## LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

<table>
<thead>
<tr>
<th>LAWS OF:</th>
<th>2009</th>
<th>CHAPTER:</th>
<th>123</th>
</tr>
</thead>
<tbody>
<tr>
<td>NJSA:</td>
<td>52:27D-287a</td>
<td>(Permits counties to create County Homelessness Trust Funds)</td>
<td></td>
</tr>
<tr>
<td>BILL NO:</td>
<td>A3101 (Substituted for S2354)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPONSOR(S)</td>
<td>Watson Coleman and Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE INTRODUCED:</td>
<td>September 15, 2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMITTEE:</td>
<td>ASSEMBLY: Housing and Local Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SENATE: Community and Urban Affairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMENDED DURING PASSAGE:</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE OF PASSAGE:</td>
<td>ASSEMBLY: June 25, 2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SENATE: June 18, 2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DATE OF APPROVAL:</td>
<td>September 8, 2009</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### BILL A3101

<table>
<thead>
<tr>
<th>FOLLOWING ARE ATTACHED IF AVAILABLE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FINAL TEXT OF BILL (Third Reprint enacted)</td>
</tr>
<tr>
<td>SPONSOR'S STATEMENT:</td>
</tr>
<tr>
<td>COMMITTEE STATEMENT:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, may possibly be found at www.njleg.state.nj.us)

| FLOOR AMENDMENT STATEMENT: | No |
| LEGISLATIVE FISCAL ESTIMATE: | No |

### BILL S2354

| SPONSOR'S STATEMENT: | (Begins on page 6 of original bill) | Yes |
| COMMITTEE STATEMENT: | ASSEMBLY: | No |
| | SENATE: | Yes |

| FLOOR AMENDMENT STATEMENT: | No |
| LEGISLATIVE FISCAL ESTIMATE: | No |

(continued)
VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes 9-8-09

FOLLOWING WERE PRINTED:
To check for circulating copies, contact New Jersey State Government
Publications at the State Library (609) 278-2640 ext.103 or mailto:refdesk@njstatelib.org

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH
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)
Assemblywoman NELLIE POU
District 35 (Bergen and Passaic)

Co-Sponsored by:
Assemblywomen Quijano, Oliver, Wagner, Vainieri Huttle, Assemblymen Chivukula, Cryan, Assemblywoman Rodriguez, Senators Redd, Stack, Singer, Buono, Vitale, Rice, B.Smith, Beach, Ruiz and Cunningham

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)
AN ACT addressing chronic homelessness by providing for the establishment of coordinated State and local programs. County Homelessness Trust Funds, amending P.L.1995, c.244 and N.J.S.22A:4-17, and supplementing P.L.1984, c.180 (C.52:27D-280 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

2. (New section) The Legislature finds and declares:
   a. The creation of county homelessness trust funds in counties that have completed and endorsed a plan to end homelessness will provide some of the additional funds necessary to move homeless or formerly homeless individuals toward the goal of permanent affordable housing and self-sufficiency.
   b. Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in New Jersey is unacceptably high. The State’s homeless population, furthermore, includes a large number of families with children, youth, veterans, the elderly, and employed persons.
   c. Fiscal and social costs of homelessness are high for both the public and private sectors and declares that ending homelessness should be a joint goal for State and local government.
   d. A myriad of factors contribute to homelessness, including a shortage of affordable housing; a shortage of jobs that pay wages and benefits sufficient to support a family; high property taxes which undermine housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; and a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century.
   e. The creation of county homelessness trust funds in counties that have completed and endorsed a plan to end homelessness will provide some of the additional funds necessary to move homeless or formerly homeless individuals toward the goal of permanent affordable housing and self-sufficiency.

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:

Assembly AHO committee amendments adopted October 23, 2008.
Senate SCU committee amendments adopted December 8, 2008.
Senate SBA committee amendments adopted May 14, 2009.
3. (New section) As used in this act:

(“Community action agency”) means a nonprofit, private, or public organization contracted by a county board of social services or the State of New Jersey funded with public or private funds, or both, that provides housing and services to families and individuals who are homeless.

(“Community based organization”) means a nonprofit, private, or public organization contracted by a county board of social services or the State of New Jersey funded with public or private funds, or both, that provides housing and services to families and individuals who are homeless.

“County homeless housing grant program” means the vehicle by which competitive grants are awarded by the governing body of the county, utilizing moneys from the [homeless housing account] Homelessness Housing Trust Fund, for activities directly related to housing homeless individuals and families, preventing homelessness, and other efforts directly related to permanently housing homeless persons, as administered by the local government or its designated subcontractor.

(“County Homelessness Trust Fund Task Force”) means the voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It shall include a representative of the county, representatives from each of the three municipalities in the county with the largest populations of homeless people, representatives from the organization responsible for developing, implementing, or both, the local plan to end homelessness, at least three homeless or formerly homeless persons, and three representatives of local private or nonprofit organizations with experiencing in assisting the homeless or providing low-income housing. [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.]

(“Department”) means the Department of Community Affairs, unless otherwise designated.

(“Director”) means the Director of the Division of Housing in the Department of Community Affairs.

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

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

(“Housing continuum”) means the progression of individuals along a housing-focused scale with homelessness at one end and home ownership at the other.

(“Homeless housing plan”) means the [10-year] plan developed approved by a local government to address housing needs.
for homeless persons that includes measurable and achievable objectives to end homelessness in [that community and has been approved by the governing body of the county or municipality] the county.

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

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

“Local government” means a county [or municipal] government.

