

[First Reprint]

ASSEMBLY, No. 3791

STATE OF NEW JERSEY
221st LEGISLATURE

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Sponsored by:

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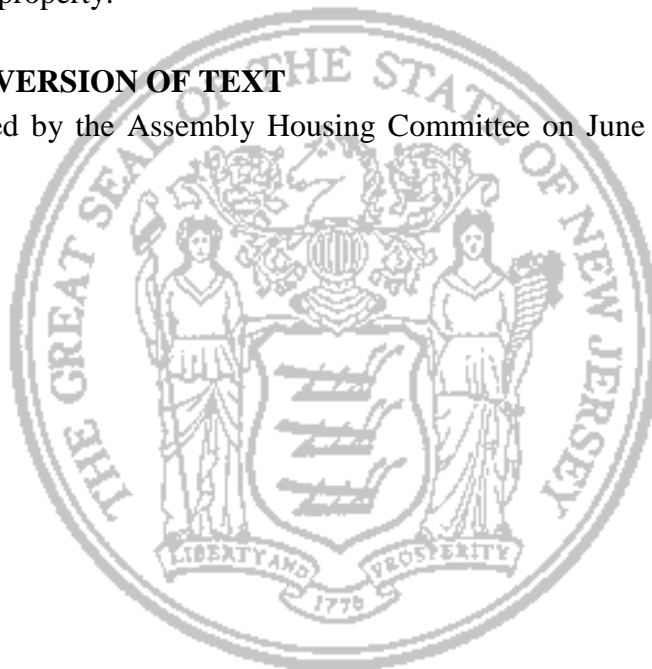
**Assemblyman Stanley, Assemblywoman Hall, Assemblyman Calabrese
and Assemblywoman Speight**

SYNOPSIS

The "New Jersey Online Foreclosure Sale Act;" permits online foreclosure sales for real property.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing Committee on June 13, 2024, with amendments.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning the electronic sale of real property at
2 foreclosure, supplementing chapter 61 of Title 2A of the New
3 Jersey Statutes, and amending N.J.S.2A:61-1 and N.J.S.2A:61-4.

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

7
8 1. (New section) P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall be known and may be cited as the
10 "New Jersey Online Foreclosure Sale Act."

11
12 2. (New section) Any sheriff or other officer or person
13 authorized or required by statute, court directive, or other law to
14 conduct an electronic, online foreclosure sale of real estate, may
15 conduct the sale in accordance with the following requirements:

16 a. ¹**[The]** On behalf of a¹ sheriff or other officer or person
17 authorized or required by statute, court directive, or other law to
18 conduct an electronic, online foreclosure sale of real estate, a
19 county¹ may enter into a contract with a vendor to conduct an
20 electronic, online foreclosure sale of real estate, provided that New
21 Jersey law governs the contract and the relationship between
22 ¹**[vendor and the officer]** the parties¹. Any such contract shall
23 detail the ¹**[sheriff's reasonable]**¹ requirements with respect to:
24 services; fee amounts; method of charging a fee in the auction ¹**[**,
25 including a seller's or buyer's fee¹ ; ¹**[commission]** commissions¹
26 or ¹**[premium charged to a seller or buyer]** premiums¹ ; recovery
27 maximization; marketing; ¹**[track record in creating competitive**
28 **auctions that maximize recovery for the benefit of debtors and**
29 **lenders;]**¹ record-keeping requirements; and security requirements.

30 b. ¹**[The sheriff or other officer or person may enter into a**
31 **contract with an]** An¹ electronic real property foreclosure service
32 provider may be procured¹ through competitive contracting
33 pursuant to P.L.1999, c.440 (C.40A:11-4.1 et seq.) ¹**[**, without the
34 need for a resolution by the governing body¹ . The track record of
35 each responsive vendor in creating competitive auctions that
36 maximize recovery for the benefit of debtors and lenders shall be
37 considered in the evaluation and ranking of submitted proposals¹.

38 c. An officer, employee, or independent contractor of the vendor
39 shall not participate in the auction.

40 d. All bids entered during the auction shall be visible to the
41 public online and displayed at the time they are placed. Any
42 maximum bid amounts provided by bidders ahead of the sale shall
43 not be visible to the public or to the sheriff while the auction is in
44 process until the bid is placed.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHO committee amendments adopted June 13, 2024.

1 e. A ¹[seller's]¹ commission or fee charged to a sheriff or other
2 officer or person by a vendor for conducting an electronic real
3 property foreclosure service shall be deemed a reasonable and
4 necessary taxable expense pursuant to N.J.S.22A:2-8. The vendor
5 shall not charge a fee for the public to view properties for sale.

6 f. A vendor conducting electronic, online foreclosures may
7 provide services related to transaction settlement and funds
8 handling. A vendor may charge customary and reasonable fees for
9 funds handling and transfer.

10 g. (1) Notwithstanding any other provision of this section to the
11 contrary, the total of all fees charged by a vendor shall not exceed
12 \$1,000 per action. The \$1,000 limit pursuant to this subsection
13 shall include but not be limited to, all administrative fees charged
14 by a vendor, including a \$50 processing fee, which a vendor shall
15 be permitted to collect at the commencement of the sale as an
16 administrative fee, and a ¹[seller's] vendor's¹ commission or fee
17 pursuant to subsection e. of this section.

18 (2) Any fees charged by a vendor shall be taken directly from
19 the purchaser's deposit with the vendor, and any vendor fees shall
20 not reduce or impact the sheriff's fees pursuant to N.J.S.22A:4-8.

21 ¹h. The sheriff or other officer or person conducting the
22 electronic, online foreclosure sale, and the contracted vendor, shall
23 require each prospective bidder to verify the bidder's identity
24 through an identification verification process before allowing the
25 placement of a bid online, which may include verification through a
26 government-issued ID, biometric verification, or other secure
27 methods of verification.

28 i. The sheriff or other officer or person conducting the
29 electronic, online foreclosure sale, and the contracted vendor, shall
30 require a prospective bidder to complete a registration process,
31 which shall disclose information necessary to properly identify the
32 bidder, contact the bidder, and complete the sale of the property.

