



Putting Humanity Back into Housing: Prioritizing Dignity, Compassion, & Community

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Housing as a Human Right: From Innovation to Impact

October 9, 2024



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Housing as a Human Right: From Innovation to Impact

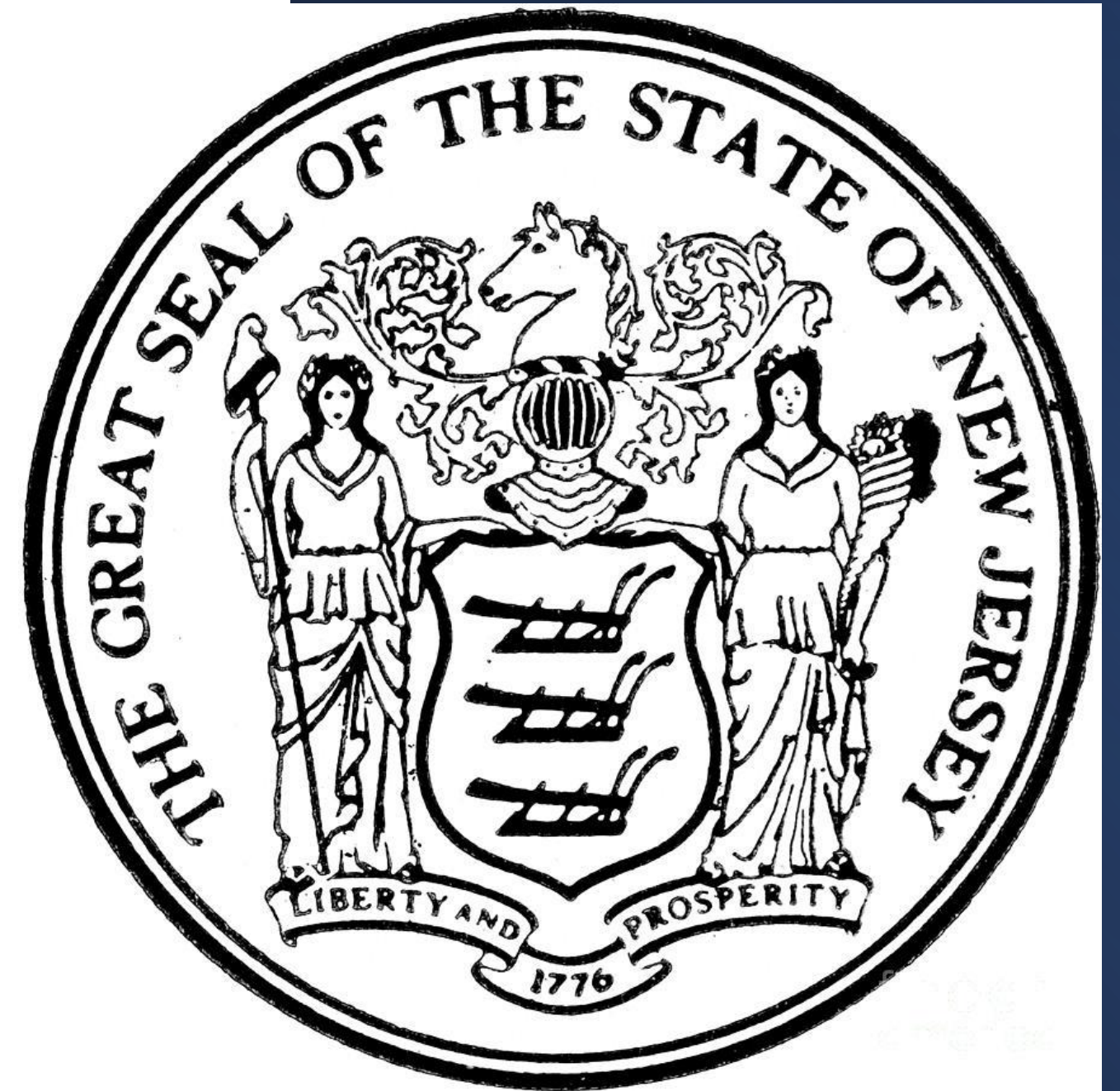
October 9, 2024

Office of Eviction Prevention



Office of Eviction Prevention (OEP)

The Office of Eviction Prevention oversees programs and services in eviction prevention and diversion, including rental assistance programs, social services support, and expanding access to counsel to low-income tenants facing or threatened with eviction. The Office also handles general inquiries about landlord-tenant rights and responsibilities and publishes the bi-annual Truth in Renting Guide. The Office works closely with non-profit community-based organizations in disseminating information about resources and providing direct outreach to at-risk tenants.



2024 CEDD - Comprehensive Eviction Defense and Diversion Network

What is CEDD?

Eligible low-income households facing or threatened with eviction are provided free and quality access to both an attorney, who can best advocate for them in court to prevent their eviction and negotiate settlements with their landlords, and with an experienced case worker called a resource navigator who can best connect them to necessary resources including to rental assistance and relocation support.

TOGETHER, resource navigators and attorneys coordinate their efforts to prevent lockouts by the courts. CEDD is available in every county throughout NJ.