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

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

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

c. In consultation with the Council on Affordable Housing, the Department of Children and Families, the Department of Corrections, the Department of Health and Senior Services, and the Department of Human Services, the department shall prepare, and from time-to-time amend, a five-year housing advisory plan. The
purpose of the plan is to document the need for affordable housing for all residents in this State, but in particular the homeless or near homeless, and the extent to which that need is being met through public and private sector programs, to facilitate planning to meet the affordable housing needs of the State and to enable the development of sound strategies and programs for affordable housing. The information in the five-year housing advisory plan shall include:

1. an assessment of the State’s housing market trends;
2. an assessment of the housing needs for all economic segments of the State and special needs populations;
3. an inventory of the supply and geographic distribution of affordable housing made available through public and private sector programs;
4. a status report on the degree of progress made by the public and private sectors toward meeting the housing needs of the State;
5. an identification of State and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and
6. specific recommendations, policies, or proposals for meeting the affordable housing needs, and in particular the housing needs of the homeless or near homeless of the State.

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

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

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

1. by the end of year one, completion of the first New Jersey homeless census required by this section.
2. by the end of each subsequent year, goals, common to all local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and
(3) a reduction of the homeless population Statewide and in each county by 50 percent by July 1, 2019.

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

1. the reduction in the number of homeless individuals and families from the initial count of homeless persons;
2. the number of new units available and affordable for homeless families by housing type;
3. the number of homeless individuals identified who are not offered suitable housing within 30 days of their request or identification as homeless;
4. the number of households at risk of losing housing which is maintained only due to a preventative intervention;
5. the transition time from homelessness to permanent housing;
6. the cost per person housed at each level of the housing continuum;
7. the ability to successfully collect data and report performance;
8. the extent of collaboration and coordination among public bodies as well as community stakeholders, and the level of community support and participation;
9. the quality and safety of housing provided; and
10. the effectiveness of outreach to homeless persons, and their satisfaction with the program.

g. Based on the performance of local homeless housing programs in meeting their interim goals, general population changes, and changes in the homeless population recorded in the annual New Jersey homeless census, the department may revise the performance measures and goals of the State homeless housing strategic plan, set goals for years following the initial 10-year period, and recommend changes in any local government’s plan.

1 New section] A local government may adopt a 10-year homeless housing plan to address housing needs of homeless persons within its jurisdiction, which shall be in accordance with the provisions of P.L. , c. (pending before the Legislature as this bill). The plan shall include provisions for establishing a trust fund for the purposes of receiving funds pursuant to P.L. , c. (pending before the Legislature as this bill), and shall evidence a strategic local scheme to identify and address the needs of the homeless within the
jurisdiction, including strategies to reduce the need for emergency
room care, hospital care, law enforcement, foster care, and other
social services associated with the homeless and homelessness.

6. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
read as follows:
12. a. With respect to the sale of a mortgaged premises under
foreclosure action, each sheriff in this State shall provide for, but
not be limited to, the following uniform procedures:
(1) Bidding in the name of the assignee of the foreclosing
plaintiff.
(2) That adjournment of the sale of the foreclosed property shall
be in accordance with N.J.S.2A:17-36.
(3) (a) The sheriff shall schedule a sale date within 120 days of
the sheriff's receipt of any writ of execution issued by the court in
any foreclosure proceeding.
    (b) If it becomes apparent that the sheriff cannot comply with
the provisions of subparagraph (a) of this paragraph (3), the
foreclosing plaintiff may apply to the office for an order appointing
a Special Master to hold the foreclosure sale.
    (c) Upon the foreclosing plaintiff making such application to the
office, the office shall issue the appropriate order appointing a
Special Master to hold the foreclosure sale.
(4) That the successful bidder at the sheriff's sale shall pay a 20
percent deposit in either cash or by a certified or cashier's check,
made payable to the sheriff of the county in which the sale is
conducted, immediately upon the conclusion of the foreclosure sale.
If the successful bidder cannot satisfy this requirement, the bidder
shall be in default and the sheriff shall immediately void the sale
and proceed further with the resale of the premises without the
necessity of adjourning the sale, without renotification of any party
to the foreclosure and without the republication of any sales notice.
Upon such resale, the defaulting bidder shall be liable to the
foreclosing plaintiff for any additional costs incurred by such
default including, but not limited to, any difference between the
amount bid by the defaulting bidder and the amount generated for
the foreclosing plaintiff at the resale. In the event the plaintiff is
the successful bidder at the resale, the plaintiff shall provide a credit
for the fair market value of the property foreclosed. A surcharge
equal to five percent of the sale amount due shall be charged to each
successful bidder for each foreclosed property that is sold, which
shall be in addition to any other charge allowed by law. The county
treasurer shall deposit the surcharges collected pursuant to this
paragraph into a fund that shall be used by the county to accomplish
the purposes of P.L. , c. (C. ) (pending before the Legislature
as this bill). This fund shall be known as the “County
Homelessness Trust Fund.” Any redemption permitted by law

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

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

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

THIS INDENTURE,

made this ..................... (date) day of ..................... (month), ........... (year). Between ................................ (name), Sheriff of the County of ................. (name) in the State of New Jersey, party of the first part and .................................................... (name(s)) party of the second part, witnesseth.

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

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

Greeting:

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

...................................................................  
...................................................................  
...................................................................  

and the following named parties are the DEFENDANTS:

...................................................................  
...................................................................  
...................................................................  

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

BEING KNOWN AS Tax Lot ........ (number) in Block ....... (number) COMMONLY KNOWN AS (street address) TOGETHER, with all and singular the rights, liberties, privileges, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and remainders, rents, issues and
profits thereof, and also all the estate, right, title, interest, use, property, claim and demand of the said defendants of, in, to and out of the same, to be sold, to pay and satisfy in the first place unto the plaintiff,

.................................................................

.................................................................

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

.................................................................

.................................................................

.................................................................

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

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

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

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

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

/s/ ........... (Clerk)

Superior Court of New Jersey

/s/....................