33 j. The sheriff or other officer or person conducting the
34 electronic, online foreclosure sale, and the contracted vendor, shall
35 obtain from the successful bidder the following information:

36 (1) Information necessary to be checked against the federal
37 Office of Foreign Assets Control Sanctions List prior to finalizing
38 the purchase of the property;

39 (2) If the successful bidder is an individual, the individual's
40 name, physical mailing address, electronic mail address, and any
41 other information requested by the sheriff or other officer or person
42 conducting the electronic, online foreclosure sale, in order to
43 accurately identify and contact the bidder; and

44 (3) If the successful bidder is an entity, the entity's legal name;
45 trade name, if different from its legal name; date of formation; state
46 of formation; registered mailing address; proof of business
47 registration with the State of New Jersey; the registered officer or
48 agent; the name of an individual contact person for the entity; and

1 the electronic mail address and telephone number for that
2 individual.¹

3

4 3. N.J.S.2A:61-1 is amended to read as follows:

5 2A:61-1. a. When any sheriff, coroner, master, executor,
6 administrator, guardian, commissioner, auditor or other officer or
7 person is authorized or required by any public statute or the
8 direction of any court of competent jurisdiction in this State to
9 make sales of real estate, **[he]** that person shall, unless otherwise
10 specially directed or authorized by law, before making the sale, give
11 notice of the time and place of the sale by public advertisement,
12 signed by **[himself]** that person, and set up in the office of the
13 sheriff of the county or counties where the real estate is located and
14 at the premises to be sold, at least **[3]** three weeks before the time
15 appointed for the sale. The notice need not be set up at any other
16 place. The notice of sale shall include either a diagram of the
17 premises or a concise statement indicating the municipality, the tax
18 lot and block and where appropriate, the street and street number,
19 and the dimensions of the premises, as well as the number of feet to
20 the nearest cross street. The notice of sale shall state that the
21 diagram or concise description does not constitute a full legal
22 description of the premises, and shall state where the full legal
23 description can be found.

24 b. (1) Such officer or person shall also cause the notice to be
25 published **[4]** four times, at least once a week, during **[4]** four
26 consecutive weeks, in two newspapers, to be by **[him]** the officer
27 or person designated**[,]** as follows:

28 (a) both printed and published in the county where the real
29 estate to be sold is located, one of which shall be either a newspaper
30 published at the county seat of the county or a newspaper published
31 in the municipality in the county having the largest population
32 according to the latest census**[, or]** ;

33 (b) one printed and published in the county and one circulating
34 in the county, if only one daily newspaper is printed and published
35 in the county**[, or]** ;

36 (c) one published at the county seat and one circulating in the
37 county, if no daily newspaper is published in the county**[,]** ; or

38 (d) both circulating in the county, if no newspapers are printed
39 and published in the county.

40 The first publication shall be at least 21 days prior and the last
41 publication not more than **[8]** eight days prior to the time appointed
42 for the sale of the real estate.

43 Whenever, in the opinion of any such officer or person, the ends
44 of justice shall require it, or the sale being conducted by **[him]** the
45 officer or person will be benefited thereby, the notice of sale may
46 be published in three newspapers instead of two, as required by **[the**
47 **second paragraph]** subsection b. of this section, if there be that

1 number printed and published in the county where the real estate to
2 be sold is located.

3 The officer or person so advertising in the newspapers shall be
4 entitled therefor, in addition to his other fees, to the sum of \$1.50,
5 except where it is otherwise specifically provided.

6 (2) Notwithstanding the provisions of this section, if the sale of
7 property is to be conducted in an online, electronic format, the
8 officer or person shall also publish notice of the time and place of
9 the sale online on the Internet website at which the sale will be
10 conducted electronically.

11 c. If the sale of real estate is conducted electronically online
12 pursuant to section 2 of P.L. , c. (C.) (pending before the
13 Legislature as this bill), then, in addition to the requirements set
14 forth in subsection a. of this section, the notice shall state that the
15 sale is being held by means of an electronic, online auction, and the
16 notice shall include the auction's Internet website address.

17 d. If an online foreclosure auction format is used, the vendor
18 shall provide a non-electronic option for bidders, which may
19 include a paper bid packet.

20 (cf: P.L.1979, c.364, s.1)

21

22 4. N.J.S.2A:61-4 is amended to read as follows:

23 2A:61-4. a. Any officer or person **【mentioned】** who is
24 authorized or required in 【section】 N.J.S.2A:61-1 of this title,
25 making a sale of real estate governed by this chapter, shall, at the
26 time and place appointed therefor, between the hours of 【12 and 5
27 in the afternoon】 12:00 p.m. and 5:00 p.m., if requested by any
28 person interested in the sale of the real estate to be sold, read the
29 description of the real estate to be sold by metes and bounds, or, in
30 the absence of such a request, the officer or person making the sale
31 shall announce the street and number, or streets and numbers, of the
32 real estate to be sold, or the block and lot number or numbers by
33 which such real estate is designated on the taxing maps of the
34 municipality or municipalities in which the same is situate, if the
35 same is not identified by a street and number or streets and numbers
36 on such taxing maps, and where there is no street number or lot and
37 block number, the officer or person making the sale may announce
38 such description or designation as to him may be deemed sufficient,
39 and sell such real estate at public vendue to the highest bidder.

40 b. As an alternative to the procedures in subsection a. of this
41 section, any officer or person who is authorized or required in
42 N.J.S.2A:61-1 of this title, making a sale of real estate governed by
43 this chapter, may conduct the sale by means of electronic auction
44 conducted online.

45 (cf: N.J.S.2A:61-4)

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

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

6 (1) Bidding in the name of the assignee of the foreclosing
7 plaintiff.

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

10 (3) (a) The sheriff shall conduct a sale within 150 days of the
11 sheriff's receipt of any writ of execution issued by the court in any
12 foreclosure proceeding.

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

17 (c) Upon the foreclosing plaintiff making such application to the
18 office, the office shall issue the appropriate order appointing a
19 Special Master to hold the foreclosure sale. The office may issue
20 the order to appoint a Special Master to hold foreclosure sales for
21 one or more properties within a vicinage.

22 (4) That notice for the sale of a foreclosed upon residential
23 property be mailed to the primary address of the foreclosed upon
24 defendant and to the address of the foreclosed upon residential
25 property. Notice of the sale shall be mailed in an envelope that
26 plainly states on its exterior that the envelope is a notice for the sale
27 of the foreclosed upon residential property. The language used on
28 the exterior of the envelope shall comply with the federal "Fair
29 Debt Collection Practices Act," 15 U.S.C. s.1692 et seq.