1. Connection to Vicinage Resource Navigator
2. Connection to Legal Services

1. Jewish Family Services (4)
2. Justice Innovation (6)
3. Family Promise of Sussex (2)
4. Family Promise of Southwest (4)
5. Garden State Home (5)
6. Family Promise of Warren (1)
7. Community Affairs and Resource Center (4)
8. HomeFront (3)
9. The Waterfront Project (6)
10. Catholic Family and Community Services (2)
11. Camden Coalition (1)
12. New Jersey Association on Correction (2)

Legal Partners:

Community Health Law Project: Statewide

Volunteer Lawyers for Justice: Essex County only

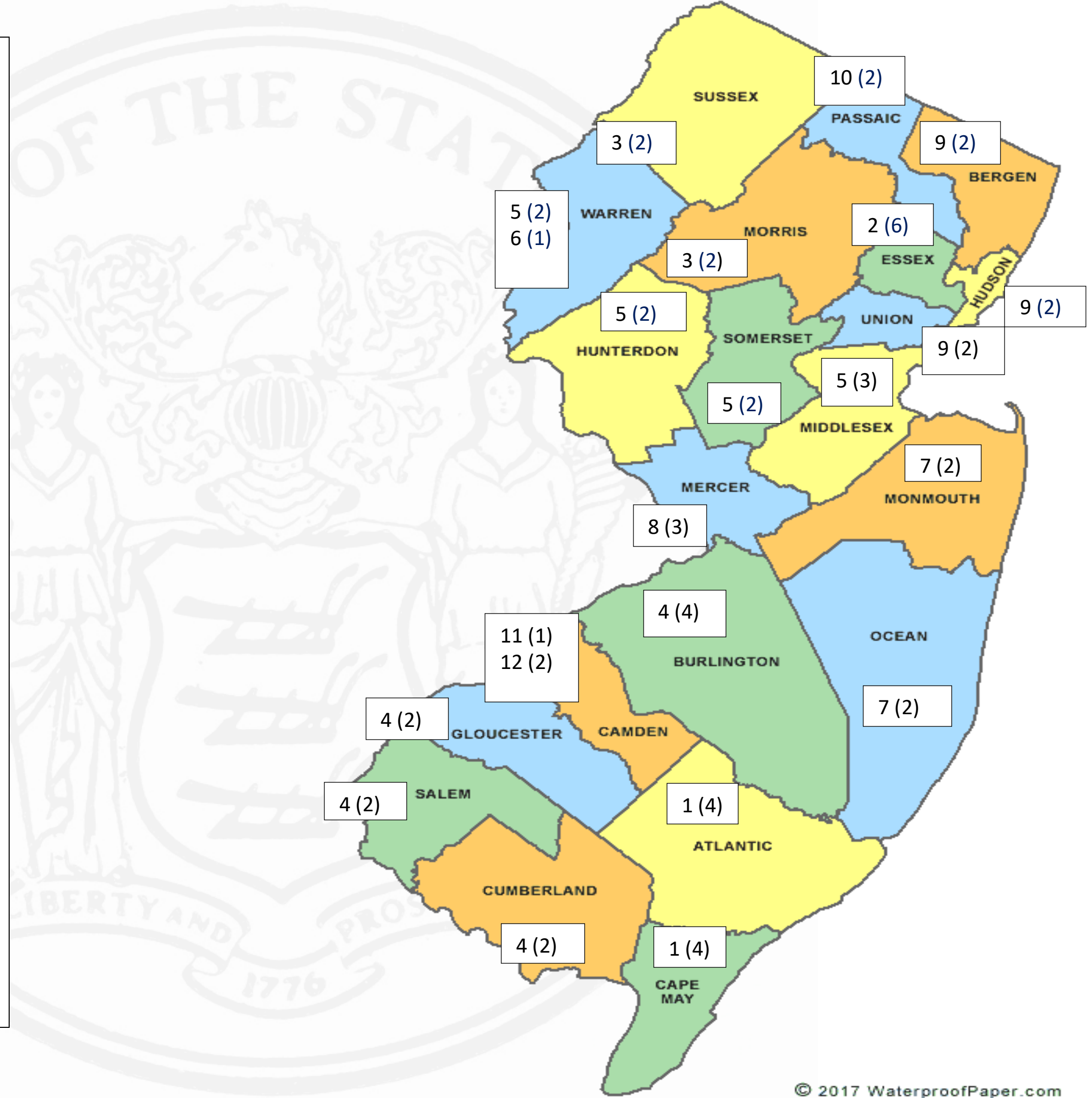
The Waterfront Project: Bergen, Hudson, and Union Counties

Volunteer UP Legal Clinic: Burlington, Cumberland, Gloucester, and Salem Counties

Camden Coalition: Camden County only

Legal Services of New Jersey: Statewide

(RN per agency)



The Partnership



Your Partners

Resource Navigator



divert eligible tenants through immediate problem solving and a holistic intervention strategy incorporating *Housing First*, *Harm Reduction*, *Trauma-Informed Service Delivery*, and *Racial Equity* practices in the creation of a housing action plan to stabilize housing and, if possible,

move the household toward a permanent housing solution.



Legal Services



responsible for coordinating and providing legal services, screening tenants for legal services, educating tenants about their rights, and tracking case outcomes and court data. Legal services provider attorneys shall attend trials. Eligible tenants may require emergent Order to Show Cause assistance,

representation in judgment appeals, in habitability defenses, ejectments, or administrative eviction-like actions. Eligible tenants may require the submission of promissory notes in nonpayment of rent or rent increase eviction matters in coordination with their respective resource navigator partners to adjourn matters.

