

[Second Reprint]

ASSEMBLY, No. 3791

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 22, 2024

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

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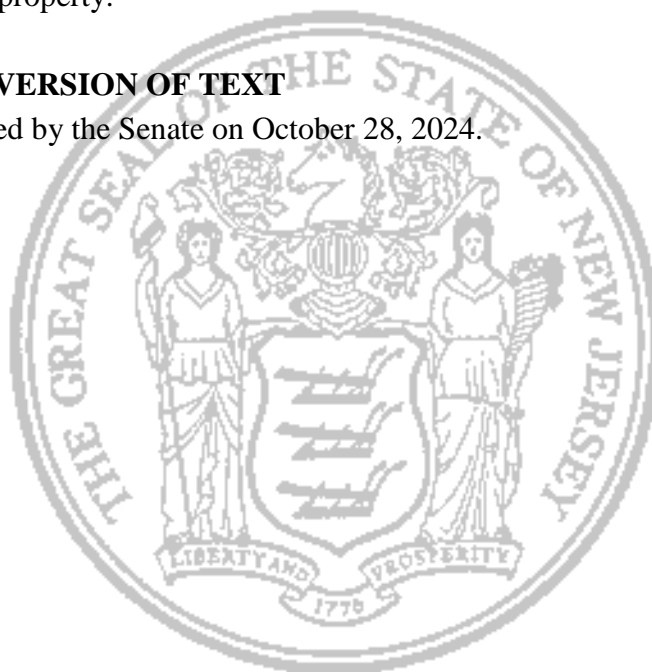
**Assemblyman Stanley, Assemblywoman Hall, Assemblyman Calabrese
and Assemblywoman Speight**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on October 28, 2024.



(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 authorized
13 or required by statute, court directive, or other law to conduct an
14 electronic, online foreclosure sale of real estate, may conduct the sale
15 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 county¹
19 may enter into a contract with a vendor to conduct an electronic,
20 online foreclosure sale of real estate, provided that New Jersey law
21 governs the contract and the relationship between ¹**【vendor and the**
22 **officer】** the parties¹. Any such contract shall detail the ¹**【sheriff's**
23 **reasonable】**¹ requirements with respect to: services; fee amounts;
24 method of charging a fee in the auction ¹**【,** including a seller's or
25 **buyer's fee】**¹ ; ¹**【commission】** commissions¹ or ¹**【premium charged to**
26 **a seller or buyer】** premiums¹ ; recovery maximization; marketing;
27 ¹**【track record in creating competitive auctions that maximize recovery**
28 **for the benefit of debtors and lenders;】**¹ record-keeping requirements;
29 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 pursuant
33 to P.L.1999, c.440 (C.40A:11-4.1 et seq.) ¹**【,** without the need for a
34 **resolution by the governing body】** . The track record of each
35 responsive vendor in creating competitive auctions that maximize
36 recovery for the benefit of debtors and lenders shall be considered in
37 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 public
41 online and displayed at the time they are placed. Any maximum bid
42 amounts provided by bidders ahead of the sale shall not be visible to
43 the public or to the sheriff while the auction is in process until the bid
44 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:

¹**Assembly AHO committee amendments adopted June 13, 2024.**

²**Senate floor amendments adopted October 28, 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 handling.
8 A vendor may charge customary and reasonable fees for funds
9 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 ²["action"] auction². The \$1,000 limit pursuant to this
13 subsection shall include but not be limited to, all administrative fees
14 charged by a vendor, including a \$50 processing fee, which a vendor
15 shall 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 the
19 purchaser's deposit with the vendor, and any vendor fees shall not
20 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 electronic,
22 online foreclosure sale, and the contracted vendor, shall require each
23 prospective bidder to verify the bidder's identity through an
24 identification verification process before allowing the placement of a
25 bid online, which may include verification through a government-
26 issued ID, biometric verification, or other secure methods of
27 verification.

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

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

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

39 (2) If the successful bidder is an individual, the individual's name,
40 physical mailing address, electronic mail address, and any other
41 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 of
46 formation; registered mailing address; proof of business registration
47 with the State of New Jersey; the registered officer or agent; the name
48 of an individual contact person for the entity; and the electronic mail
49 address and telephone number for that individual.¹

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

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

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

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

30 (b) one printed and published in the county and one circulating
31 in the county, if only one daily newspaper is printed and published
32 in the county**[, or]** ;

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

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

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

40 Whenever, in the opinion of any such officer or person, the ends
41 of justice shall require it, or the sale being conducted by **[him]** the
42 officer or person will be benefited thereby, the notice of sale may
43 be published in three newspapers instead of two, as required by **[the**
44 **second paragraph]** subsection b. of this section, if there be that
45 number printed and published in the county where the real estate to
46 be sold is located.