30 (5) (a) That notice of the upset price for the sale of a foreclosed
31 upon residential property be provided at least four weeks prior to
32 the sheriff's sale and posted on the Internet website of the sheriff's
33 office and on any other medium used to provide notice of the
34 sheriff's sale. The upset price provided in the notice shall be a good
35 faith estimate of the upset price on the day of the sheriff's sale;
36 however, the upset price on the day of the sheriff's sale shall not
37 increase by more than three percent from the upset price originally
38 provided in the notice. If the sheriff's sale is delayed or postponed,
39 or if circumstances occur that require unforeseen advances to
40 protect the borrower or the foreclosed upon residential property in
41 the event of vandalism, weather damage, or other emergency
42 property preservation needs, the upset price may be adjusted to
43 reflect these costs in the latest price; and

44 (b) Prior to providing the upset price to the sheriff's office
45 pursuant to subparagraph (a) of this paragraph, the foreclosing
46 plaintiff or agent of the foreclosing plaintiff shall be prohibited
47 from contacting the foreclosed upon defendant, next of kin of the
48 foreclosed upon defendant, or a nonprofit community development

1 corporation to inquire whether the foreclosed upon defendant, next
2 of kin, or nonprofit community development corporation intends to
3 participate in the sheriff's sale for the foreclosed upon property or
4 exercise the provisions of P.L.2023, c.255 (C.2A:50-56a et al.). If,
5 after providing notice of the upset price pursuant to subsection a. of
6 this section, the foreclosing plaintiff is informed that the foreclosed
7 upon defendant, next of kin, or nonprofit community development
8 corporation intends to participate in the sheriff's sale or exercise the
9 provisions of P.L.2023, c.255 (C.2A:50-56a et al.), the foreclosing
10 plaintiff shall not attempt to delay or postpone the sheriff's sale by
11 reason of the foreclosed upon defendant, next of kin, or nonprofit
12 community development corporation's intention to participate in the
13 sheriff's sale or exercise the provisions of P.L.2023, c.255
14 (C.2A:50-56a et al.). Any notice required pursuant to this
15 paragraph shall comply with the federal "Fair Debt Collection
16 Practices Act," 15 U.S.C. s.1692 et seq.

17 (6) Prior to the sale of residential property, the foreclosing
18 plaintiff shall disclose, if known, whether the property is vacant,
19 tenant-occupied, or owner-occupied. If the property is vacant, the
20 foreclosing plaintiff shall provide the successful bidder access to
21 the property if the foreclosing plaintiff has such access and may
22 condition access by the successful bidder on being accompanied by
23 a representative of the foreclosing plaintiff.

24 (7) (a) Except as otherwise provided in subparagraphs (b) and
25 (c) of this paragraph, the successful bidder at the sheriff's sale shall
26 pay a 20 percent deposit [in either cash or by a certified or cashier's
27 check, made payable to the sheriff of the county in which the sale is
28 conducted,] immediately upon the conclusion of the foreclosure
29 sale or within a timeframe established by the sheriff regarding
30 online sales.

31 (b) In the case of residential property in which the successful
32 bidder is the foreclosed upon defendant, next of kin, tenant,
33 nonprofit community development corporation, or a bidder who
34 shall occupy the property as the bidder's primary residence for a
35 period of at least 84 months, the successful bidder who has fulfilled
36 the requirements set forth in subsection e. of this section shall pay a
37 3.5 percent deposit of the original upset price listed in the notice
38 provided by the foreclosing plaintiff pursuant to subparagraph (a) of
39 paragraph (5) of this subsection, or the final starting upset price
40 listed for the sale of the property, whichever is less, with the rest of
41 the balance due within 90 business days by cash, certified or
42 cashier's check, or by wire transfer, made payable to the sheriff of
43 the county in which the sale is conducted or to the Special Master,
44 if the sheriff cannot comply with the provisions of subparagraph (a)
45 of paragraph (3) of this subsection, immediately upon the
46 conclusion of the foreclosure sale.

47 (c) If the successful bidder cannot satisfy the requirement of this
48 paragraph that is applicable to the bidder, or the applicable

1 requirement of this paragraph respectively, the bidder shall be in
2 default and the sheriff shall immediately void the sale and proceed
3 further with the resale of the premises without the necessity of
4 adjourning the sale, without renotification of any party to the
5 foreclosure **[and]** , without the republication of any sales notice ,or
6 the reposting of the online sales notice. Upon such resale, the
7 defaulting bidder shall be liable to the foreclosing plaintiff for any
8 additional costs incurred by such default including, but not limited
9 to, any difference between the amount bid by the defaulting bidder
10 and the amount generated for the foreclosing plaintiff at the resale.
11 In the event the plaintiff is the successful bidder at the resale, the
12 plaintiff shall provide a credit for the fair market value of the
13 property foreclosed.

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

20 (9) That each sheriff's office shall use, and the plaintiff's
21 attorney shall prepare and submit to the sheriff's office, a deed
22 which shall be in substantially the following form:

23 THIS INDENTURE,
24 made this (date) day of (month),
25 (year). Between (name), Sheriff of the County
26 of (name) in the State of New Jersey, party of the first
27 part and (name(s)) party of the
28 second part, witnesseth.