Landlord Tenant Basics

- NJ does not allow “self help” evictions.
 - Self help – where a landlord locks a tenant out by themselves without going through the court process
 - In self help situation – tenant calls police to be let back in
 - Refer to a legal services provider as soon as possible
 - An attorney can explore legal avenue to restore tenant to premises when they are illegally locked out

Landlord Tenant Basics, cont'd.

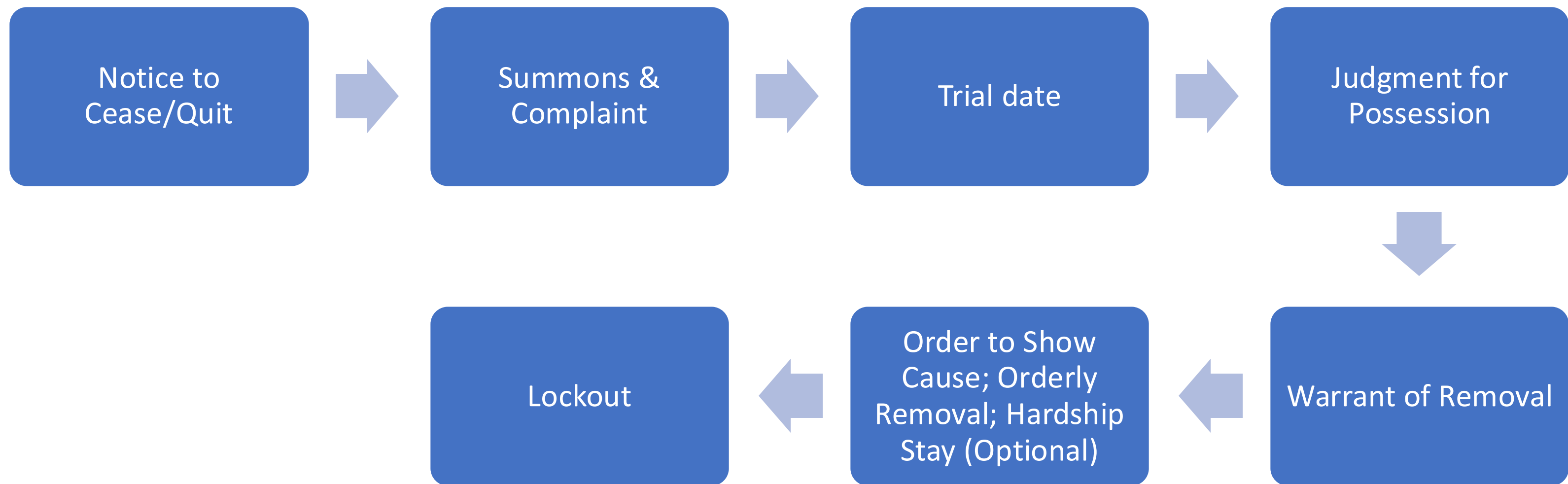
- Tenants can only be evicted by court process – when:
 - A judge enters a “judgment of possession”
 - OR
 - The parties agree to a settlement or consent judgment that allows for the judgment of possession and lockout by court officer.
- Landlord-Tenant law can be complicated and not always as it seems...
 - Refer cases for legal evaluation and advice as soon as you have an approved case.
 - Coordinate with legal services on rent due and other needs.

Landlord Tenant Court Process

- Special Civil Part Tenancy Court
- Summary Proceeding.
- Short time frames
- Little opportunity to get more information from LL before trial.
- Can't raise other claims
- The turnaround time on cases is generally very short.
- Covid-related backlogs are over.



Process of a Tenancy Case



E-Courts

- E-Courts – find court documents (complaint and other filings.)
- E-Courts – check status of case (has anything been scheduled? When?)

Sample Complaint

Appendix XI-X Verified Complaint - Nonpayment of Rent

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status.

Plaintiff or Filing Attorney Information:

Name _____
 NJ Attorney ID Number _____
 Address _____

 Email _____
 Telephone Number _____

Superior Court of New Jersey
 Law Division, Special Civil Part
 _____ County

Docket Number: LT _____

 Name of Plaintiff(s)/Landlord(s),
 v.

Civil Action

 Name of Defendant(s)/Tenant(s).

Verified Complaint Landlord/Tenant

- Non-payment of Rent
 Other (Required Notices Attached)
 Commercial
 Residential

Address of Rental Premises: _____

Tenant's Phone Number: _____ Tenant's Email: _____

- The owner of record is (name of owner) _____.
- Plaintiff is the owner or (check one) agent, assignee, grantee or prime tenant of the owner.
- The landlord did did not acquire ownership of the property from the tenant(s).
- The landlord has has not given the tenant(s) an option to purchase the property.
- The tenant(s) now reside(s) in and has (have) been in possession of these premises since (date) _____ under (check one) written or oral agreement
- Check here if the tenancy is subsidized pursuant to either a federal or state program or the rental unit is public housing.
- The landlord has registered the leasehold and notified tenant as required by *N.J.S.A. 46:8-27*.
- The amount that must be paid by the tenant(s) for these premises is \$ _____, payable on the _____ day of each month or week in advance.

Complete Paragraphs 9A and 9B if Complaint is for Non-Payment of Rent

9A. There is due, unpaid and owing from tenant(s) to plaintiff/landlord rent as follows:

\$ _____ base rent for _____ (specify the week or month)
 \$ _____ base rent for _____ (specify the week or month)
 \$ _____ base rent for _____ (specify the week or month)
 \$ _____ late charge* for _____ (specify the week or month)
 \$ _____ late charge* for _____ (specify the week or month)
 \$ _____ late charge* for _____ (specify the week or month)
 \$ _____ attorney fees*
 \$ _____ other* (specify) _____

\$ _____ 0.00 TOTAL

* The late charges, attorney fees and other charges are permitted to be charged as rent for purposes of this action by federal, state and local law (including rent control and rent leveling) and by the lease.

