

2A:18-59.3 & Note to 2A:50-3
LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2020 **CHAPTER:** 1

NJSA: 2A:18-59.3 & Note to 2A:50-3 (Concerns prohibition of residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.)

BILL NO: A3859 (Substituted for S2276)

SPONSOR(S) Angela V. McKnight and others

DATE INTRODUCED: 3/16/2020

COMMITTEE: **ASSEMBLY:** Homeland Security & State Preparedness

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 3/16/2020

SENATE: 3/19/2020

DATE OF APPROVAL: 3/19/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

A3859

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(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: No

S2276

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: No

(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: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes
Executive Order 106 Referenced in Press Release Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"9 deaths include nursing home patients; elections postponed." Associated Press State Wire: New Jersey (NJ), March 20, 2020.

"HAIR AND NAIL SALONS, TATTOO PARLORS STAGGER." The Record (Hackensack, NJ), March 21, 2020: L4.

"Murphy expects thousands of cases." Burlington County Times (Willingboro, NJ), March 20, 2020: A1.

"NJ AID PACKAGE PROTECTS AGAINST EVICTION" Suburban Trends (Bloomingdale, Wanaque, NJ), March 22, 2020: A2.

"NJ coronavirus deaths rise to 9, with statewide" northjersey.com (NJ), March 19, 2020.

"NJ RETAIL WORKERS FACE DICEY FUTURE." The Record (Hackensack, NJ), March 22, 2020: L3.

"Eviction moratorium," The Press of Atlantic City, March 22, 2020

"Murphy signs aid package halting evictions and" The Record, March 22, 2020. Page A6.

Also included: Executive Order referenced in the Governor's March 19, 2020, press release.

Rwh/cl

P.L. 2020, CHAPTER 1, *approved March 19, 2020*
Assembly, No. 3859

1 AN ACT concerning foreclosure and tenant evictions during certain
2 emergency circumstances and supplementing Title 2A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. Notwithstanding any other law to the contrary, whenever a
9 Public Health Emergency, pursuant to the “Emergency Health
10 Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.), or a State of
11 Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or
12 both, has been declared by the Governor and is in effect, the
13 Governor may issue an executive order to declare that a lessee,
14 tenant, homeowner or any other person shall not be removed from a
15 residential property as the result of an eviction or foreclosure
16 proceeding. This executive order shall remain in effect for no
17 longer than two months following the end of the Public Health
18 Emergency or State of Emergency.

19 b. Eviction and foreclosure proceedings may be initiated or
20 continued during the time of an executive order issued pursuant to
21 this section, but enforcement of all judgments for possession,
22 warrants of removal, and writs of possession shall be stayed during
23 this period if the Governor has issued an executive order prohibiting
24 certain removals from residential property pursuant to subsection a.
25 of this section, unless the court determines on its own motion or
26 motion of the parties that enforcement is necessary in the interest of
27 justice.

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

35 d. As used in this section, “residential property” means any
36 property rented or owned for residential purposes, including, but
37 not limited to, any house, building, mobile home or land in a mobile
38 home park, or tenement leased for residential purposes, but shall not
39 include any hotel, motel, or other guest house, or part thereof,
40 rented to a transient guest or seasonal tenant, or a residential health
41 care facility.

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill would provide that, whenever a public health
7 emergency or a state of emergency is declared by the Governor and
8 is in effect, the Governor may issue an executive order to declare
9 that a lessee, tenant, homeowner or any other person would not be
10 removed from a residential property as the result of an eviction or
11 foreclosure proceeding. This executive order would remain in
12 effect for no longer than two months following the end of the public
13 health emergency or state of emergency.

14 The bill would permit eviction and foreclosure proceedings to be
15 initiated or continued during the time of the executive order, but
16 enforcement of all judgments for possession, warrants of removal,
17 and writs of possession would be stayed, unless the court
18 determines on its own motion or motion of the parties that
19 enforcement is necessary in the interest of justice. The bill would
20 require sheriffs, court officers, and their agents to refrain from
21 acting to remove individuals from residential properties through the
22 eviction or foreclosure processes during the time of the executive
23 order, unless the court determines on its own motion or motion of
24 the parties that removal is necessary in the interest of justice.

25

26

27

28

29 Concerns prohibition of residential tenant eviction and eviction
30 due to residential foreclosure during certain emergency
31 circumstances.

