

[Third Reprint]

ASSEMBLY, No. 3101

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2008

Sponsored by:

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Assemblywoman NILSA CRUZ-PEREZ

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SYNOPSIS

Permits counties to create County Homelessness Trust Funds.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 14, 2009, with amendments.

(Sponsorship Updated As Of: 6/19/2009)

1 AN ACT addressing '[chronic]' homelessness by '[providing for]
2 permitting¹ the establishment of '[coordinated State and local
3 programs] County Homelessness Trust Funds¹, amending
4 '[P.L.1995, c.244 and N.J.S.2A:17-34] N.J.S.22A:4-17¹, and
5 supplementing P.L.1984, c.180 (C.52:27D-280 et seq.)¹.¹
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. '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.¹ 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, 'veterans,
24 the elderly.¹ and employed persons.

25 '[b.] c.¹ 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 '[c.] d.¹ 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 '[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.]¹

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:

¹Assembly AHO committee amendments adopted October 23, 2008.

²Senate SCU committee amendments adopted December 8, 2008.

³Senate SBA committee amendments adopted May 14, 2009.

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

2 '["Community action agency"] "Community based
3 organization"¹ means a nonprofit, private, or public organization
4 '["contracted by a county board of social services or the State of
5 New Jersey"] funded with public or private funds, or both, that
6 provides housing and services to families and individuals who are
7 homeless¹.

8 "County homeless housing grant program" means the vehicle by
9 which competitive grants are awarded by the governing body of the
10 county, utilizing moneys from the ³["homeless housing account"]
11 Homelessness Housing Trust Fund³, for activities directly related to
12 housing homeless individuals and families, preventing
13 homelessness, and other efforts directly related to permanently
14 housing homeless persons, as administered by the local government
15 or its designated subcontractor.

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

31 "Department" means the Department of Community Affairs,
32 unless otherwise designated.

33 "Director" means the Director of the Division of Housing in the
34 Department of Community Affairs.

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

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

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

46 "Homeless housing plan" means the ¹["10-year"]¹ plan
47 ¹["developed"] approved¹ by a local government to address housing

1 for homeless persons that includes measurable and achievable
2 objectives to end homelessness in ³that community and has been
3 approved by the governing body of the county or municipality] the
4 county³.

5 ¹“Homeless housing strategic plan” means the 10-year plan
6 developed by the department, in consultation with the Department
7 of Health and Senior Services, the Department of Corrections, the
8 Department of Children and Families and the Department of Human
9 Services.

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

15 “Local government” means a county ³or municipal³
16 government.

17 “Outcome measurement” means the process of comparing
18 specific measures of success against ultimate and interim goals.

19

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

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

43 c. In consultation with the Council on Affordable Housing, the
44 Department of Children and Families, the Department of
45 Corrections, the Department of Health and Senior Services, and the
46 Department of Human Services, the department shall prepare, and
47 from time-to-time amend, a five-year housing advisory plan. The

1 purpose of the plan is to document the need for affordable housing
2 for all residents in this State, but in particular the homeless or near
3 homeless, and the extent to which that need is being met through
4 public and private sector programs, to facilitate planning to meet
5 the affordable housing needs of the State and to enable the
6 development of sound strategies and programs for affordable
7 housing. The information in the five-year housing advisory plan
8 shall include:

- 9 (1) an assessment of the State's housing market trends;
- 10 (2) an assessment of the housing needs for all economic
11 segments of the State and special needs populations;
- 12 (3) an inventory of the supply and geographic distribution of
13 affordable housing made available through public and private sector
14 programs;
- 15 (4) a status report on the degree of progress made by the public
16 and private sectors toward meeting the housing needs of the State;
- 17 (5) an identification of State and local regulatory barriers to
18 affordable housing and proposed regulatory and administrative
19 techniques designed to remove barriers to the development and
20 placement of affordable housing; and
- 21 (6) specific recommendations, policies, or proposals for meeting
22 the affordable housing needs, and in particular the housing needs of
23 the homeless or near homeless of the State.