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

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

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

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

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

19
20 4. N.J.S.2A:61-4 is amended to read as follows:

21 2A:61-4. a. Any officer or person [mentioned] who is
22 authorized or required in [section] N.J.S.2A:61-1 of this title,
23 making a sale of real estate governed by this chapter, shall, at the
24 time and place appointed therefor, between the hours of [12 and 5
25 in the afternoon] 12:00 p.m. and 5:00 p.m., if requested by any
26 person interested in the sale of the real estate to be sold, read the
27 description of the real estate to be sold by metes and bounds, or, in
28 the absence of such a request, the officer or person making the sale
29 shall announce the street and number, or streets and numbers, of the
30 real estate to be sold, or the block and lot number or numbers by
31 which such real estate is designated on the taxing maps of the
32 municipality or municipalities in which the same is situate, if the
33 same is not identified by a street and number or streets and numbers
34 on such taxing maps, and where there is no street number or lot and
35 block number, the officer or person making the sale may announce
36 such description or designation as to him may be deemed sufficient,
37 and sell such real estate at public vendue to the highest bidder.

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

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

44
45 ¹5. Section 12 of P.L.1995, c.244 (C.2A:50-64) is amended to
46 read as follows:

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

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

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

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

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

12 (c) Upon the foreclosing plaintiff making such application to the
13 office, the office shall issue the appropriate order appointing a
14 Special Master to hold the foreclosure sale. The office may issue
15 the order to appoint a Special Master to hold foreclosure sales for
16 one or more properties within a vicinage.

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

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

39 (b) Prior to providing the upset price to the sheriff's office
40 pursuant to subparagraph (a) of this paragraph, the foreclosing
41 plaintiff or agent of the foreclosing plaintiff shall be prohibited
42 from contacting the foreclosed upon defendant, next of kin of the
43 foreclosed upon defendant, or a nonprofit community development
44 corporation to inquire whether the foreclosed upon defendant, next
45 of kin, or nonprofit community development corporation intends to
46 participate in the sheriff's sale for the foreclosed upon property or
47 exercise the provisions of P.L.2023, c.255 (C.2A:50-56a et al.). If,
48 after providing notice of the upset price pursuant to subsection a. of
49 this section, the foreclosing plaintiff is informed that the foreclosed

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

11 (6) Prior to the sale of residential property, the foreclosing
12 plaintiff shall disclose, if known, whether the property is vacant,
13 tenant-occupied, or owner-occupied. If the property is vacant, the
14 foreclosing plaintiff shall provide the successful bidder access to
15 the property if the foreclosing plaintiff has such access and may
16 condition access by the successful bidder on being accompanied by
17 a representative of the foreclosing plaintiff.

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

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

41 (c) If the successful bidder cannot satisfy the requirement of this
42 paragraph that is applicable to the bidder, or the applicable
43 requirement of this paragraph respectively, the bidder shall be in
44 default and the sheriff shall immediately void the sale and proceed
45 further with the resale of the premises without the necessity of
46 adjourning the sale, without renotification of any party to the
47 foreclosure **[and]** , without the republication of any sales notice , or
48 the reposting of the online sales notice. Upon such resale, the
49 defaulting bidder shall be liable to the foreclosing plaintiff for any

1 additional costs incurred by such default including, but not limited
2 to, any difference between the amount bid by the defaulting bidder
3 and the amount generated for the foreclosing plaintiff at the resale.
4 In the event the plaintiff is the successful bidder at the resale, the
5 plaintiff shall provide a credit for the fair market value of the
6 property foreclosed.

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

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

16 THIS INDENTURE,
17 made this (date) day of (month),
18 (year). Between (name), Sheriff of the County
19 of (name) in the State of New Jersey, party of the first
20 part and (name(s)) party of the
21 second part, witnesseth.