ASSEMBLY, No. 3859

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman HOLLY T. SCHEPISI

District 39 (Bergen and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator CHRIS A. BROWN

District 2 (Atlantic)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Assemblywoman Timberlake, Assemblyman Moen, Assemblywoman DiMaso, Assemblymen Spearman, Holley, Assemblywomen Lopez, Chaparro, Speight, Downey, Assemblyman Houghtaling, Assemblywomen Dunn, Vainieri Huttle, Assemblyman Zwicker, Assemblywomen Quijano, Reynolds-Jackson, Jasey and Senator Stack

SYNOPSIS

Concerns prohibition of residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning foreclosure and tenant evictions during certain
2 emergency circumstances and supplementing Title 2A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Notwithstanding any other law to the contrary, whenever a
9 Public Health Emergency, pursuant to the “Emergency Health
10 Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.), or a State of
11 Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or
12 both, has been declared by the Governor and is in effect, the
13 Governor may issue an executive order to declare that a lessee,
14 tenant, homeowner or any other person shall not be removed from a
15 residential property as the result of an eviction or foreclosure
16 proceeding. This executive order shall remain in effect for no
17 longer than two months following the end of the Public Health
18 Emergency or State of Emergency.

19 b. Eviction and foreclosure proceedings may be initiated or
20 continued during the time of an executive order issued pursuant to
21 this section, but enforcement of all judgments for possession,
22 warrants of removal, and writs of possession shall be stayed during
23 this period if the Governor has issued an executive order prohibiting
24 certain removals from residential property pursuant to subsection a.
25 of this section, unless the court determines on its own motion or
26 motion of the parties that enforcement is necessary in the interest of
27 justice.

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

35 d. As used in this section, “residential property” means any
36 property rented or owned for residential purposes, including, but
37 not limited to, any house, building, mobile home or land in a mobile
38 home park, or tenement leased for residential purposes, but shall not
39 include any hotel, motel, or other guest house, or part thereof,
40 rented to a transient guest or seasonal tenant, or a residential health
41 care facility.

42
43 2. This act shall take effect immediately.

44
45 STATEMENT

46
47 This bill would provide that, whenever a public health
48 emergency or a state of emergency is declared by the Governor and
49 is in effect, the Governor may issue an executive order to declare

1 that a lessee, tenant, homeowner or any other person would not be
2 removed from a residential property as the result of an eviction or
3 foreclosure proceeding. This executive order would remain in
4 effect for no longer than two months following the end of the public
5 health emergency or state of emergency.

6 The bill would permit eviction and foreclosure proceedings to be
7 initiated or continued during the time of the executive order, but
8 enforcement of all judgments for possession, warrants of removal,
9 and writs of possession would be stayed, unless the court
10 determines on its own motion or motion of the parties that
11 enforcement is necessary in the interest of justice. The bill would
12 require sheriffs, court officers, and their agents to refrain from
13 acting to remove individuals from residential properties through the
14 eviction or foreclosure processes during the time of the executive
15 order, unless the court determines on its own motion or motion of
16 the parties that removal is necessary in the interest of justice.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3859

STATE OF NEW JERSEY

DATED: MARCH 16, 2020

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 3859.

As reported by the committee, this bill prohibits residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.

This bill would provide that, whenever a public health emergency or a state of emergency is declared by the Governor and is in effect, the Governor may issue an executive order to declare that a lessee, tenant, homeowner or any other person would not be removed from a residential property as the result of an eviction or foreclosure proceeding. This executive order would remain in effect for no longer than two months following the end of the public health emergency or state of emergency.

The bill would permit eviction and foreclosure proceedings to be initiated or continued during the time of the executive order, but enforcement of all judgments for possession, warrants of removal, and writs of possession would be stayed, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice. The bill would require sheriffs, court officers, and their agents to refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time of the executive order, unless the court determines on its own motion or motion of the parties, that removal is necessary in the interest of justice.

SENATE, No. 2276

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator CHRIS A. BROWN

District 2 (Atlantic)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senator Stack

SYNOPSIS

Concerns prohibition of residential tenant eviction and eviction due to residential foreclosure during certain emergency circumstances.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning foreclosure and tenant evictions during certain
2 emergency circumstances and supplementing Title 2A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. Notwithstanding any other law to the contrary, whenever
9 a Public Health Emergency, pursuant to the “Emergency Health
10 Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.), or a State of
11 Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.), or
12 both, has been declared by the Governor and is in effect, the
13 Governor may issue an executive order to declare that a lessee,
14 tenant, homeowner or any other person shall not be removed from a
15 residential property as the result of an eviction or foreclosure
16 proceeding. This executive order shall remain in effect for no
17 longer than two months following the end of the Public Health
18 Emergency or State of Emergency.

