVID-19 Emergency Rental
37 Assistance Program administered by the Department of Community
38 Affairs.

39 h. However, these novel State and federal programs may be
40 complex, making it difficult for some tenants to apply for and
41 receive all of the benefits to which they are entitled under these
42 programs.

43 i. Although these rental assistance programs may provide
44 tenants with the means to pay some or all of their rental obligations,
45 many tenants may still lack the ability needed to effectively
46 negotiate with their landlords toward solutions that avert further
47 legal proceedings.

1 j. Furthermore, when governmental assistance cannot prevent
2 the filing of an eviction proceeding, the vast majority of tenants
3 cannot afford to hire an attorney; in contrast, most landlords are
4 represented by an attorney during these proceedings, given that
5 many landlords are corporations, which are required to have
6 counsel.

7 k. Consequently, the provision of free legal services to low-
8 and moderate-income tenants who are in need of housing assistance,
9 including those who are at risk of eviction and those who are
10 entitled to governmental rental assistance, is one of the most
11 effective ways to address the ongoing eviction crisis.

12 l. It is therefore in the public interest and a valid public
13 purpose for the Legislature to appropriate monies to the Seton Hall
14 Law School, Rutgers Camden Law School, and Rutgers Newark
15 Law School to establish clinical programs that provide free legal
16 services to low- and moderate-income tenants who are in need of
17 housing assistance.

18

19 2. a. The Legislature shall annually appropriate monies for the
20 Seton Hall Law School, Rutgers Camden Law School, and Rutgers
21 Newark Law School to establish clinical programs that provide free
22 legal services to low- and moderate-income tenants who are in need
23 of housing assistance. The clinical programs shall be implemented
24 according to guidance issued by the Seton Hall Law School, subject
25 to the limitations of this section.

26 b. (1) The clinical program shall include, but not be limited to,
27 the provision of the following services, free of charge, to low- and
28 moderate-income tenants:

29 (a) legal counsel and representation in landlord-tenant-related
30 litigation, including, but not limited to, eviction proceedings and
31 actions for unpaid rent;

32 (b) assistance applying for benefits under any State or federally
33 funded rental assistance program, or any other program providing
34 financial assistance to tenants impacted by the COVID-19
35 pandemic;

36 (c) legal counsel and assistance related to pre- and post-
37 litigation negotiations with landlords; and

38 (d) any additional services that the Seton Hall Law School may
39 deem appropriate.

40 (2) The clinical program shall assist low- and moderate-income
41 tenants residing throughout the State; provided, however, that the
42 clinical program shall prioritize qualifying tenants who are in need
43 of housing assistance as a result of the COVID-19 pandemic. The
44 clinical program may partner with legal services organizations to
45 conduct tenant outreach.

46 (3) The Seton Hall Law School may designate one or more legal
47 services organizations through which a law school may implement
48 the clinical program, provided that the legal services organization

1 shall have experience providing free legal services to low- and
2 moderate-income tenants who are in need of housing assistance.

3 (4) The clinical program may include pro bono components in
4 which one or more services may be provided by volunteer students
5 who do not receive course credit for participating in the program.

6 c. (1) If a law school elects to implement the clinical program,
7 the law school shall designate a licensed attorney in good standing,
8 with experience in landlord-tenant law and civil litigation matters,
9 to supervise the clinical program. The law school may hire such
10 administrative staff as may be needed to support the program. The
11 law school may also hire one or more licensed attorneys in good
12 standing, with experience in landlord-tenant law and civil litigation
13 matters, to support the operations of the clinical program.

14 (2) If a law school elects to implement the clinical program
15 through a designated legal services organization, then subject to the
16 availability of funds, the law school shall provide subgrants to the
17 legal services organization to defray the costs of the program.
18 When implementing the clinical program, the designated legal
19 services organization shall allow all students selected by the law
20 school to participate in the program.

21 d. Before the clinical program may commence operations, the
22 law school may submit an appropriate application, as required under
23 the Rules of Court, in order to become a certified clinical program
24 under those rules. Alternatively, the law school may provide some
25 or all services through an existing clinical program, which has
26 already been certified under the Rules of Court. In either
27 circumstance, the clinical program shall comply with all
28 requirements of the Rules of Court concerning the implementation
29 of a clinical program and the representation of litigants by law
30 students.

31 e. After the first year of operations, and each year thereafter,
32 the Seton Hall Law School shall submit a report to the Governor
33 and to the Legislature, pursuant to section 2 of P.L.1991, c.164
34 (C.52:14-19.1), detailing the operations of each clinical program
35 established pursuant to this section. At a minimum, the report shall
36 indicate the number of tenants who received assistance through
37 each clinical program and the service provided to each tenant. The
38 Rutgers Camden Law School and Rutgers Newark Law School shall
39 provide Seton Hall Law School with any information necessary to
40 complete the report.

