

APPENDIX

December 19, 2018

Public Hearing

REMARKS to:

Asm. Wimberly, Benjie E., Chair and committee members

NJ Assembly Housing and Community Development Committee

Speaker: Barbara Dunn, Executive Director

Paterson Habitat for Humanity

146 N 1st Street, Paterson, NJ

Good morning Assemblyman Wimberly and members of the Housing and Community Development Committee.

I want to thank you for holding this Public Hearing to learn about the public's concerns around landlord and tenant issues and also thank you for the three previous hearings you've held on other important topics dealing with housing and community development.

My name is Barbara Dunn and I am the executive director of Paterson Habitat for Humanity which has worked in the City of Paterson since 1984. We provide homeownership opportunities to low-income residents and community development solutions in the City of Paterson by building Energy Star certified homes that are affordable, durable and with quality design elements. Homes are sold with a Habitat no-interest mortgage to families with the greatest housing need and the ability to pay a mortgage. Paterson Habitat stabilizes and revitalizes neighborhoods by strategically building homes, engaging stakeholders through planning and advocacy work while targeting resources to prioritize and advance community goals.

Habitat's primary focus is homeownership but we intersect the world of renters because they are our applicants as well as the majoring of residents in our targeted neighborhoods. We also are well aware of the annual "Out of Reach" report from the National Low Income Housing Coalition showing New Jersey is consistently in the top

three to five most unaffordable housing markets in the United States. In fact, in 2018, In order to afford a modest, two-bedroom apartment at fair market rent (FMR) in New Jersey, renters need to earn \$28.17 per hour which is well beyond even the \$15 per hour currently sought by low-income workers in NJ today.

More and more Paterson Habitat is viewing its work through the **lens of the social determinants of health**. The cost and condition of housing is a prime factor in **influencing both how long people live and the quality of their lives**. We are following closely current legislation under consideration dealing with lead inspections of single and 2-family homes and are grateful for your public hearing on lead, mold and other household toxins as we know the implications of homes that are not healthy – to individuals, especially children, living there and to society which often covers the cost of increased medical expenses.

We understand the **implications of spending more than 30% of your monthly income on housing costs** and, in fact, the very first national campaign ever conducted by Habitat for Humanity affiliates will be launched in 2019 to bring attention to the millions of Americans spending 50% or more of their monthly income on shelter. Several years ago Princeton sociologist **Matthew Desmond brought the public's attention to the plight of low-income renters as he unveiled the wrenching story of lost generations of families and youth in his book "Evicted: Poverty and Profit in the American City"** which follows eight families in Milwaukee as they struggle to keep a roof over their heads. It was hard to learn how much the reality of multiple evictions permeates the lives of so many low-income families and hear of the long-term implications.

And while we **work with our colleagues** such as the Housing and Community Development Network of New Jersey on public policy issues and **we struggle to continue to deliver Habitat homes** that are safe and affordable to those in need, my main objective today is to give you a **personal view into the housing conditions of applicants to the Paterson Habitat** by sharing three short overviews of the housing conditions of recent applicants. **These narratives are written by volunteer members of our Family Selection Committee** which conducts a home interview on every applicant to our program. This interview serves two purposes: (1) to make sure the applicant understands all aspects of the Habitat program and the need to do 400 hours of sweat equity among other requirements and (2) to document the housing conditions as the “need for housing” is the most important criteria in our selection process.

FIRST STORY:

Applicant family of three (parents and young son) reside in a **2 room basement** apartment in a private home.

- Kitchen/Living Room/Dining Room Combination
- 1 Bedroom
- Full Bath

The apartment was clean and organized. However there are space and egress issues that clearly show ‘need’ for improved housing for this family.

- Space
 - There is only 1 bedroom so their son’s crib is in the parents’ bedroom.
 - Mother is 7 months pregnant and soon there will be 2 babies sleeping in the parents’ bedroom.
- Egress

- Apartment is a basement apartment and the entrance is through a Bilco door to the backyard.
- The entrance is so low, you must duck when you walk down. It is the only entrance/exit to the apartment.
- There are only 2 windows in the entire apartment. Both windows are small and high up on the wall. They do not look like they meet egress code.
- The plugs on the wall in the kitchen do not meet code. There is only 1 plug –a non GFI--along the wall with the sink - to the left side of the sink.

In addition, the family states that the landlord does not properly maintain the apartment. The family pays \$500 a month on rent and that is the only positive aspect of this housing situation.

STORY TWO:

The house is in pretty sad state. The windows are old and drafty and the home is very cold in the winter. Closet door is not securely on hinges and can fall on someone's head. Stains on ceilings of bathroom, LR and kitchen are evidence of leaks. The electric service is poor with extension cords running from one room to another. The mother can't turn on the AC without blowing a fuse. The most dangerous concern is the dining room light that sparks when she turns it on. The bathroom is disgusting with broken tiles, possible mold, bad plumbing and a large hole in the ceiling where mother saw the paw of a raccoon that was in the attic. The closet in bath has a gaping hole where 'critters' have easy access. The two daughters said they were afraid as they hear raccoons and squirrels scurrying around in the walls or over their heads. (This family pays \$1250 in rent.)

STORY THREE:

Parents and 3 children live in a small 3 bedroom attic apartment in Paterson. When they moved into this apartment, it was infested with bed bugs. The landlord did not

want to address the situation and renters, at their own expense, fumigated the apartment. They painted and installed new carpet. The master bedroom, although it is considered be of an adequate size, is cramped because there is a crib in the room for baby. There are no closets for storage so container bins are used making the room even more cramped. Two other children each have their own room but they are very small rooms and also crammed with plastic bins. Their cloths are hung on racks as because neither room has a closet.

The bathroom is very tight and the kitchen does not have cabinets for storage. The household provisions are stored in the back stairway making their back egress in case of an emergency very unsafe. The front stairway is very narrow as you reach the 3rd floor and just as with the rear egress, it would be very challenging for this family during an emergency.

The sheetrock in the living room ceiling is cracking and appears to be sagging as if it has had some water damage in the past. This attic apartment was uncomfortably warm with one small air conditioner in the living room. Family states that the apartment is quite cold in the winter. (Rent is \$1000).