9B. The date that the next rent is due is (date) _____.

If this case is scheduled for trial before that date, the total amount you must pay to have this complaint dismissed is (Total from line 9A) \$ 0.00.

If this case is scheduled for trial on or after that date, the total amount you must pay to have this complaint dismissed is \$ _____ (Total from line 9A plus the amount of the next rent due)

These amounts do not include late fees or attorney fees for Section 8 and public housing tenants. Payment may be made to the landlord or the clerk of the court at any time before the trial date, but on the trial date payment must be made by 4:30 p.m. to get the case dismissed.

Check Paragraphs 10 and 11 if the Complaint is for other than, or in addition to, Non-Payment of Rent. Attach All Notices to Cease and Notices to Quit/Demands For Possession.

10. Landlord seeks a judgment for possession for the additional or alternative reason(s) stated in the notices attached to this complaint. **State Reasons:** (Attach additional sheets if necessary.)

11. The tenant(s) has (have) not surrendered possession of the premises and tenant(s) hold(s) over and continue(s) in possession without the consent of landlord.

WHEREFORE, plaintiff/landlord demands judgment for possession against the tenant(s) listed above, together with costs

Dated: _____ S/ _____
 (Signature of Filing Attorney or Landlord Pro Se)


 (Printed or Typed Name of Attorney or Landlord Pro Se)

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 for Justice
 Taking Cases. Changing Lives.



Tenant Case Information Statement (TCIS)


NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status.

 New Jersey Judiciary Civil Practice Division Tenant Case Information Statement (TCIS)		
Note: The Judiciary website contains a list of online resources with information related to defending your case, access to legal representation, and available rental resources. You should review this information and obtain legal counsel if possible.		
Caption	County	Docket Number
Name of Defendant(s)/Tenant(s)		
Daytime Phone Number(s) of Tenant(s)		Email Address(es)
Attorney Name and Firm (if applicable)		Email Address
Attorney/Defendant Mailing Address		Attorney Daytime Telephone Number
Rental Property Address		Amount of Monthly Base Rent \$
The information provided on this form cannot be introduced into evidence.		
Have you applied (or has the landlord applied on your behalf) for any emergency rental assistance from any federal, state, or local program related to COVID-19?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you asked the landlord to apply any or all of your security deposit toward rent?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Select the statement that best describes your situation: The amount of rent my landlord demands in the complaint is not correct.		<input type="checkbox"/> Yes <input type="checkbox"/> No
The government helps pay my rent, but the amount that the landlord says I owe is the government's portion.		<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you have a disagreement with this landlord about the condition of the property or another issue? Common defenses are posted on the Judiciary's website: njcourts.gov .		<input type="checkbox"/> Yes <input type="checkbox"/> No
Additional information for the court about this case or my disagreement with the landlord (attach additional pages if necessary)		
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).		
I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.		
Attorney/Defendant Signature	Print Attorney/Defendant Name	Date

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Landlord Case Information Statement (LCIS)

Side 1		
 <p>New Jersey Judiciary Civil Practice Division</p> <p>Landlord Case Information Statement (LCIS)</p>		
Caption	County of Venue	Docket Number
Name of Plaintiff/Landlord		
Email Address	Home/Office Phone	Cell Phone
Attorney Name (if applicable)	Firm Name (if applicable)	
Email Address	Office Phone	Cell Phone
Attorney/Plaintiff Mailing Address		
Name of Defendant(s)/Tenant(s)		
Email Address (if known)	Daytime Phone	Cell Phone
Rental Property Address	Municipal Code (*)	Rental Property is Owner Occupied <input type="checkbox"/> Yes <input type="checkbox"/> No
The information provided on this form cannot be introduced into evidence.		
Type of Tenancy (select only one) <input type="checkbox"/> Residential <input type="checkbox"/> Commercial	Cause of Action (select all that apply) <input type="checkbox"/> Non-Payment <input type="checkbox"/> Other (Holdover/For Cause)	Holdover Cause of Action (select from list on side 2)
Select all that apply to the rental property: <input type="checkbox"/> Subsidized Housing. Type: <input type="checkbox"/> Public Housing <input type="checkbox"/> Section 8 Voucher <input type="checkbox"/> Section 8 HAP Contract <input type="checkbox"/> Other Subsidy Program _____ <input type="checkbox"/> Notice(s) that are required for Holdover, Public Housing and/or Subsidized Housing are attached to the complaint. <input type="checkbox"/> Rental property is not a covered property under the Federal CARES Act, 15 U.S.C. § 9057(f) or 9058(a). <input type="checkbox"/> The tenancy is subject to a municipal rent control ordinance.		
The total number of months of unpaid rent is: _____		
The first month of unpaid rent was (please provide month and year): _____		
The amount due and owing by the tenant in this case is: \$ _____		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).		
I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.		
Attorney/Plaintiff Signature s/	Print Attorney/Plaintiff Name	Date

Municipality Codes can be found at njcourts.gov

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Settlement Agreement

Appendix XI-V Settlement Agreement (Tenant Remains)

Plaintiff

v.

