

# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3101**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 23, 2008

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 3101.

Assembly Bill No. 3101, as amended by the committee, permits local governments to create homelessness prevention trusts funds and establish programs to address homelessness. The amended bill also permits counties to establish a county homelessness trust fund.

The bill, as amended, permits the county to impose a surcharge of \$3 on each document recorded with a county, for deposit into a county homelessness trust fund, five per cent of which may be used annually for administrative costs related to the administration of the fund, and the remainder of the monies in the fund may be used solely for the operation of a homelessness housing grant program established in order to provide:

- for the acquisition, construction, or rehabilitation of housing projects, or units within housing projects, that supply permanent affordable housing for homeless persons or families, including those at risk of homelessness;
- rental assistance vouchers, including tenant and project based subsidies, for affordable housing projects or units within housing projects that provide permanent affordable housing for homeless persons or families, including those at risk of homelessness;
- supportive services as may be required by homeless individuals or families in order to obtain or maintain, or both, permanent affordable housing; and
- prevention services for at risk homeless individuals or families so that they can obtain and maintain permanent affordable housing.

Grants awarded by the governing body of the county shall be used to support projects that:

- measurably reduce homelessness;
- demonstrate government cost savings over time;
- employ evidence-based models;
- can be replicated in other counties;

- include an outcome measurement component;
- are consistent with the local homelessness housing plan; or
- fund the acquisition, construction, or rehabilitation of projects that will serve homeless individuals or families for a period of at least 30 years or equal to the longest term of affordability required by other funding sources.

#### Committee amendments

The committee amended the bill to:

- rename the defined term “community action agency” as “community based organization” and to define that term as a nonprofit, private, or public organization funded with public or private funds, or both, that provides housing and services to families and individuals who are homeless;

- add language to the definition of “County Homelessness Trust Fund Task Force” to provide that among the responsibilities of the County Homelessness Trust Fund Task Force is to assess priorities for funding, review of applications, and preparation of an annual report and an annual measurement of the progress of the trust fund;

- strike a subsection that required the Department of Community Affairs to collect and distribute data on the State’s homeless population in order to facilitate the homeless housing plans of local governments;

- delete a paragraph that provided that the Department of Community Affairs prepare a five-year housing advisory plan;

- removes requirement that homeless housing plan developed by the municipality must cover a 10-year period;

- remove sections 6 and 7 of the introduced bill, which added a 5% surcharge on the winning bid on the sale of a foreclosed property, and which required that an advertisement for a sheriff’s sale of foreclosed real property disclose the imposition of the surcharge;

- require that each county that has established a county homelessness trust fund must transmit information concerning the uses of those funds to the New Jersey Housing and Mortgage Finance Agency; and

- permit the imposition of a surcharge of \$3 on each document recorded with a county, to be deposited into the county’s homelessness trust fund and used for the purposes authorized in the amended bill.

[First Reprint]

**ASSEMBLY, No. 3101**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED SEPTEMBER 15, 2008

**Sponsored by:**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Co-Sponsored by:**

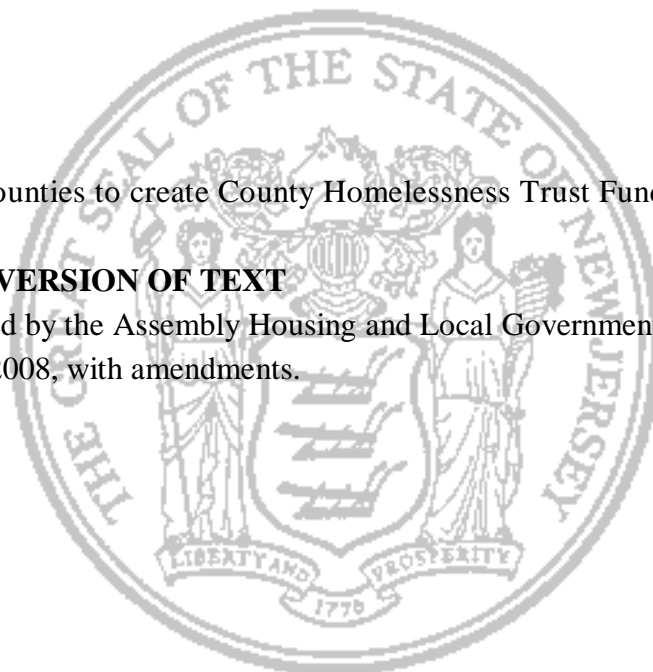
**Assemblywomen Quijano and Oliver**

**SYNOPSIS**

Permits counties to create County Homelessness Trust Funds.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Housing and Local Government Committee on October 23, 2008, with amendments.