These are three of literally dozens of stories we hear each through applications or phone calls to our office or working with other nonprofit colleagues.

So where does this leave us.

We ask you to make housing a priority. While housing is the one of most fundamental need of individuals and families, housing has not been a priority issue in recent campaigns from governors to legislators – except for the few legislators who wish to eliminate COAH.

Beyond the moral imperatives to end homelessness and ensure decent affordable healthy housing for all, there are economic development implications as well.

Our state needs workers at all levels of employment. Essential service workers, often making the lowest wage, are less and less able to stay in our communities due to high housing costs. Young college graduates from New Jersey universities rarely stay in-state after graduation due to high housing costs. Young professionals from teachers to nurses to police officers struggle to deal with high housing costs during the entry years in their professions. **None of this bodes well for a vibrant economic base.**

And we believe our communities prosper in multiple ways when the social fabric of diverse populations across socio-economic, racial, ethnic and age is strong. Well-thought out housing policies and goals at state and local levels needs to be present.

In the recently released **Housing and Community Development Network of New Jersey's, "Thriving Cities: a New Urban Agenda"** a robust blueprint for change is laid out.

Paterson Habitat for Humanity is fully behind this entire agenda we have special interest in the initiatives of:

- Healthier Homes in Healthier Communities
- Protecting Homebuyer, Homeowner and Tenant Rights and
- Ending Homelessness

We urge you to embrace the policies and initiatives of this report. We urge you to make the most basic of human rights – a safe, decent and affordable home – a priority here in New Jersey.

As the report concluded:

Having a good place to live in is so tightly woven into the fabric of the American Dream, and that dream has become so unraveled for so many of us, that only a concerted effort on many fronts can restore what too many have lost – and create what too many others have never had.

Paterson Habitat for Humanity and its thousands of followers from homeowners to volunteers to donors stand ready to be your partner in this work.

Thank you for your time and my best wishes for this holiday season.

Connie M. Pascale
Individually and as a Board Member of STEPS and NJTO
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Testimony regarding critical issues affecting tenants

Prepared for presentation on December 19, 2018 at a public hearing on landlord and tenant issues convened by the NJ Assembly Housing and Community Development Committee.

I would like to thank Committee Chair Wimberly and the Members of the Committee for the opportunity to appear before you today.

As a retired individual with over 40 years of experience as a Legal Services housing attorney, and as a Board member of STEPS (Solutions to End Poverty Soon), a statewide, grass-roots anti-poverty organization, and NJTO (New Jersey Tenants Organization), I respectfully request that the Committee accept the following comments regarding the critical issues affecting tenants in NJ.

Context

Approximately 35% of the households in NJ are tenants. Tenants have disproportionately lower incomes, are disproportionately people of color, have far less wealth, and are far more vulnerable to involuntary displacement than homeowners. To a significant degree, these disadvantages are the result not only of severe and growing income inequality, but also of officially sanctioned discrimination, generated and maintained by structural, institutional and intentional racism. (See the following: The Color of Law by Richard Rothstein; Uncomfortable Truth: Racism, Injustice and Poverty in NJ, a report prepared by the Anti-Poverty Network of NJ; and Evicted, by Matthew Desmond.)

Problems and concerns

*(“**Renter Hell,**” the award-winning investigative report serialized in the Asbury Park Press and its sister NJ newspapers, compellingly and in great depth describes the problems enumerated below, and puts a human face on them.)*

- **Serious repair and maintenance issues**, which create deplorable living conditions and severely diminish habitability, in both subsidized and unsubsidized housing, including collapsing ceilings and floors and other structural issues; infestation with rats, roaches, mice and bedbugs; mold; leaks; inadequate heat; and other problems. To a significant degree, these issues are the result of an inability to locate and obtain affordable alternative dwelling units, a barrier generated by the related problems

described above and below. (See A2937/S805, a bill focused on strengthening the ability of tenants to address habitability issues.)

- The ability of unscrupulous landlords to utilize **gaps, loopholes and deficiencies in the laws governing LLCs** to limit the effectiveness of code enforcement efforts undertaken by municipal officials and affected tenants.
- **Steadily rising rents, further diminishing the already critically inadequate supply of decent, safe, affordable and available rental housing**, especially for lower-income households - low-wage workers, the disabled, low-income seniors, unemployed people, etc. [See, among others, the following reports: "ALICE" (United Way of Northern NJ), "Out of Reach" (National Low Income Housing Coalition), "Real Cost of Living" (Legal Services of New Jersey Poverty Research Institute), and "Priced Out"(Technical Assistance Collaborative.) In addition to aggressively moving to increase the supply of affordable rental dwellings, especially for those households with the lowest incomes, the state needs to actively promote the preservation, strengthening and expansion of **municipal rent controls** as a way of enhancing the stability and security of both tenants and the communities in which they reside.
- **Completely inadequate supply of subsidized rental units and tenant-based rent subsidies**. Only one out of four households eligible for housing assistance is able to obtain it.
- **Discriminatory tenant screening**, including the unfair and unjust use of creditworthiness/credit scores (see A1869/S1939); criminal history; and court-filing information (a.k.a. tenant "blacklisting" – see A2938/S806). Applied indiscriminately, and without meaningful standards and limitations, such screening frequently defeats the purposes of the federal Fair Housing Act (FHA) and the NJ Law Against Discrimination (LAD) by disparately impacting protected classes of people, or providing pre-textual, pseudo-objective cover for racial, ethnic, disability, family status, and other prohibited types of discrimination. (See, for example, "Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions," HUD Office of General Counsel, 4/4/16.) In particular, fear of "blacklisting" based upon court filing data alone has a serious "chilling effect" upon tenant exercise of the rights and remedies provided to them by state and federal statutes, court rulings, and administrative regulations. **Discriminatory screening policies too often defeat the mobility opportunities inherent in the production of new Mt. Laurel units or the acquisition of difficult-to-obtain tenant-based subsidies, thereby perpetuating suburban and neighborhood segregation and exclusion.** (See immediately below.)
- **Serious difficulties experienced by those tenant households fortunate enough to obtain Housing Choice vouchers or other tenant-based subsidies with regard to finding and leasing apartments and homes in areas of opportunity.** After generally spending years on waiting lists, many families lose their vouchers in relatively short order after obtaining them because high rents, unfair screening, and other barriers prevent them

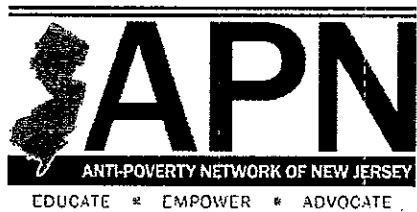
from locating units within the rent and other parameters established by the subsidy programs. Too often voucher holders end up settling for apartments that have similar problems and are found in the same areas which they sought to leave.

