

# Healthy Homes Initiative

A Joint Project of Newark Community Solutions, Rutgers University Law School Housing Justice Clinics (Newark and Camden), the Camden Coalition, and Make the Road NJ

The Healthy Homes Initiative (the Initiative) works to increase the availability of healthy and safe housing for all New Jerseyans. The leaders of the Initiative represent an interdisciplinary, multi-regional group who have come together because, in New Jersey, it is much harder for people with low to moderate incomes to assert their rights in court when they are living in uninhabitable conditions. This means that when rental units in New Jersey are plagued by issues like lead, mold, pests, or lack of heat, people living paycheck to paycheck have fewer mechanisms to compel their landlords to address these serious health issues than their wealthier neighbors.

## Why is this Initiative necessary?

In New Jersey, tenants have a right to safe, sanitary, and habitable housing. When a tenant's home is uninhabitable and their landlord is not making the necessary repairs, they have a few options.

1. They can file a complaint with local law enforcement;
2. They can pay for repairs and ask for reimbursement from the landlord; or
3. They can withhold rent until the repairs are made.

But when rent is withheld or redirected toward unexpected costs associated with poor housing conditions, landlords often pursue eviction for nonpayment of rent. As a result, tenants become defendants in housing court and are at risk of losing their homes.

Once in court, tenants must deposit all alleged unpaid rent with the Court *just to present their uninhabitable housing conditions as part of their defense*. This practice is known as a "Marini Bond." For most tenants with limited financial means, this bond requirement is an insurmountable obstacle. Already living on razor-thin margins, many cannot afford to make the necessary repairs or absorb conditions-related costs like increased utility bills, hotel stays, or food waste and pay all the alleged rent owed to the Court.

Others may have the rent set aside until a sudden expense, like a medical bill or car repair, exhausts their savings and prevents them from raising habitability issues before the judge. Without access to adequate funds available through this Initiative, tenants who could otherwise prevail in court are unable to present their case to the judge at trial due to their finances and then face eviction or a one-sided settlement.

**Put simply, when landlords fail to meet their obligations to provide safe and habitable housing, current court practices can lead to inequitable treatment for tenants based on their income.**

The *Marini* Bond practice systematically disadvantages low-income tenants. At best, tenants who have already been burdened with unanticipated costs associated with their poor housing conditions are at a significant disadvantage when negotiating in court. At worst, predatory landlords who have ac-

cess to attorneys can use these court rules to push out low-income tenants so that they can relist the rental unit at a higher rate.

## What does case resolution look like?

A tenant who is able to address the habitability of their home as part of their defense can argue for a variety of outcomes in court, including relocation to a safer home, repairs in the existing unit, a rent reduction for the time forced to live in uninhabitable conditions, or a combination of these outcomes. With its revolving Bond Fund, the Initiative ensures that all of these options are on the table for the tenant as they work with their lawyer to get the best possible outcome in court.