Defendant

Superior Court of New Jersey
Law Division, Special Civil Part

County
Landlord-Tenant Division
Docket Number LT-_____

Settlement Agreement (Tenant to Stay in Premises)

The tenant and landlord hereby agree that:

1. Select one:

To the immediate entry of a Judgment for Possession. The parties understand that a Warrant of Removal will not be issued, and an eviction will not take place at this time. However, if the tenant breaches this agreement, the landlord may file a certification of breach with the court, on notice to the tenant. The Court may then issue a Warrant of Removal which starts the eviction process.

OR

No Judgment for Possession is entered. The parties understand that if the tenant breaches this agreement, the landlord may file a certification of breach with the court, on notice to the Tenant. The court may then enter a Judgment for Possession and a Warrant of Removal may issue.

Complaint and Pre-Trial Process

Summons & Complaint

- Landlords file a complaint for eviction.
- “Served” on the tenant by the court – regular mail and court officer
- Complaint must state reason for eviction: nonpayment of rent or “holdover” (reasons other than nonpayment of rent.)

Pre-Trial Filings

- There should be documents submitted before any hearing:
- From Landlord: Notices, Landlord Case Information Statement, Written Lease (if applicable), Registration Statement
- From Tenant: Tenant Case Information Statement

Day of Trial

Calendar Call

- Landlord and Tenant must appear, or case will be dismissed or defaulted.

Settlement Conference

- Formal vs Informal
- Settlement vs Consent Order
- On the record – mandatory/ optional

Trial

- Adjournment?
- Rent posting?
- Facts presented.
- Judgment or Dismissal

Trial Outcomes

The Case Can Be **Settled**:

- Settlement can be a pay and stay, a pay and leave, or a move-out agreement
 - Can agree to judgment of possession or no judgment to be entered unless there is a breach of the agreement
- Any judgment of possession, even one entered by consent, can have serious consequences for a tenant, including:
 - Loss of a rental subsidy
 - Difficulty renting a new apartment (complaints can impact this too)
 - (things to consider when deciding whether or not to settle)

Trial Outcomes

The Case Can Go to Trial:

The judge could rule **against** Tenant and issue a judgment of possession, **OR**

The judge could rule **in favor of** Tenant and dismiss the case.

If matter was decided on substantive grounds, dismissal will be “with prejudice” (landlord cannot file again on those grounds)

If matter is dismissed without prejudice, landlord could file again

Judgment/ Post-Judgment Procedures

Judgment for Possession

- In nonpayment of rent cases, the judge has no discretion about entry of a judgment if the landlord follows all procedures and rent found due and owing is not paid that day.
- Holdover (Non-rent issue) only – possible hardship stay.

Warrant of Removal

- Landlord can apply for a Warrant when a judgment enters – or in accordance with a settlement agreement/consent order.
- WOR can issue 3 days after judgment.
- Tenant can be locked out by court officer 3 days after WOR served.

Post Judgment Relief

- Tenant can pay rent in full up to 3 days after lockout by statute
- Order to Show Cause to vacate Judgment of Possession if defense and good cause. Rule 4:50
- Order of Orderly Removal – short time only (usually 7 days.) – tolls time limit on WOR.
- Hardship Stay (not available in nonpayment of rent matters)

Grounds for Eviction in NJ: Nonpayment of Rent Actions

- Most common ground for eviction
- No prior notices required (unless in federally subsidized housing)
- Complaint = Notice

Any tenant in subsidized housing or with rental assistance (Section 8, SRAP, TRA) should be referred for legal evaluation and assistance ASAP.

Tenant Defenses: Non-Payment Cases

- Having all the rental money due and owing at hearing, or up to 3 days after a lockout
- Habitability – “Marini defense”, if the rental unit has habitability issues a tenant can argue rent reduction
 - Tenant must have the rental monies to deposit with the court when raising a Marini defense
 - Navigators may have flex funds to cover rental money needed to raise Marini defense

Partnership Between Navigators & Lawyers: Non Payment Cases

- Attorney can advise tenant/navigator on what factors the court will evaluate when determining what rent is legally due and owing
 - Nonpayment of rent cases may include impermissible fees
 - Can be helpful to discuss with a tenant's attorney what rent amount should be noted on a promissory letter
- Attorney can negotiate with landlord's attorney to avoid eviction
 - Possible repayment plan if tenant does not have all of the rental monies

Grounds for Eviction under Anti-Eviction Act: “Holdover” Actions

Unless it's an owner occupied dwelling with 3 units or less, landlords can only evict for grounds in the Anti-Eviction Act.

- 18 grounds for eviction
- Some of the most common grounds include:
 - Disorderly conduct/criminal activity
 - Damage or destruction of the landlord's property
 - Violation of landlord's rules and regulations or lease
 - Habitual late payment of rent
 - Failure to pay a valid rent increase
 - Refusal to accept reasonable lease changes

For any case seeking to evict for reasons other than rent – refer for legal evaluation and advice as soon as possible.

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Tenant Defenses: Holdover Cases

- Bad or improper notices to cease and/or quit, or failure to provide notice
- Failure of landlord to file proper paperwork (i.e. certificate of registration)
- Substantive defense on the merits

Partnership Between Navigators & Lawyers: Holdover Cases

If the holdover eviction can be dismissed, does the tenant still owe rent?

Are there issues regarding damages or other matters that can be resolved if funds are available?

Does the tenant need help with other resources to resolve the matter?

If the tenancy can't be saved, are there other resources/ planning needed?