**(Sponsorship Updated As Of: 10/24/2008)**

1 AN ACT addressing <sup>1</sup>**[chronic]**<sup>1</sup> homelessness by <sup>1</sup>**[providing**  
2 **for] permitting**<sup>1</sup> the establishment of <sup>1</sup>**[coordinated State and**  
3 **local programs] County Homelessness Trust Funds**<sup>1</sup>, amending  
4 <sup>1</sup>**[P.L.1995, c.244 and N.J.S.2A:17-34] N.J.S.22A:4-17**<sup>1</sup>, and  
5 supplementing P.L.1984, c.180 (C.52:27D-280 et seq.)<sup>1, 1</sup>  
6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
8 *of New Jersey:*  
9

10 1. (New section) This act shall be known and may be cited as  
11 the “County Homelessness Trust Fund Act.”  
12

13 2. (New section) The Legislature finds and declares:

14 a. <sup>1</sup>The creation of county homelessness trust funds in counties  
15 that have completed and endorsed a plan to end homelessness will  
16 provide some of the additional funds necessary to move homeless or  
17 formerly homeless individuals toward the goal of permanent  
18 affordable housing and self-sufficiency.

19 b.<sup>1</sup> Despite laudable efforts by all levels of government, private  
20 individuals, nonprofit organizations, and charitable foundations to  
21 end homelessness, the number of homeless persons in New Jersey is  
22 unacceptably high. The State’s homeless population, furthermore,  
23 includes a large number of families with children, youth, <sup>1</sup>veterans,  
24 the elderly,<sup>1</sup> and employed persons.

25 <sup>1</sup>**[b.] c.**<sup>1</sup> Fiscal and social costs of homelessness are high for  
26 both the public and private sectors and declares that ending  
27 homelessness should be a joint goal for State and local government.

28 <sup>1</sup>**[c.] d.**<sup>1</sup> A myriad of factors contribute to homelessness,  
29 including a shortage of affordable housing; a shortage of jobs that  
30 pay wages and benefits sufficient to support a family; high property  
31 taxes which undermine housing affordability; a lack of an  
32 accessible and affordable health care system available to all who  
33 suffer from physical and mental illnesses and chemical and alcohol  
34 dependency; domestic violence; and a lack of education and job  
35 skills necessary to acquire adequate wage jobs in the economy of  
36 the twenty-first century.

37 <sup>1</sup>**[d.** The creation of county homelessness trust funds in counties  
38 that have completed and endorsed a plan to end homelessness will  
39 provide some of the additional funds necessary to move homeless or  
40 formerly homeless individuals toward the goal of permanent  
41 affordable housing and self-sufficiency.**]**<sup>1</sup>  
42

43 3. (New section) As used in this act:

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHO committee amendments adopted October 23, 2008.

1       <sup>1</sup>["Community action agency"] "Community based  
2 organization"<sup>1</sup> means a nonprofit, private, or public organization  
3 <sup>1</sup>["contracted by a county board of social services or the State of  
4 New Jersey"] funded with public or private funds, or both, that  
5 provides housing and services to families and individuals who are  
6 homeless<sup>1</sup>.

7       "County homeless housing grant program" means the vehicle by  
8 which competitive grants are awarded by the governing body of the  
9 county, utilizing moneys from the homeless housing account, for  
10 activities directly related to housing homeless individuals and  
11 families, preventing homelessness, and other efforts directly related  
12 to permanently housing homeless persons, as administered by the  
13 local government or its designated subcontractor.

14       "County Homelessness Trust Fund Task Force" means the  
15 voluntary local committee created to advise a local government on  
16 the creation of a local homeless housing plan and participate in a  
17 local homeless housing program. It shall include a representative of  
18 the county, representatives from each of the three municipalities in  
19 the county with the largest populations of homeless people,  
20 representatives from the organization responsible for developing,  
21 implementing, or both, the local plan to end homelessness, at least  
22 three homeless or formerly homeless persons, and three  
23 representatives of local private or nonprofit organizations with  
24 experiencing in assisting the homeless or providing low-income  
25 housing. <sup>1</sup>Among the responsibilities of the County Homelessness  
26 Trust Fund Task Force is to assess priorities for funding, review of  
27 applications, and preparation of an annual report and an annual  
28 measurement of the progress of the trust fund.<sup>1</sup>

29       "Department" means the Department of Community Affairs,  
30 unless otherwise designated.

31       "Director" means the Director of the Division of Housing in the  
32 Department of Community Affairs.

33       "Homeless person" means an individual living outside, or in a  
34 building not meant for human habitation or in which the person has  
35 no legal right to occupy, in an emergency shelter, or in a temporary  
36 housing program which may include a transitional and supportive  
37 housing program if habitation time limits exist, or temporarily in  
38 the home of another household, or in a motel.