Attorney for Plaintiff

As by the record of said Writ of Execution in the Office of the Superior Court of New Jersey, at Trenton, in Book ............ (number) of Executions, Page ........ (number) etc., may more fully appear.
AND WHEREAS I, the said ................................ (name), as such Sheriff as aforesaid did in due form of law, before making such sale give notice of the time and place of such sale by public advertisement signed by myself, and set up in my office in the ................................ (name) Building in ................. (name) County, being the County in which said real estate is situate and also set up at the premises to be sold at least three weeks next before the time appointed for such sale.

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

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

...................................................................  
...................................................................  
...................................................................  

NOW, THEREFORE, This Indenture witnesseth, that I, the said ................ (name), as such Sheriff as aforesaid under and by the virtue of the said Writ of Execution and in execution of the power and trust in me reposed and also for and in consideration of the said sum of $ ................ (amount) therefrom acquit, exonerate and forever discharge to the said party of the second part, its successors and assigns, all and singular the said tract or parcel of lands and premises, with the appurtenances, privileges, and hereditaments
thereunto belonging or in any way appertaining; to have and hold
the same, unto the said party of the second part, its successors and
assigns to its and their only proper use, benefit, and behoof forever,
in as full, ample and beneficial manner as by virtue of said Writ of
Execution I may, can or ought to convey the same.

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

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

Signed, sealed and delivered
in the presence of

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

STATE OF NEW JERSEY)    ss. ........................
.......... (Name) County) Attorney or Notary Public

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

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

......................................
........... (name), Sheriff

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

STATE OF NEW JERSEY)    ss. ........................
A3101 [3R] WATSON COLEMAN, CRUZ-PEREZ

12

(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, 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
titled 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)

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)

8. (New section) a. Amounts raised by the surcharge
imposed pursuant to section (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
into the County Homelessness Trust Fund, as it may, from time to
time, deem appropriate.

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

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

d. Any monies in the trust fund that are not expended after
four years will be transferred to the New Jersey Interagency
Council on Homelessness Department of Community Affairs
which will contract with a community based organization in the
same county where the Homelessness Trust Fund exists for the
purposes of P.L. , c. (C.) (pending before the Legislature as
this bill).

(9.) (New section) a. Each county shall utilize its County
Homelessness Trust Fund with the advice of the County
Homelessness Trust Fund Task Force for the operation of a
homeless housing grant program. This program is established in
order to provide:

(1) 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;

(2) 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;

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

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

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

(1) measurably reduce homelessness;

(2) demonstrate government cost savings over time;

(3) employ evidence-based models;

(4) can be replicated in other counties;

(5) include an outcome measurement component;

(6) are consistent with the local homeless housing plan; or
(7) fund the acquisition, construction, or rehabilitation projects that will serve homeless individuals or families for a period of at least 30 years or the equal to the longest term of affordability required by other funding sources.

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

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

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

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

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

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

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

The penalty for each day's neglect to file the required statement of account or to pay over such moneys shall be one hundred dollars ($100.00) to be recovered in the name of the board of chosen freeholders of the county in a civil action in the Superior Court, and said officers may also be proceeded against by proceeding in lieu of prerogative writ.
b. (1) In addition to the fees authorized in N.J.S.22A:4-4.1, and except as provided in paragraph (2) of this subsection, upon resolution or ordinance of the county governing body, as appropriate, a surcharge of three dollars shall be charged for each document recorded, which will be in addition to any other charge allowed by law. The county treasurer shall deposit the surcharges so collected into a fund that shall be used by the county to accomplish the purposes of P.L. , c. (C. ) (pending before the Legislature as this bill). This fund shall be known as the “Homelessness Housing Trust Fund.” Five percent of the fund may be used annually by the county for administrative costs related to administration of the fund and the grant program established pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill), and the remainder only for homelessness housing programs as described in P.L. , c. (C. ) (pending before the Legislature as this bill).

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

¹[11.] 2¹ This act shall take effect immediately.
SYNOPSIS
Permits counties to create County Homelessness Trust Funds; and mandates preparation of Statewide homeless census and homeless housing strategic plan.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 10/24/2008)
AN ACT addressing chronic homelessness by providing for the establishment of coordinated State and local programs, amending P.L.1995, c.244 and N.J.S.2A:17-34, and supplementing P.L.1984, c.180 (C.52:27D-280 et seq.)

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

2. (New section) The Legislature finds and declares:
   a. Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in New Jersey is unacceptably high. The State’s homeless population, furthermore, includes a large number of families with children, youth, and employed persons.
   b. Fiscal and social costs of homelessness are high for both the public and private sectors and declares that ending homelessness should be a joint goal for State and local government.
   c. A myriad of factors contribute to homelessness, including a shortage of affordable housing; a shortage of jobs that pay wages and benefits sufficient to support a family; high property taxes which undermine housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; and a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century.
   d. The creation of county homelessness trust funds in counties that have completed and endorsed a plan to end homelessness will provide some of the additional funds necessary to move homeless or formerly homeless individuals toward the goal of permanent affordable housing and self-sufficiency.

3. (New section) As used in this act:
   “Community action agency” means a nonprofit, private, or public organization contracted by a county board of social services or the State of New Jersey.
   “County homeless housing grant program” means the vehicle by which competitive grants are awarded by the governing body of the county, utilizing moneys from the homeless housing account, for activities directly related to housing homeless individuals and families, preventing homelessness, and other efforts directly related

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.
to permanently housing homeless persons, as administered by the
development or its designated subcontractor.

“County Homelessness Trust Fund Task Force” means the
voluntary local committee created to advise a local government on
the creation of a local homeless housing plan and participate in a
local homeless housing program. It shall include a representative of
the county, representatives from each of the three municipalities in
the county with the largest populations of homeless people,
representatives from the organization responsible for developing,
implementing, or both, the local plan to end homelessness, at least
three homeless or formerly homeless persons, and three
representatives of local private or nonprofit organizations with
experiencing in assisting the homeless or providing low-income
housing.

“Department” means the Department of Community Affairs,
unless otherwise designated.

“Director” means the Director of the Division of Housing in the
Department of Community Affairs.

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

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

“Housing continuum” means the progression of individuals along
a housing-focused scale with homelessness at one end and home
ownership at the other.

“Homeless housing plan” means the 10-year plan developed by a
local government to address housing for homeless persons that
includes measurable and achievable objectives to end homelessness
in that community and has been approved by the governing body of
the county or municipality.

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

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

“Local government” means a county or municipal government.

“Outcome measurement” means the process of comparing
specific measures of success against ultimate and interim goals.
4. (New section) a. The department shall coordinate and administer a program to count and collect data on all homeless individuals in New Jersey, in conjunction with all counties and municipalities, as well as community-based State agencies, and shall publish the results of the census within 180 days of the effective date of P.L. , c. (pending before the Legislature as this bill).

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

c. In consultation with the Council on Affordable Housing, the Department of Children and Families, the Department of Corrections, the Department of Health and Senior Services, and the Department of Human Services, the department shall prepare, and from time-to-time amend, a five-year housing advisory plan. The purpose of the plan is to document the need for affordable housing for all residents in this State, but in particular the homeless or near homeless, and the extent to which that need is being met through public and private sector programs, to facilitate planning to meet the affordable housing needs of the State and to enable the development of sound strategies and programs for affordable housing. The information in the five-year housing advisory plan shall include:

1. an assessment of the State’s housing market trends;
2. an assessment of the housing needs for all economic segments of the State and special needs populations;
3. an inventory of the supply and geographic distribution of affordable housing made available through public and private sector programs;
4. a status report on the degree of progress made by the public and private sectors toward meeting the housing needs of the State;
5. an identification of State and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and
(6) specific recommendations, policies, or proposals for meeting
the affordable housing needs, and in particular the housing needs of
the homeless or near homeless of the State.

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

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

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

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

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

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

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

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

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

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

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

(5) the transition time from homelessness to permanent housing;
(6) the cost per person housed at each level of the housing continuum;
(7) the ability to successfully collect data and report performance;
(8) the extent of collaboration and coordination among public bodies as well as community stakeholders, and the level of community support and participation;
(9) the quality and safety of housing provided; and
(10) the effectiveness of outreach to homeless persons, and their satisfaction with the program.

g. Based on the performance of local homeless housing programs in meeting their interim goals, general population changes, and changes in the homeless population recorded in the annual New Jersey homeless census, the department may revise the performance measures and goals of the State homeless housing strategic plan, set goals for years following the initial 10-year period, and recommend changes in any local government’s plan.

5. (New section) A local government may adopt a 10-year homeless housing plan to address the housing needs of homeless persons within its jurisdiction, which shall be in accordance with the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill). The plan shall include provisions for establishing a trust fund for the purposes of receiving funds pursuant to P.L. , c. (C. ) (pending before the Legislature as this bill), and shall evidence a strategic local scheme to identify and address the needs of the homeless within the jurisdiction, including strategies to reduce the need for emergency room care, hospital care, law enforcement, foster care, and other social services associated with the homeless and homelessness.

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

12. a. With respect to the sale of a mortgaged premises under foreclosure action, each sheriff in this State shall provide for, but not be limited to, the following uniform procedures:
(1) Bidding in the name of the assignee of the foreclosing plaintiff.
(2) That adjournment of the sale of the foreclosed property shall be in accordance with N.J.S.2A:17-36.
(3) (a) The sheriff shall schedule a sale date within 120 days of the sheriff's receipt of any writ of execution issued by the court in any foreclosure proceeding.
(b) If it becomes apparent that the sheriff cannot comply with the provisions of subparagraph (a) of this paragraph (3), the foreclosing plaintiff may apply to the office for an order appointing a Special Master to hold the foreclosure sale.
(c) Upon the foreclosing plaintiff making such application to the office, the office shall issue the appropriate order appointing a Special Master to hold the foreclosure sale.

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

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

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

THIS INDENTURE,
made this ..................... (date) day of ..................... (month), ........... (year). Between ................................ (name), Sheriff of the County of ................. (name) County, New Jersey, party of the first part and .................................................... (name(s)) party of the second part, witnesseth.

WHEREAS, on the ..................... (date) day of ..................... (month), ...... (year), a certain Writ of Execution was issued out of the Superior Court of New Jersey, Chancery Division- ..................... (name) County, Docket No. directed and delivered to the
A3101 WATSON COLEMAN, CRUZ-PEREZ

Sheriff of the said County of ................. (name) and which said
Writ is in the words or to the effect following that is to say:
THE STATE OF NEW JERSEY to the Sheriff of the County of
............... (name),
Greeting:
WHEREAS, on the ................. (date) day of ............. (month),
............... (year), by a certain judgment made in our Superior Court
of New Jersey, in a certain cause therein pending, wherein the
PLAINTIFF is:
...................................................................................
...................................................................................
...................................................................................
and the following named parties are the DEFENDANTS:
...................................................................................
...................................................................................
...................................................................................
IT WAS ORDERED AND ADJUDGED that certain mortgaged
premises, with the appurtenances in the Complaint, and Amendment
to Complaint, if any, in the said cause particularly set forth and
described, that is to say: The mortgaged premises are described as
set forth upon the RIDER ANNEXED HERETO AND MADE A
PART HEREOF.
BEING KNOWN AS Tax Lot ........ (number) in Block ........
(number) COMMONLY KNOWN AS (street address)
............... .
TOGETHER, with all and singular the rights, liberties, privileges,
hereditaments and appurtenances thereunto belonging or in anywise
appertaining, and the reversion and remainders, rents, issues and
profits thereof, and also all the estate, right, title, interest, use,
property, claim and demand of the said defendants of, in, to and out
of the same, to be sold, to pay and satisfy in the first place unto the
plaintiff,
...................................................................................
...................................................................................
the sum of $ ........ (amount) being the principal, interest and
advances secured by a certain mortgage dated ............... (date,
month, year) and given by ................. (name) together with
lawful interest from
...................................................................................
...................................................................................
until the same be paid and satisfied and also the costs of the
aforesaid plaintiff with interest thereon.
AND for that purpose a Writ of Execution should issue, directed to
the Sheriff of the County of ........... (name) commanding him to
make sale as aforesaid; and that the surplus money arising from
such sale, if any there be, should be brought into our said Court, as
by the judgment remaining as of record in our said Superior Court
of New Jersey, at Trenton, doth and more fully appear; and
whereas, the costs and Attorney's fees of the said plaintiff have
been duly taxed at the following sum: $ ............ (amount)
THEREFORE, you are hereby commanded that you cause to be
made of the premises aforesaid, by selling so much of the same as
may be needful and necessary for the purpose, the said sum of
$........... (amount) and the same you do pay to the said plaintiff
together with contract and lawful interest thereon as aforesaid, and
the sum aforesaid of costs with interest thereon.
And that you have the surplus money, if any there be, before our
said Superior Court of New Jersey, aforesaid at Trenton, within 30
days after pursuant to R.4:59-1(a), to abide the further Order of the
said Court, according to judgment aforesaid, and you are to make
return at the time and place aforesaid, by certificate under your
hand, of the manner in which you have executed this our Writ,
within 12 months.

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

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

/s/.............................
Attorney for Plaintiff

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

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

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

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

NOW, THEREFORE, This Indenture witnesseth, that I, the said 
................ (name), as such Sheriff as aforesaid under and by the 
virtue of the said Writ of Execution and in execution of the power 
and trust in me reposed and also for and in consideration of the said 
sum of $ ............... (amount) therefrom acquit, exonerate and 
forever discharge to the said party of the second part, its successors 
and assigns, all and singular the said tract or parcel of lands and 
premises, with the appurtenances, privileges, and hereditaments 
thereunto belonging or in any way appertaining; to have and hold 
the same, unto the said party of the second part, its successors and 
assigns to its and their only proper use, benefit, and behoof forever, 
in as full, ample and beneficial manner as by virtue of said Writ of 
Execution I may, can or ought to convey the same.

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

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

Signed, sealed and delivered 
in the presence of 

.................................................................

Attorney at Law of New Jersey ...........(name) Sheriff
STATE OF NEW JERSEY)   SS.

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

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

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

STATE OF NEW JERSEY)    ss. ........................  
.......... (Name) County) Attorney or Notary Public

On this ................... (date) day of ................. (month), ........ (year),
before me, the subscriber, .................... (name) personally
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)

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)

8. (New section) a. Amounts raised by the surcharge imposed pursuant to section 6 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 into the County Homelessness Trust Fund, as it may, from time to time, deem appropriate.

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

9. (New section) a. Each county shall utilize its County Homelessness Trust Fund for the operation of a homeless housing grant program. This program is established in order to provide:

(1) 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;

(2) 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;

(3) supportive services as may be required by homeless individuals or families in order to obtain or maintain, or both, permanent affordable housing; and
(4) prevention services for at risk homeless individuals or families so that they can obtain and maintain permanent affordable housing.

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

(1) measurably reduce homelessness;
(2) demonstrate government cost savings over time;
(3) employ evidence-based models;
(4) can be replicated in other counties;
(5) include an outcome measurement component;
(6) are consistent with the local homeless housing plan; or
(7) fund the acquisition, construction, or rehabilitation projects that will serve homeless individuals or families for a period of at least 30 years or the equal to the longest term of affordability required by other funding sources.

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

11. This act shall take effect immediately.

STATEMENT

This bill creates a State plan to address homelessness and permits local governments to create homeless prevention trust funds and establish programs to address homelessness.

The Legislature recognizes the need for the State to play a primary role in coordinating, supporting, and monitoring the needs of the homeless. The purpose of this bill is to provide a clear assignment of responsibilities and a clear statement of achievable and quantifiable goals for the homeless population, accomplished through systematic data collection on the homeless population in New Jersey, in conjunction with a partnership between the State and local governments to count homeless persons and assist them in finding housing.

Under the bill, the Department of Community Affairs is required, in consultation with the Department of Children and Families, Department of Corrections, Department of Health and Senior Services, and the Department of Human Services, to prepare and publish a ten-year homeless housing strategic plan which will outline Statewide goals and performance measures for homeless measures and for homeless families with children. Local governments may prepare a ten-year homeless housing plan, which may not be substantially inconsistent with the goals and program
recommendations of temporary guidelines of the State, and, when
promulgated and adopted, with the State strategic plan.

The department is also to prepare, and amend from time-to-time,
a five-year housing advisory plan. The purpose of the plan is to
document the need for affordable housing for all citizens of the
State who do not have such housing, and the extent to which that
need is being met through public and private sector programs, to
facilitate planning to meet the affordable housing needs of the
State’s homeless or near homeless population. The information in
the five-year housing advisory plan must include:

- an assessment of the State’s housing market trends;
- an assessment of the housing needs for all economic segments
  of the State and special needs populations;
- an inventory of the supply and geographic distribution of
  affordable housing units made available through public and private
  sector programs.
- a status report on the degree of progress made by the public and
  private sector toward meeting the housing needs of the State;
- an identification of State and local regulatory barriers to
  affordable housing and proposed regulatory and administrative
  techniques designed to remove barriers to the development and
  placement of affordable housing; and
- specific recommendations, policies, or proposals for meeting the
  affordable housing needs of the State.

The five-year housing advisory plan is to be prepared and
submitted to the Governor and the Joint Committee on Housing
Affordability, and subsequent plans must be submitted every five-
years thereafter.

The State and local goal, set by the bill, is to reduce
homelessness by 50 percent within a ten-year period.

This bill requires counties to establish a “County Homeless Trust
Fund.” Monies in the trust fund will be raised through a dedicated
surcharge equal to five percent of the amount paid by a successful
bidder on the purchase of a foreclosed property. If the owner of the
property at the time it was placed in foreclosure redeems the
mortgage, the surcharge will be returned to the successful bidder.

The purpose of the trust fund is to support projects that supply
permanent affordable housing, rental assistance vouchers,
supportive services, and prevention services for homeless
individuals and families, including those at risk of homelessness.
Grants will be awarded by the governing body in each county and
shall be used to support projects that measurably reduce
homelessness, demonstrate cost savings over time, utilize outcome
measurement and can be replicated in other counties.
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.
The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Assembly Bill No. 3101 (1R).

The bill, as amended by the committee, permits local governments to create homelessness prevention trusts funds and establish programs to address homelessness. The bill also permits counties to establish a county homelessness trust fund.

The bill, as amended, allows a 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.

The committee amended the bill to require a county to obtain the advice of the County Homelessness Trust Fund Task Force when utilizing monies from the County Homelessness Trust Fund. The committee also made several technical corrections to the bill. As amended by the committee, the bill is identical to S-2354(1R).
The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3101 (2R), with committee amendments. This bill, as amended, permits county governments to create county homelessness prevention trust funds and establish programs to address homelessness.

The bill 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.

The bill requires a county to obtain the advice of the County Homelessness Trust Fund Task Force when utilizing monies from the County Homelessness Trust Fund.

As amended and reported, this bill is identical to Senate Bill No. 2354 (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments make technical corrections and:
1) Clarify that as defined in the bill “local government” means county government; and
2) Provide that any monies in a “County Homelessness Trust Fund” which are not expended after four years be transferred to the Department of Community Affairs (rather than the New Jersey Interagency Council on Homeless) to contract with a community based organization in the same county where the fund exists for the purposes of the bill.

FISCAL IMPACT:

This bill has no direct fiscal impact due to its permissive nature. For county governments that opt to utilize the bill’s permissive grant of authority to establish a homeless housing trust fund and raise revenue for deposit therein, the bill provides the opportunity for increased revenue and establishes the legal requirement to expend that increased revenue only for the implementation of homeless housing grant programs. The bill, as amended, provides that if trust fund revenues are not expended after four years they must be transferred to the Department of Community Affairs, for use by community based organizations within the county from which the unused funds were transferred.

The $3 surcharge on county recording fees pursuant to N.J.S.22A:4-4.1 which each county creating a homeless housing trust fund is authorized (but not required) to impose pertains to the same group of fees that were previously increased, generally by $5.00, through enactment of P.L.2003, c.117. Pursuant to section 39 of that law, the revenues from the $5.00 fee increases are forwarded to the State for deposit in the New Jersey Public Records Preservation Account (NJPRPA). Accordingly, the revenue that might be raised by counties in the aggregate if all were to adopt the provisions of the bill can be roughly estimated as 60% of the revenues raised for the NJPPRA. These revenues have fluctuated significantly in recent fiscal
years, totaling $65.6 million in FY 2006, $57.3 million in FY 2007, and $42.5 million in FY 2008. FY 2009 collections are likely to be lower than FY 2008, based on collections to date. Using the period FY 2006-FY 2009 to date as a basis for estimation, aggregate annual county revenues that might result from the bill could thus range from about $20 million to $39 million. The Office of Legislative Services does not possess relevant county-by-county revenue data.
Sponsored by:
Senator DANA L. REDD
District 5 (Camden and Gloucester)
Senator BRIAN P. STACK
District 33 (Hudson)

Co-Sponsored by:
Senators Singer, Buono, Vitale and Rice

SYNOPSIS
Permits counties to create County Homelessness Trust Funds.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 12/9/2008)
AN ACT addressing homelessness by permitting the establishment
of County Homelessness Trust Funds, amending N.J.S.22A:4-17,
and supplementing P.L.1984, c.180 (C.52:27D-280 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

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

2. (New section) The Legislature finds and declares:
   a. The creation of county homelessness trust funds in counties
      that have completed and endorsed a plan to end homelessness will
      provide some of the additional funds necessary to move homeless or
      formerly homeless individuals toward the goal of permanent
      affordable housing and self-sufficiency.
   b. Despite laudable efforts by all levels of government, private
      individuals, nonprofit organizations, and charitable foundations to
      end homelessness, the number of homeless persons in New Jersey is
      unacceptably high. The State’s homeless population, furthermore,
      includes a large number of families with children, youth, veterans,
      the elderly, and employed persons.
   c. Fiscal and social costs of homelessness are high for both the
      public and private sectors and declares that ending homelessness
      should be a joint goal for State and local government.
   d. A myriad of factors contribute to homelessness, including a
      shortage of affordable housing; a shortage of jobs that pay wages
      and benefits sufficient to support a family; high property taxes
      which undermine housing affordability; a lack of an accessible and
      affordable health care system available to all who suffer from
      physical and mental illnesses and chemical and alcohol dependency;
      domestic violence; and a lack of education and job skills necessary
      to acquire adequate wage jobs in the economy of the twenty-first
      century.

3. (New section) As used in this act:
   “Community based organization” means 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.
   “County homeless housing grant program” means the vehicle by
   which competitive grants are awarded by the governing body of the
   county, utilizing moneys from the homeless housing account, for
   activities directly related to housing homeless individuals and
   families, preventing homelessness, and other efforts directly related

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.
to permanently housing homeless persons, as administered by the local government or its designated subcontractor.

“County Homelessness Trust Fund Task Force” means the voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It shall include a representative of the county, representatives from each of the three municipalities in the county with the largest populations of homeless people, representatives from the organization responsible for developing, implementing, or both, the local plan to end homelessness, at least three homeless or formerly homeless persons, and three representatives of local private or nonprofit organizations with experiencing in assisting the homeless or providing low-income housing. 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.

“Department” means the Department of Community Affairs, unless otherwise designated.

“Director” means the Director of the Division of Housing in the Department of Community Affairs.

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

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

“Housing continuum” means the progression of individuals along a housing-focused scale with homelessness at one end and homeownership at the other.

“Homeless housing plan” means the plan approved by a local government to address housing for homeless persons that includes measurable and achievable objectives to end homelessness in that community and has been approved by the governing body of the county or municipality.

“Local government” means a county or municipal government.

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

4. (New section) A local government may adopt a homeless housing plan to the address housing needs of homeless persons within its jurisdiction, which shall be in accordance with the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill). The plan shall include provisions for establishing a trust fund for the purposes of receiving funds pursuant to P.L. ,c. (C. ) (pending before the Legislature as this bill),
and shall evidence a strategic local scheme to identify and address
the needs of the homeless within the jurisdiction, including
strategies to reduce the need for emergency room care, hospital
care, law enforcement, foster care, and other social services
associated with the homeless and homelessness.

5. (New section) a. Amounts raised by the surcharge imposed
pursuant to section 8 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 into the County
Homelessness Trust Fund, as it may, from time to time, deem
appropriate.

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

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

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

6. (New section) a. Each county shall utilize its County
Homelessness Trust Fund for the operation of a homeless housing
grant program. This program is established in order to provide:

(1) 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;

(2) 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;

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

(4) prevention services for at risk homeless individuals or
families so that they can obtain and maintain permanent affordable
housing.
b. Grants awarded by the governing body of the county shall be used to support projects that:

1. measurably reduce homelessness;
2. demonstrate government cost savings over time;
3. employ evidence-based models;
4. can be replicated in other counties;
5. include an outcome measurement component;
6. are consistent with the local homeless housing plan; or
7. fund the acquisition, construction, or rehabilitation projects that will serve homeless individuals or families for a period of at least 30 years or the equal to the longest term of affordability required by other funding sources.

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

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

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

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

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

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

On or before the twentieth day of each month surrogates, county clerks, registers of deeds and mortgages, and sheriffs shall pay over the amount of such fees and moneys to the county treasurer and such officers shall be personally liable to the county for such fees and moneys.
The penalty for each day's neglect to file the required statement of account or to pay over such moneys shall be one hundred dollars ($100.00) to be recovered in the name of the board of chosen freeholders of the county in a civil action in the Superior Court, and said officers may also be proceeded against by proceeding in lieu of prerogative writ.

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

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(cf: P.L.2001, c.370, s.7)

9. This act shall take effect immediately.

STATEMENT

This bill permits local governments to create homelessness prevention trusts funds and establish programs to address homelessness. The bill also permits counties to establish a county homelessness trust fund.

The bill 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.
SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2354

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2008

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2354.

The bill, as amended by the committee, permits local governments to create homelessness prevention trusts funds and establish programs to address homelessness. The bill, as amended, also permits counties to establish a county homelessness trust fund.

The bill 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.

The committee amended the bill to require a county to obtain the advice of the County Homelessness Trust Fund Task Force when utilizing monies from the County Homelessness Trust Fund. The committee also made several technical corrections to the bill. As amended, the bill is identical to A-3101(2R).
The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2354 (1R), with committee amendments. This bill, as amended, permits county governments to create county homelessness prevention trust funds and establish programs to address homelessness.

The bill 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.

The bill requires a county to obtain the advice of the County
Homelessness Trust Fund Task Force when utilizing monies from the
County Homelessness Trust Fund.

As reported, this bill is identical to Assembly Bill No. 3101 (2R),
as also amended by the committee.

COMMITTEE AMENDMENTS:

The committee amendments make technical corrections and:
1) Clarify that as defined in the bill “local government” means county
government; and
2) Provide that any monies in a “County Homelessness Trust Fund”
which are not expended after four years be transferred to the
Department of Community Affairs (rather than the New Jersey
Interagency Council on Homeless) to contract with a community based
organization in the same county where the fund exists for the purposes
of the bill.

FISCAL IMPACT:

This bill has no direct fiscal impact due to its permissive nature.
For county governments that opt to utilize the bill’s permissive grant
of authority to establish a homeless housing trust fund and raise
revenue for deposit therein, the bill provides the opportunity for
increased revenue and establishes the legal requirement to expend that
increased revenue only for the implementation of homeless housing
grant programs. The bill, as amended, provides that if trust fund
revenues are not expended after four years they must be transferred to
the Department of Community Affairs, for use by community based
organizations within the county from which the unused funds were
transferred.

The $3 surcharge on county recording fees pursuant to
N.J.S.22A:4-4.1 which each county creating a homeless housing trust
fund is authorized (but not required) to impose pertains to the same
group of fees that were previously increased, generally by $5.00,
through enactment of P.L.2003, c.117. Pursuant to section 39 of that
law, the revenues from the $5.00 fee increases are forwarded to the
State for deposit in the New Jersey Public Records Preservation
Account (NJPRPA). Accordingly, the revenue that might be raised by
counties in the aggregate if all were to adopt the provisions of the bill
can be roughly estimated as 60% of the revenues raised for the
NJPPRA. These revenues have fluctuated significantly in recent fiscal
years, totaling $65.6 million in FY 2006, $57.3 million in FY 2007,
and $42.5 million in FY 2008. FY 2009 collections are likely to be lower than FY 2008, based on collections to date. Using the period FY 2006-FY 2009 to date as a basis for estimation, aggregate annual county revenues that might result from the bill could thus range from about $20 million to $39 million. The Office of Legislative Services does not possess relevant county-by-county revenue data.
Governor Corzine Signs Bills to Defeat Homelessness, Support Food Pantries, Canine and Feline Funds in New Jersey

CAMDEN - In proactive steps to remedy and prevent homelessness and hunger in New Jersey, Governor Jon S. Corzine today signed the County Homelessness Trust Fund bill and the Community Food Pantry, Cat and Dog Spay/Neuter Fund bill at Cathedral Kitchen in Camden. Governor Corzine was joined by state Senators Dana Redd (D-Camden, Gloucester) James Beach (D-Camden), Assembly members Gordon Johnson (D-Bergen), Bonnie Watson-Coleman (D-Demer), Elease Evans (D-Bergen, Passaic) and Camden Mayor Cedwolyn Faison as he signed the bills into law.

