

ASSEMBLY, No. 1900

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

SYNOPSIS

Allows for the establishment of a “County Tenant Legal Assistance Program” in each county; requires portion of the administrative fee for residential mortgage execution sales fund the program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning tenant legal assistance, amending P.L.2001,
2 c. 370, N.J.S.40A:4-39 and supplementing Title 2A of the New
3 Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 6 of P.L.2001, c.370 (C.22A:4-8.1) is amended to
9 read as follows:

10 6. a. The county treasurer shall be responsible for all fees
11 received by or deposited with the county sheriff pursuant to
12 N.J.S.22A:4-8. The county sheriff shall account to the county
13 treasurer for all these fees.

14 b. (1) The county treasurer shall deposit into a trust fund
15 dedicated to the sheriff's office \$2.00 of each fee over the amount of
16 \$3.00 received for a service enumerated in N.J.S.22A:4-8. Such
17 sums shall be deposited within 10 days of receipt by the county
18 treasurer. Monies in the trust fund shall be used to upgrade and
19 modernize the services provided by their offices. As used in this
20 section, "to upgrade and modernize the services" shall not include
21 the costs associated with employing personnel and shall not include
22 offset of existing salary or new positions. The monies in the trust
23 fund shall not be used for budgetary reduction by the counties.

24 (2) If a county has established a "County Tenant Legal
25 Assistance Program" pursuant to section 4 of
26 P.L. , c. (C.)(pending before the Legislature as this bill),
27 the county treasurer of that county shall deposit the sum of \$300 of
28 each fee for services rendered by the sheriff pursuant to
29 N.J.S.22A:4-8 for mortgage execution sales into the "County
30 Tenant Legal Assistance Program Fund" established pursuant to
31 section 3 of P.L. , c. (C.)(pending before the Legislature as
32 this bill) for use by the county for the operation of the "County
33 Tenant Legal Assistance Program." The monies in the "County
34 Tenant Legal Assistance Program Fund" shall not be used for
35 budgetary reduction by the counties.

36 c. Notwithstanding any provision of law to the contrary,
37 monies received by a county sheriff attributable solely to the
38 amount of fee increases for services enumerated in N.J.S.22A:4-8
39 pursuant to the amendments set forth in section 5 of P.L.2001,
40 c.370, that exceed in any year the amount by which the annual
41 minimum salary of the sheriff fixed pursuant to N.J.S.40A:9-104
42 exceeds the amount of the county sheriff's salary in effect on
43 November 1, 2000, shall be used for budgetary reduction by the
44 county and shall be reflected as a county tax levy reduction.
45 (cf: P.L.2001, c.370, s.6)

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.

- 1 2. N.J.S.40A:4-39 is amended to read as follows:
2 40A:4-39. a. In the budget of any local unit, dedicated
3 revenues anticipated during the fiscal year from any dog tax, dog
4 license, revenues collected pursuant to N.J.S.18A:39-1.2, solid fuel
5 license, sinking fund for term bonds, bequest, escheat, federal grant,
6 motor vehicle fine dedicated to road repairs, relocation costs
7 deposited into a revolving relocation assistance fund established
8 pursuant to section 2 of P.L.1987, c.98 (C.20:4-4.1a), fee revenues
9 collected in connection with recreation programs operated pursuant
10 to section 2 of P.L.1999, c.292 (C.40:48-2.56), receipts from
11 franchise assessments levied pursuant to section 4 of P.L.1995,
12 c.173 (C.40A:12A-53) to be retained by the municipality, refund
13 payments from a joint insurance fund deposited into a joint
14 insurance revolving fund established pursuant to section 12 of
15 P.L.1996, c.113 (C.40A:10-36.2), fee revenues collected in
16 connection with the "Attorney Identification Card Program"
17 pursuant to section 1 of P.L.2009, c.11 (C.40A:4-22.2), fee
18 revenues collected in connection with the "County Tenant Legal
19 Assistance Program Fund" established pursuant to section 3 of
20 P.L. , c. (C.)(pending before the Legislature as this bill)
21 for use by the county for the operation of the "County Tenant Legal
22 Assistance Program" established pursuant to section 4 of
23 P.L. , c. (C.)(pending before the Legislature as this bill),
24 fee revenues imposed on delinquent amounts owed to the county or
25 municipality and collected pursuant to section 37 of P.L.2000, c.126
26 (C.40:23-6.53) (as amended by section 2 of P.L.2009, c.233) or
27 section 1 of P.L.1983, c.208 (C.40:48-5a) (as amended by section 3
28 of P.L.2009, c.233), and, subject to the prior written consent of the
29 director, other items of like character when the revenue is not
30 subject to reasonably accurate estimate in advance, may be included
31 in said budget by annexing to said budget a statement in
32 substantially the following form:
33 "The dedicated revenues anticipated during the
34 year from (here insert one or more of the sources above,
35 as the case may be) are hereby anticipated as revenue and are
36 hereby appropriated for the purposes to which said revenue is
37 dedicated by statute or other legal requirement."
38 b. Dedicated revenues included in accordance with this section
39 shall be available for expenditure by the local unit as and when
40 received in cash during the fiscal year. The inclusion of such
41 dedicated revenues shall be subject to the approval of the director,
42 who may require such explanatory statements or data in connection
43 therewith as the director deems advisable for the information and
44 protection of the public.
45 (cf: P.L.2009, c.233, s.4)
46
47 3. (New section) A county may establish a trust fund account
48 entitled, "County Tenant Legal Assistance Program Fund" trust