41 f. Nothing in this section shall be construed as requiring the
42 Seton Hall Law School, Rutgers Camden Law School, or Rutgers
43 Newark Law School to establish or implement the clinical program.
44

45 3. a. (1) There is appropriated \$575,000 from the General
46 Fund to the Department of the Treasury for allocation to the Seton
47 Hall Law School to support a clinical program established pursuant

1 to section 2 of P.L. , c. (C.) (pending before the Legislature
2 as this bill).

3 (2) There is appropriated \$275,000 from the General Fund to the
4 Department of the Treasury for allocation to the Seton Hall Law
5 School to support the preparation of training materials and the
6 training of students, in collaboration with Rutgers Camden Law
7 School and Rutgers Newark Law School, selected to participate in a
8 clinical program established pursuant to section 2 of
9 P.L. , c. (C.) (pending before the Legislature as this bill).

10 (3) There is appropriated \$575,000 from the General Fund to the
11 Department of the State for allocation to the Rutgers Camden Law
12 School to support a clinical program established pursuant to section
13 2 of P.L. , c. (C.) (pending before the Legislature as this
14 bill).

15 (4) There is appropriated \$575,000 from the General Fund to the
16 Department of the State for allocation to the Rutgers Newark Law
17 School to support a clinical program established pursuant to section
18 2 of P.L. , c. (C.) (pending before the Legislature as this
19 bill).

20 b. If the Seton Hall Law School, Rutgers Camden Law School,
21 or Rutgers Newark Law School does not establish a clinical
22 program pursuant to section 2 of P.L. , c. (C.) (pending
23 before the Legislature as this bill), then the amounts hereinabove
24 appropriated for the law school shall be transferred to the other
25 participating law schools in equal amounts.

26 c. The unexpended balance of any amount appropriated
27 pursuant to this section shall be appropriated for the same purpose
28 during the succeeding fiscal year.

29

30 4. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill provides funding for the establishment of clinical
36 programs that provide free legal services to low- and moderate-
37 income tenants who are in need of housing assistance.

38 Under the bill, the Legislature is directed to annually appropriate
39 monies for the Seton Hall Law School, Rutgers Camden Law
40 School, and Rutgers Newark Law School to establish the clinical
41 programs. The bill requires each clinical program to be
42 implemented according to guidance issued by the Seton Hall Law
43 School, subject to the limitations of the bill.

44 Specifically, the clinical program would provide the following
45 services, free of charge, to low- and moderate-income tenants: (1)
46 legal counsel and representation in landlord-tenant-related
47 litigation, including, but not limited to, eviction proceedings and
48 actions for unpaid rent; (2) assistance applying for benefits under

1 any State or federally funded rental assistance program, or any
2 other program providing financial assistance to tenants impacted by
3 the COVID-19 pandemic; (3) legal counsel and assistance related to
4 pre- and post-litigation negotiations with landlords; and (4) any
5 other service that the Seton Hall Law School may deem appropriate.

6 The bill provides that the clinical programs may assist low- and
7 moderate-income tenants residing throughout the State. However,
8 each program would be required to prioritize qualifying tenants who
9 are in need of housing assistance as a result of the COVID-19
10 pandemic.

11 If a law school elects to implement the clinical program, the
12 school would be required to designate a licensed attorney in good
13 standing, with experience in landlord-tenant law and civil litigation
14 matters, to supervise the program. Thereafter, the bill permits the
15 law school to hire such additional staff as may be needed to support
16 the program, including one or more licensed attorneys with
17 experience in landlord-tenant law and civil litigation matters.

18 Additionally, the bill allows the Seton Hall Law School to
19 designate one or more legal services organizations through which
20 the clinical programs may be implemented. If a law school elects to
21 implement the program through a designated legal services
22 organization, then subject to the availability of funds, the law
23 school would be required to provide subgrants to the organization to
24 defray the costs of the program. However, when implementing the
25 clinical program, the legal services organization would be required
26 to allow all students selected by the law school to participate in the
27 program.

28 Under the bill, the Seton Hall Law School would be required to
29 submit an annual report to the Governor and the Legislature
30 detailing the operations of the clinical program established pursuant
31 to the bill. At a minimum, this report would indicate the number of
32 tenants who received assistance through each clinical program and
33 the service provided to each tenant.