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

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

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

- 42 (1) by the end of year one, completion of the first New Jersey
43 homeless census required by this section.
- 44 (2) by the end of each subsequent year, goals, common to all
45 local programs which are measureable and the achievement of
46 which would move that community toward housing its homeless
47 population; and

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

3 f. The department shall submit annually to the Governor and to
4 the Legislature's Joint Committee on Housing Affordability, or its
5 successor, an assessment of the State's performance in furthering
6 the goals of the State's 10-year homeless housing strategic plan and
7 the performance of each participating local government in creating
8 and executing a local homeless housing plan which meets the
9 requirements of P.L. , c. (C.) (pending before the
10 Legislature as this bill). The annual report may contain the
11 following performance measures:

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

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

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

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

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

22 (6) the cost per person housed at each level of the housing
23 continuum;

24 (7) the ability to successfully collect data and report
25 performance;

26 (8) the extent of collaboration and coordination among public
27 bodies as well as community stakeholders, and the level of
28 community support and participation;

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

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

32 g. Based on the performance of local homeless housing
33 programs in meeting their interim goals, general population
34 changes, and changes in the homeless population recorded in the
35 annual New Jersey homeless census, the department may revise the
36 performance measures and goals of the State homeless housing
37 strategic plan, set goals for years following the initial 10-year
38 period, and recommend changes in any local government's plan.]¹
39

40 '[5.] 4.¹ (New section) A local government may adopt a '[10-
41 year]' homeless housing plan to ²[the]² address ²the² housing
42 needs of homeless persons within its jurisdiction, which shall be in
43 accordance with the provisions of P.L. , c. (C.) (pending
44 before the Legislature as this bill). The plan shall include
45 provisions for establishing a trust fund for the purposes of receiving
46 funds pursuant to P.L. , c. (C.) (pending before the
47 Legislature as this bill), and shall evidence a strategic local scheme
48 to identify and address the needs of the homeless within the

1 jurisdiction, including strategies to reduce the need for emergency
2 room care, hospital care, law enforcement, foster care, and other
3 social services associated with the homeless and homelessness.

4

5 '6. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
6 read as follows:

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

10 (1) Bidding in the name of the assignee of the foreclosing
11 plaintiff.

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

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

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

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

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

1 following a sheriff's sale shall result in the return of the surcharge
 2 to the successful bidder.

3 (5) It is permissible, upon consent of the sheriff conducting the
 4 sheriff's sale, that it shall not be necessary for an attorney or
 5 representative of the person who initiated the foreclosure to be
 6 present physically at the sheriff's sale to make a bid. A letter
 7 containing bidding instructions may be sent to the sheriff in lieu of
 8 an appearance.

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

11 THIS INDENTURE,
 12 made this (date) day of (month),
 13 (year). Between (name), Sheriff of the County
 14 of (name) in the State of New Jersey, party of the first
 15 part and (name(s)) party of the
 16 second part, witnesseth.

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

23 THE STATE OF NEW JERSEY to the Sheriff of the County of
 24 (name),

25 Greeting:

26 WHEREAS, on the (date) day of (month),
 27 (year), by a certain judgment made in our Superior Court
 28 of New Jersey, in a certain cause therein pending, wherein the
 29 PLAINTIFF is:

30
 31
 32

33 and the following named parties are the DEFENDANTS:

34
 35
 36

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

43 BEING KNOWN AS Tax Lot (number) in Block
 44 (number) COMMONLY KNOWN AS (street address)
 45

46 TOGETHER, with all and singular the rights, liberties, privileges,
 47 hereditaments and appurtenances thereunto belonging or in anywise
 48 appertaining, and the reversion and remainders, rents, issues and

1 profits thereof, and also all the estate, right, title, interest, use,
2 property, claim and demand of the said defendants of, in, to and out
3 of the same, to be sold, to pay and satisfy in the first place unto the
4 plaintiff,

5

6

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

11

12

13

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

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

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

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

38 WITNESS, the Honorable (name), Judge of the Superior
39 Court at Trenton, aforesaid, the (date) day of
40 (month), (year).

