

P.L. 2021, CHAPTER 337, *approved January 10, 2022*
Senate, No. 1604 (*First Reprint*)

1 AN ACT concerning residential mortgage foreclosures and
2 supplementing P.L.1995, c.244 (C.2A:50-53 et seq.).
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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
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7 1. a. In addition to any other requirements under law,
8 regulation or court rule, in all residential mortgage foreclosure
9 actions, an attorney filing a foreclosure complaint shall include a
10 certification of diligent inquiry. The certification of diligent inquiry
11 shall certify:

12 (1) that the attorney has communicated with an employee or
13 employees of the plaintiff ¹or of the plaintiff's mortgage loan
14 servicer¹ who: (a) personally reviewed the ¹**documents being**
15 **submitted to support the** ¹complaint ¹and confirmed the accuracy
16 of its content, based on business records kept in the regular course
17 of business by the plaintiff or the plaintiff's mortgage loan servicer,
18 and who, if employed by the plaintiff's mortgage loan servicer,
19 identified the relationship between the mortgage loan servicer and
20 the plaintiff¹; and (b) confirmed the ¹**accuracy of the documents**
21 authority of the mortgage loan servicer to act on behalf of the
22 plaintiff¹;

23 (2) the names and titles, and the responsibilities in those titles,
24 of the plaintiff's ¹or plaintiff's mortgage loan servicer's¹ employees
25 with whom the attorney communicated pursuant to paragraph (1) of
26 this section ¹and the date and mode of communication employed to
27 contact them¹;

28 (3) that the attorney has reviewed the facts of the case and that,
29 based on the information received pursuant to this section and the
30 attorney's review of the pertinent documents, to the best of the
31 attorney's knowledge, information and belief there is a reasonable
32 basis for the commencement of the action and that the plaintiff is
33 currently the residential mortgage lender entitled to enforce rights
34 under those documents; and

35 (4) that the attorney is aware that the failure to comply with the
36 provisions of this section may result in the penalties provided for in
37 subsection b. of this section or, where the failure constitutes a
38 violation of the Rules of Professional Conduct, may include
39 sanctions imposed by the Supreme Court of New Jersey.

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:

¹Senate SCM committee amendments adopted February 11, 2021.

S1604 [1R]

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b. If the court finds that the plaintiff has failed to comply with the provisions of subsection a. of this section, the court may dismiss the complaint¹ [, with or without prejudice,]¹ or deny the accrual of any ¹ [interest,]¹ costs, attorney's fees and other fees relating to the mortgage debt.

2. This act shall take effect immediately and shall apply to mortgage foreclosure actions filed on or after the effective date.

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13 Requires certification of diligent inquiry in residential mortgage
14 foreclosure actions to be filed by attorneys.