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

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

30 Greeting:

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

35
36
37

38 and the following named parties are the DEFENDANTS:

39
40
41

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

1 BEING KNOWN AS Tax Lot (number) in Block
2 (number) COMMONLY KNOWN AS (street address)
3
4 TOGETHER, with all and singular the rights, liberties, privileges,
5 hereditaments and appurtenances thereunto belonging or in anywise
6 appertaining, and the reversion and remainders, rents, issues and
7 profits thereof, and also all the estate, right, title, interest, use,
8 property, claim and demand of the said defendants of, in, to and out
9 of the same, to be sold, to pay and satisfy in the first place unto the
10 plaintiff,
11
12
13 the sum of \$ (amount) being the principal, interest and
14 advances secured by a certain mortgage dated (date,
15 month, year) and given by (name) together with
16 lawful interest from
17
18
19
20 until the same be paid and satisfied and also the costs of the
21 aforesaid plaintiff with interest thereon.
22 AND for that purpose a Writ of Execution should issue, directed to
23 the Sheriff of the County of (name) commanding him to
24 make sale as aforesaid; and that the surplus money arising from
25 such sale, if any there be, should be brought into our said Court, as
26 by the judgment remaining as of record in our said Superior Court
27 of New Jersey, at Trenton, doth and more fully appear; and
28 whereas, the costs and Attorney's fees of the said plaintiff have
29 been duly taxed at the following sum: \$ (amount)
30 THEREFORE, you are hereby commanded that you cause to be
31 made of the premises aforesaid, by selling so much of the same as
32 may be needful and necessary for the purpose, the said sum of
33 \$..... (amount) and the same you do pay to the said plaintiff
34 together with contract and lawful interest thereon as aforesaid, and
35 the sum aforesaid of costs with interest thereon.
36 And that you have the surplus money, if any there be, before our
37 said Superior Court of New Jersey, aforesaid at Trenton, within 30
38 days after pursuant to R.4:59-1(a), to abide the further Order of the
39 said Court, according to judgment aforesaid, and you are to make
40 return at the time and place aforesaid, by certificate under your
41 hand, of the manner in which you have executed this our Writ,
42 together with this Writ, and if no sale, this Writ shall be returnable
43 within 24 months.
44 WITNESS, the Honorable (name), Judge of the Superior
45 Court at Trenton, aforesaid, the (date) day of
46 (month), (year).
47 /s/ (Clerk)
48 Superior Court of New Jersey
49 /s/.....

1 Attorney for Plaintiff

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

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

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

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

44
45
46

47 NOW, THEREFORE, This Indenture witnesseth, that I, the said
48 (name), as such Sheriff as aforesaid under and by the
49 virtue of the said Writ of Execution and in execution of the power

1 and trust in me reposed and also for and in consideration of the said
2 sum of \$ (amount) therefrom acquit, exonerate and
3 forever discharge to the said party of the second part, its successors
4 and assigns, all and singular the said tract or parcel of lands and
5 premises, with the appurtenances, privileges, and hereditaments
6 thereunto belonging or in any way appertaining; to have and hold
7 the same, unto the said party of the second part, its successors and
8 assigns to its and their only proper use, benefit, and behoof forever,
9 in as full, ample and beneficial manner as by virtue of said Writ of
10 Execution I may, can or ought to convey the same.

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

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

21 Signed, sealed and delivered
22 in the presence of
23
24 Attorney at Law of New Jersey(name) Sheriff
25 STATE OF NEW JERSEY) SS.
26(county)

27 I, (name), Sheriff, of the County of (name),
28 do solemnly swear that the real estate described in this deed made
29 to
30
31
32

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

41
42 (name), Sheriff

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

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

1 On this (date) day of (month), (year),
2 before me, the subscriber, (name) personally
3 appeared (name), Sheriff of the County of
4 (name) aforesaid, who is, I am satisfied, the grantor in the within
5 Indenture named, and I having first made known to him the contents
6 thereof, he did thereupon acknowledge that he signed, sealed and
7 delivered the same on his voluntary act and deed, for the uses and
8 purposes therein expressed.

9
10 Attorney or Notary Public

11 b. At the conclusion of the sheriff's sale, the attorney for the
12 plaintiff shall prepare and deliver to the sheriff a deed which shall
13 be in the form provided pursuant to paragraph (9) of subsection a.
14 of this section for the sheriff's execution and the deed shall be
15 delivered to the sheriff within 10 days of the date of the sale. The
16 sheriff shall be entitled to the authorized fee, as a review fee, even
17 if the plaintiff's attorney prepares the deed.

18 c. (1) The sheriff's office shall, within two weeks of the date of
19 the sale, deliver a fully executed deed to the successful bidder at the
20 sale provided that the bidder pays the balance of the monies due [to
21 the Sheriff by either cash or certified or cashier's check]. In the
22 event a bid is satisfied after the expiration and additional interest is
23 collected from the successful bidder, the sheriff shall remit to the
24 plaintiff the total amount, less any fees, costs and commissions due
25 the sheriff, along with the additional interest.