41 /s/ (Clerk)

42 Superior Court of New Jersey

43 /s/.....

44 Attorney for Plaintiff

45 As by the record of said Writ of Execution in the Office of the
46 Superior Court of New Jersey, at Trenton, in Book
47 (number) of Executions, Page (number) etc., may more fully
48 appear.

1 AND WHEREAS I, the said (name), as such
2 Sheriff as aforesaid did in due form of law, before making such sale
3 give notice of the time and place of such sale by public
4 advertisement signed by myself, and set up in my office in the
5 (name) Building in (name) County,
6 being the County in which said real estate is situate and also set up
7 at the premises to be sold at least three weeks next before the time
8 appointed for such sale.

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

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

38
39
40

41 NOW, THEREFORE, This Indenture witnesseth, that I, the said
42 (name), as such Sheriff as aforesaid under and by the
43 virtue of the said Writ of Execution and in execution of the power
44 and trust in me reposed and also for and in consideration of the said
45 sum of \$ (amount) therefrom acquit, exonerate and
46 forever discharge to the said party of the second part, its successors
47 and assigns, all and singular the said tract or parcel of lands and
48 premises, with the appurtenances, privileges, and hereditaments

1 thereunto belonging or in any way appertaining; to have and hold
2 the same, unto the said party of the second part, its successors and
3 assigns to its and their only proper use, benefit, and behoof forever,
4 in as full, ample and beneficial manner as by virtue of said Writ of
5 Execution I may, can or ought to convey the same.

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

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

16 Signed, sealed and delivered

17 in the presence of

18

19

20 Attorney at Law of New Jersey(name) Sheriff

21 STATE OF NEW JERSEY) SS.

22(county)

23 I, (name), Sheriff, of the County of (name),
24 do solemnly swear that the real estate described in this deed made
25 to

26

27

28

29 was by me sold by virtue of a good and subsisting execution (or as
30 the case may be) as is therein recited, that the money ordered to be
31 made has not been to my knowledge or belief paid or satisfied, that
32 the time and place of the same of said real estate were by me duly
33 advertised as required by law, and that the same was cried off and
34 sold to a bona fide purchaser for the best price that could be
35 obtained and the true consideration for this conveyance as set forth
36 in the deed is \$ (amount).

37

38 (name), Sheriff

39 Sworn before me, (name), on this (date) day of
40 (month), (year), and I having examined the deed
41 above mentioned do approve the same and order it to be recorded as
42 a good and sufficient conveyance of the real estate therein
43 described.

44 STATE OF NEW JERSEY) ss.

45 (Name) County) Attorney or Notary Public

46 On this (date) day of (month), (year),
47 before me, the subscriber, (name) personally
48 appeared (name), Sheriff of the County of

(name) aforesaid, who is, I am satisfied, the grantor in the within Indenture named, and I having first made known to him the contents thereof, he did thereupon acknowledge that he signed, sealed and delivered the same on his voluntary act and deed, for the uses and purposes therein expressed.

.....

Attorney or Notary Public

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

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

(cf: P.L.1995, c.244, s.12)]¹

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

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

(cf: N.J.S.2A:17-34)]¹

¹[8.] 5.¹ (New section) a. Amounts raised by the surcharge imposed pursuant to section ¹[6] 8¹ of P.L. , c. (C.) (pending before the Legislature as this bill) shall be deposited into a "County Homelessness Trust Fund" to be created by the county and shall be used exclusively for the purposes authorized by P.L. , c. (C.) (pending before the Legislature as this bill). Any interest or other income earned on monies deposited into the county trust fund shall be credited to the fund to be used for the same purposes as the principal. A county may deposit other funds

1 into the County Homelessness Trust Fund, as it may, from time to
2 time, deem appropriate.

3 b. No monies in the trust ³fund³ shall be utilized to pay or
4 discharge the principal or interest on any indebtedness incurred for
5 any purpose by the ³[trust] county³ or any other governmental
6 entity.