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

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

37 Greeting:

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

42
43
44

45 and the following named parties are the DEFENDANTS:

46
47
48

1 IT WAS ORDERED AND ADJUDGED that certain mortgaged
2 premises, with the appurtenances in the Complaint, and Amendment
3 to Complaint, if any, in the said cause particularly set forth and
4 described, that is to say: The mortgaged premises are described as
5 set forth upon the RIDER ANNEXED HERETO AND MADE A
6 PART HEREOF.
7 BEING KNOWN AS Tax Lot (number) in Block
8 (number) COMMONLY KNOWN AS (street address)
9
10 TOGETHER, with all and singular the rights, liberties, privileges,
11 hereditaments and appurtenances thereunto belonging or in anywise
12 appertaining, and the reversion and remainders, rents, issues and
13 profits thereof, and also all the estate, right, title, interest, use,
14 property, claim and demand of the said defendants of, in, to and out
15 of the same, to be sold, to pay and satisfy in the first place unto the
16 plaintiff,
17
18
19 the sum of \$ (amount) being the principal, interest and
20 advances secured by a certain mortgage dated (date,
21 month, year) and given by (name) together with
22 lawful interest from
23
24
25
26 until the same be paid and satisfied and also the costs of the
27 aforesaid plaintiff with interest thereon.
28 AND for that purpose a Writ of Execution should issue, directed to
29 the Sheriff of the County of (name) commanding him to
30 make sale as aforesaid; and that the surplus money arising from
31 such sale, if any there be, should be brought into our said Court, as
32 by the judgment remaining as of record in our said Superior Court
33 of New Jersey, at Trenton, doth and more fully appear; and
34 whereas, the costs and Attorney's fees of the said plaintiff have
35 been duly taxed at the following sum: \$ (amount)
36 THEREFORE, you are hereby commanded that you cause to be
37 made of the premises aforesaid, by selling so much of the same as
38 may be needful and necessary for the purpose, the said sum of
39 \$..... (amount) and the same you do pay to the said plaintiff
40 together with contract and lawful interest thereon as aforesaid, and
41 the sum aforesaid of costs with interest thereon.
42 And that you have the surplus money, if any there be, before our
43 said Superior Court of New Jersey, aforesaid at Trenton, within 30
44 days after pursuant to R.4:59-1(a), to abide the further Order of the
45 said Court, according to judgment aforesaid, and you are to make
46 return at the time and place aforesaid, by certificate under your
47 hand, of the manner in which you have executed this our Writ,

1 together with this Writ, and if no sale, this Writ shall be returnable
2 within 24 months.

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

6 /s/ (Clerk)

7 Superior Court of New Jersey

8 /s/.....

9 Attorney for Plaintiff

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

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

22 I also caused such notice to be published [four times in two
23 newspapers designated by me and printed and published in the said
24 County, the County wherein the real estate sold is situate, the same
25 being designated for the publication by the Laws of this State, and
26 circulating in the neighborhood of said real estate, at least once a
27 week during four consecutive calendar weeks] according to the
28 provisions set forth in N.J.S.2A:61-1. One of such newspapers,
29 (name of newspaper) is a newspaper with
30 circulation in (name of town), the County seat of said
31 (name) County. The first publication was at least
32 twenty-one days prior and the last publication not more than eight
33 days prior to the time appointed for the sale of such real estate, and
34 by virtue of the said Writ of Execution, I did offer for sale said land
35 and premises at public vendue at the County (name)
36 Building in (name of town) on the (date)
37 day of, ... (month) (year) at the hour of
38 (time) in the (a.m. or p.m.).

39 WHEREUPON the said party of the second part bidding
40 therefore for the same, the sum of \$..... (amount) and no
41 other person bidding as much I did then and there openly and
42 publicly in due form of law between the hours of (time)
43 and (time) in the (a.m. or p.m.), strike off and sell
44 tracts or parcels of land and premises for the sum of \$
45 (amount) to the said party of the second part being then and there
46 the highest bidder for same. And on the (date) of
47 (month) in the year last aforesaid I did truly report the
48 said sale to the Superior Court of New Jersey, Chancery Division

1 and no objection to the said sale having been made, and by
2 Assignment of Bid filed with the Sheriff of (name)
3 County said bidder assigned its bid to:

4
5
6

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

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

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

30 Signed, sealed and delivered

31 in the presence of
32

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

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

39
40
41

42 was **【by me】** sold by virtue of a good and subsisting execution (or
43 as the case may be) as is therein recited, that the money ordered to
44 be made has not been to my knowledge or belief paid or satisfied,
45 that the time and place of the same of said real estate were **【by me】**
46 duly advertised as required by law, and that the same was cried off
47 and sold to a bona fide purchaser for the best price that could be

1 obtained and the true consideration for this conveyance as set forth
2 in the deed is \$ (amount).

3
4 (name), Sheriff

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

10 STATE OF NEW JERSEY) ss.

11 (Name) County) Attorney or Notary Public

12 On this (date) day of (month), (year),
13 before me, the subscriber, (name) personally
14 appeared (name), Sheriff of the County of
15 (name) aforesaid, who is, I am satisfied, the grantor in the within
16 Indenture named, and I having first made known to him the contents
17 thereof, he did thereupon acknowledge that he signed, sealed and
18 delivered the same on his voluntary act and deed, for the uses and
19 purposes therein expressed.

20
21 Attorney or Notary Public

22 b. At the conclusion of the sheriff's sale, the attorney for the
23 plaintiff shall prepare and deliver to the sheriff a deed which shall
24 be in the form provided pursuant to paragraph (9) of subsection a.
25 of this section for the sheriff's execution and the deed shall be
26 delivered to the sheriff within 10 days of the date of the sale. The
27 sheriff shall be entitled to the authorized fee, as a review fee, even
28 if the plaintiff's attorney prepares the deed.

29 c. (1) The sheriff's office shall, within two weeks of the date of
30 the sale, deliver a fully executed deed to the successful bidder at the
31 sale provided that the bidder pays the balance of the monies due **【to**
32 **the Sheriff by either cash or certified or cashier's check】**. In the
33 event a bid is satisfied after the expiration and additional interest is
34 collected from the successful bidder, the sheriff shall remit to the
35 plaintiff the total amount, less any fees, costs and commissions due
36 the sheriff, along with the additional interest.

37 (2) Notwithstanding the provisions of paragraph (1) of this
38 subsection, in the case of residential property in which the
39 successful bidder is permitted to pay a 3.5 percent deposit upon the
40 conclusion of the foreclosure sale pursuant to subparagraph (b) of
41 paragraph (7) of subsection a. of this section, no interest shall
42 accrue on the balance of the sale of the property until 60 business
43 days have passed following the date of the sale, and thereafter, the
44 successful bidder shall have 30 business days to fulfill the balance.
45 If the successful bidder fails to fulfill the balance within this 90
46 business day period, the bidder shall forfeit the deposit on the
47 property and shall be responsible for the payment of accrued
48 interest incurred as a result of the sale being void, unless the failure

1 to fulfill the balance is due to the bidder's inability to close a
2 mortgage through no fault of their own, which includes, but is not
3 limited to, the appraised value of the property being less than the
4 purchase value of the property or the financial institution denying
5 financing, in which case the bidder shall be refunded the deposit on
6 the property and shall be responsible only for the payment of
7 accrued interest. In addition, if a successful bidder fails to fulfill
8 the balance within this 90 business day period, any subsequent
9 foreclosure sale involving the same residential property and the
10 same foreclosing plaintiff and foreclosed upon defendant shall be
11 subject to the procedures set forth in subparagraph (a) of paragraph
12 (7) of subsection a. of this section and there shall be no right of first
13 or second refusal pursuant to subsections d. and g. of this section.