Other Areas for Partnership Between Navigators & Legal Services

- Gathering facts and sharing information
- Identifying beneficial resources for clients
- Eliminating barriers to court access

Navigating Contact with Landlords

- Landlords must prove their claim in any eviction action.
- Information between tenants and their lawyers are confidential.
- Navigators can assist tenants in identifying rent due and preparing documents for rental assistance:
 - Ask for clarification of rent due.
 - Reach out to tenant's lawyer if disputes about rent due, or if only partial assistance is available
 - Ask LL to complete necessary paperwork for assistance.
 - If the Landlord refuses to cooperate with rental assistance – reach out to legal services provider ASAP.
 - Division of Civil Rights Flyers
- Note: A tenant's attorney cannot communicate directly with a landlord if the landlord is represented by an attorney.

Key Issues to Remember:

- NJ Landlord Tenant Law can be complicated.
- NJ Eviction only for good cause (rules differ for small owner-occupied properties.)
- In a nonpayment of rent case, the rent must be due and owing:
 - Extra fees and charges *may or may not* Homefront be due as rent.
 - Rent Control may apply
 - Landlord must cooperate in securing rental assistance from government agencies and nonprofit agencies.
 - If the property needs repairs that affect its livability, tenants have the right to seek a rent abatement if the landlord has not made requested repairs, but there are steps that must be taken. (*Refer for legal advice.*)
- A tenant can *only* be locked out by a court officer.



Contact Us

evictionprevention@dca.nj.gov

609-376-0810

Dean Dafis, Director of the Office of Eviction Prevention

New Jersey Division on Civil Rights

NJ Law Against Discrimination (LAD) & Fair Chance in Housing Act (FCHA)

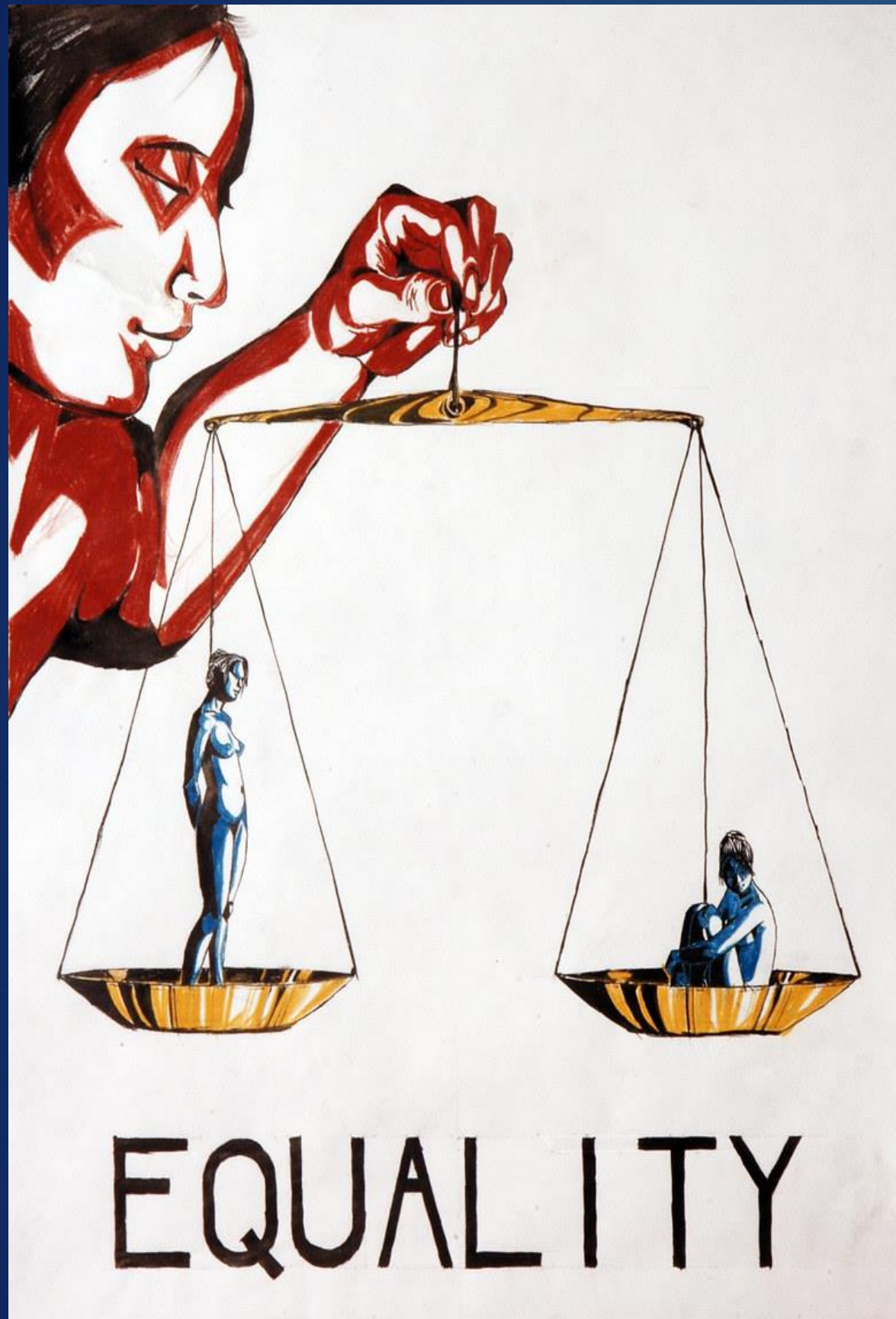
PRESENTED BY

MEENA SONG, DEPUTY CHIEF LEGAL SPECIALIST

Disclaimer: This presentation is for educational purposes only and should not be considered legal advice.