39       "Housing authority" means any of the public corporations  
40 created pursuant to section 17 of P.L.1992, c.79 (C.40A:12A-17).

41       "Housing continuum" means the progression of individuals along  
42 a housing-focused scale with homelessness at one end and home  
43 ownership at the other.

44       "Homeless housing plan" means the <sup>1</sup>["10-year"]<sup>1</sup> plan  
45 <sup>1</sup>["developed"] approved<sup>1</sup> by a local government to address housing  
46 for homeless persons that includes measurable and achievable

1 objectives to end homelessness in that community and has been  
2 approved by the governing body of the county or municipality.

3 <sup>1</sup>["Homeless housing strategic plan" means the 10-year plan  
4 developed by the department, in consultation with the Department  
5 of Health and Senior Services, the Department of Corrections, the  
6 Department of Children and Families and the Department of Human  
7 Services.

8 "New Jersey homeless census" means an annual Statewide  
9 census, conducted as a collaborative effort by municipalities,  
10 counties, community based organizations, and State agencies, with  
11 the technical support and coordination of the department to count  
12 and collect data on all homeless individuals in New Jersey.]<sup>1</sup>

13 "Local government" means a county or municipal government.

14 "Outcome measurement" means the process of comparing  
15 specific measures of success against ultimate and interim goals.

16

17 <sup>1</sup>[4. (New section) a. The department shall coordinate and  
18 administer a program to count and collect data on all homeless  
19 individuals in New Jersey, in conjunction with all counties and  
20 municipalities, as well as community-based State agencies, and  
21 shall publish the results of the census within 180 days of the  
22 effective date of P.L. , c. (C. ) (pending before the  
23 Legislature as this bill).

24 b. Six months after the first New Jersey census, as required by  
25 subsection a. of this section the department, in consultation with the  
26 Department of Children and Families, the Department of  
27 Corrections, the Department of Health and Senior Services, and the  
28 Department of Human Services, shall prepare and publish a 10-year  
29 homeless housing strategic plan, which shall outline Statewide  
30 goals and performance measures for homeless persons and  
31 homeless families with children. To guide local governments in the  
32 preparation of a local homeless housing plan, the department shall  
33 issue temporary guidelines consistent with P.L. , c. (C. )  
34 (pending before the Legislature as this bill) and include the best  
35 available data on each local government's homeless population. A  
36 local government's 10-year homeless housing plan shall not be  
37 substantially inconsistent with the goals and program  
38 recommendations of the temporary guidelines and, when  
39 promulgated, the homeless housing strategic plan.

40 c. In consultation with the Council on Affordable Housing, the  
41 Department of Children and Families, the Department of  
42 Corrections, the Department of Health and Senior Services, and the  
43 Department of Human Services, the department shall prepare, and  
44 from time-to-time amend, a five-year housing advisory plan. The  
45 purpose of the plan is to document the need for affordable housing  
46 for all residents in this State, but in particular the homeless or near  
47 homeless, and the extent to which that need is being met through  
48 public and private sector programs, to facilitate planning to meet

1 the affordable housing needs of the State and to enable the  
2 development of sound strategies and programs for affordable  
3 housing. The information in the five-year housing advisory plan  
4 shall include:

5 (1) an assessment of the State's housing market trends;

6 (2) an assessment of the housing needs for all economic  
7 segments of the State and special needs populations;

8 (3) an inventory of the supply and geographic distribution of  
9 affordable housing made available through public and private sector  
10 programs;

11 (4) a status report on the degree of progress made by the public  
12 and private sectors toward meeting the housing needs of the State;

13 (5) an identification of State and local regulatory barriers to  
14 affordable housing and proposed regulatory and administrative  
15 techniques designed to remove barriers to the development and  
16 placement of affordable housing; and

17 (6) specific recommendations, policies, or proposals for meeting  
18 the affordable housing needs, and in particular the housing needs of  
19 the homeless or near homeless of the State.

20 The five-year housing advisory plan required under this  
21 subsection shall be prepared and submitted to the Governor and the  
22 Legislature's Joint Committee on Housing Affordability, or its  
23 successor, on or before the first day of the seventh month next  
24 following the enactment of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill), and subsequent plans shall be submitted  
26 every five years thereafter.

27 d. Each July 1st, beginning July 1, 2009, the department shall  
28 submit an annual progress report to the Legislature detailing the  
29 extent to which the State's affordable housing needs, as determined  
30 under P.L. , c. (C. ) (pending before the Legislature as this  
31 bill), were met during the preceding year and recommendations for  
32 meeting those needs.

33 e. Program outcomes, and performance measures and goals,  
34 shall be created by the department and reflected in the department's  
35 homeless housing strategic plan as well as interim goals against  
36 which the performance of the State and local governments may be  
37 measured, including:

38 (1) by the end of year one, completion of the first New Jersey  
39 homeless census required by this section.

