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**From:** Linda Tsang <lindatsang923@yahoo.com>  
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**To:** Comments Mailbox  
**Subject:** [External]Comments on the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant

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I write in response to the Court's request for feedback on the Report and Recommendations of the Judiciary Special Committee on Landlord Tenant.

It seems that landlords are going to be required to jump through even more hoops than they were previously required to jump just to assert rights to their own properties that they have been denied for more than a year. So, even when the moratorium ends, as of now in mid-June, the Courts will still force landlords to house tenants for at least another 2 months (at least mid-August), many free of charge. There are some landlords who have not seen a rent payment in more than a year. By August at least 17 months will have gone by. They should not have to wait at least 2 months after the moratorium ends (whenever that is) to get relief. With every tenant who has shifted his/her funds from housing to other expenses (some necessary and some not), there is a landlord who has lost the rental income required to pay for the expenses related to the property housing that tenant. Many tenants have saved the funds they should have applied to their rent, which they can now use to obtain new housing. Many of those who did not save the funds, squandered it, but that should not be the problem of the landlord. I highly doubt with all of the stimulus funds, unemployment added benefits and other monies available to tenants that any of them have actually been unable to cover the amount of rent they have chosen not to pay.

Private landlords are not public housing managers, or so we thought. The government is not helping tenants. The government is forcing private citizens (landlords) to financially support other private citizens (tenants) to the detriment of many landlords. I personally am not sleeping and experiencing numerous physical issues as a result of the stress this is causing, and my situation is not even the worst case scenario for a landlord. There are some in far worse predicaments than me.

When people can't afford food, they go to a soup kitchen or food pantry. Nobody is forcing grocery stores to allow people to take the food without paying if they so choose, regardless of whether people are experiencing food insecurity because that would be ridiculous. If people need medical treatment and don't have insurance, they must go to clinics or hospitals who offer charity care. Nobody is forcing doctors to treat patients for free because that would be ridiculous. Forcing landlords to house tenants for free is no more ridiculous, especially when the result can very well be that the landlords then experience housing insecurity. When people lose their job, they get unemployment, which has been supplemented over the past year. Meanwhile, when a landlord loses his/her rental income stream, there is no government fund to tap into that is not tied with strict regulations or a lottery system. For most landlords, it's just lost money.

Courts should start processing evictions now so that as soon as the moratorium ends, lockouts should begin and landlords can start seeing some relief. The current situation is just not sustainable and has not been for quite some time. If there are any tenants who would truly be homeless if evicted, then the government should prepare for how to help those tenants rather than forcing landlords to continue to house them indefinitely. Homelessness has always been a problem. It should not have taken a pandemic for anyone to notice, but the response should never have been that tenants don't have to pay if they don't want to.

What the government/Courts have not considered:

1. Many tenants have suffered no pandemic related hardship, but the government has not required them to prove their hardship, so they have taken advantage.
2. Many tenants are violating other provisions of their leases (drugs, damages to property, moving other occupants in, etc.) because they know their landlords have no power right now.
3. Tenants who have not suffered a hardship likely will not qualify for rental assistance because they do not meet the criteria, yet there is no criteria they must meet in order to avoid being evicted. Without assistance, the burden shifts to the landlord.
4. Just as tenants have not been required to appear in Court to prove they have experienced a pandemic-related hardship, landlords have been denied the opportunity to appear in Court to show that they have experienced a pandemic-related hardship. Relief on either side should always be on a case-by-case basis, but it is assumed that tenants are struggling and landlords are not, which is far from reality.