34 The bill also appropriates a total of \$2 million from the General
35 Fund to support the operations of the clinical program. The Seton
36 Hall Law School, Rutgers Camden Law School, and Rutgers
37 Newark Law School will each receive \$575,000. The remaining
38 \$275,000 is appropriated to the Seton Hall Law School to support
39 the preparation of training materials and the training of law students
40 selected to participate in the program. If either law school does not
41 establish the clinical program, then the monies appropriated for that
42 school would be transferred to the other participating schools in
43 equal amounts.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 3842

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2021

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 3842.

This bill provides funding for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance.

Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish the experiential housing advocacy programs. The bill requires the programs to be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program, subject to the limitations of the bill.

Specifically, the experiential housing advocacy program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other services that the law school may deem appropriate to assist low- and moderate-income tenants.

The bill provides that the experiential housing advocacy programs may assist low- and moderate-income tenants residing throughout the State. However, each program would be required to prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic. The programs may also partner with legal services organizations and community-based organizations to conduct community outreach.

If a law school elects to implement the experiential housing advocacy program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program.

Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters, and one or more recent law school graduates.

Additionally, the bill allows the schools to designate one or more legal services organizations through which the programs may be implemented. If a law school elects to implement the program through a designated legal services organization, then subject to the availability of funds, the school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

Under the bill, the Seton Hall Law School would be required to submit an annual report to the Governor and the Legislature detailing the operations of each experiential housing advocacy program established pursuant to the bill. At a minimum, this report would indicate the number of tenants who received assistance through each program and the service provided to each tenant.

The bill also appropriates a total of \$2 million from the General Fund to support the operations of the clinical program. The Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, will each receive \$575,000. The remaining \$275,000 is appropriated to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. If either law school does not establish the program, then the monies appropriated for that school would be transferred to the other participating schools in equal amounts.

As amended, this bill is identical to Assembly Bill No. 5758 (1R), which was also reported favorably, with amendments, by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) refer to the programs as “experiential housing advocacy programs” instead of “clinical programs” in order to reflect the potential incorporation of pro bono components;

(2) provide that the programs would be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program. As introduced, the Seton Hall Law School would have been required to issue this guidance;

(3) allow the experiential housing advocacy programs to help qualifying tenants apply for benefits under any State or federally funded homeownership assistance program;

(4) allow the experiential housing advocacy programs to partner with community-based organizations, in addition to legal services organizations, to conduct community outreach;

(5) permit participating law schools to hire one or more recent law school graduates to support the program. These graduates would include persons who have not been admitted to the New Jersey State Bar Association but who are permitted to practice law under the Rules of Court; however, each graduate would be required to practice under the supervision of an experienced attorney;

(6) provide that the monies appropriated to the Seton Hall Law School may also be used to support the training of law school graduates who are selected to participate in the programs; and

(7) provide technical changes to the bill, including updating references to the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3842

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3842 (1R).

This bill provides funding for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance.

Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish the experiential housing advocacy programs. The bill requires the programs to be implemented according to guidance issued by each law school, in consultation with any other law schools that establish the program, subject to the limitations of the bill.

Specifically, the experiential housing advocacy program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other services that the law school may deem appropriate to assist low- and moderate-income tenants.

The bill provides that the experiential housing advocacy programs may assist low- and moderate-income tenants residing throughout the State. However, each program would be required to prioritize qualifying tenants who are in need of housing assistance as a result of the COVID-19 pandemic. The programs may also partner with legal services organizations and community-based organizations to conduct community outreach.

If a law school elects to implement the experiential housing advocacy program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program.

Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters, and one or more recent law school graduates.

Additionally, the bill allows the schools to designate one or more legal services organizations through which the programs may be implemented. If a law school elects to implement the program through a designated legal services organization, then subject to the availability of funds, the school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

Under the bill, the Seton Hall Law School would be required to submit an annual report to the Governor and the Legislature detailing the operations of each experiential housing advocacy program established pursuant to the bill. At a minimum, this report would indicate the number of tenants who received assistance through each program and the service provided to each tenant.

The bill also appropriates a total of \$2 million from the General Fund to support the operations of the clinical program. The Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, will each receive \$575,000. The remaining \$275,000 is appropriated to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. If either law school does not establish the program, then the monies appropriated for that school would be transferred to the other participating schools in equal amounts.

As reported, this bill is identical to Assembly Bill No. 5758 (2R), as also reported by the committee.