40 (2) by the end of each subsequent year, goals, common to all  
41 local programs which are measureable and the achievement of  
42 which would move that community toward housing its homeless  
43 population; and

44 (3) a reduction of the homeless population Statewide and in  
45 each county by 50 percent by July 1, 2019.

46 f. The department shall submit annually to the Governor and to  
47 the Legislature's Joint Committee on Housing Affordability, or its  
48 successor, an assessment of the State's performance in furthering

1 the goals of the State's 10-year homeless housing strategic plan and  
2 the performance of each participating local government in creating  
3 and executing a local homeless housing plan which meets the  
4 requirements of P.L. , c. (C. ) (pending before the  
5 Legislature as this bill). The annual report may contain the  
6 following performance measures:

7 (1) the reduction in the number of homeless individuals and  
8 families from the initial count of homeless persons;

9 (2) the number of new units available and affordable for  
10 homeless families by housing type;

11 (3) the number of homeless individuals identified who are not  
12 offered suitable housing within 30 days of their request or  
13 identification as homeless;

14 (4) the number of households at risk of losing housing which is  
15 maintained only due to a preventative intervention;

16 (5) the transition time from homelessness to permanent housing;

17 (6) the cost per person housed at each level of the housing  
18 continuum;

19 (7) the ability to successfully collect data and report  
20 performance;

21 (8) the extent of collaboration and coordination among public  
22 bodies as well as community stakeholders, and the level of  
23 community support and participation;

24 (9) the quality and safety of housing provided; and

25 (10) the effectiveness of outreach to homeless persons, and their  
26 satisfaction with the program.

27 g. Based on the performance of local homeless housing  
28 programs in meeting their interim goals, general population  
29 changes, and changes in the homeless population recorded in the  
30 annual New Jersey homeless census, the department may revise the  
31 performance measures and goals of the State homeless housing  
32 strategic plan, set goals for years following the initial 10-year  
33 period, and recommend changes in any local government's plan.】<sup>1</sup>  
34

35 **【5.】 4.**<sup>1</sup> (New section) A local government may adopt a **【10-**  
36 **year】**<sup>1</sup> homeless housing plan to the address housing needs of  
37 homeless persons within its jurisdiction, which shall be in  
38 accordance with the provisions of P.L. , c. (C. ) (pending  
39 before the Legislature as this bill). The plan shall include  
40 provisions for establishing a trust fund for the purposes of receiving  
41 funds pursuant to P.L. ,c. (C. ) (pending before the  
42 Legislature as this bill), and shall evidence a strategic local scheme  
43 to identify and address the needs of the homeless within the  
44 jurisdiction, including strategies to reduce the need for emergency  
45 room care, hospital care, law enforcement, foster care, and other  
46 social services associated with the homeless and homelessness.

1       <sup>1</sup>[6. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to  
2 read as follows:

3       12. a. With respect to the sale of a mortgaged premises under  
4 foreclosure action, each sheriff in this State shall provide for, but  
5 not be limited to, the following uniform procedures:

6       (1) Bidding in the name of the assignee of the foreclosing  
7 plaintiff.

8       (2) That adjournment of the sale of the foreclosed property shall  
9 be in accordance with N.J.S.2A:17-36.

10       (3) (a) The sheriff shall schedule a sale date within 120 days of  
11 the sheriff's receipt of any writ of execution issued by the court in  
12 any foreclosure proceeding.

13       (b) If it becomes apparent that the sheriff cannot comply with  
14 the provisions of subparagraph (a) of this paragraph (3), the  
15 foreclosing plaintiff may apply to the office for an order appointing  
16 a Special Master to hold the foreclosure sale.

17       (c) Upon the foreclosing plaintiff making such application to the  
18 office, the office shall issue the appropriate order appointing a  
19 Special Master to hold the foreclosure sale.

20       (4) That the successful bidder at the sheriff's sale shall pay a 20  
21 percent deposit in either cash or by a certified or cashier's check,  
22 made payable to the sheriff of the county in which the sale is  
23 conducted, immediately upon the conclusion of the foreclosure sale.  
24 If the successful bidder cannot satisfy this requirement, the bidder  
25 shall be in default and the sheriff shall immediately void the sale  
26 and proceed further with the resale of the premises without the  
27 necessity of adjourning the sale, without renotification of any party  
28 to the foreclosure and without the republication of any sales notice.  
29 Upon such resale, the defaulting bidder shall be liable to the  
30 foreclosing plaintiff for any additional costs incurred by such  
31 default including, but not limited to, any difference between the  
32 amount bid by the defaulting bidder and the amount generated for  
33 the foreclosing plaintiff at the resale. In the event the plaintiff is  
34 the successful bidder at the resale, the plaintiff shall provide a credit  
35 for the fair market value of the property foreclosed. A surcharge  
36 equal to five percent of the sale amount due shall be charged to each  
37 successful bidder for each foreclosed property that is sold, which  
38 shall be in addition to any other charge allowed by law. The county  
39 treasurer shall deposit the surcharges collected pursuant to this  
40 paragraph into a fund that shall be used by the county to accomplish  
41 the purposes of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill). This fund shall be known as the "County  
43 Homelessness Trust Fund." Any redemption permitted by law  
44 following a sheriff's sale shall result in the return of the surcharge  
45 to the successful bidder.