14 d. In the case of a foreclosed residential property where the
15 foreclosed upon defendant is an individual and not a corporate
16 entity, if the foreclosed upon defendant, next of kin of the
17 foreclosed upon defendant, or tenant of the foreclosed upon
18 property has secured financing or assets sufficient to meet terms
19 offered by the foreclosing plaintiff or an alternative financial
20 institution to purchase the property, the foreclosed upon defendant,
21 next of kin of the foreclosed upon defendant, or tenant shall have
22 the right of first refusal to purchase the property for the original
23 upset price listed in the notice provided pursuant to subparagraph a.
24 of paragraph (5) of subsection a. of this section, or at the final
25 starting upset price listed for the sale of the property, whichever is
26 less. The right of first refusal shall only be made available to the
27 foreclosed upon defendant, next of kin of the foreclosed upon
28 defendant, or tenant for the initial sale of the foreclosed upon
29 property, unless the sale is delayed or postponed, upon which the
30 foreclosed upon defendant, next of kin of the foreclosed upon
31 defendant, or tenant shall retain the right of first refusal for the
32 rescheduled date of sale. Such right shall be deemed exercised if,
33 prior to the opening of the bidding on the foreclosed property, the
34 foreclosed upon defendant, next of kin of the foreclosed upon
35 defendant, or tenant pays a 3.5 percent deposit with the rest of the
36 balance due within 90 business days, pursuant to the provisions of
37 this section, by cash, certified or cashier's check, or by wire
38 transfer, made payable to the sheriff of the county in which the sale
39 is conducted or to the Special Master, if the sheriff cannot comply
40 with the provisions of subparagraph (a) of paragraph (3) of
41 subsection a. of this section.

42 e. A bidder who is permitted to pay a 3.5 percent deposit upon
43 the conclusion of the foreclosure sale pursuant to the provisions of
44 this section may purchase residential property at a sheriff's sale by
45 way of financing if the bidder provides documentation that the
46 bidder has been pre-approved by a financial institution regulated by
47 the Department of Banking and Insurance or by a federal banking
48 agency, as defined by section 3 of the "New Jersey Residential

1 Mortgage Lending Act," P.L.2009, c.53 (C.17:11C-53), for
2 financing a residential property.

3 (1) A bidder who is permitted to pay a 3.5 percent deposit upon
4 the conclusion of the foreclosure sale pursuant to the provisions of
5 this section and intends to finance the purchase of residential
6 property at a sale shall be:

7 (a) preapproved for the amount of the original upset price listed
8 in the notice provided pursuant to subparagraph a. of paragraph (5)
9 of subsection a. of this section or the final starting upset price listed
10 for the sheriff's sale of the property, whichever is less;

11 (b) limited to submitting bids no higher than the amount for
12 which the bidder has been pre-approved for financing; and

13 (c) if the bidder is an individual, required to present current and
14 valid photo identification that substantially conforms to the name
15 and information contained on the financing pre-approval forms
16 obtained by the bidder.

17 (2) A tenant or a successful bidder who intends to occupy the
18 property for 84 months, and finances the purchase of the property
19 and pays a 3.5 percent deposit pursuant to the provisions of this
20 section, shall have received eight hours of homebuyer education and
21 counseling through a United States Department of Housing and
22 Urban Development (HUD) certified housing counseling agency,
23 and shall present a certificate of completion or proof of enrollment
24 in that program to the sheriff.

25 (3) To ensure that the provisions of this section only apply to a
26 foreclosed upon defendant or next of kin of the foreclosed upon
27 defendant who has entered foreclosure proceedings due to
28 circumstances outside of the foreclosed upon defendant's control,
29 subsections d. through f. of this section shall only apply to a
30 foreclosed upon defendant or next of kin of the foreclosed upon
31 defendant that demonstrates to the foreclosing plaintiff that the
32 foreclosed upon defendant experienced:

33 (a) financial hardship;

34 (b) a physical or mental illness preventing the foreclosed upon
35 defendant from earning an income;

36 (c) divorce or legal separation;

37 (d) proof of death of the foreclosed upon defendant, or the
38 foreclosed upon defendant's spouse, or child; or

39 (e) predatory loan practices.

40 Any information provided under this paragraph shall be provided
41 at the request of the foreclosing plaintiff prior to the date of sale for
42 the foreclosing property and shall not conflict with subparagraph
43 (b) of paragraph (5) of subsection a. of this section.

44 (4) If a bidder intending to finance the purchase of the
45 residential property is a current tenant, the tenant shall provide
46 documentation confirming:

47 (a) that the tenant has resided at the property for at least a year;

48 and

1 (b) that the tenant is not in arrears with rent payments as of the
2 date the foreclosed upon defendant received a notice of foreclosure
3 from the foreclosing plaintiff.

4 (5) To prove the residency requirement pursuant to
5 subparagraph (a) of paragraph (4) of this subsection, the tenant shall
6 also be required to present at least two current and valid forms of
7 identification that substantially conform to the name and property
8 address contained in the tenant's lease agreement, which shall
9 include but not be limited to:

10 (a) a driver's license issued by the New Jersey Motor Vehicle
11 Commission;

12 (b) a utility bill;

13 (c) a checking or savings account statement from a bank or
14 credit union issued at least 60 days prior to submitting
15 documentation required pursuant to this subparagraph;

16 (d) a statement, receipt, or letter of correspondence from a
17 federal, State, or local government office delivered at least one year
18 prior to submitting documentation required pursuant to this
19 subparagraph; or

20 (e) any other form of identification that the sheriff deems valid
21 pursuant to this paragraph.