19 b. Eviction and foreclosure proceedings may be initiated or
20 continued during the time of an executive order issued pursuant to
21 this section, but enforcement of all judgments for possession,
22 warrants of removal, and writs of possession be stayed during this
23 period if the Governor has issued an executive order prohibiting
24 certain removals from residential property pursuant to subsection a.
25 of this section, unless the court determines on its own motion or
26 motion of the parties that enforcement is necessary in the interest of
27 justice.

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

35 d. As used in this section, “residential property” means any
36 property rented or owned for residential purposes, including, but
37 not limited to, any house, building, mobile home or land in a mobile
38 home park, or tenement leased for residential purposes, but shall not
39 include any hotel, motel, or other guest house, or part thereof,
40 rented to a transient guest or seasonal tenant, or a residential health
41 care facility.

42
43 2. This act shall take effect immediately.

44

45

46 STATEMENT

47

48 This bill would provide that, whenever a public health

1 emergency or a state of emergency is declared by the Governor and
2 is in effect, the Governor may issue an executive order to declare
3 that a lessee, tenant, homeowner or any other person would not be
4 removed from a residential property as the result of an eviction or
5 foreclosure proceeding. This executive order would remain in
6 effect for no longer than two months following the end of the public
7 health emergency or state of emergency.

8 The bill would permit eviction and foreclosure proceedings to be
9 initiated or continued during the time of the executive order, but
10 enforcement of all judgments for possession, warrants of removal,
11 and writs of possession would be stayed, unless the court
12 determines on its own motion or motion of the parties that
13 enforcement is necessary in the interest of justice. The bill would
14 require sheriffs, court officers, and their agents to refrain from
15 acting to remove individuals from residential properties through the
16 eviction or foreclosure processes during the time of the executive
17 order, unless the court determines on its own motion or motion of
18 the parties that removal is necessary in the interest of justice.

EXECUTIVE ORDER NO. 106

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 (2020) on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, as of March 18, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 191,000 confirmed cases of COVID-19 worldwide, with over 7,800 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were more than 7,000 confirmed cases of COVID-19 in the United States, with at least 97 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were 427 positive cases of COVID-19 in New Jersey, spread across numerous counties; and

WHEREAS, the economic impacts of COVID-19 are significant, and pose a growing threat to the housing security of many New Jerseyans; and

WHEREAS, many New Jerseyans are or will be experiencing substantial loss of income as a result of business closures, reductions in hours, or layoffs related to COVID-19, impeding their ability to keep current on rent and mortgage payments; and

WHEREAS, housing security and stability are important to public health, particularly as homelessness can increase vulnerability to COVID-19; and

WHEREAS, removals of residents pursuant to evictions or foreclosure proceedings can increase the risk to those residents of contracting COVID-19, which in turn increases the risks to the rest of society and endangers public health; and

WHEREAS, in recognition of this danger, the U.S. Department of Housing and Urban Development, Fannie Mae, and Freddie Mac announced the suspension of all evictions and foreclosures for the next 60 days; and

WHEREAS, Assemblymembers Angela McKnight, Holly Schepisi, and Benjie Wimberly and Senators Joseph Cryan and Nellie Pou have rapidly responded to these concerns by sponsoring Assembly Bill No. 3859 and Senate Bill No. 2276, which address this issue by explicitly providing that during a Public Health Emergency or State of Emergency, the Governor shall have the authority to issue an executive order declaring a moratorium on removing individuals from residential property as a result of an eviction or foreclosure proceeding; and

WHEREAS, the Administrative Office of the Courts also provided helpful guidance as the bill moved through the legislative process; and

WHEREAS, the swift action by the Legislature to pass Assembly Bill No. 3859 and Senate Bill No. 2276, working in collaboration with the Administrative Office of the Courts and my Administration, exemplifies the critical importance of effective coordination among all three branches of government in addressing emergency situations; and

WHEREAS, earlier today, I immediately signed the residential eviction and foreclosure moratorium legislation into law as soon as it passed both Houses of the Legislature, to exercise as

expeditiously as possible the authority provided by the Legislature to protect our residents in this critical time;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Any lessee, tenant, homeowner or any other person shall not be removed from a residential property as the result of an eviction or foreclosure proceeding.