46       (5) It is permissible, upon consent of the sheriff conducting the  
47 sheriff's sale, that it shall not be necessary for an attorney or  
48 representative of the person who initiated the foreclosure to be

1 present physically at the sheriff's sale to make a bid. A letter  
2 containing bidding instructions may be sent to the sheriff in lieu of  
3 an appearance.

4 (6) That each sheriff's office shall use a deed which shall be in  
5 substantially the following form:

6 THIS INDENTURE,  
7 made this ..... (date) day of ..... (month), .....  
8 (year). Between ..... (name), Sheriff of the County  
9 of ..... (name) in the State of New Jersey, party of the first  
10 part and ..... (name(s)) party of the  
11 second part, witnesseth.

12 WHEREAS, on the ..... (date) day of .....  
13 (month), ..... (year), a certain Writ of Execution was issued out of  
14 the Superior Court of New Jersey, Chancery Division- .....  
15 (name) County, Docket No. .... directed and delivered to the  
16 Sheriff of the said County of ..... (name) and which said  
17 Writ is in the words or to the effect following that is to say:

18 THE STATE OF NEW JERSEY to the Sheriff of the County of  
19 ..... (name),

20 Greeting:

21 WHEREAS, on the ..... (date) day of ..... (month),  
22 ..... (year), by a certain judgment made in our Superior Court  
23 of New Jersey, in a certain cause therein pending, wherein the  
24 PLAINTIFF is:

25 .....  
26 .....  
27 .....

28 and the following named parties are the DEFENDANTS:

29 .....  
30 .....  
31 .....

32 IT WAS ORDERED AND ADJUDGED that certain mortgaged  
33 premises, with the appurtenances in the Complaint, and Amendment  
34 to Complaint, if any, in the said cause particularly set forth and  
35 described, that is to say: The mortgaged premises are described as  
36 set forth upon the RIDER ANNEXED HERETO AND MADE A  
37 PART HEREOF.

38 BEING KNOWN AS Tax Lot ..... (number) in Block .....  
39 (number) COMMONLY KNOWN AS (street address)  
40 .....

41 TOGETHER, with all and singular the rights, liberties, privileges,  
42 hereditaments and appurtenances thereunto belonging or in anywise  
43 appertaining, and the reversion and remainders, rents, issues and  
44 profits thereof, and also all the estate, right, title, interest, use,  
45 property, claim and demand of the said defendants of, in, to and out  
46 of the same, to be sold, to pay and satisfy in the first place unto the  
47 plaintiff,

1 .....  
 2 .....  
 3 the sum of \$ ..... (amount) being the principal, interest and  
 4 advances secured by a certain mortgage dated ..... (date,  
 5 month, year) and given by ..... (name) together with  
 6 lawful interest from  
 7 .....  
 8 .....  
 9 .....

10 until the same be paid and satisfied and also the costs of the  
 11 aforesaid plaintiff with interest thereon.

12 AND for that purpose a Writ of Execution should issue, directed to  
 13 the Sheriff of the County of ..... (name) commanding him to  
 14 make sale as aforesaid; and that the surplus money arising from  
 15 such sale, if any there be, should be brought into our said Court, as  
 16 by the judgment remaining as of record in our said Superior Court  
 17 of New Jersey, at Trenton, doth and more fully appear; and  
 18 whereas, the costs and Attorney's fees of the said plaintiff have  
 19 been duly taxed at the following sum: \$ ..... (amount)

20 THEREFORE, you are hereby commanded that you cause to be  
 21 made of the premises aforesaid, by selling so much of the same as  
 22 may be needful and necessary for the purpose, the said sum of  
 23 \$..... (amount) and the same you do pay to the said plaintiff  
 24 together with contract and lawful interest thereon as aforesaid, and  
 25 the sum aforesaid of costs with interest thereon.