NJ DIVISION ON
CIVIL RIGHTS



The New Jersey Division on Civil Rights (DCR) is a state agency charged with enforcing New Jersey's civil rights laws including the New Jersey Law Against Discrimination (LAD), the New Jersey Family Leave Act (NJFLA), and the Fair Chance in Housing Act (FCHA).

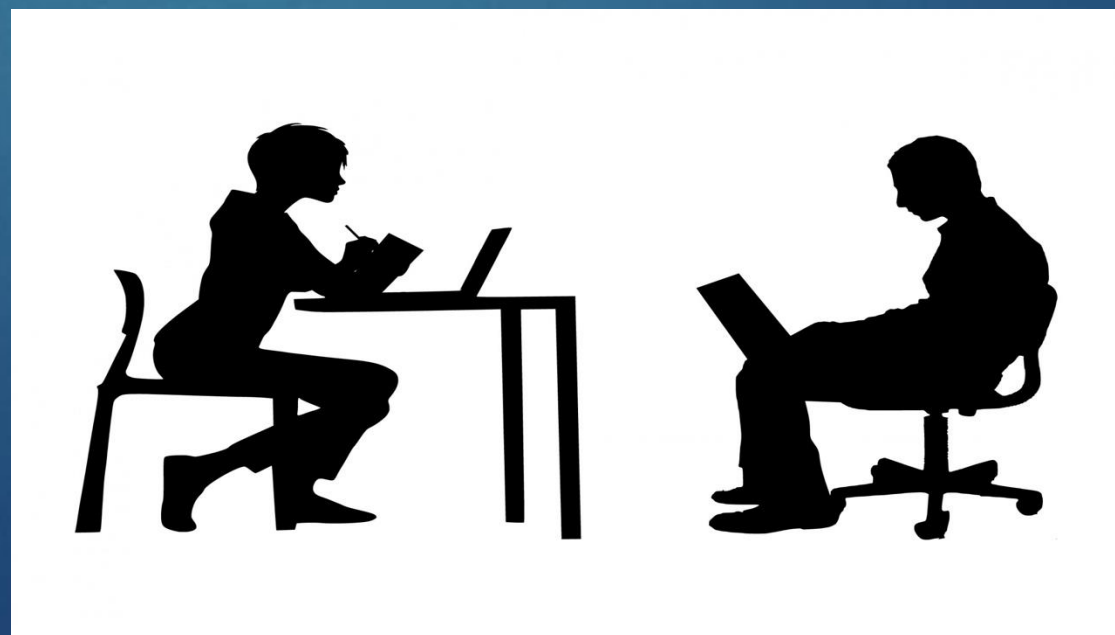


Division on Civil Rights - Units

- ▶ Investigations Unit investigates complaints of discrimination and bias-based harassment filed with DCR by members of the public, evaluates parties' legal claims and defenses, and assists the Director in deciding motions and in reaching ultimate findings in each case;
- ▶ Affirmative Enforcement Unit undertakes Director-initiated systemic investigations into patterns or practices of discrimination and bias-based harassment;
- ▶ Policy Unit issues regulations and enforcement guidance, advises on legislation impacting civil rights in New Jersey, and issues policy reports and fact sheets to educate the public about civil rights issues affecting all New Jerseyans;
- ▶ Community Relations Unit works to prevent acts of discrimination and bias-based harassment through education and community engagement and works directly with impacted communities after civil rights incidents; and
- ▶ Education and Training Unit proactively educates the public about the Law Against Discrimination and how to recognize and prevent acts of discrimination and bias-based harassment through interactive virtual and in-person trainings.

PROBABLE CAUSE

- ▶ At the conclusion of an investigation, the DCR is required to determine whether “probable cause exists to credit the allegations of the verified complaint.” **N.J.A.C. 13:4-10.2(a).**
- ▶ “Probable cause” means a “reasonable ground of suspicion supported by facts and circumstances strong enough in themselves to warrant a cautious person in the belief that the LAD has been violated.” N.J.A.C. 13:4-10.2(b).
- ▶ If DCR determines that probable cause exists, then the complaint will proceed to a hearing on the merits. N.J.A.C. 13:4-11.1 (b).



NJ Law Against Discrimination (LAD)

The NJ LAD at N.J.S.A 10:5-1 et seq. was enacted in 1945 and makes it unlawful to subject individuals to discrimination based on a protected category in employment, housing, public accommodations & credit and business contracts.



- ❖ Disability
- ❖ Familial status (having children under age 18)
- ❖ Gender identity or expression
- ❖ Liability for military service
- ❖ Marital status or domestic partnership/civil union status
- ❖ National origin, nationality, or ancestry
- ❖ Pregnancy or breastfeeding
- ❖ Race or color
- ❖ Religion or creed
- ❖ Sex
- ❖ Sexual orientation
- ❖ Source of lawful income used for rental or mortgage payment

Reasonable Accommodation based on Disability

Individuals with disabilities must be permitted to...

make **reasonable modifications** to the physical premises

request **reasonable accommodations** to the housing providers' rules, policies, and procedures

...to afford the individual equal opportunity to use and enjoy the dwelling

Emotional Support Animals (ESA)

An **emotional support animal** is an animal that helps a person with a disability by improving at least one symptom of that person's disability.