26 (2) Notwithstanding the provisions of paragraph (1) of this
27 subsection, in the case of residential property in which the
28 successful bidder is permitted to pay a 3.5 percent deposit upon the
29 conclusion of the foreclosure sale pursuant to subparagraph (b) of
30 paragraph (7) of subsection a. of this section, no interest shall
31 accrue on the balance of the sale of the property until 60 business
32 days have passed following the date of the sale, and thereafter, the
33 successful bidder shall have 30 business days to fulfill the balance.
34 If the successful bidder fails to fulfill the balance within this 90
35 business day period, the bidder shall forfeit the deposit on the
36 property and shall be responsible for the payment of accrued
37 interest incurred as a result of the sale being void, unless the failure
38 to fulfill the balance is due to the bidder's inability to close a
39 mortgage through no fault of their own, which includes, but is not
40 limited to, the appraised value of the property being less than the
41 purchase value of the property or the financial institution denying
42 financing, in which case the bidder shall be refunded the deposit on
43 the property and shall be responsible only for the payment of
44 accrued interest. In addition, if a successful bidder fails to fulfill
45 the balance within this 90 business day period, any subsequent
46 foreclosure sale involving the same residential property and the
47 same foreclosing plaintiff and foreclosed upon defendant shall be
48 subject to the procedures set forth in subparagraph (a) of paragraph

1 (7) of subsection a. of this section and there shall be no right of first
2 or second refusal pursuant to subsections d. and g. of this section.

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

31 e. A bidder who is permitted to pay a 3.5 percent deposit upon
32 the conclusion of the foreclosure sale pursuant to the provisions of
33 this section may purchase residential property at a sheriff's sale by
34 way of financing if the bidder provides documentation that the
35 bidder has been pre-approved by a financial institution regulated by
36 the Department of Banking and Insurance or by a federal banking
37 agency, as defined by section 3 of the "New Jersey Residential
38 Mortgage Lending Act," P.L.2009, c.53 (C.17:11C-53), for
39 financing a residential property.

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

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

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

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

5 (2) A tenant or a successful bidder who intends to occupy the
6 property for 84 months, and finances the purchase of the property
7 and pays a 3.5 percent deposit pursuant to the provisions of this
8 section, shall have received eight hours of homebuyer education and
9 counseling through a United States Department of Housing and
10 Urban Development (HUD) certified housing counseling agency,
11 and shall present a certificate of completion or proof of enrollment
12 in that program to the sheriff.

13 (3) To ensure that the provisions of this section only apply to a
14 foreclosed upon defendant or next of kin of the foreclosed upon
15 defendant who has entered foreclosure proceedings due to
16 circumstances outside of the foreclosed upon defendant's control,
17 subsections d. through f. of this section shall only apply to a
18 foreclosed upon defendant or next of kin of the foreclosed upon
19 defendant that demonstrates to the foreclosing plaintiff that the
20 foreclosed upon defendant experienced:

21 (a) financial hardship;

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

24 (c) divorce or legal separation;

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

27 (e) predatory loan practices.

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

32 (4) If a bidder intending to finance the purchase of the
33 residential property is a current tenant, the tenant shall provide
34 documentation confirming:

35 (a) that the tenant has resided at the property for at least a year;
36 and

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

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

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

48 (b) a utility bill;

- 1 (c) a checking or savings account statement from a bank or
2 credit union issued at least 60 days prior to submitting
3 documentation required pursuant to this subparagraph;
- 4 (d) a statement, receipt, or letter of correspondence from a
5 federal, State, or local government office delivered at least one year
6 prior to submitting documentation required pursuant to this
7 subparagraph; or
- 8 (e) any other form of identification that the sheriff deems valid
9 pursuant to this paragraph.
- 10 (6) A tenant shall be allowed to purchase residential property
11 pursuant to this subsection if a foreclosed upon defendant or next of
12 kin of the foreclosed upon defendant decides not to participate in
13 the sheriff's sale or exercise the provisions of P.L.2023, c.255
14 (C.2A:50-56a et al.). A tenant shall have up to 90 business days to
15 purchase the residential property after successfully bidding for the
16 property.
- 17 (7) With exception to the foreclosed upon defendant, the
18 foreclosed upon defendant's next of kin, or a nonprofit community
19 development corporation, an individual bidder purchasing
20 residential property in a sheriff's sale pursuant to this subsection
21 shall be required to occupy the property as the bidder's primary
22 residence for a fixed term of at least 84 months after taking
23 possession. The deed for the property shall clearly state that the
24 property may not be sold for 84 months from the date of the
25 sheriff's sale, except pursuant to the exceptions permitting a
26 successful bidder to vacate the property prior to residing in the
27 property for 84 months in paragraph (8) of this subsection.
- 28 (8) With exception to the foreclosed upon defendant, the
29 foreclosed upon defendant's next of kin, or a nonprofit community
30 development corporation, a successful individual bidder who
31 finances the purchase pursuant to this subsection and does not
32 occupy the residence for a period of at least 84 months shall be
33 assessed a fine by a court of competent jurisdiction up to \$100,000
34 for the first violation, and \$500,000 thereafter for each subsequent
35 violation. These penalties shall not be assessed against a bidder
36 who finances the purchase with good faith and intent and is
37 thereafter required to vacate the property prior to residing in the
38 property for 84 months due to:
- 39 (a) death of the bidder or the bidder's spouse or child;
- 40 (b) disability of the bidder or a member of the bidder's
41 household;
- 42 (c) divorce;
- 43 (d) legal separation;
- 44 (e) military deployment;
- 45 (f) a change in employment of the bidder or a member of the
46 bidder's household that results in a reduction in income or a need to
47 move out-of-state;
- 48 (g) a change in the number of permanent residents of the
49 household due to: the birth or adoption of a child; or the permanent