26 And that you have the surplus money, if any there be, before our  
 27 said Superior Court of New Jersey, aforesaid at Trenton, within 30  
 28 days after pursuant to R.4:59-1(a), to abide the further Order of the  
 29 said Court, according to judgment aforesaid, and you are to make  
 30 return at the time and place aforesaid, by certificate under your  
 31 hand, of the manner in which you have executed this our Writ,  
 32 together with this Writ, and if no sale, this Writ shall be returnable  
 33 within 12 months.

34 WITNESS, the Honorable ..... (name), Judge of the Superior  
 35 Court at Trenton, aforesaid, the ..... (date) day of .....  
 36 (month), ..... (year).

37 /s/ ..... (Clerk)  
 38 Superior Court of New Jersey

39 /s/.....  
 40 Attorney for Plaintiff

41 As by the record of said Writ of Execution in the Office of the  
 42 Superior Court of New Jersey, at Trenton, in Book .....  
 43 (number) of Executions, Page ..... (number) etc., may more fully  
 44 appear.

45 AND WHEREAS I, the said ..... (name), as such  
 46 Sheriff as aforesaid did in due form of law, before making such sale  
 47 give notice of the time and place of such sale by public  
 48 advertisement signed by myself, and set up in my office in the

1 ..... (name) Building in ..... (name) County,  
2 being the County in which said real estate is situate and also set up  
3 at the premises to be sold at least three weeks next before the time  
4 appointed for such sale.

5 I also caused such notice to be published four times in two  
6 newspapers designated by me and printed and published in the said  
7 County, the County wherein the real estate sold is situate, the same  
8 being designated for the publication by the Laws of this State, and  
9 circulating in the neighborhood of said real estate, at least once a  
10 week during four consecutive calendar weeks. One of such  
11 newspapers, ..... (name of newspaper) is a newspaper  
12 with circulation in ..... (name of town), the County seat of  
13 said ..... (name) County. The first publication was at least  
14 twenty-one days prior and the last publication not more than eight  
15 days prior to the time appointed for the sale of such real estate, and  
16 by virtue of the said Writ of Execution, I did offer for sale said land  
17 and premises at public vendue at the County ..... (name)  
18 Building in ..... (name of town) on the ..... (date)  
19 day of ....., .... (month) (year) at the hour of .....  
20 (time) in the ..... (a.m. or p.m.).

21 WHEREUPON the said party of the second part bidding  
22 therefore for the same, the sum of \$..... (amount) and no  
23 other person bidding as much I did then and there openly and  
24 publicly in due form of law between the hours of ..... (time)  
25 and ..... (time) in the ..... (a.m. or p.m.), strike off and sell  
26 tracts or parcels of land and premises for the sum of \$ .....  
27 (amount) to the said party of the second part being then and there  
28 the highest bidder for same. And on the ..... (date) of  
29 ..... (month) in the year last aforesaid I did truly report the  
30 said sale to the Superior Court of New Jersey, Chancery Division  
31 and no objection to the said sale having been made, and by  
32 Assignment of Bid filed with the Sheriff of ..... (name)  
33 County said bidder assigned its bid to:

34 .....  
35 .....  
36 .....

37 NOW, THEREFORE, This Indenture witnesseth, that I, the said  
38 ..... (name), as such Sheriff as aforesaid under and by the  
39 virtue of the said Writ of Execution and in execution of the power  
40 and trust in me reposed and also for and in consideration of the said  
41 sum of \$ ..... (amount) therefrom acquit, exonerate and  
42 forever discharge to the said party of the second part, its successors  
43 and assigns, all and singular the said tract or parcel of lands and  
44 premises, with the appurtenances, privileges, and hereditaments  
45 thereunto belonging or in any way appertaining; to have and hold  
46 the same, unto the said party of the second part, its successors and  
47 assigns to its and their only proper use, benefit, and behoof forever,

1 in as full, ample and beneficial manner as by virtue of said Writ of  
2 Execution I may, can or ought to convey the same.

3 And, I, the said ..... (name), do hereby covenant, promise and  
4 agree, to and with the said party of the second part, its successors  
5 and assigns, that I have not, as such Sheriff as aforesaid, done or  
6 caused, suffered or procured to be done any act, matter or thing  
7 whereby the said premises, or any part thereof, with the  
8 appurtenances, are or may be charged or encumbered in estate, title  
9 or otherwise.

10 IN WITNESS WHEREOF, I the said ..... (name) as such  
11 Sheriff as aforesaid, have hereunto set my hand and seal the day and  
12 year aforesaid.

13 Signed, sealed and delivered

14 in the presence of

15

16 .....

17 Attorney at Law of New Jersey .....(name) Sheriff

18 STATE OF NEW JERSEY) SS.

19 .....(county )

20 I, ..... (name), Sheriff, of the County of ..... (name),

21 do solemnly swear that the real estate described in this deed made

22 to

23 .....

24 .....

25 .....