- **Expiring rental subsidies and deed restrictions, the conversion of public housing units via the RAD program, redevelopment and gentrification, and other developments and trends that frequently lead to displacement**, especially of low-income people of color.
- **The ongoing eviction crisis, which severely and disproportionately affects low-income households, especially people of color.** More than 150,000 eviction actions are filed each year in NJ – more than double the maximum number of foreclosures filed at the height of the foreclosure crisis, and far more than the normal annual foreclosure filing rate. **The eviction problem – driven to a significant degree by a rigid rent posting requirement that bars the door to meaningful court hearings for so many low-income tenants (see A2937/S805 referred to above) – causes, exacerbates and perpetuates a “churning” process that traps people in depressed areas and cycles them from one “bad” apartment to another.** (Anyone who has attended tenancy court understands that, more than any other branch of the civil court system, it is truly a “poor people’s” court. The vast majority of households confronting eviction are lower-income.)
- **The inability of most tenants to obtain legal counsel** to help them understand and assert their rights, avoid eviction, or otherwise deal with the issues described above.
- **Ongoing research demonstrates that tenancy-related issues can cause serious health problems for the members of tenant families.** Physical illnesses and injuries, depression, environmentally-generated health problems, and many other forms of illness or injury are being generated by habitability issues, unaffordability (due to the stress and instability it causes), eviction, and other housing-related difficulties.
- **Homelessness.**

On behalf of STEPS and the NJTO – and also on behalf of myself as an individual - I urge you in the strongest terms to keep these concerns in mind as you consider legislation meant to address the overwhelming needs and difficulties experienced daily by so many tenants throughout our state.

Sincerely,

Connie M. Pascale



**Testimony of Renee Koubiadis,
Executive Director of the Anti-Poverty Network of New Jersey
TO
NJ Assembly Housing & Community Development Committee
December 19, 2018**

Good morning Chairman Wimberly, Vice-chair Chaparro, and members of the committee.

Thank you for the opportunity to submit testimony regarding issues that low-income tenants face in our state. The Anti-Poverty Network (APN) is concerned that there are a number of problems that prevent many renters in New Jersey from being able to afford rental homes, expose them to being unfairly screened by landlords, or force them to live in unsafe and unsanitary conditions.

The National Low Income Housing Coalition estimates that thirty-six percent of our residents are renters while we have the 6th highest rental market in the country. The mean wage of renters is \$18.21 per hour and the rent affordable at that wage is just \$947 per month. However, we also have 73% of extremely low-income renter households who are severely cost-burdened and 51% of low-income renters cost-burdened.

The latest ALICE report that shows that there are nearly forty percent of people, or about 2 of every 5 people, in New Jersey who cannot get by in our high cost state on their current incomes, with the majority of those people working. We see this as a racial justice issue too, as we know that people of color are plagued by poverty at much higher rates. Fifty-eight percent of African Americans are considered working poor or below the Federal Poverty Level, while fifty-five percent of Latinos are struggling to get by. They are more likely to be renters.

With the crisis created by incomes that are too low and rental housing that is

unaffordable, it is obvious that the result is individuals and families who bounce in and out of homelessness. These renters cannot afford attorneys to represent them in eviction or other legal proceedings related to their dwelling and they are typically unaware of their rights. This is the case even when the rental unit is uninhabitable and the tenant has initiated legal proceedings against the landlord. Low-income renters should be guaranteed legal representation when facing eviction, because once they have been evicted it can be extremely difficult to find another rental. That is because when court cases are posted online, and that information is then sold to landlords by companies, there is no context to what happened in the court case and monies paid, nor is there any indication when the tenant was the victor in the case. Yet landlords can still use this information to deny renting to someone whose name appears on a list, otherwise known as "tenant blacklisting".

Throughout the state we have also heard that when a rental subsidy is involved or a landlord knows they can get a rental subsidy for the unit, the amount of the rent goes much higher than fair market rents. This leaves low-income renters paying a higher portion of the rent, after the subsidy, than their income can support.

Further, there are many instances of landlords not making appliance or heating or hot water repairs. Renters also face issues of mold, lead, insects, or rodents in dwellings, all of which can lead to health issues for them and their families. More than 1 in 3 renters below the Federal Poverty level are faced with these infestations in their rental units. Without inspection or remediation standards for some of these issues, renters have little recourse especially when they cannot afford to move and pay another security deposit while risking loss of their current security deposit. Other times renters cannot even scrape together a security deposit and are living in motel rooms with some of the same health and safety issues but again without adequate protections in the law. I know, as I have been a social worker for the child welfare system in our state and have seen the deplorable conditions in motel rooms and other rentals.

However, there are some common-sense solutions that have already been introduced as legislation or that could be:

- A1431 – established the Safe Sanitary Rental Housing Bill of Right so that renters know who their landlord is and landlords are prevented from using public subsidies for units that are not properly maintained
- A2938 – addresses the aforementioned issue related to "tenant blacklisting" by establishing confidentiality of landlord-tenant court

records

- A2937 – codifies and enhances use of breach of implied warranty of habitability as a defense to certain eviction actions so that renters have a safe and sanitary home
- A4711 – expands tenant rights so that landlords are prohibited from considering certain landlord-tenant cases when screening tenants and clarifies a tenant’s right to pursue a rent receivership action against a landlord if the rental is not safe or sanitary
- A4379 – expands liability for limited liability companies acting a residential landlord
- S1644 – allows for the establishment of a “County Tenant Legal Assistance Program” in every county through administrative fees for residential mortgage execution sales
- S1150 – requires hotel and multiple dwelling inspections every two years
- S1211 – requires emergency contact information and 211 telephone system access instructions to be provide to tenants of multiple dwellings
- S1154 – requires owners of multiple dwellings with nine or more units to provide maintenance services 24 hour per day
- Guaranteed legal representation for low-income renters facing eviction
- Prohibit landlord from considering credit history

We urge this Committee and the Legislature to consider these important solutions for low-income renters who have little resources to deal with the issues impacting them as a result of negligent landlords, discriminatory screening practices, and the high cost of rental housing in our state.