22 (6) A tenant shall be allowed to purchase residential property
23 pursuant to this subsection if a foreclosed upon defendant or next of
24 kin of the foreclosed upon defendant decides not to participate in
25 the sheriff's sale or exercise the provisions of P.L.2023, c.255
26 (C.2A:50-56a et al.). A tenant shall have up to 90 business days to
27 purchase the residential property after successfully bidding for the
28 property.

29 (7) With exception to the foreclosed upon defendant, the
30 foreclosed upon defendant's next of kin, or a nonprofit community
31 development corporation, an individual bidder purchasing
32 residential property in a sheriff's sale pursuant to this subsection
33 shall be required to occupy the property as the bidder's primary
34 residence for a fixed term of at least 84 months after taking
35 possession. The deed for the property shall clearly state that the
36 property may not be sold for 84 months from the date of the
37 sheriff's sale, except pursuant to the exceptions permitting a
38 successful bidder to vacate the property prior to residing in the
39 property for 84 months in paragraph (8) of this subsection.

40 (8) With exception to the foreclosed upon defendant, the
41 foreclosed upon defendant's next of kin, or a nonprofit community
42 development corporation, a successful individual bidder who
43 finances the purchase pursuant to this subsection and does not
44 occupy the residence for a period of at least 84 months shall be
45 assessed a fine by a court of competent jurisdiction up to \$100,000
46 for the first violation, and \$500,000 thereafter for each subsequent
47 violation. These penalties shall not be assessed against a bidder
48 who finances the purchase with good faith and intent and is

1 thereafter required to vacate the property prior to residing in the
2 property for 84 months due to:

- 3 (a) death of the bidder or the bidder's spouse or child;
- 4 (b) disability of the bidder or a member of the bidder's
5 household;
- 6 (c) divorce;
- 7 (d) legal separation;
- 8 (e) military deployment;
- 9 (f) a change in employment of the bidder or a member of the
10 bidder's household that results in a reduction in income or a need to
11 move out-of-state;
- 12 (g) a change in the number of permanent residents of the
13 household due to: the birth or adoption of a child; or the permanent
14 relocation of an elder into the household, as proved by a note from
15 the doctor or social worker of the elder;
- 16 (h) a need to move to care for a family member for a period of
17 at least six months, as evidenced by: an address change; and a note
18 from the family member in need of care, the doctor of the family
19 member, or the social worker for the family member; or
- 20 (i) foreclosure.

21 A bidder who finances the purchase of the residential property in
22 good faith and intent and is thereafter required to vacate the
23 property prior to residing in the property for 84 months pursuant to
24 paragraph (8) of this subsection shall retain the deed to the property
25 until the deed is transferred.

26 In the event of the death of a successful bidder, the property may
27 be transferred to another owner in accordance with applicable laws
28 governing estate, inheritance, and probate matters and the
29 occupancy requirement shall be extinguished.

30 A fraudulent violation of subparagraphs (a) through (i) of this
31 paragraph by a bidder shall be an unlawful practice and a violation
32 of P.L.1960, c.39 (C.56:8-1 et seq.).

33 f. If the foreclosed upon defendant, next of kin of the
34 foreclosed upon defendant, or tenant of the foreclosed upon
35 property fails to secure financing or assets sufficient to meet the
36 terms offered by the foreclosing plaintiff or an alternative financial
37 institution to purchase the residential property, the foreclosed upon
38 defendant, next of kin of the foreclosed upon defendant, or tenant
39 may request that a nonprofit community development corporation
40 purchase the property. If the nonprofit community development
41 corporation agrees in writing to purchase the property for the
42 foreclosed upon defendant, next of kin of the foreclosed upon
43 defendant, or tenant to reside in, the corporation shall:

- 44 (1) allow the foreclosed upon defendant, next of kin of the
45 foreclosed upon defendant, or tenant to reside at the property for a
46 period of time as agreed upon in paragraph (2) of this subsection;
47 and

1 (2) negotiate with the foreclosed upon defendant, next of kin of
2 the foreclosed upon defendant, or tenant on an affordable lease
3 schedule that shall include an option to purchase the property from
4 the corporation.

5 g. In the case of a foreclosed residential property, a nonprofit
6 community development corporation, that has a written agreement
7 with a foreclosed upon defendant, next of kin of the foreclosed
8 upon defendant, or tenant of the foreclosed upon property pursuant
9 to subsection f. of this section, shall have a right of second refusal
10 to purchase the property which is subordinate to the first right of
11 refusal provided to a foreclosed upon defendant, next of kin of the
12 foreclosed upon defendant, or tenant pursuant to subsection d. of
13 this section. If the foreclosed upon defendant, next of kin of the
14 foreclosed upon defendant, or tenant decides not to participate in
15 the sheriff's sale, enter into an agreement with the corporation
16 pursuant to subsection f. of this section, or fails to secure financing
17 or assets sufficient to meet the terms offered by the foreclosing
18 plaintiff or an alternative financial institution to purchase the
19 property, a nonprofit community development corporation shall
20 have the right of second refusal to purchase the property in the
21 amount approved for the final starting upset price on the day of the
22 sheriff's sale at the time of the sale. Such right shall be deemed
23 exercised if, prior to the opening of the bidding on the foreclosed
24 property, the corporation pays a 3.5 percent deposit with the rest of
25 the balance due within 90 business days by cash, certified or
26 cashier's check, or by wire transfer, made payable to the sheriff of
27 the county in which the sale is conducted or to the Special Master,
28 if the sheriff cannot comply with the provisions of subparagraph (a)
29 of paragraph (3) of subsection a. of this section. A nonprofit
30 community development corporation shall only have a right of
31 second refusal to purchase the property if it satisfies the
32 requirements set forth in subsection h. of this section and fulfills the
33 conditions set forth in subsection j. of this section.

34 h. (1) If a foreclosed upon defendant, next of kin of the
35 foreclosed upon defendant, or tenant of the foreclosed upon
36 property does not participate in the sheriff's sale, secure financing
37 or assets sufficient to meet the terms offered by the foreclosing
38 plaintiff or an alternative financial institution, or enter into
39 agreement with a nonprofit community development corporation
40 pursuant to subsection f. of this section, the nonprofit community
41 development corporation may enter a bid for the foreclosed upon
42 residential property.