26 was by me sold by virtue of a good and subsisting execution (or as

27 the case may be) as is therein recited, that the money ordered to be

28 made has not been to my knowledge or belief paid or satisfied, that

29 the time and place of the same of said real estate were by me duly

30 advertised as required by law, and that the same was cried off and

31 sold to a bona fide purchaser for the best price that could be

32 obtained and the true consideration for this conveyance as set forth

33 in the deed is \$ ..... (amount).

34 .....

35 ..... (name), Sheriff

36 Sworn before me, ..... (name), on this ..... (date) day of

37 ..... (month), ..... (year), and I having examined the deed

38 above mentioned do approve the same and order it to be recorded as

39 a good and sufficient conveyance of the real estate therein

40 described.

41 STATE OF NEW JERSEY) ss. ....

42 ..... (Name) County) Attorney or Notary Public

43 On this ..... (date) day of ..... (month), ..... (year),

44 before me, the subscriber, ..... (name) personally

45 appeared ..... (name), Sheriff of the County of .....

46 (name) aforesaid, who is, I am satisfied, the grantor in the within

47 Indenture named, and I having first made known to him the contents

48 thereof, he did thereupon acknowledge that he signed, sealed and

1 delivered the same on his voluntary act and deed, for the uses and  
2 purposes therein expressed.

3

4

.....

5

Attorney or Notary Public

6

7 b. At the conclusion of the sheriff's sale, the attorney for the  
8 plaintiff may prepare and deliver to the sheriff a deed in the form  
9 provided pursuant to paragraph (5) of subsection a. of this section  
10 for the sheriff's execution and the deed shall be delivered to the  
11 sheriff within 10 days of the date of the sale. The sheriff shall be  
12 entitled to the authorized fee, as a review fee, even if the plaintiff's  
13 attorney prepares the deed.

13

14 c. The sheriff's office shall, within two weeks of the date of the  
15 sale, deliver a fully executed deed to the successful bidder at the  
16 sale provided that the bidder pays the balance of the monies due to  
17 the Sheriff by either cash or certified or cashier's check. In the  
18 event a bid is satisfied after the expiration and additional interest is  
19 collected from the successful bidder, the sheriff shall remit to the  
20 plaintiff the total amount, less any fees, costs and commissions due  
21 the sheriff, along with the additional interest.

21

(cf: P.L.1995, c.244, s.12)]<sup>1</sup>

22

23

<sup>1</sup>[7. N.J.S.2A:17-34 is amended to read as follows:

24

25 2A:17-34. All advertisements for the sale of real estate by virtue  
26 of executions issued out of any court of this state shall state the  
27 approximate amount of the judgment or order sought to be satisfied  
28 by the sale. When practicable, the advertisements shall state the  
29 street numbers of the real estate to be sold. Advertisements shall  
30 also state that a surcharge will be applied to the winning bid price  
31 of foreclosed properties for deposit into the County Homelessness  
32 Trust Fund as required by section 6 of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill.

33

(cf: N.J.S.2A:17-34)]<sup>1</sup>

34

35

<sup>1</sup>[8.] 5.<sup>1</sup> (New section) a. Amounts raised by the surcharge  
36 imposed pursuant to section <sup>1</sup>[6] 8<sup>1</sup> of P.L. , c. (C. )  
37 (pending before the Legislature as this bill) shall be deposited into a  
38 "County Homelessness Trust Fund" to be created by the county and  
39 shall be used exclusively for the purposes authorized by  
40 P.L. , c. (C. ) (pending before the Legislature as this bill).  
41 Any interest or other income earned on monies deposited into the  
42 county trust fund shall be credited to the fund to be used for the  
43 same purposes as the principal. A county may deposit other funds  
44 into the County Homelessness Trust Fund, as it may, from time to  
45 time, deem appropriate.

1 b. No monies in the trust shall be utilized to pay or discharge  
2 the principal or interest on any indebtedness incurred for any  
3 purpose by the trust or any other governmental entity.

4 <sup>1</sup>c. Amounts raised by the surcharge must be expended for the  
5 purposes detailed in section 9 of P.L. , c. (C. ) (pending  
6 before the Legislature as this bill) within four years of being  
7 collected.