Thank you again for the opportunity to speak today.

For follow-up, please feel free to contact me:

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TESTIMONY OF THE COMMUNITY HEALTH LAW PROJECT
TO THE ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

DECEMBER 19, 2018

My name is Stuart Weiner and I am a Senior Attorney with the Community Health Law Project. CHLP is a statewide legal services organization providing legal and advocacy assistance to people with disabilities. Most of our clients are low-income people who rely on the publicly funded programs for people with disabilities such as mental illness, substance use disorder, developmental or intellectual disability, visual impairment, HIV/AIDs and other disabilities.

We would like to urge the committee to consider three items in particular to address a compelling need to improve the enforcement of existing tenant protections, in the following ways:

- (1) limiting the use of records of eviction proceedings to screen out applicants by landlords to avoid "blacklisting" (Senate Bill S-806); and
- (2) eliminating the requirement that tenants post the back rent in order to have the court consider a defense of breach of the implied warranty of habitability to non-payment of rent cases (Senate Bill S-805); and
- (3) creating a program of free attorneys for tenants in eviction cases. This would be similar to ones being phased in NYC and Newark and was recommended by Governor Murphy's Housing Transition Team.

Limiting the Blacklisting of Tenants

One major problem facing tenants is the availability and use of court records to screen applicants for rental housing in New Jersey. Screening services, such as the National Tenants Network, Leasing Desk Screening and other data collection companies use by landlords. The problem arises because many eviction cases are filed without proper grounds, or by owners ignoring important protections enacted for the protection of tenant rights. Without the assistance of an attorney, many tenants have judgments entered against them without proper grounds, or without complying with basic procedural rules designed to protect them.

Anything filed in the Superior Court's landlord-tenant court (Special Civil Part) is included in these reports and are used to screen out any tenant who might be deemed a potential problem. Such "blacklisting" is often based on nothing more than the filing of an eviction case by a landlord, including small property owners who may have one rental unit in a two-family to large rental companies.

As a result, even in cases where the complaint is improper, illegal or settled by the parties, or where the tenant prevails and the case is thrown out by the court, there remains a black mark on the record of the tenant which has a lasting effect on him or her.

For example, in one case currently being handled by our North Jersey office our client applied for a project-based subsidized housing, after finally reaching the top of the waiting list. However, the report from the screening service used by the landlord showed an eviction case filed against him. The case stemmed from our client having withheld his rent due to a lack of heat in the apartment. The case never proceeded to trial, because our client paid the rent before the trial date. Nevertheless, he was rejected for the subsidized apartment and when the matter was investigated, it was revealed that the only reason for the rejection was this eviction filing. The reporting agency subsequently removed this from his record, but when he raised this with the subsidized housing project, they would only put him back to the bottom of their waiting list.

In another case out of our Monmouth office, a client who was receiving Emergency Assistance was sued for eviction twice because the county welfare agency failed to pay its portion of the rent, even though she had paid her share of the rent in full. Both cases were eventually dismissed after the welfare agency paid the landlord. Later, when our client was being considered for another apartment under a federal subsidy program, she was rejected for a federally subsidized apartment based solely because of the late payment by the welfare agency.

In a third non-payment of rent case from our Trenton office, our attorney was required to intervene on behalf of a man who successfully asserted a defense of uninhabitability, resulting in belated repairs by the landlord and dismissal of the case. Subsequently, when the client applied for a new apartment with a different landlord, he was denied solely because of the initial complaint filing being reported. Our attorney had assisted this man in presenting satisfactory evidence to the prospective landlord to persuade him to reverse his initial denial of the application. Had this tenant not had the assistance of our attorney, as is the case for most tenants, he would never have been permitted to move in to this apartment.

Senate Bill S- 806, Sponsored by Senators Richard J. Codey, Ronald L. Rice and Brian P. Stack, would provide some much needed relief to tenants who find themselves in this situation. It will require court records be confidential and unavailable to the public for a period of time until all proceedings, including appeals and other post-judgment motions, have been resolved and against the tenant. It also prohibits the use of court records that did not result in a judgment for the landlord, or were subsequently reversed or dismissed and prohibits the use of records that were more than three years old. We urge you to support this bill.

Enforcement of the Implied Warranty of Habitability

In the landmark case of *Marini v. Ireland*, 56 N.J. 130 (1970), our state Supreme Court enshrined the right of all tenants to, at a minimum, live in housing that is decent, safe and sanitary.

Unfortunately, the rental housing stock available in our state too often provides substandard housing to tenants, particularly those with lower incomes. Many tenants live with repeated heat or hot water outages, mold, rodent infestations, holes in ceilings and walls, plumbing problems, dangerous electrical conditions, leaking roofs and other dangerous conditions. Yet many of these tenants have no way to enforce the "Implied Warranty of Habitability" enshrined in the Marini case because they cannot pay all of the alleged back rent, including, in a number of cases, claims for dubious late fees and attorney fees.

That is one of the conclusions of a Seton Hall University School of Law study, "The Implied Warranty of Habitability Lives: Making Real the Promise of Landlord/Tenant Reform," by Seton Hall Law Professor Paula Franzese and attorney from Essex-Newark Legal Services which will be published this month in the "Rutgers Law Review." In the study's examination of the 40,000 residential eviction proceedings carried out in Essex County in 2014, only 80 of the tenants used what is called the "implied warranty of habitability" defense, which allows for tenants to legally withhold rent if they are subjected to substandard living conditions. This amounted to 0.04% of tenants brought to court.

Similarly, the Asbury Park Press did a four part award- winning investigation last year, entitled "Housing Hell", documenting widespread uninhabitability in the New Jersey housing rental market. As a result of their reporting, the Department of Community Affairs reinspected some of the apartment complexes in the study. As reported by the APP, when state housing inspectors went to Garden Spires, in Newark, they found more than 1,800 violations in the dreary brick buildings. They also found hundreds of violations in several other buildings they reinspected across the state, including two buildings in Asbury Park where inspectors found 187 violations. Subsequently, DCA began to consider implementing changes in its practices to address inadequate enforcement of existing housing codes.