2. While eviction and foreclosure proceedings may be initiated or continued during the time this Order is in effect, enforcement of all judgments for possession, warrants of removal, and writs of possession shall be stayed while this Order is in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice. This Order does not affect any schedule of rent that is due.

3. Sheriffs, court officers, and their agents shall refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time this Order is in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice.

4. For the purpose of this Order, "residential property" means any property rented or owned for residential purposes, including, but not limited to, any house, building, mobile home or land in a mobile home park, or tenement leased for residential purposes, but shall not include any hotel, motel, or other guest house, or part thereof, rented to a transient guest or seasonal tenant, or a residential health care facility. The State Director

of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to these lists.

5. This Order shall take effect immediately and remain in effect for no longer than two months following the end of the Public Health Emergency or State of Emergency established by Executive Order No. 103 (2020), whichever ends later, unless this Order is first revoked or modified by the Governor in a subsequent executive order.

GIVEN, under my hand and seal this
19th day of March,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

Governor Murphy Enacts Moratorium on Removals of Individuals Due to Evictions or Foreclosures

03/19/2020

TRENTON – As part of the continued effort to help contain the impact of the COVID-19 pandemic, Gov. Phil Murphy today outlined a series of steps underway to help aid those in immediate financial need and keep people in their homes during the crisis, including actions to protect residents from eviction or foreclosure that are as expansive as any in the nation.

Today the Governor signed A-3859 into law, which explicitly provides authority to the Governor to issue an executive order declaring a moratorium on removing individuals from their homes pursuant to an eviction or foreclosure proceeding. The Governor then immediately signed Executive Order No. 106, which imposes such a moratorium. This move will ensure that no renter or homeowner is removed from their residence while this Order is in effect. These actions come a day after the U.S. Department of Housing and Urban Development, Fannie Mae, and Freddie Mac would be suspending all foreclosures and evictions for at least 60 days.

"This outbreak affects all of us and we are all in this together," **said Governor Murphy**. "The steps I am outlining today will help those who are suffering financial harm through no fault of their own continue to stay afloat as we work our way through this. They will also bolster public health by ensuring that residents facing eviction or foreclosure can stay in their homes, protecting them against increased risk of contracting and spreading COVID-19."

Assembly Bill No. 3859 was sponsored by Assemblymembers Angela McKnight, Holly Schepisi, and Benjie Wimberly, and Senators Joseph Cryan and Nellie Pou. The Administrative Office of the Courts also provided helpful guidance on the legislation.

"It is unsettling to think a family could be evicted or asked to leave their home due to foreclosure proceedings at this time," **said Assembly Sponsors Angela McKnight and Benjie Wimberly**. We must do everything we can to keep families safe and in a home until we get to the other side of this public health crisis. We will get through this New Jersey."

"This pandemic could have a serious impact on how many of our residents are able to make a living," **said Assemblywoman Holly Schepisi**. "Losing income because you are recovering from this illness or staying home because your child's school is closed should not cost you your home. Together, we will get through this public health crisis."

"I applaud the Governor's swift action in signing this bill into law in the midst of the expanding coronavirus crisis," **said Senator Joseph Cryan**. "This is a public health emergency that confronts all of us with challenges, especially those who live paycheck to paycheck to support themselves and their families. It would be cruel to allow people to be forced out of their homes due to circumstances beyond anyone's control, such as the pandemic. This is a time to care for our neighbors and fellow citizens."

"As people work anxiously to keep themselves and their loved ones safe in the face of this pandemic, they should not also have to live in the fear of going homeless," **said Senator Nellie Pou**. "The coronavirus has turned life upside down, shuttered businesses, and left particularly low-income workers wondering how they will make ends meet. I am glad the Governor sees the necessity of this legislation and the relief that this law will give to thousands of scared New Jersey families at this uncertain moment."