8 d. Any monies in the trust that are not expended after four  
9 years will be transferred to the New Jersey Interagency Council on  
10 Homelessness which will contract with a community based  
11 organization in the same county where the Homelessness Trust  
12 Fund exists for the purposes of P.L. , c. (C. ) (pending before  
13 the Legislature as this bill).<sup>1</sup>

14  
15 <sup>1</sup>[9.] 6.<sup>1</sup> (New section) a. Each county shall utilize its County  
16 Homelessness Trust Fund for the operation of a homeless housing  
17 grant program. This program is established in order to provide:

18 (1) for the acquisition, construction, or rehabilitation of housing  
19 projects or units within housing projects that supply permanent  
20 affordable housing for homeless persons or families, including  
21 those at risk of homelessness;

22 (2) rental assistance vouchers, including tenant and project based  
23 subsidies, for affordable housing projects or units within housing  
24 projects that provide permanent affordable housing for homeless  
25 persons or families, including those at risk of homelessness;

26 (3) supportive services as may be required by homeless  
27 individuals or families in order to obtain or maintain, or both,  
28 permanent affordable housing; and

29 (4) prevention services for at risk homeless individuals or  
30 families so that they can obtain and maintain permanent affordable  
31 housing.

32 b. Grants awarded by the governing body of the county shall be  
33 used to support projects that:

34 (1) measurably reduce homelessness;

35 (2) demonstrate government cost savings over time;

36 (3) employ evidence-based models;

37 (4) can be replicated in other counties;

38 (5) include an outcome measurement component;

39 (6) are consistent with the local homeless housing plan; or

40 (7) fund the acquisition, construction, or rehabilitation projects  
41 that will serve homeless individuals or families for a period of at  
42 least 30 years or the equal to the longest term of affordability  
43 required by other funding sources.

44 <sup>1</sup>c. Each county that has established a County Homelessness  
45 Trust Fund shall transmit information concerning the uses of the  
46 funds to the New Jersey Housing and Mortgage Finance Agency in  
47 accordance with requirements established by that agency.<sup>1</sup>

1       '【10.】 7.' (New section) A county may collaborate with any  
2 other county that has established a County Homeless Trust Fund to  
3 provide joint funding for projects permitted under P.L. , c. (C. )  
4 (pending before the Legislature as this bill).

5  
6       '8. N.J.S.22A:4-17 is amended to read as follows:

7       22A:4-17. a. All fees, costs, allowances, percentages and other  
8 prerequisites of whatever kind which surrogates, county clerks in  
9 their several capacities, registers of deeds and mortgages, and  
10 sheriffs or persons employed in their offices are entitled to charge  
11 and receive for any official acts or services they may render shall be  
12 for the sole use of the county and shall be accounted for regularly to  
13 the county treasurer; however, such monies shall be utilized to  
14 increase the salaries of surrogates, county clerks, registers of deeds  
15 and mortgages and sheriffs, except as provided in section 6 of  
16 P.L.2001, c.370 (C.22A:4-8.1), section 7 of P.L.1985, c.422  
17 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-17.2).

18       Such accounting shall be made on or before the fifteenth day of  
19 each month on form blanks supplied by the county treasurer. The  
20 statement of account shall clearly set forth all sums charged or  
21 taxed or which shall have accrued or become payable during the  
22 preceding month. Such statements shall be made under oath and  
23 filed in the office of the county treasurer as public records.

24       Such statements when received by the county treasurer shall be  
25 forthwith audited by the county auditor or other proper officer.

26       On or before the twentieth day of each month surrogates, county  
27 clerks, registers of deeds and mortgages, and sheriffs shall pay over  
28 the amount of such fees and moneys to the county treasurer and  
29 such officers shall be personally liable to the county for such fees  
30 and moneys.

31       The penalty for each day's neglect to file the required statement  
32 of account or to pay over such moneys shall be one hundred dollars  
33 (\$100.00) to be recovered in the name of the board of chosen  
34 freeholders of the county in a civil action in the Superior Court, and  
35 said officers may also be proceeded against by proceeding in lieu of  
36 prerogative writ.

37       b. (1) In addition to the fees authorized in N.J.S.22A:4-4.1, and  
38 except as provided in paragraph (2) of this subsection, upon  
39 resolution or ordinance of the county governing body, as  
40 appropriate, a surcharge of three dollars shall be charged for each  
41 document recorded, which will be in addition to any other charge  
42 allowed by law. The county treasurer shall deposit the surcharges  
43 so collected into a fund that shall be used by the county to  
44 accomplish the purposes of P.L. , c. (C. ) (pending before the  
45 Legislature as this bill). This fund shall be known as the  
46 “Homelessness Housing Trust Fund.” Five percent of the fund may  
47 be used annually by the county for administrative costs related to  
48 administration of the fund and the grant program established

1 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
2 this bill), and the remainder only for homelessness housing  
3 programs as described in P.L. , c. (C. ) (pending before the  
4 Legislature as this bill).

5 (2) The surcharge imposed in this section does not apply to  
6 assignments or substitutions of previously recorded deeds of trust.<sup>1</sup>  
7 (cf: P.L.2001, c.370, s.7)

8

9 <sup>1</sup>[11.] 9.<sup>1</sup> This act shall take effect immediately.