While state and local authorities have some requirements to conduct inspections of various types of rental housing, these inspections are too few and far between and have failed to ensure that tenants uniformly enjoy safe, sanitary and decent living conditions.

One part of the solution to this problem that we support is contained in Senate Bill S-805. Sponsored by Senators Richard J. Codey and Ronald L. Rice, this bill would eliminate the requirement that tenants in eviction cases post all of the back rent (and in many cases, attorney fees and late fees) claimed by the landlord in order to have the court even consider a defense of breach of the implied warranty of habitability. The bill will empower tenants to bring these conditions to the attention of a judge, who can order an immediate inspection and, along with the efforts of state and municipal inspectors, take action to ensure that repairs are made and a rent abatement awarded, where serious violations are found.

Providing Attorneys for Tenants in Eviction Cases

Another pressing issue is the mismatch between the resources available to landlords versus the tenants who end up in landlord-tenant court. Often, the complaints are deficient, or supported by

spotty evidence, but tenants are unable to effectively represent themselves, resulting in the entry of judgments against them that would clearly not have occurred with the assistance of counsel.

Landlord-Tenant court is a high volume operation, with hundreds of cases all called for the same morning. Typically, only a tiny fraction of tenants have legal representation, while the vast majority of landlords have lawyers. Although there are court mandated pre-calendar call instructions intended to inform tenants about the court's processes, they are not always adhered to in all counties. Additionally, many counties have no mediation program for landlord-tenant cases, leaving tenants to attempt to negotiate for themselves with attorneys representing the landlord. Such interactions most often result in Consent Judgments against the tenant, which have, in some counties, scant review by the court.

As a result of the lack of representation, tenants often do not know of important defenses that they could raise. Among those commonly unrecognized by tenants are:

- The lack of proper notices required to invest the court with jurisdiction to enter a judgment, such as a Notice to Cease and/or a Notice to Quit
- The insufficiency of the landlord's disclosure of its calculation of the amount of rent due. Even in those cases where a payment ledger is attached to the complaint, it often does not reveal how balances that may be years old were carried forward and alleged to be currently due.
- The potential for raising a Marini defense of breach of the implied warranty of habitability.
- The failure of landlords and their attorneys to indicate whether the tenancy is subsidized. While this is a required paragraph in the eviction complaint, it is frequently left blank, without any review by the court where a Consent Judgment is entered, as is normally the case. This has important ramifications for tenants, because of limits on the right of landlords to charge late fees and attorney fees as additional rent justifying the eviction. It also masks the issue of whether the landlord gave a required notice and opportunity for an informal hearing before a government agency that may have been paying a rent subsidy.
- It is not uncommon for small incorporated landlords, or those with Limited Liability Corporations (LLC) to falsely list a property manager, or other individual as the owner of the property, to avoid the legal requirement that they be represented by an attorney. When our office discovers and asserts this the case must be dismissed by the court. Unfortunately, without legal representation, tenants have no way to know this, or to research who the true title owner is.
- Many times the eviction complaints lack the required verification by the owner.

In New York, a "Right to Counsel NYC" coalition was created in 2014 and was able to persuade the city to fund an "expanded legal services program that greatly increased funding for attorneys to defend tenants. As a result, citywide representation increased from 16% to 48% of tenants represented. Not coincidentally, the number of evictions dropped by 27%,

Then, in early 2018, the New York Times published a series entitled "The Eviction Machine", which chronicled the workings of the city's housing court. It documented the need for tenants to have free attorneys provided to them to level the playing field, so that tenants' rights are respected in overcrowded housing courts.

As a result of these initiatives, New York City created a first in the nation law creating a right to publicly funded legal counsel for tenants in housing court. It is now being phased in over a five year period.

Similar conditions apply to New Jersey's eviction courts. Mayor Ras Baraka has accomplished the first such program, in coordination with McCarter and English law firm, to provide representation in the Essex County Special Civil Part.

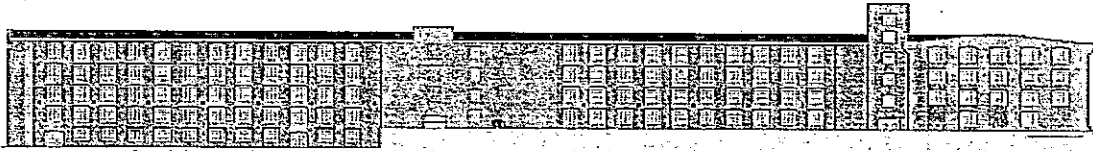
We urge you to consider the experience of New York City and Newark initiatives, with any eye towards directing state funds to similar initiatives.

Thank you for considering our views and for your work on behalf of our citizens and especially those citizens with disabilities.

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CONDON MILL TENANTS ASSOCIATION
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More than just residents...neighbors

My name is Samantha Bryant, and I've lived at Congdon Mill (Alexa management) apartments for the past eight years (November 24, 2000), and recently became a member of Cogdon Mill tenants association. The tenants association was design to address tenants concerns, and the living conditions in the building, garbage not being maintained properly by the building management or the live in super.

When I first move into Cogdon mill in November of 2000, the building up keep was glowing and maintained properly by the live in super. He made sure the building was cleaned daily, and there was no garbage left around the building. Tenants were capable of placing garbage in the assigned incinerated rooms located on each floor of the building. Until early 2012, the building drastically changed. Tenants were lock out the incinerated rooms. We as tenants have been force to place our garbage outside into large garbage bins which we fight with the raccoons and skunks eating as the rodents are sitting on top of the garbage bins or inside of the garbage bins, just for us to take out the trash. We (tenants) also fight with entering the apartment building to gain access to our apartments due the super placing the large overcrowded garbage bins on the side and front door of the buildings entrance, in which I and tenants again are meeting skunks and raccoons at the door every day and every night. This is a safety issues for tenants especially children. Alexa management failed to explain why we as tenants no longer have access to the incinerated rooms to place the garbage.