7 ¹c. Amounts raised by the surcharge must be expended for the
8 purposes detailed in section ²[9] ⁶ of P.L. , c. (C.)
9 (pending before the Legislature as this bill) within four years of
10 being collected.

11 d. Any monies in the trust ³fund³ that are not expended after
12 four years will be transferred to the ³[New Jersey Interagency
13 Council on Homelessness] Department of Community of Affairs³
14 which will contract with a community based organization in the
15 same county where the Homelessness Trust Fund exists for the
16 purposes of P.L. , c. (C.) (pending before the Legislature as
17 this bill).¹

18
19 ¹[9.] ⁶.¹ (New section) a. Each county shall utilize its County
20 Homelessness Trust Fund ²with the advice of the County
21 Homelessness Trust Fund Task Force² for the operation of a
22 homeless housing grant program. This program is established in
23 order to provide:

24 (1) for the acquisition, construction, or rehabilitation of housing
25 projects or units within housing projects that supply permanent
26 affordable housing for homeless persons or families, including
27 those at risk of homelessness;

28 (2) rental assistance vouchers, including tenant and project
29 based subsidies, for affordable housing projects or units within
30 housing projects that provide permanent affordable housing for
31 homeless persons or families, including those at risk of
32 homelessness;

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

36 (4) prevention services for at risk homeless individuals or
37 families so that they can obtain and maintain permanent affordable
38 housing.

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

41 (1) measurably reduce homelessness;

42 (2) demonstrate government cost savings over time;

43 (3) employ evidence-based models;

44 (4) can be replicated in other counties;

45 (5) include an outcome measurement component;

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

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

5 ¹c. Each county that has established a County Homelessness
6 Trust Fund shall transmit information concerning the uses of the
7 funds to the New Jersey Housing and Mortgage Finance Agency in
8 accordance with requirements established by that agency.¹

9
10 ¹[10.] 7.¹ (New section) A county may collaborate with any
11 other county that has established a County ³[Homeless]
12 Homelessness³ Trust Fund to provide joint funding for projects
13 permitted under P.L. , c. (C.) (pending before the Legislature
14 as this bill).

15
16 ¹8. N.J.S.22A:4-17 is amended to read as follows:

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

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

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

36 On or before the twentieth day of each month surrogates, county
37 clerks, registers of deeds and mortgages, and sheriffs shall pay over
38 the amount of such fees and moneys to the county treasurer and
39 such officers shall be personally liable to the county for such fees
40 and moneys.

41 The penalty for each day's neglect to file the required statement
42 of account or to pay over such moneys shall be one hundred dollars
43 (\$100.00) to be recovered in the name of the board of chosen
44 freeholders of the county in a civil action in the Superior Court, and
45 said officers may also be proceeded against by proceeding in lieu of
46 prerogative writ.

- 1 b. (1) In addition to the fees authorized in N.J.S.22A:4-4.1, and
2 except as provided in paragraph (2) of this subsection, upon
3 resolution or ordinance of the county governing body, as
4 appropriate, a surcharge of three dollars shall be charged for each
5 document recorded, which will be in addition to any other charge
6 allowed by law. The county treasurer shall deposit the surcharges
7 so collected into a fund that shall be used by the county to
8 accomplish the purposes of P.L. , c. (C.) (pending before the
9 Legislature as this bill). This fund shall be known as the
10 “Homelessness Housing Trust Fund.” Five percent of the fund may
11 be used annually by the county for administrative costs related to
12 administration of the fund and the grant program established
13 pursuant to P.L. , c. (C.) (pending before the Legislature as
14 this bill), and the remainder only for homelessness housing
15 programs as described in P.L. , c. (C.) (pending before the
16 Legislature as this bill).
- 17 (2) The surcharge imposed in this section does not apply to
18 assignments or substitutions of previously recorded deeds of trust.¹
19 (cf: P.L.2001, c.370, s.7)
20
- 21 ¹[11.] 9.¹ This act shall take effect immediately.