FISCAL IMPACT:

Fiscal information is currently unavailable for this bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3842

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 29, 2021

SUMMARY

- Synopsis:** Provides funding for experiential housing advocacy programs to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million.
- Type of Impact:** State expenditure increase; revenue increase to the Rutgers Law School - Camden location and the Rutgers Law School - Newark location.
- Agencies Affected:** Rutgers Law School, Camden location and Rutgers Law School, Newark location.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2022</u>	<u>FY 2023 and Each Year Thereafter</u>
State Cost Increase	\$2 million	Indeterminate
Revenue Increase to Rutgers Law Schools	\$1,150,000	Indeterminate

- The Office of Legislative Services (OLS) concludes that this bill will result in increased State expenditures to provide funding to the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance. The increased State expenditures will coincide with a revenue increase to the three law schools enumerated in the bill.
- The bill provides a supplemental appropriation of \$2 million to be allocated in the following manner: \$575,000 to each the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location to support an experiential housing advocacy program; and \$275,000 to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. The OLS assumes that this funding would first be made available beginning in FY 2022.

BILL DESCRIPTION

This bill provides funding for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing assistance. Under the bill, the Legislature is directed to annually appropriate monies for the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, to establish the experiential housing advocacy programs.

Specifically, the experiential housing advocacy program would provide the following services, free of charge, to low- and moderate-income tenants: (1) legal counsel and representation in landlord-tenant-related litigation, including, but not limited to, eviction proceedings and actions for unpaid rent; (2) assistance applying for benefits under any State or federally funded rental assistance program, homeownership assistance program, or any other program providing financial assistance to tenants impacted by the COVID-19 pandemic; (3) legal counsel and assistance related to pre- and post-litigation negotiations with landlords; and (4) any other services that the law school may deem appropriate to assist low- and moderate-income tenants.

If a law school elects to implement the experiential housing advocacy program, the school would be required to designate a licensed attorney in good standing, with experience in landlord-tenant law and civil litigation matters, to supervise the program. Thereafter, the bill permits the law school to hire such additional staff as may be needed to support the program, including one or more licensed attorneys with experience in landlord-tenant law and civil litigation matters, and one or more recent law school graduates.

Additionally, the bill allows the schools to designate one or more legal services organizations through which the programs may be implemented. If a law school elects to implement the program through a designated legal services organization, then subject to the availability of funds, the school would be required to provide subgrants to the organization to defray the costs of the program. However, when implementing the program, the legal services organization would be required to allow all students selected by the law school to participate in the program.

The bill also appropriates a total of \$2 million from the State General Fund to support the operations of the clinical program. The Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, will each receive \$575,000. The remaining \$275,000 is appropriated to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. If a law school does not establish the program, then the monies appropriated for that school would be transferred to the other participating schools in equal amounts.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill will result in increased State expenditures to provide funding to the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location for the establishment of experiential housing advocacy programs that provide free legal services to low- and moderate-income tenants who are in need of housing

assistance. The increased State expenditures will coincide with a revenue increase to the three law schools enumerated in the bill.

The bill provides a supplemental appropriation of \$2 million to be allocated in the following manner: \$575,000 to each the Seton Hall Law School, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location; and \$275,000 to the Seton Hall Law School to support the preparation of training materials and the training of law students and graduates selected to participate in the program. The OLS assumes that this funding would first be made available beginning in FY 2022.

The level of appropriations in the years following FY 2022 for the programs to be established under the bill is indeterminate. The OLS notes that the appropriations acts in recent years have provided funding for Clinical Legal Programs for the Poor, which appear to be similar in nature to the programs to be established under this bill. In FY 2021, the Rutgers Law School, Camden location, and the Rutgers Law School, Newark location, each received \$200,000 for Clinical Legal Programs for the Poor. Meanwhile, the Seton Hall Law School received \$195,000 for this purpose.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

07/22/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

S-1558/A-3444 (Scutari/Bramnick, Downey, Quijano) – Requires automobile insurers to disclose policy limits upon request by an attorney under certain circumstances

S-3926/A-5894 (Sweeney, Smith/Burzichelli, Kennedy, Karabinchak) – Authorizes certain offshore wind projects to construct power lines and obtain real property interests; grants BPU authority to supersede certain local governmental powers upon petition from offshore wind project

A-4250/S-2508 (Downey, Mukherji, Murphy/Gopal, Greenstein) – Revises law concerning notaries and notarial acts; authorizes electronic signatures

A-5310/S-3597 (Lopez/Vitale) – Increases limit on number of social affairs permits that can be issued for one premises from 25 to 52 for designated premises owned by municipality or for event sponsored by municipality

A-5758/S-3842 (Coughlin, Chiaravalloti, Mazzeo, Timberlake/Singleton, Turner) – Provides funding for experiential housing advocacy programs to provide legal services for low- and moderate-income tenants in need of housing assistance; appropriates \$2 million