The Governor also is asking any financial institution holding residential or commercial mortgages, equity loans, lines of credit or business loans, to implement a process to work with the mortgagors or loan holders to avoid foreclosure or default arising out financial hardship caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

The New Jersey Economic Development Authority will continue to lead coordination between the SBA and businesses in our State. NJEDA is currently in the process of scaling up local technical assistance programs to help New Jersey businesses apply for SBA assistance. To start, NJEDA has posted additional information about the SBA program on the State's COVID-19 business portal: <https://cv.business.nj.gov>

For those businesses with an immediate financial need, the U.S. Small Business Administration has approved Gov. Phil Murphy's request for a disaster designation, opening up access to the SBA's Economic Injury Disaster Loan program to New Jersey businesses hit hard by the COVID-19 pandemic.

SBA's Economic Injury Disaster Loans offer up to \$2 million in assistance for small businesses and private non-profits. These loans provide vital economic support to help overcome the loss of revenue caused by COVID-19.

Loans may be used to pay fixed debts, payroll, accounts payable, and other bills that can't be paid because of the disaster's impact. The interest rate is up to 3.75% for small businesses without credit available elsewhere. The interest rate for non-profits is up to 2.75%.

Loan terms are up to a maximum of 30 years. SBA will determine an appropriate payment based on the financial condition of the borrower, which also will determine the loan term.

Details regarding the SBA loan program can be found online at: <https://faq.business.nj.gov/en/articles/3789809>

More information on SBA disaster loans can also be found at <https://disasterloan.sba.gov/ela/>

To further aid both homeowners and renters facing hardship, the New Jersey Housing and Mortgage Finance Agency is expanding its Foreclosure Mediation Assistance Program (FMAP) to include renter and pre-foreclosure counseling utilizing a network of participating housing counselors in each county. The counseling is available now and can be provided remotely. Counseling is free of charge.

Counselors will provide upfront assistance to help homeowners avoid potential foreclosure. At the same time, the counseling made available to renters will guide them on how to approach discussions with their landlords on dealing with their rent situation.

For a list of housing counselors participating in FMAP, visit: <https://njhousing.gov/foreclosure>

At the Department of Community Affairs, rental assistance programs continue to operate and fulfill all core business functions, including paying rents to landlords and processing recertifications, income redeterminations, and other core functions. While DCA field offices are closed to the public to observe social distancing protocols, DCA encourages current participants to utilize the online portal at assistancecheck.com to submit documents, or to submit documents through the mail. Current program participants may email or call the field offices or the customer service line at 609-292-4080 or email: customer.service@dca.nj.gov to leave messages with questions. Messages are checked frequently and will be returned as promptly as possible.

"Governor Murphy and I understand that this is an extremely stressful time, especially for our most vulnerable residents who are experiencing homelessness or facing eviction," said **Lt. Governor Sheila Oliver, who serves as DCA Commissioner**. "We are working diligently at DCA to maintain quality services for the homeless, our tenants, and landlords as we respond to the threat of COVID-19."

DCA has taken a number of actions to meet the ongoing needs of its clients and to curb evictions and homelessness during the state of emergency. It has:

- Suspended terminations for non-essential reasons (those not involving violence and/or threats to others) in the Section 8 Housing Choice Voucher (HCV) and State Rental Assistance Program (SRAP);
- Extended the housing search period for all current voucher holders to the full 120 days allowed by the U.S. Department of Housing and Urban Development (HUD) for those without disabilities or who are not elderly for the housing search period. Voucher holders needing more than 120 days to identify housing may request extensions through the online portal, via phone call, or mail as needed;
- Prepared to accept from its clients interim income re-certifications due to decreased income from the public and private responses to COVID-19. Income re-certifications may be submitted through DCA's online portal and through mail. DCA is providing remote access, if necessary, to key employees to process requests as quickly as possible
- Continued to offer language access services to clients who need them.
- In an effort to help keep non-profit service providers viable and operating during this emergency, begun working to provide advances on existing contracts to providers addressing emergent needs.

DCA reminds residents who are in need of emergency housing assistance, please call 2-1-1. For residents who do not have emergent needs, but would like to find out if they are eligible to apply for any of DCA's assistance programs, they should visit DCA's online anonymous screening tool: www.nj.gov/dca/dcaid. Residents may also visit (new webpage link) to learn more about our housing assistance programs.

Finally, in related efforts to help with the financial cost of COVID-19, the governor announced today the New Jersey Higher Education Student Assistance Authority (HESAA) will offer assistance to those who need help making regular payments to NJCLASS student loans due to a diminished income.