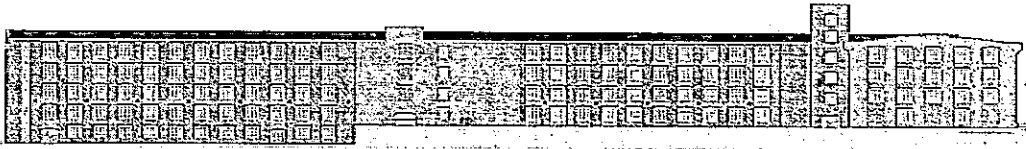
For the past seven and half years I dealt with my pipes freezing in my kitchen which causes my sink to clog up and damage the hardwood floor in my apartment. Tenants also deal with. I have brought all my concerns to the building manager only to be told they are fixing the issues and the issue have yet to be fix to this date. I still have issues and awaiting the super to fix my repairs. I've requested a transfer to a larger apartment for myself and fourteen year old daughter. Only to be told I cannot move or transfer and must be placed on a waiting list but there have been new tenants move into the building and then transfer into larger apartments. How is this possible?

I'm also concerned of the super work hours only being available to tenants from 7:00am until 3:00pm? This is a safety issue, due to him not being able to address emergency issues in the building after his work hours or when he is on vacation because there is no other super to call for assistance and management ignores calls or emails from tenants.

Alexa Management needs to address immediately the excessive trash in the front of the building, the side of the building, and the raceway canal that runs under the Congdon Mill. As well as some of the tenants issues in the building. The garbage has been visible since the summer of 2018, which is horrendous considering our building and neighborhood have 'national significance'. If our building and neighborhood form part of a historic park, it is a national disgrace to have so much pollution within the business corridor that will bring Paterson and the Great Falls district news coverage, more funding, tourism and visibility. Something must be done about the trash that is ruining the impression visitors get as they commute in and around the Great Falls National Park district.

Please help us address and resolve the many issues we face.

Thank You,
Samantha Bryant



CONDON MILL TENANTS ASSOCIATION
32 VAN HOUTEN STREET, PATERSON, NJ 0705
More than just residents...neighbors!

December 17, 2018

To whom it may concern:

My name is Nicholas Rodriguez. I work at Passaic County Community College. I am also a Commissioner for the City of Paterson's Grassroots Arts & Culture Council, and work for the non-profit, Inner City Ensemble.

I was born and raised in Paterson, NJ, and returned to the Silk City to be closer to my family and give back to my hometown. I've lived in the Congdon Mill for six years, and just became a member of its tenants association, which addresses living conditions in our building, including poorly maintained garbage, as well as maintenance and safety. We are also working to help unify our neighborhood.

One of the many issues Alexa Management needs to address immediately is the discarded furniture and excessive trash in the raceway canal that runs under the Congdon Mill. The garbage has been there since at least Summer 2018, which is appalling considering our building and neighborhood have 'national significance'. A quick search on Longstreet Development's very own website states the following:

*[The 7 acre area is] part of the National Park system. [The State has] set aside \$10 million for implementation of improvements. As a part of the development of the park, the City is planning a river walk from the base of the Great Falls to the downtown Central Business District, which will run through the rear of the Congdon Mill along the Passaic River. *This property was developed by Longstreet and is managed by Alexa under the federal housing and historic rehabilitation tax credit programs.*

If our building and neighborhood form part of a historic park, it is a national disgrace to have this much pollution within the business corridor that will bring Paterson and the Great Falls district news coverage, more funding, tourism and visibility. Something must be done about the trash that is ruining the impression visitors get as they commute in and around the Great Falls National Park district.

Please help us address and resolve this negligence.

Sincerely,

Nicholas Rodriguez

December 4, 2018

Longstreet Development, George McLoof, Owner
Alexa Management, Allison Bryzinski, Property Manager
New Jersey Development Corporation, Bob Gurasci, CEO

Re: George John, super of Congdon Mills 13 ½ Van Houten Street, Paterson, NJ

To George McLoof,

We are writing to you to address concerns surrounding the current super that works for Longstreet Development/ Alexa Management, George John. As tenants of Congdon Mills, we have major concerns surrounding George's work conduct, ethical character and treatment of tenants. Tenants have endured abusive and illegal treatment and would like to have these issues addressed ASAP.

1. George charges tenants a 25.00 fee if he has to open the utility room door so that PSEG may come to turn on a tenants utilities. He has told several tenants (who are ready to attest to this claim) that it is in the tenants lease that me MUST be paid. Careful inspection of the leases revealed that this claim does not exist. He has also argued that he charges tenants because he has to perform this activity outside of his work schedule (7am-3pm), but this is also not in the lease *AND* tenants have been forced to pay this fee regardless of the time of day that the door needs to be accessed. We are in receipt of a video that shows George collecting money from one tenant for this purpose, while setting up payment arrangements with another tenant via speakerphone for the same purpose. While he is holding the door open for PSEG to access the room for one tenant, he is still making another tenant pay for the same services, while the door is currently open. This is not ethical and breaks the binding agreement of the lease, which does not say that tenants should pay to have this door opened, regardless of the time.
2. George also charges tenants a 35.00 fee to open their doors, if they have locked their keys in their units. There is also no mention of this fee in tenant's leases. Ruth Rodriguez of Alexa Management also confirmed that George has the right to charge this fee, regardless of it being within/ or not within his work hours. The leases that tenants have signed does not make any mention of this fee that tenants are forced to pay.
3. Tenants have come into receipt of the video of George accessing apartment 205 without the tenants permission and plundering through her personal belongings. This has made the female population in the building tha live alone very uncomfortable and scared for their safety. In the current social climate of women's rights and intolerance of predatory practices, this activity can not be accepted. Since Longstreet Development/ Alexa Management settled this matter inside of a courtroom, why weren't tenant's sent memorandums alerting them of this activity, as it directly affects them?
4. George has developed a negative relationship with most of the tenants in the building. He was caught calling a young, African American boy a "Black monkey". He harasses tenants about floor mats in front of their doors, speaks nastily to tenants when they address concerns and it has

been alleged by several tenants (who are ready to attest to this claim) that he enters their units and takes items when they are not home.

