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From: Jessica Torres <jtorres@communityaction.essexcountynj.org>
Sent: Friday, May 21, 2021 1:41 PM
To: Comments Mailbox
Subject: [External]Landlord Tenant Special Report Comments
Attachments: LTCommissionNotes.pdf

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Good afternoon,

Please see the attached public comments submitted respectfully from the Essex County Continuum of Care (CoC) / Comprehensive Emergency Assistance System's (CEAS) Consumer Justice Committee. These comments reflect the voice of the consortium of providers, advocates, and local stakeholders who actively participate in the CoC/CEAS and have reviewed the Landlord Tenant Special Report.

We thank you for the opportunity to address the Administrative Office of the Court and look forward to response.

Respectfully,
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Overall Thoughts: We want to start with a thank you for the work that was put into this document. It addresses many of the obstacles we, as service providers, have faced when assisting clients who have had matters in landlord tenant court. This process, as written, allows for a swifter case review that creates multiple opportunities for both parties to ask questions and be heard. Gathering documents early on and then throughout the process also gives time for people to gather respective documents and adequately prepare for conferences and trial.

Our primary concern lies in the implementation of this new process as the report provides few details about the specifics regarding how this process will be rolled out and how the public will be involved. We recommend that the special commission convene a working group comprised predominantly of service providers outside of state government agencies to help with the implementation of this new process. Some specific implementation questions include:

- Who will fill the roles of the Landlord Tenant Legal Specialist (LTLS)?
- How they will be trained and who will be responsible for the training?
- What is the oversight/evaluation of this new process? How will the public know if it is working?
- Will community organizations be directly involved in the case management process? If so, how? Will they be allowed to attend virtual or in-person proceeding with their clients who may have conferences and/or trial dates?
- How does the Special Commission plan to inform the public about this new procedure?

Below you'll find comments as they relate to specific recommendations in the report.

RECOMMENDATION 2: Tenants should complete a Tenant Case Information Statement (TCIS). The TCIS would use plain language questions to solicit and capture key information. It would also contain a section for an optional narrative.

- Add a line to the TCIS which addresses any 3rd party (not an attorney) who the tenant may want notified of the process. For example, "Is there a person or community organization who you would like notified about these proceedings?" followed by "Can we reach out to them?" This would allow for early notification to case managers if their client is having issues with their housing. Often this information comes to us late in the process which limits our ability to assist clients gather proper information, connect with legal services, and prepare for court. Providers will also be able to prepare and support the tenant (their client) for their case management conference and what follows by providing and explaining the TCIS and explaining the full court process so they know what to expect (who will be in the room, what questions they may need to respond to, how to get an attorney, etc).

RECOMMENDATION 3: The Judiciary should implement a process for enhanced, initial review of landlord tenant complaints. The Judiciary would commit additional resources to support this process.

- Bringing on additional staff to support this process is important and a strength in this report. We are curious: who will comprise this "legal staff"? Are they the same as the LTLS?

RECOMMENDATION 4: The Judiciary should expand opportunities for resolving landlord tenant cases before trial by establishing a Landlord Tenant Legal Specialist Program. The program would include trained legal staff to conduct required case management conferences, confidential settlement conferences, and other administrative functions that support judicial functions.

- The LTLS position represents an opportunity to create more equity throughout the Landlord Tenant process. Proper implementation of this process is key. The court may want to consider having separating roles (two separate job descriptions) within this program with some LTLS staff focused on administrative and judicial functions while other LTLS staff will focus on case management and referral processes. As it is currently described, the responsibilities of the LTLS are so wide-reaching that they could prove burdensome, making it difficult for any single person with that job title to effectively attend to all of their job functions.
- The act of providing “rental assistance and legal resources” as stipulated in the report, is incredibly complicated. Hiring social workers with Masters Degrees to fill this LTLS role is important. MSWs will be able to appropriately train LTLS staff in proper case management and referral procedures. Further MSWs may create relationships with local schools of social work to develop an MSW internship program. This program would allow for MSW student interns to provide further assistance to connect both landlords and tenants with appropriate rental assistance and legal services. The social service landscape is incredibly complex and constantly changing. Without social work professionals overseeing the referral process and connecting regularly with providers, referrals can quickly become outdated as organizations close, programs are discontinued, and contact information changes.

RECOMMENDATION 5: All landlord tenant cases should be scheduled for required case management conferences. LT legal specialists should conduct these required conferences in a virtual format to the greatest extent possible. At the conference, the LTLS would solicit information about the case, reduce to writing asserted claims and defenses, and refer parties to available rental assistance and legal resources. The LTLS also would facilitate parties in proceeding immediately to a settlement conference whenever possible.