5. Not all landlords have taxes and insurance escrowed, so even if they place their home in forbearance, they still have these costs, along with maintenance and repairs, that they must pay without rental income.
6. Not all mortgage companies are permitting forbearances.
7. Many landlords were only able to purchase a home by purchasing a multi-family home so a tenant could help cover the costs. Just because a landlord may own a home in a better neighborhood does not mean the landlord is wealthy. If he/she was he/she would not be living in a multifamily home.
8. There are landlords who purchased a multifamily rental property in lieu of saving for retirement. These now retirees were counting on having the rental income to cover the taxes, insurance, maintenance and repairs on their homes. Under normal circumstances, a vigilant landlord with 1½ months' rent as security, who files for eviction in a timely fashion will be able to get a tenant out just around the time the security deposit is exhausted. These well thought-out plans for retirement never anticipated the government taking away their security deposits and forbidding them from asserting their property rights under their leases.
9. There are landlords who purchased a new home but were unable to sell their old home, so they were renting it out the old home to cover the overhead. Now they have 2 homes, but only sufficient funds to cover one of them (if that). Many of these same landlords have also suffered a loss of employment.
10. Many landlords are just regular people, mom and pops. These regular people do not rent out an investment property as a business. The rent helps them pay for their own housing, but they go to work every day to support their families by other means. Just as some tenants have lost their jobs or experienced a reduction in income, so have these mom and pops. Then, the government added insult to injury by also taking away what little income they had to help pay for their housing.
11. Many landlords have been unable to sell their homes because a tenant refuses to leave and the buyer grows tired of waiting.
12. We keep hearing that nobody should be worried about losing their housing, but what they mean is no tenant should be worried, because clearly nobody has considered how many property owners are worried about losing their housing. Many landlords are now unable to cover the costs of their own housing. They may not be selling now simply because nobody will buy a property from them which is housing a non-paying tenant or they don't want to get low-balled, but there will be landlords that lose their homes due to foreclosure or forced sales guaranteed after the pandemic. Landlords are suffering housing insecurity just as much as tenants.
13. Many landlords have taken out hardship withdrawals to make up their losses. Now they owe taxes on those funds. Some of them have been denied

stimulus payments due to the withdrawal being considered income on their taxes.

14. Landlords who have been forced to put their property in forbearance are being denied the opportunity to take advantage of lower rates by refinancing because no bank is refinancing a mortgage that has not been paid.

15. Just because rent is still owed does not mean landlords will ever be able to collect the past due balance. Tenants will file bankruptcy or just live with a judgment on their credit report. Many landlords do not even know how to pursue payment. Banks have properties to secure debts owed to them, but landlords have nothing.

16. Landlords collect security deposits not just to pay for damages caused to the property, but oftentimes when the tenant plans to leave he/she instructs the landlord to apply the security deposit toward the last month's rent. Although this violates the lease, it takes the landlord more than one month to remove the tenant. Now, with the security deposits already having been applied toward past rent, and no ability to have it replenished for 6 months after the pandemic ends (whenever that is) there is no deposit to cover the last month's (or more) rent and any damages that are left behind.

17. Undoubtably, even tenants who are paying sporadically, like mine, will stop paying anything once they receive notice of an eviction proceeding, so forcing a landlord to wait at least 2 months after the pandemic ends is extremely unfair to landlords who have no security deposit to offset some of the loss.

18. Even if a landlord receives a forbearance, the money is still owed, with interest. Soon they will be trying to make arrangements with the bank to reinstate their mortgage and learn that one year of nonpayment equals 2 or more years added to the back of their mortgage.

19. Even landlords who have multiple rental properties are suffering. I suspect only few own the properties outright, but even if they do, there is overhead: taxes, insurance, maintenance, repairs, management fees, employee salaries (superintendents, office workers, security, etc.), etc. The more rental properties there are, the more tenants there are that may not be paying. How can an apartment complex cover the overhead with numerous tenants not paying?

20. Landlords are living in fear that there will be a declaration of rent forgiveness barring the landlords from ever attempting to collect the past due balances.

21. Many landlords who were lucky enough to have a tenant leave during the pandemic are opting to keep their rental properties vacant because it is bad enough having to pay for an empty property, but it is far worse having to pay for that property indefinitely while someone is living there, not paying rent, causing normal wear and tear at the least, but possibly causing other damages as well that the landlord must pay for. If nobody is in the unit,

nobody is using the heat, electricity or water that the landlord will need to pay for.