Those directly impacted by COVID-19 can apply for NJCLASS loan relief for temporary disability or unemployment. Applications for these relief options are available at

<https://www.hesaa.org/Documents/Relief%20Options/Unemployment.pdf> and <https://www.hesaa.org/Documents/NJCLASSTempDisabilityForm.pdf>

In addition, NJCLASS borrowers can apply for financial hardship relief. To assist individuals financially impacted by COVID-19 mitigation measures, who are not eligible to receive unemployment or temporary disability assistance, HESAA is requesting borrowers supplement their financial hardship application with a statement explaining how the impact of the COVID-19 virus response has caused their financial hardship. HESAA will review these applications with greater flexibility considering the impact of COVID-19.

The NJCLASS loan application for financial hardship relief is available at

<https://www.hesaa.org/Documents/Relief%20Options/Financial%20hardship.pdf>

[Copy of Executive Order No. 106](#)

EXECUTIVE ORDER NO. 106

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 (2020) on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, as of March 18, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 191,000 confirmed cases of COVID-19 worldwide, with over 7,800 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were more than 7,000 confirmed cases of COVID-19 in the United States, with at least 97 of those cases having resulted in death; and

WHEREAS, as of March 18, 2020, there were 427 positive cases of COVID-19 in New Jersey, spread across numerous counties; and

WHEREAS, the economic impacts of COVID-19 are significant, and pose a growing threat to the housing security of many New Jerseyans; and

WHEREAS, many New Jerseyans are or will be experiencing substantial loss of income as a result of business closures, reductions in hours, or layoffs related to COVID-19, impeding their ability to keep current on rent and mortgage payments; and

WHEREAS, housing security and stability are important to public health, particularly as homelessness can increase vulnerability to COVID-19; and

WHEREAS, removals of residents pursuant to evictions or foreclosure proceedings can increase the risk to those residents of contracting COVID-19, which in turn increases the risks to the rest of society and endangers public health; and

WHEREAS, in recognition of this danger, the U.S. Department of Housing and Urban Development, Fannie Mae, and Freddie Mac announced the suspension of all evictions and foreclosures for the next 60 days; and

WHEREAS, Assemblymembers Angela McKnight, Holly Schepisi, and Benjie Wimberly and Senators Joseph Cryan and Nellie Pou have rapidly responded to these concerns by sponsoring Assembly Bill No. 3859 and Senate Bill No. 2276, which address this issue by explicitly providing that during a Public Health Emergency or State of Emergency, the Governor shall have the authority to issue an executive order declaring a moratorium on removing individuals from residential property as a result of an eviction or foreclosure proceeding; and

WHEREAS, the Administrative Office of the Courts also provided helpful guidance as the bill moved through the legislative process; and

WHEREAS, the swift action by the Legislature to pass Assembly Bill No. 3859 and Senate Bill No. 2276, working in collaboration with the Administrative Office of the Courts and my Administration, exemplifies the critical importance of effective coordination among all three branches of government in addressing emergency situations; and

WHEREAS, earlier today, I immediately signed the residential eviction and foreclosure moratorium legislation into law as soon as it passed both Houses of the Legislature, to exercise as

expeditiously as possible the authority provided by the Legislature to protect our residents in this critical time;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Any lessee, tenant, homeowner or any other person shall not be removed from a residential property as the result of an eviction or foreclosure proceeding.

2. While eviction and foreclosure proceedings may be initiated or continued during the time this Order is in effect, enforcement of all judgments for possession, warrants of removal, and writs of possession shall be stayed while this Order is in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice. This Order does not affect any schedule of rent that is due.

3. Sheriffs, court officers, and their agents shall refrain from acting to remove individuals from residential properties through the eviction or foreclosure processes during the time this Order is in effect, unless the court determines on its own motion or motion of the parties that enforcement is necessary in the interest of justice.

4. For the purpose of this Order, "residential property" means any property rented or owned for residential purposes, including, but not limited to, any house, building, mobile home or land in a mobile home park, or tenement leased for residential purposes, but shall not include any hotel, motel, or other guest house, or part thereof, rented to a transient guest or seasonal tenant, or a residential health care facility. The State Director

of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to these lists.

5. This Order shall take effect immediately and remain in effect for no longer than two months following the end of the Public Health Emergency or State of Emergency established by Executive Order No. 103 (2020), whichever ends later, unless this Order is first revoked or modified by the Governor in a subsequent executive order.

GIVEN, under my hand and seal this
19th day of March,
Two Thousand and Twenty, and
of the Independence of the
United States, the Two
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor