

ASSEMBLY, No. 789

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Prohibits seller of real estate to transfer realty transfer fee liability to buyer.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** prohibiting the seller of real estate to transfer the liability
2 for the payment of the realty transfer fee to the buyer, and
3 supplementing P.L.1968, c.49 (C.46:15-6 et seq.).
4

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

8 1. a. No grantor conveying title to real property shall enter into a
9 contract for the sale of real property requiring the grantee of that title
10 to pay the fees imposed upon the grantor pursuant to section 3 of
11 P.L.1968, c.49 (C.46:15-7) and section 2 of P.L.2003, c.113 (C.46:15-
12 7.1).

13 b. A grantee may bring private legal action against the grantor
14 conveying title to real property to the grantee if the grantor violates the
15 provisions of this section.

16 c. The court shall order that a grantor conveying title to real
17 property who violates the provisions of this section pay to the grantee:

18 (1) a refund of all monies received from the grantee for the
19 payment of the realty transfer fee plus \$1,000.00; and

20 (2) the grantee's reasonable attorney's fees, filing fees, and other
21 reasonable expenses incurred in securing a judgment against the
22 grantor.
23

24 2. This act shall take effect on the first day of the third month
25 next following the date of enactment.
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28 STATEMENT 29

30 This bill prohibits any seller of real estate from entering into a
31 contract for the sale of real estate that obliges the purchaser to pay the
32 realty transfer fee statutorily imposed on the seller. For any violation
33 of this prohibition a buyer would have a right to bring a civil action to
34 require the seller to pay to the buyer the amount of realty transfer fee
35 paid by the buyer plus \$1,000 and the amount of reasonable legal
36 expenses incurred by the buyer.

37 The statutes unambiguously assign the liability for payment of
38 the realty transfer fee to the seller of real estate. Nonetheless, many
39 contracts for the sale of real estate stipulate that the purchaser pay
40 the fee. By explicitly prohibiting this transfer of liability to
41 purchasers, the bill disavows the practice and reaffirms the intent of
42 the existing law that the liability for payment rests exclusively with
43 the seller.