43 (2) A nonprofit community development corporation intending
44 to bid in a sheriff's sale for residential property and pay a 3.5
45 percent deposit as permitted by this section shall, on the date of the
46 sheriff's sale, register its participation with the sheriff or Special
47 Master if the sheriff cannot comply with the provisions of
48 paragraph (3) of subsection a. of this section. In registering its

1 participation in the sale, a corporation shall provide the most recent
2 form 1023 filing provided to the United States Internal Revenue
3 Service, stating the corporation's mission includes community
4 revitalization and the creation or preservation of affordable housing
5 through the restoration of vacant and abandoned property.

6 i. (1) If more than one nonprofit community development
7 corporation seeks to exercise the right of second refusal, the right
8 shall belong in the first instance to a nonprofit community
9 development corporation that fulfills the conditions set forth in
10 subsection f. of this section. If no such nonprofit community
11 development corporation exists, priority shall belong to the
12 nonprofit community development corporation that first registers its
13 participation in the foreclosure sale pursuant to paragraph (2) of
14 subsection h. of this section.

15 (2) If an individual or nonprofit community development
16 corporation exercises a right of first or second refusal pursuant to
17 subsection d. or f. of this section, the foreclosure sale shall be
18 deemed concluded and the person or corporation shall be deemed to
19 be the successful bidder and shall be subject to the applicable
20 provisions and procedures of this section.

21 j. (1) A nonprofit community development corporation that
22 successfully bids on the purchase of a residential property in a
23 sheriff's sale and satisfies the conditions set forth in subsection h. of
24 this section shall be subject to the fines assessed pursuant to
25 paragraph (3) of this subsection if the nonprofit corporation does
26 not:

27 (a) restore as need be and sell the property to a household
28 earning no more than 120 percent below area median income or rent
29 the property as an affordable housing unit to a household who earns
30 no more than 100 percent below area median income, if the
31 property is vacant or abandoned at the time of the sheriff's sale; or

32 (b) if the property is occupied at the time of sale by either a
33 tenant or the foreclosed upon defendant with whom the nonprofit
34 community development corporation does not already have an
35 agreement pursuant to subsection f. of this section, the nonprofit
36 community development corporation shall negotiate in good faith
37 with the foreclosed upon defendant or tenant on an affordable lease
38 schedule that will allow the foreclosed upon defendant or tenant to
39 continue to occupy the property should the foreclosed upon
40 defendant or tenant desire to do so. If after 120 business days the
41 foreclosed upon defendant or tenant does not respond to the
42 requests of the nonprofit community development corporation to
43 negotiate, the corporation may bring an action in a court of
44 competent jurisdiction to remove the foreclosed upon defendant or
45 tenant. If removal has successfully occurred, the nonprofit
46 community development corporation shall comply with the
47 requirements of subparagraph (a) of paragraph (1) of this
48 subsection.

1 (2) A nonprofit community development corporation that
2 successfully bids on the purchase of a residential property and
3 satisfies the conditions set forth in subsection f. of this section shall
4 ensure that, in any future sale of the property pursuant to
5 subparagraph (a) of paragraph (1) of this subsection, the property be
6 subject to a renewable deed restriction, with the minimum number
7 of affordability years being 30 years and with the option to renew,
8 requiring any future property owner to sell the property to a
9 household earning no more than 120 percent below area median
10 income or rent the property as an affordable housing unit to a
11 household who earns no more than 100 percent below area median
12 income.

13 (3) A nonprofit community development corporation that
14 successfully bids on and completes the purchase of a residential
15 property in a sheriff's sale and satisfies the conditions set forth in
16 subsection f. of this section and fails to meet the requirements of
17 this subsection shall be assessed a fine by a court of competent
18 jurisdiction of up to \$100,000 for the first violation, and \$500,000
19 thereafter for each subsequent violation. If the appropriate sheriff's
20 office, county administrative agent, or affordable housing
21 administrative agent that is hired by the county determines based
22 upon its oversight that there has been a violation of this subsection,
23 the sheriff's office, county administrative agent, or affordable
24 housing administrative agent shall bring an action in a court of
25 competent jurisdiction so that the sheriff's office, county
26 administrative agent, or affordable housing administrative agent can
27 pursue enforcement of penalties for the violation. If the nonprofit
28 community development corporation dissolves, the deed of the
29 residential property shall be transferred to another nonprofit
30 community development corporation who shall be bound by the
31 requirements of this subsection.

32 k. In the case of a residential property for which the successful
33 bidder is subject to the occupancy requirement pursuant to
34 paragraphs (7) and (8) of subsection e. of this section, the
35 appropriate sheriff's office, county administrative agent, or
36 affordable housing administrative agent that is hired by the county
37 shall oversee the occupancy of the property, which may include the
38 mailing of a questionnaire to the successful bidder within 84
39 months following the sale or requiring the bidder to respond to
40 questions and submit documentation evidencing the bidder's
41 continued residence at the property using the proof of residency
42 documents provided pursuant to paragraph (5) of subsection e. of
43 this section. If the appropriate sheriff's office, county
44 administrative agent, or affordable housing administrative agent
45 that is hired by the county determines based upon its oversight that
46 there has been an occupancy violation, the sheriff's office, county
47 administrative agent, or affordable housing administrative agent
48 hired by the county shall refer the matter to the county counsel's

1 office to bring an action in a court of competent jurisdiction so that
2 the sheriff's office can pursue enforcement of penalties for the
3 violation.

4 l. Each sheriff's office shall maintain information, written in
5 plain language, regarding the program to finance the purchase of
6 residential property in a foreclosure sale in accordance with this
7 section on its Internet website, and in any other medium used by the
8 office to advertise a foreclosure sale, in a manner that is accessible
9 to the public. Additionally, each sheriff's office shall display
10 information, written in plain language, regarding the Community
11 Wealth Preservation Program in its office in a manner that is
12 conspicuous to the public. The information posted on a sheriff's
13 Internet website or displayed in a sheriff's office concerning the
14 program shall further contain language notifying the public that the
15 program shall exclude those purchasing property for investment
16 purposes. For any county in which the primary language of 10
17 percent or more of the residents is a language other than English,
18 the sheriff's office shall provide the information required by this
19 subsection in that other language or languages in addition to
20 English. The alternate language shall be determined based on
21 information from the latest federal decennial census.