5. George has no supervisor/ checks and balances to monitor his roles and responsibilities as a super. He does not clean the building consistently and has made it known that he is "off" on Fridays and refuses to make himself available to cleaning the building regularly. He has omitted certain tasks that prohibit the building from offering a clean and safe environment (part of the lease agreement), such as vacuuming the disgustingly soiled carpet in the hallways, wiping down the walls which reflect juice and other substances, etc.

The above statements demonstrate that George lacks the skills needed to perform in his role as super of Congdon Mills and we are demanding that he be relieved of his duties. We are in an environment with him where we are not safe and subject to constant predatory abuse. We are hoping that this can be done in an amicably, as we do not want to escalate the matter beyond this point. At this time, we would like to arrange a meeting with the Congdon Mills Tenant Association and Longstreet Development/ Alexa Management to discuss and resolve this matter ASAP. While we have other concerns (that are communicated in a separate proposal), this matter needs to be addressed immediately.

Attached, you shall find signatures from tenants who are a part of the association that support this letter and are asking for an immediate end to his employment, in fear of their safety and in concern of their livelihood.

Please send all written responses and communication to condgonmills@gmail.com and we will reply within 48 hours of receiving your email. Again, it is our hope that this can be the start of resolving most tenants concerns and moving forward to forging a positive relationship with ownership and management.

Sincerely,

Congdon Mills Tenant Association

October 15, 2018
George McLoof, Jr., President
Longstreet Development
9 Mill Street
Paterson, NJ 07505

Re: Congdon Mills

To George McLoof:

We, the tenants of 13 ½ Van Houten Street, Paterson, NJ, 07505 have collectively identified some major issues that need to be addressed by management, as well as the owners of this building (Congdon Mills). Some of our concerns are specific to selected apartments, but many of our concerns revolve around the safety and cleanliness of the building.

Over the years, we have been very flexible and passive about the declining conditions of the building. We have also been silent about rules and processes that are not listed in our lease, but expected of us to commit to. We are writing this letter, as a first step, in resolving these issues amicably. It is our expectation that upon receiving this document, with the attached signatures, Alexa Management will take an interest in helping us to resolve these issues. In the past, many tenants have tried have positive interactions in communicating these concerns, but were met with defensive and negative responses by management. Due to this, we have organized as one voice and are now prepared to take the necessary actions to ensure successful resolutions.

Building Safety and Cleanliness

1. The front door, which tenants must use a key fob to access, was broken from September 21st through October 11th. In this period of 20 days, tenants endured horrific confrontations with individuals from the outside community. It is no secret that we live in an area where there is high drug activity. These vagrants accessed our building, sleeping and loitering in the stairways and harassing tenants. We do not understand why it would take 20 days for the door, which is supposed to be locked and secured, to be fixed. This is not the first time that this door has been broken. In the past, it has been broken over the weekend. Since we have no super or contact for issues such as this one on weekends or during evening hours, we are left to deal with this issue until the super is back on duty. This is unacceptable and is a violation to our lease.
2. The garbage bins are placed in front of the building, within 2-3 feet of the front entrance. There is a serious rodent problem (racoons) and it has become a safety issue for tenants. We are trapped in the building when the garbage bins are placed in front of the main entrance, because 5-7 raccoons take ownership of this area and lash out as tenants as they try to access the entrance or leave the building. We have had rabid racoons clawing at the door, trying to attack tenants through the glass. We have incinerators on each floor in the building, why are they not being used? Do you have the proper documents to justify why the maintenance chose to switch from using the trash compactor to using the outdoor bins? Clearly, the method of using the outdoor bins has created a public safety issue and is not only a hazard to the tenants, but the community at large. This is also a breach in the lease, as it threatens our safety, daily.

3. The racoons dig through the garbage bins and leave a trail of trash and litter all over the street and sidewalk. The evidence of this is more apparent in the gated area next our building, which is filled with trash. The process that has been created for this building to dispose of their garbage is ineffective and threatens the efforts to have a clean community.
4. More than half the building's tenants have videos and/or photographs of the deplorable conditions that the common areas, elevators and stairways. Tenants have pitched in to vacuum the hallways floors and mop the elevators. There is evidence of feces in the back stairway (some is very old and some is new), opened liquor bottles, condoms, cigar guts and ashes. There are other photographs and videos of garbage and debris in the common area of the front lobby and throughout the hallways. It is our understanding that our building does not get cleaned on Fridays, as per Alexa Management, because the super attends to other duties on that day. This means that the building does not get cleaned from Thursday through Monday. In a building as large as this one (67 units), is that a process that benefits the cleanliness of the building? This is a breach to our lease and unacceptable.
5. **Most of the apartments in this building have issues with water pouring into their homes. We have proof of the many emails that were sent by tenants in regard to this, but no replies and/or resolution. We have also found mold in the hallway on the 2nd floor. We are becoming increasingly concerned and upset because these are serious issues in which Alexa Management/ Longstreet Development have ignored.**
6. The vents in the apartments are filthy and we are now questioning the quality of the air that we are inhaling due this. There are tenants that have been here 3+ years without ever having a filter change.

Rules and Process

1. When a new tenant moves in the building, they have to have their utilities and cable turned on by accessing the utility room. Why are tenants being asked to pay a fee to the super for this? This is very unethical and further shows that management is creating an environment to abuse the tenants and their rights. What is the cost to management/ownership endures that would justify this action?
2. We only have a super from 7am-3pm. During this time, more than half the building is empty, as the demographic of this building is working class. Does it make sense to have a super on duty when there are no tenants home to express issues and/or concerns? Considering the complaint made by a tenant in 205 with a hidden camera, stating that our super accessed her apartment without permission and rambled through her lingerie, many of the female tenants do not want the super accessing their apartments without them being present. If tenants are at work during the hours that the super is on duty, how can their issues be fixed? A building of this magnitude and size requires that someone is on duty in the evenings and available to partner with tenants in making this a habitable and safe place to live. We need a super that will be dedicated to working with the tenants in moving forward in a positive direction in resolving this issue.
3. When the super is on vacation, we have no point of contact for our issues. After the super is off at 3pm, we have no point of contact for our issues. On the weekends, we have no point of contact for our issues. This is HIGHLY unacceptable. Tenants have been left to resolve their own

issues, when they should have had a super! We do not have an emergency contact either. Is this acceptable? No! We are demanding that we have some point of contact for all of the above scenarios.