1 fund into which shall be deposited the \$300 paid pursuant to section
2 6 of P.L.2001, c. 370 (C.22A:4-8.1) and from which expenditures
3 shall be disbursed exclusively for the purposes of establishing a
4 “County Tenant Legal Assistance Program” for civil matters
5 concerning landlord-tenant disputes in that county pursuant to
6 section 4 of P.L. , c. (C.) (pending before the Legislature
7 as this bill).

8
9 4. (New section) a. The governing body of each county may
10 establish a “County Tenant Legal Assistance Program” for low-
11 income families to provide these families with legal representation
12 in landlord-tenant proceedings in the Superior Court.

13 b. A county may provide legal assistance to low-income
14 families pursuant to P.L. , c. (C.) (pending before the
15 Legislature as this bill) through the use of persons hired for that
16 purpose who shall serve at the pleasure of the appointing authority.
17 For the purpose of determining their compensation, these
18 employees shall be considered county employees.

19 c. The governing body of each county that has established a
20 “County Tenant Legal Assistance Program” for low-income
21 families pursuant to P.L. , c. (C.) (pending before the
22 Legislature as this bill) shall establish a public awareness campaign
23 in order to promote public awareness of the county tenant legal
24 assistance program established pursuant to P.L. , c. (C.)
25 (pending before the Legislature as this bill), and to promote public
26 awareness of the services provided by Legal Services of New Jersey
27 and its affiliates.

28 d. If a governing body of a county has chosen not to establish a
29 “County Tenant Legal Assistance Program” pursuant to
30 P.L. , c. (C.) (pending before the Legislature as this bill),
31 the governing body of that county shall establish a public awareness
32 campaign to promote awareness of the services provided by Legal
33 Services of New Jersey and its affiliates.

34
35 5. This act shall take effect on the 60th day after enactment.
36
37

38 STATEMENT

39
40 This bill would allow the governing body of each county to
41 establish a county tenant legal assistance program for low-income
42 families to provide legal representation in landlord-tenant
43 proceeding. In addition, the bill would provide funding for the
44 program by using a portion of the sheriff’s fee for execution sales.

45 Under the provisions of N.J.S.22A:4-8, the sheriff, as his fee,
46 receives a percentage of the sale when property is sold in an
47 execution sale. The percentage is as follows: (1) on all sums not
48 exceeding \$5,000.00, 6%; (2) on all sums exceeding \$5,000.00 on

1 such excess, 4%; and (3) the minimum fee to be charged for a sale
2 by virtue of an execution, \$50.00.

3 This bill would provide that if the county has a established a
4 county legal assistance program then a portion of that fee would be
5 allocated to that program. The bill provides that \$300 from each
6 residential mortgage execution sale exceeding \$7,000 that is conducted
7 by the sheriff would be used by the county for the operation of the
8 “County Tenant Legal Assistance Program.” Monies would be
9 deposited into the “County Tenant Legal Assistance Program Fund”
10 which would be created by each county. The fund would provide a
11 source of funding for the county legal assistance programs.

12 By allowing counties to establish a trust fund for revenue generated
13 from the sheriff’s fee in residential mortgage foreclosure actions, this
14 bill permits these revenues to be dedicated to covering the costs of the
15 program beyond the one-year budget cycle otherwise provided for in
16 the “Local Budget Law.” Without providing this change in the local
17 budget law, these funds would lapse into the county budget surplus at
18 the end of any given budget year.

19 In addition, the bill provides that if the county establishes a
20 “County Tenant Legal Assistance Program” persons hired for that
21 purpose would considered county employees and serve at the
22 pleasure of the appointing authority.

23 The bill would also require that the governing body of each
24 county that has established a “County Tenant Legal Assistance
25 Program” to establish a public awareness campaign in order to
26 promote public awareness of the program and to promote public
27 awareness of the services provided by Legal Services of New Jersey
28 and its affiliates. If a governing body of a county has chosen not to
29 establish a “County Tenant Legal Assistance Program” the
30 governing body of that county would also be required to establish a
31 public awareness campaign to promote awareness of the services
32 provided by Legal Services of New Jersey and its affiliates.