- We appreciate the development of a technology room and the court’s acknowledgement of the digital divide. However, we must stress the importance of allowing a hybrid appearance for all points of the proceedings so that clients who do wish to appear physically in court (not a technology room) may do so. Access to technology is not the only difficulty consumers have faced during fully virtual court proceedings this past year. Other issues people have experienced cannot be solved by a technology room. For example, individuals will be less able to privately conference with their attorney and fully remote operations limit nonverbal communication which could alert the LTLS, attorneys, court staff, or judges when there may be issues of comprehension or concern.
- We believe that all technology rooms should be monitored by individuals who are trained to respond to any procedural questions or social service questions which may arise. People will undoubtedly have follow-up questions after zooming into a conference or trial and it should be anticipated that the monitor in the technology room will be the first person they reach out to. While this individual does not need to be responsible for resolving all issues, they should be prepared and able to help people seek out the answers they need.
- As noted above, it is essential that the LTLS staff have the appropriate background, training, and ongoing supervision to “refer parties to available rental assistance and legal resources.” This referral process must extend beyond lists of resources on websites or brochures but also include guidance in (a) assessing the individual’s current situation to determine particular service eligibility and (b) facilitating a warm handoff to said agency.

- This LTLS position and the department it will be housed in reveals an opportunity for service integration whereby community-based agencies may have space (physical and virtual) to assist in the service connection process. For this to be possible, the Judiciary would basically champion these integrated programs and be proactive in supporting agencies' efforts to provide co-located assistance and seek funding to sustain these services over time (see below for program and partnership examples).

As stated, hiring MSW and LSW staff will help in the systems coordination required to bridge the varied responsibilities that the LTLS is charged with.

- We suggest that the LTLS produce and provide summaries of the conference to all parties. Some of our clients are poor historians and when they inform us that they have are in eviction proceedings, they are unable to provide specifics. A summary will help them to communicate to attorneys and service providers about upcoming court obligations and encourage participation and compliance throughout.

RECOMMENDATION 6: The landlord should be required to submit a copy of the lease, the landlord's registration statement (if applicable), and a certification of the landlord's lease and registration statement before the case management conference.

- This is a very helpful amendment to the current process as some landlords have not had copies of leases which has caused confusion for our clients (the tenant) on what is owed or expected of them.

OUTREACH AND COMMUNITY ENGAGEMENT

- Teach community organizations how to complete the LCIS and TCIS so they can assist tenants and landlords who utilize our services.
- Each county should have designated LTLS staff actively involved in local stakeholder groups around homelessness. This could include CEAS/COC bodies, commissions on homelessness, and other task forces. Presence and contributions in these spaces build the partnerships needed to facilitate the resource and referral services that the LTLS will be tasked with.
- Cross training is essential.
 - The LTLS could help train community-based organizations about the new processes while community organization could train the LTLS staff about various rental assistance and social service programs that could benefit landlords and tenants. This could include "checklists" that could guide community-based organizations through the Landlord Tenant court process and could help LTLS determine the appropriate rental assistance program to connect court consumers with. Training should not be limited to webinars and didactic presentation but also include observation periods, completing applications, and other activities to ensure full integration of information.
- Outreach and education about this new process should not be limited to town halls and virtual events. Presence at local stakeholder groups and smaller community outreach efforts could help in educating the public about the new process. For example, in East Orange, community parades have brought community members together to spread important information during the pandemic. Other agencies have hosted "pop up" events in and around neighborhoods with high rates of evictions to share myriad resources which could include a presentation about the new LT court process.

STRENGTHENING PARTNERSHIPS:

The report indicates that strengthening community partnerships is a priority of the court. We believe that there are two ways that the court can meaningfully establish and maintain genuine community partnerships.

- Courts should identify local housing and social service programs (not limited to government agencies) where LTLS staff can be embedded. By co-locating LTLS services, it ensures that local agencies are aware of the courts new process, have direct connections to court representatives, and can easily communicate this knowledge to consumers. This relationship and community knowledge will turn community organizations into de facto “messengers” such that they can readily and independently direct consumers to the appropriate resources, forms, and departments during a Landlord Tenant court proceeding.
- Courts might want to consider contracting with community-based organizations to hire and supervise LTLS staff instead of having all LTLS staff be court employees. Using the job descriptions for LTLS staff created by the courts, community-based organizations can hire and train individuals to provide the case management, referral, and community outreach requirements outlined in the report. Community-based organizations have been doing this work for decades and have the organizational infrastructure and capacity to train, develop, and oversee people in the LTLS roles in ways that the court system does not.

Below are some programs that have capitalized on strong community partnerships to assist the court.

- [Legal Hand](#) in New York City acts like a “legal bodega” where trained community volunteers work out of storefronts to provide legal information and referrals to their neighbors, including accessing and completing online forms, drafting statements, and navigating social services.
- [Kalamazoo, Michigan](#) runs an eviction diversion program where community partners and the state’s Department of Human Services work directly with individuals undergoing eviction proceedings.
- [Philadelphia](#) uses housing counselors at various community organizations to provide mediation as a form of eviction diversion.

OVERSIGHT QUESTIONS: Oversight and evaluation of this new process is critical to its success. Who will be responsible for overseeing the implementation of this new process and how will they be reporting to the public about its successes and challenges? Will there be a formal evaluation to incorporate feedback from landlords and tenants who have gone through the new process?

Respectfully Submitted By:

The Consumer Justice Committee

Essex County Comprehensive Emergency Assistance/Continuum of Care (CEAS/COC)

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