- ESAs are not individually trained to perform specific tasks associated with an owner's disability. ESAs are not automatically exempt from "no pet" policies.
- Housing providers can ask individuals to provide information that confirms they have a disability and need a support animal, such as a determination from a government agency or a letter from a health care professional.
- But medical records or a medical examination cannot be required
- Assessment must be individualized. Must provide unless undue burden.
- Cannot require additional security, pet fee, or heightened renter's insurance.



Fair Chance in Housing Act

The FCHA establishes a fair process for consideration of criminal histories during the housing application process, and seeks to create a reasonable balance between legitimate safety needs and the rights of applicants.



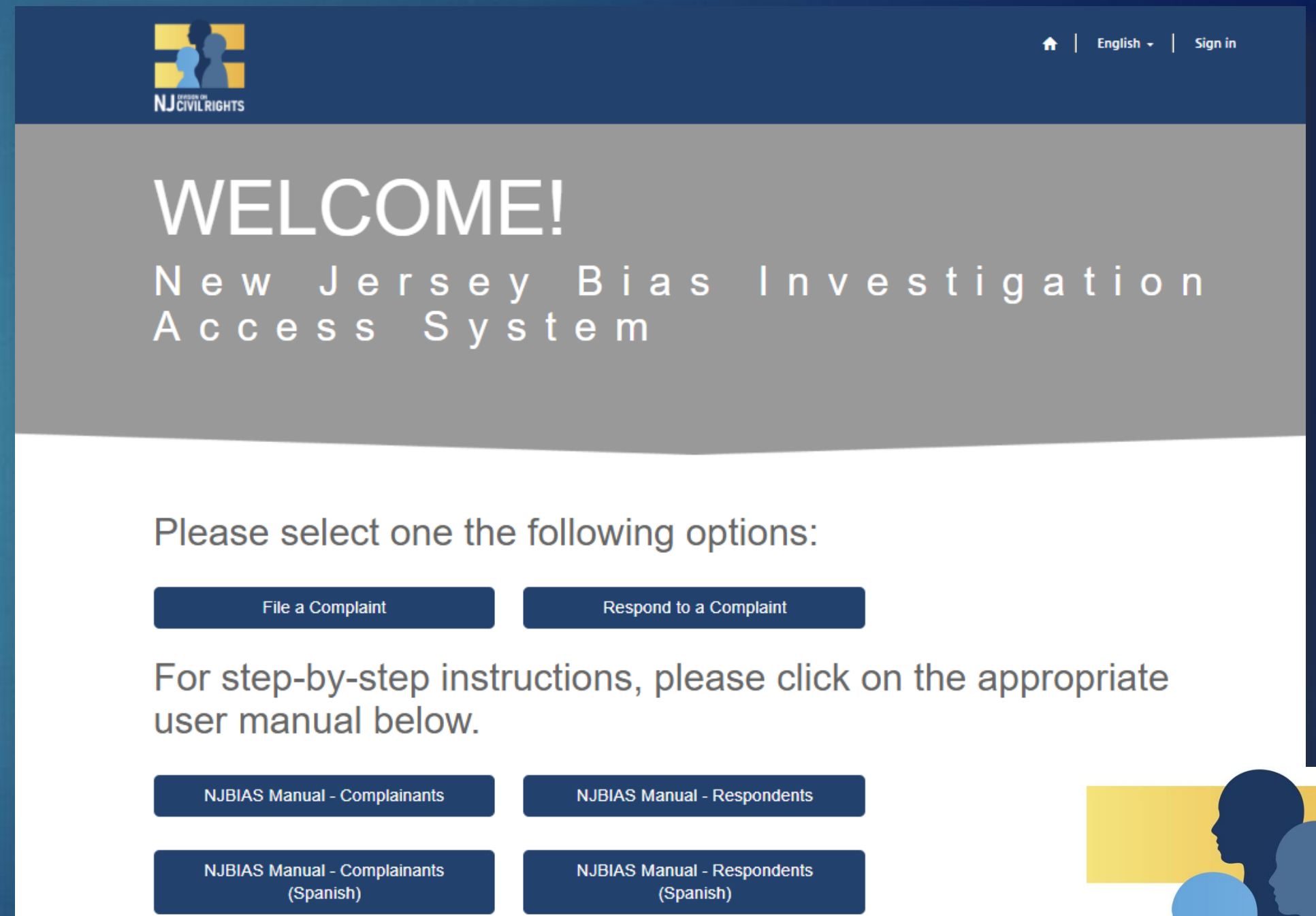
NJBIAS

The NJ Law Against Discrimination

If you feel that your rights have been violated under the NJ LAD, you can file a complaint with DCR through:

NJ BIAS

<https://bias.njcivilrights.gov>



The screenshot shows the NJBIAS website interface. At the top left is the NJ CIVIL RIGHTS logo. At the top right are navigation links for home, English, and Sign in. The main heading reads "WELCOME! New Jersey Bias Investigation Access System". Below this, a prompt asks the user to select one of the following options: "File a Complaint" and "Respond to a Complaint". A second prompt asks for step-by-step instructions, with links for "NJBIAS Manual - Complainants", "NJBIAS Manual - Respondents", and their Spanish equivalents.



Thank You for
joining us today!

To File a Complaint with DCR:
<https://bias.njcivilrights.gov>

NJ Law Against Discrimination:
<https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/>

Fair Chance in Housing Act
New Jersey Office of Attorney General (njoag.gov)



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Questions?

Thank you for attending the panel!

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Thank you to our Speakers!

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