22 m. Any sheriff's sales conducted virtually shall be subject to the
23 provisions of P.L.2023, c.255 (C.2A:50-56a et al.).

24 n. Any penalty imposed pursuant to this section may be
25 recovered with costs in a summary proceeding commenced by the
26 appropriate sheriff's office pursuant to the "Penalty Enforcement
27 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Fifty percent
28 of any monies collected pursuant to this section shall be forwarded
29 to the municipality in which the foreclosed upon property is located
30 to be deposited in the affordable housing trust fund of the
31 municipality for use on low income housing or moderate income
32 housing needs as defined in section 4 of P.L.1985, c.222
33 (C.52:27D-304), to the extent the municipality maintains such a
34 fund, and if the municipality does not maintain such a fund, to the
35 State Treasurer, and shall annually be appropriated to the "New
36 Jersey Affordable Housing Trust Fund," section 20 of P.L.1985,
37 c.222 (C.52:27D-320) for the purpose of developing and supporting
38 housing programs that create for-sale and rental affordable housing.
39 The remaining 50 percent of any monies collected pursuant to this
40 section shall provide for administrative and enforcement costs,
41 including costs incurred by the appropriate sheriff's office, county
42 administrative agent, or county counsel's office, necessary to
43 effectuate the purposes of this section.

44 o. The provisions of P.L.2023, c.255 (C.2A:50-56a et al.) shall
45 only apply to residential property as defined pursuant to subsection
46 p. of this section.

47 p. As used in this section:

1 "Area median income" means the midpoint of a region's
2 household income distribution, as determined by the United States
3 Department of Housing and Urban Development.

4 "Community Wealth Preservation Program" means the program
5 created by P.L.2023, c.255 (C.2A:50-56a et al.) to assist
6 prospective owner-occupants, nonprofit community development
7 corporations, foreclosed upon defendants, next of kin of foreclosed
8 upon defendants, and tenants of foreclosed upon defendants in
9 purchasing and financing foreclosed upon residential properties in
10 sheriff's sales with an initial 3.5 percent deposit.

11 "Nonprofit community development corporation" means a not-
12 for-profit organization, whose mission includes community
13 revitalization through the restoration of vacant and abandoned
14 property to create or preserve affordable housing, as indicated in the
15 corporation's most recent form 1023 filing provided to the United
16 States Internal Revenue Service.

17 "Residential property" means real property located in this State
18 which is utilized as a primary residence or dwelling, and shall not
19 include any real property which is acquired for investment,
20 commercial, or business purposes or real property containing more
21 than four residential units.

22 "Upset price" means the minimum amount that a foreclosed upon
23 property shall be sold for in a sheriff's sale as determined by the
24 foreclosing plaintiff.¹

25 (cf: P.L.2023, c.255, s.1)

26

27 ¹6. Section 1 of P.L.1999, c.440 (C.40A:11-4.1) is amended to
28 read as follows:

29 1. Notwithstanding the provisions of any law, rule, or
30 regulation to the contrary, competitive contracting may be used by
31 local contracting units in lieu of public bidding for procurement of
32 specialized goods and services the price of which exceeds the bid
33 threshold, for the following purposes:

34 a. The purchase or licensing of proprietary computer software
35 designed for contracting unit purposes, which may include
36 hardware intended for use with the proprietary software. This
37 subsection shall not be utilized for the purpose of acquiring general
38 purpose computer hardware or software;

39 b. The hiring of a for-profit entity or a not-for-profit entity
40 incorporated under Title 15A of the New Jersey Statutes for the
41 purpose of:

42 (1) the operation and management of a wastewater treatment
43 system, a stormwater management system, or a water supply or
44 distribution facility of the type described in subsection (37) of
45 section 15 of P.L.1971, c.198 (C.40A:11-15), provided that
46 competitive contracting shall not be used as a means of awarding
47 contracts pursuant to P.L.1985, c.37 (C.58:26-1 et al.) and
48 P.L.1985, c.72 (C.58:27-1 et al.);

- 1 (2) the operation, management or administration of recreation or
2 social service facilities or programs, which shall not include the
3 administration of benefits under the Work First New Jersey
4 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
5 seq.), or under General Assistance;
- 6 (3) the operation, management or administration of data
7 processing services; or
- 8 (4) the operation and management of a county hospital pursuant
9 to the "Local Hospital Authority Law," P.L.2006, c.46 (C.30:9-
10 23.15 et al.);
- 11 c. (Deleted by amendment, P.L.2009, c.4)
- 12 d. Homemaker--home health services;
- 13 e. Laboratory testing services;
- 14 f. Emergency medical services;
- 15 g. Contracted food services;
- 16 h. Performance of patient care services by contracted medical
17 staff at county hospitals, correctional facilities and long-term care
18 facilities;
- 19 i. At the option of the governing body of the contracting unit,
20 any good or service that is exempt from bidding pursuant to section
21 5 of P.L.1971, c.198 (C.40A:11-5);
- 22 j. Concessions;
- 23 k. The operation, management or administration of other
24 services, with the approval of the Director of the Division of Local
25 Government Services;
- 26 l. Maintenance, custodial, and groundskeeping services;
- 27 m. Consulting services;
- 28 n. Emergency medical billing services;
- 29 o. Property appraisal services;
- 30 p. Reassessment or revaluation services;
- 31 q. Grant writing services;
- 32 r. Animal control services;
- 33 s. Private on-site inspection agency services, as may be
34 authorized by rules and regulations adopted by the Department of
35 Community Affairs;
- 36 t. Pursuant to section 2 of P.L. , c. (C.) (pending
37 before the Legislature as this bill), electronic, online foreclosure
38 sales of real estate conducted by any sheriff or person authorized or
39 required by statute.
- 40 Any purpose included herein shall not be considered by a
41 contracting unit as an extraordinary unspecifiable service pursuant
42 to subparagraph (ii) of paragraph (a) of subsection (1) of section 5
43 of P.L.1971, c.198 (C.40A:11-5).
- 44 As used in this section, "stormwater management system" means
45 the same as that term is defined in section 3 of P.L.2019, c.42
46 (C.40A:26B-3).¹
- 47 (cf: P.L.2022, c.139, s.3)

1 ¹**[5.]** 7.¹ This act shall take effect on the first day of the second
2 month next following enactment.