4. Tenants have no point of contact for Alexa Management. If a tenant needs a rent receipt or rent statement, they have no one contact. We know that Ruth and Maribel are the administrative component to Alexa Management, but 1) there is never anyone available in the office when you call 2) tenants have complained that they do not receive responses to voicemails that are left. This is also unacceptable 3) Allison Burzinski is our property manager and she REFUSES to communicate with tenants.

Tenants Concerns

1. There is NEVER any representation of Longstreet development nor Alexa Management in our building. The management office is literally across the street from the building, and no one ever does a walk through. If this was a common practice (proactive), many of the complaints that are listed in this document would have never been an issue. It is clearly evident that there is a lack of human empathy for the tenants, but do you not care about the property? Property management includes fostering positive relationships with your tenants. It also includes keeping the property clean and safe, issues that are high ranking at this point.
2. We are towed if we park longer than 15 minutes in the parking lot on the side of the building. 1) Our lease states that this area is allocated for 30 minutes parking, yet the sign says 15 minutes parking. Tenants have been towed before the 30 minutes time allotment. 2) There are specific vehicles that park for long, extended amounts of time and overnight. Who makes the decision of who can access this parking and who cannot? Please explain
3. Tenants have recorded interactions with George McLoof, which demonstrates his disdain and disrespect for the tenants, Paterson Police and the community at large. Will we be able to move forward in being a part of a "new" Paterson and forge a positive relationship with an owner that looks down on the people? It is our wish to be a positive element to this community. We, the tenants, want to have a positive relationship with management and the police of this community. It takes a collective effort to make this happen. We are deeply concerned about this.

We are a group of working class families and individuals and we deserve a better quality of life than this. This letter is intended to open a dialogue for actions that will be taken to improve the conditions and the management process at 13 ½ Van Houten Street, Paterson, NJ. We are now entering in an agreement with NJTO (New Jersey Tenants Organization) as we want to organize and remain committed to securing the safety, cleanliness and overall quality of life here at Congdon Mills.

We would like to meet with you all (Alexa Management, Longstreet Development and NJCDC), as you all have an obligation as partners on this venture. It is our hopes that by identifying these issues, we can work together, with you, to bring about positive and successful resolutions. At this time, please send all correspondence to CongdonMills@gmail.com. All our future communications will have our Tenant's Association information. We look forward to connecting with you.

Sincerely,

Alx

Tenants of Congdon Mills, located at 13 ½ Van Houten Street, Paterson, NJ 07505

CC: Bob Gurasci, CEO, New Jersey Development Corporation

Dr. Lilisa Mimms, Council at Large, City of Paterson

Andrea Sayegh, Mayor, City of Paterson

Jay Rahman, Journalist, Paterson Times News

Allison Burzinski, Property Manager, Alexa Management



Compose

- Inbox** 23,705
- Starred
- Snoozed
- Important
- Sent
- Drafts** 85
- Categories**
- [Gmail] 2
- [Imap]/Drafts

- Paula
- Andres Tenjo**
hi Paula
- Lauren, Andres
Andres: Adding audios would take sor
- K, Jared, Jeremy**
 Missed video call

Concern tenant Inbox x

Jean Silver <[redacted]@yahoo.com>
to me

Hello I'm writing this letter in regards to a situation that has happened to r I can remember November 2016 my light was disconnected and PSE&G building do not work after 3pm so as a tenant I went to knock on his door what do I suppose to do. His response to me they can come back tomorr My response to him was not nice so I won't repeat it. However because I was so disgusted with his terms but yet I need my light that took 15 seconds to turn my light on.

Thank You,

Jean Silver
[redacted]
Paterson NJ 07505
[redacted]

Miss Paula <[redacted]@gmail.com>
to [redacted]@yahoo.com, bcc: me

Got it. Thank you Jean!

Reply

Forward



MEMORANDUM

To: Assembly Housing and Community Development Committee Members
From: Nicholas Kikis, Vice President of Legislative and Regulatory Affairs
Gary La Spisa, Assistant Vice President of Government Affairs
Date: December 18, 2018
Re: **NJAA Testimony for Hearing on Landlord Tenant Issues**

On behalf of the New Jersey Apartment Association (NJAA), and our members who own, develop, and manage more than 210,000 units of both market rate and affordable rental housing, we thank you for the opportunity to testify today before the Assembly Housing and Community Development Committee.

We understand that New Jersey faces significant challenges as it pertains to the availability of quality affordable housing, and we offer ourselves as a resource to you as you work to address these issues. With prices for single-family houses averaging over \$300,000 statewide, apartments are the best option for affordable living for many New Jerseyans.

NJAA's membership, which consists of professionally managed apartment communities, has a vested interest in making the distinction between good and bad landlords. In keeping with that, we have worked with Senator Rice on comprehensive legislation to hold bad actors accountable. Specifically, Senator Rice's bill, S-2696, which we believe may move next year, would increase transparency through improving landlord registration, would accelerate the resolution of significant violations, and would focus inspection resources on the worst properties.

Additionally, our members spend hundreds of thousands of dollars each year on education for their workforce. NJAA directly provides education and professional development classes for the industry, holding 40 to 50 classes each year. These classes include national certifications for leasing staff, property managers, maintenance personnel, and portfolio managers and fair housing training at all levels within an organization from maintenance staff and leasing agents to executives. We also offer classes on timely topics, for example, we recently held a course on how to respond during an active shooter situation.

We recognize that vast majority of bills aimed at addressing landlord-tenant issues are not targeted at the good actors, and we appreciate that. That being said, there are often unintended consequences to well-intentioned legislation, and we ask that you use us a resource so that we can help ensure that legislation is appropriately targeted.

Finally, we ask that you keep in mind that every mandate has a cost, and ultimately, these costs will drive up the cost of housing in New Jersey. These costs hinder both the development and preservation of market rate and affordable housing. More specifically, there is a limited amount of money that is available for affordable housing construction, management and operation. When costs are increased, absent increased funding, less affordable housing will be built, existing housing will deteriorate, and/or the cost of housing will continue to rise.

Again, we look forward to a continued dialogue on these and other housing policy issues. If you have any questions or if you would like to discuss further, please do not hesitate to contact us at 732-992-0600.