"The two bills signed today, combined, further advance core priorities during this past budget year: providing for the most vulnerable, and those hit hardest by the global recession," Governor Corzine said. "The issue of homelessness and hunger is always of particular concern, especially in challenging economic times. I remain proud and inspired by the willingness of New Jerseyans to lend a helping hand to the less fortunate and the most vulnerable in our society."

Governor Corzine launched the New Jersey Economic Assistance and Recovery Plan in 2008, which laid the groundwork to expedite strategic and coordinated efforts to set in motion short- and long-term growth projects and human services initiatives in New Jersey.

The first of the two bills, A-3101/S2354, authorizes county governments to create county homelessness prevention trust funds and authorizes county-operated programs to meet the needs of homeless individuals and families. The bill would also require the creation of a County Homelessness Trust Fund Task Force.

Under the bill, counties that have created a county homelessness trust would be able to collaborate with another county that has established such a trust fund as well in order to provide joint funding for projects permitted under the bill. Counties that create a homelessness prevention trust fund will be required to use the fund solely for the operation of a homelessness housing grant program that meets the bill requirements. Additionally, counties will be permitted to impose a surcharge of $3 on each document recorded by the county clerk for deposit into the 'homelessness' trust fund.

"The number of homeless, in New Jersey - especially women and children - is unacceptably high and may go even higher as more families face the very real and scary prospect of losing their homes due to sudden economic hardship," said Assembly Majority Leader Bonnie Watson-Coleman (D-Mercer). "State and local governments must work together to provide more funding and better services to provide access to affordable housing and ensure families have another option to living in a shelter or on the street."

"Helping the hopeless is at the very core of what government should be about, and this new law provides a helping hand to those folks who have nowhere else to turn," said Senator Dana Redd, (D-Camden, Gloucester). "At a time when the economy is struggling, many hard-working State residents are slipping through the cracks, unable to keep their heads above water. By authorizing counties to create a trust fund to assist the homeless, we are throwing those people a life preserver in their time of greatest need."

The creation of county homelessness trust funds will provide some of the additional funds necessary to move homeless or formerly homeless individuals toward the goal of permanent affordable housing and self-sufficiency.

"Through this law, we're allowing counties to partner with municipal social service agencies and non-profit community activists to provide real support and
assistance to homeless people living within their borders," said Senator Jim Beach, (D-Camden). "This bill mixes compassion with common sense, recognizing that no one agency or organization can do it alone, and creates a seamless safety net for the homeless population living in the Garden State. I'd like to thank Governor Corzine for maintaining his commitment to helping the most vulnerable, and for making a statement that in tough economic times, no one should be left behind."

"In today's economy even people who work hard and play by the rules can find themselves homeless through no fault of their own," said Assemblywoman Nilsa Cruz-Perez (D-Camden, Gloucester). "I am excited that we are empowering counties to help New Yorkers put a dependable roof over their heads."

"The measure does more than reduce homelessness," said Assemblyman Reed Gusciora (D-Mercer). "It also supports those on the precipice of being homeless, which is why I'm especially enthusiastic about the supportive services that will help families at risk of becoming homeless."

The second bill, A2513/S2430, gives New Jersey residents the opportunity to make voluntary contributions on their tax returns in support of community food pantries and for pet neutering in addition to existing fund allocations.

Specifically, the bill establishes the "Community Food Pantry Fund" and the "Cat and Dog Spay/Neuter Fund" in the state's Department of Treasury and allows taxpayers to donate a portion of their income tax refunds, or to make other voluntary contributions, to those funds by indicating on their New Jersey gross income tax return that a portion of their tax refund, or an enclosed contribution, is to be deposited into either fund.

Under the "Community Food Pantry Fund" bill, the Legislature shall annually appropriate all funds deposited into the fund to the state's Department of Agriculture for distribution to community food pantries through the State Food Purchase Program (SFPP). In addition, the Department of Agriculture would be required to collaborate with the state's Department of Human Services to fulfill this mandate. All 'community food pantry' funds received by food pantries shall be used exclusively for the purchase of food.

Since 2007, Governor Corzine has made feeding the hungry of New Jersey a priority. The "Governor's Hunger Initiative" has included funding in the state budget for SFPP allocation for the purchase of healthy and nutritious foods to feed people affected by hunger.

Additionally, in December 2008, Governor Corzine signed legislation to boost State aid to food banks under the SFPP initiative by $3 million in addition to the $4 million already allocated in the state's FY 2009 budget, and the state's FY 2010 budget also includes $3 million for the state's food purchase initiative.

"The global economic meltdown means hunger isn't being limited to the poor," said Assemblyman Gordon Johnson (D-Bergen). "New Jersey is a generous state, and we can and should make it easier to spread that generosity and do whatever we can to ensure no one in this state goes to bed hungry."

Through the State Food Purchase Program (SFPP), funds are distributed to the six regional Emergency Feeding Operations (EFOs) food throughout the state. The food banks use SFPP funds to buy nutrient-rich foods from local farmers and farmer cooperatives during growing season and then distribute those items to their network of 793 food pantries, homeless shelters, and soup kitchens.

"More and more people are struggling just to get by," said Assemblywoman Elease Evans (D-Passaic) "The combination of higher grocery bills and a colder winter could push some over the brink. We can't let that happen. Everyone deserves to be able to feed their family."

###


Photos from Governor Corzine's public events are available at www.nj.gov/governor/spws

Video from the Governor's Office is available at www.nj.gov/governor/news/video and www.youtube.com/user/governornc

Contact Us | Privacy Notice | Legal Statement | Accessibility Statement