22. Many landlords, like me, will be taking their properties out of the rental market altogether after the pandemic knowing how easily our rights to our own properties can be taken away. Less available rental properties is only going to make the housing crisis worse.

23. Many landlords, like me, are suffering physically from worry, fear, anxiety and stress the longer this moratorium lasts and the longer plans are being suggested that will further benefit tenants at the expense of landlords.

Simply put, if the government wants to help tenants, then the GOVERNMENT should be helping tenants. Shifting the burden from one private citizen to another, especially when the person receiving the burden has suffered an equal or worse hardship, is inexplicable to me. I beg for accountability on the part of the tenants, swift relief for landlords, common sense and consideration.

My personal situation - just as an example:

I purchased my 2-family home from my parents when they could no longer afford it. I was only able to do so with them living in the other unit and helping me cover the mortgage. I was in no position to carry the mortgage on my income alone. After I got married, my husband and I purchased a single family home. While I was going to sell the 2-family home, I did not want to displace my parents (my dad has since passed), so we rented the other unit. Something I regret on a daily basis. We require the rent to cover the mortgage, taxes and insurance, or we cannot pay for our own housing. This house is not an investment property for us. We did not charge market rent. We charged enough to cover our expenses. Again, something I regret.

My husband was out of work for 3 months due to the pandemic and took a 25% pay-cut for 6 additional months. We took out money from our 401k to pay off credit cards since we would not have the ability to pay the monthly minimums with his reduced income. This then put us over \$150k year-end income, so we received only a small amount of stimulus funds the first time and nothing the next 2 times. Meanwhile we owe taxes due to the withdrawals. In all the withdrawal is costing us \$35,000 in lost stimulus funds, taxes and loss of non-taxed unemployment. benefits.

My tenant works for NJEA. She has remained working non-stop throughout the pandemic. She has also received significant stimulus funds. Nonetheless, as soon as the moratorium started, she stopped



paying rent. She never asked me to apply her security deposit to the past-due balance, but I did and issued a new lease so that at some point I could recoup the security deposit. She paid for a while, but in November, she started paying sporadically just because she knows there is nothing I can do. She is currently over 2 months behind not including the security deposit. When I finally am able to terminate the lease, I have no doubt that I won't see another penny in rent, and will not have the security to cover that loss. She does not have a pandemic-related hardship. She claimed that she was not getting child support, but that was an issue more than a year prior to that, and she made no arrangements to make up for that lost income. Since she stopped getting child support several years ago, her son graduated and is working full-time. He should be helping her pay rent. She also moved in her boyfriend during the pandemic because there is nothing I can do about it. He should be helping with the rent as well, but that does not appear to be the case. He did carry in a brand new 72-inch tv recently, choosing a luxury over paying rent.

Among other lease violations, the issue that is very severe is that I have a no smoking lease provision that I have had with every tenant because my mother is elderly and my husband, my son and I all have asthma. It was specifically explained that it was nonnegotiable when my tenant moved in. Now, again, because there is nothing I can do, she and/or her boyfriend are not only smoking in her apartment, but they are smoking pot on a regular basis and stinking up the entire house. I have filed an Order to Show Cause because my mother is still suffering the after effects of having COVID and my asthmatic son is living in my mother's unit with her. Their health is at risk, but landlords and their families have not been considered at all during this crisis, so I would not be surprised if the tenant is permitted by the Court to stay. So far, I have heard nothing back since my filing.

I cannot wait until I am finally able to get this tenant out. If I cannot get a family member to take over the property, then I will be forced to displace my mother and sell the house because I have no intention of ever renting to anybody again. I think we are going to see this as another byproduct of the moratorium. My property is not the only one that will no longer be available for rent.

I hope you consider all of the above and make decisions that will take everyone into consideration.

Respectfully,

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