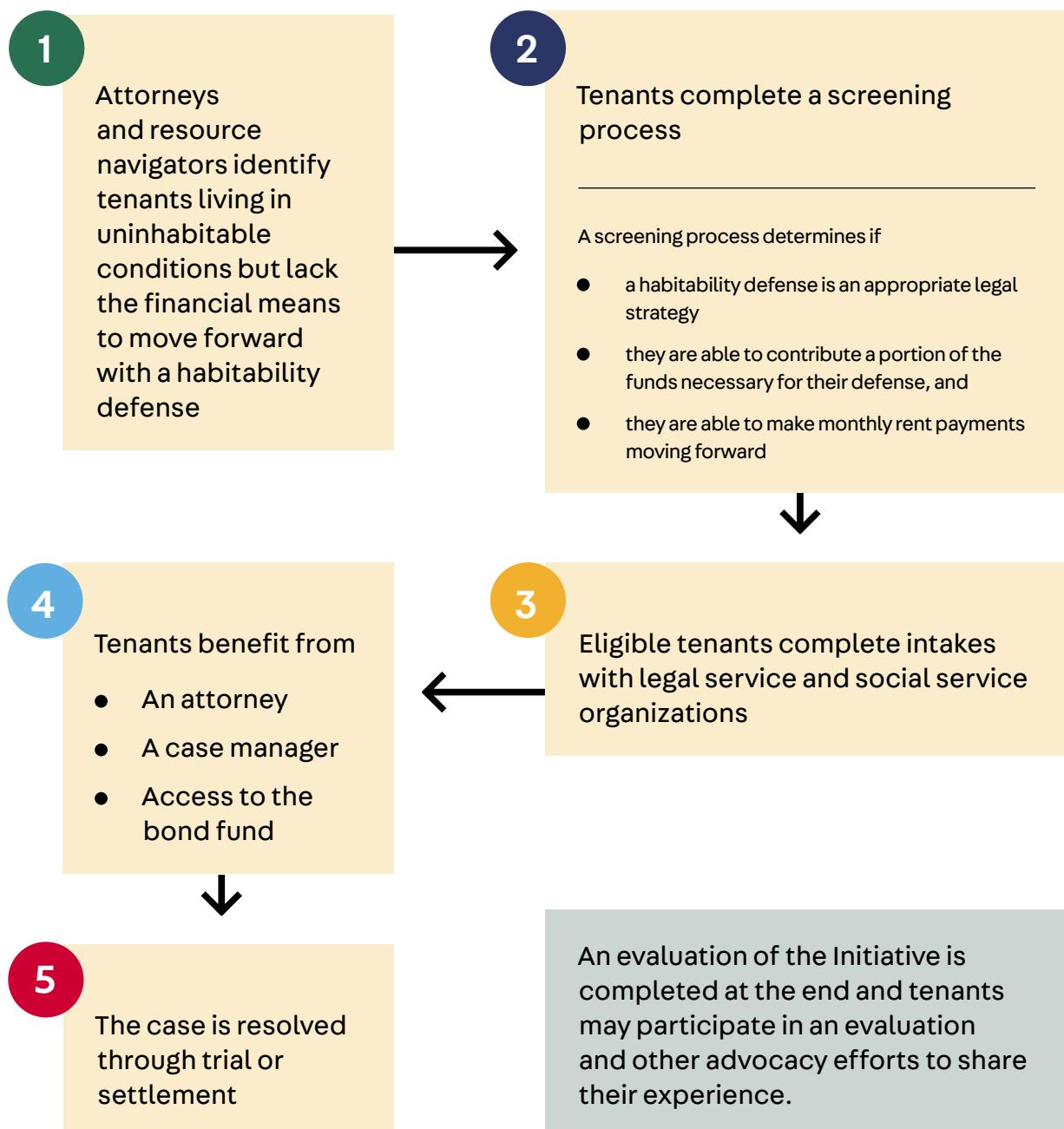
Case resolution often involves an “abatement,” or a rent reduction based on the conditions that reduced the value of the property for a specific time period. If the Initiative’s Bond Fund posted any amount of money to support the habitability case, any abatement awarded by the Court or rent reduction reached via negotiation is split proportionately when returned. All bonds returned to the Bond Fund via abatement or rent reduction are used for the next household served.

### EXAMPLE FUND RETURN PROCESS

<b>Original Amount Paid to Court \$10,000</b>	
Posted by Tenant \$9,000	Posted by Initiative \$1,000
<b>Abatement/Rent Reduction Amount 50%</b>	
<b>Paid to Landlord After Abatement/Rent Reduction \$5,000</b>	
<b>Returned to Tenant \$4,500 (50%)</b>	
<b>Returned to Initiative \$500 (50%)</b>	

## How does the Initiative work?

For tenants, the Initiative involves legal representation, specialized habitability-focused case management, and access to a revolving Bond Fund to ensure tenants have the financial resources necessary to mount a habitability defense. Right now the Initiative is operating in Essex, Union, and Camden Counties.



## What happens after the tenant's court case?

The Initiative believes that in order to achieve healthy homes for all New Jerseyans, the lessons learned from this project must be shared with the community and policymakers. Thus, the Initiative also includes a robust evaluation component to measure the individual impact of the project on tenants and legal service providers. Lessons from this evaluation will be shared with tenants who participated in the Initiative, community advocates, and policymakers to compel the courts to end the Marini Bond practice. To support this understanding and community engagement, when a tenant enrolls in the Initiative, they can choose to:

- Participate in focus groups and/or individual interviews to provide additional information about their experience with the Initiative and/or
- Sign up for tenant organizing campaigns and other advocacy efforts that may be born of lessons learned from the Initiative's implementation and evaluation

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### WANT TO GET INVOLVED?

If you are interested in creating a New Jersey where all people are able to live in safe and healthy housing, let us know! You can sign up for a mailing list to receive project updates, schedule a meeting to learn more about the project, or contribute to the Initiative's Bond Fund directly. For further details, please reach out to [edi@innovatingjustice.org](mailto:edi@innovatingjustice.org) with the subject line "Healthy Homes Initiative."