1 relocation of an elder into the household, as proved by a note from
2 the doctor or social worker of the elder;

3 (h) a need to move to care for a family member for a period of
4 at least six months, as evidenced by: an address change; and a note
5 from the family member in need of care, the doctor of the family
6 member, or the social worker for the family member; or

7 (i) foreclosure.

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

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

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

20 f. If the foreclosed upon defendant, next of kin of the
21 foreclosed upon defendant, or tenant of the foreclosed upon
22 property fails to secure financing or assets sufficient to meet the
23 terms offered by the foreclosing plaintiff or an alternative financial
24 institution to purchase the residential property, the foreclosed upon
25 defendant, next of kin of the foreclosed upon defendant, or tenant
26 may request that a nonprofit community development corporation
27 purchase the property. If the nonprofit community development
28 corporation agrees in writing to purchase the property for the
29 foreclosed upon defendant, next of kin of the foreclosed upon
30 defendant, or tenant to reside in, the corporation shall:

31 (1) allow the foreclosed upon defendant, next of kin of the
32 foreclosed upon defendant, or tenant to reside at the property for a
33 period of time as agreed upon in paragraph (2) of this subsection;
34 and

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

39 g. In the case of a foreclosed residential property, a nonprofit
40 community development corporation, that has a written agreement
41 with a foreclosed upon defendant, next of kin of the foreclosed
42 upon defendant, or tenant of the foreclosed upon property pursuant
43 to subsection f. of this section, shall have a right of second refusal
44 to purchase the property which is subordinate to the first right of
45 refusal provided to a foreclosed upon defendant, next of kin of the
46 foreclosed upon defendant, or tenant pursuant to subsection d. of
47 this section. If the foreclosed upon defendant, next of kin of the
48 foreclosed upon defendant, or tenant decides not to participate in
49 the sheriff's sale, enter into an agreement with the corporation

1 pursuant to subsection f. of this section, or fails to secure financing
2 or assets sufficient to meet the terms offered by the foreclosing
3 plaintiff or an alternative financial institution to purchase the
4 property, a nonprofit community development corporation shall
5 have the right of second refusal to purchase the property in the
6 amount approved for the final starting upset price on the day of the
7 sheriff's sale at the time of the sale. Such right shall be deemed
8 exercised if, prior to the opening of the bidding on the foreclosed
9 property, the corporation pays a 3.5 percent deposit with the rest of
10 the balance due within 90 business days by cash, certified or
11 cashier's check, or by wire transfer, made payable to the sheriff of
12 the county in which the sale is conducted or to the Special Master,
13 if the sheriff cannot comply with the provisions of subparagraph (a)
14 of paragraph (3) of subsection a. of this section. A nonprofit
15 community development corporation shall only have a right of
16 second refusal to purchase the property if it satisfies the
17 requirements set forth in subsection h. of this section and fulfills the
18 conditions set forth in subsection j. of this section.

19 h. (1) If a foreclosed upon defendant, next of kin of the
20 foreclosed upon defendant, or tenant of the foreclosed upon
21 property does not participate in the sheriff's sale, secure financing
22 or assets sufficient to meet the terms offered by the foreclosing
23 plaintiff or an alternative financial institution, or enter into
24 agreement with a nonprofit community development corporation
25 pursuant to subsection f. of this section, the nonprofit community
26 development corporation may enter a bid for the foreclosed upon
27 residential property.

28 (2) A nonprofit community development corporation intending
29 to bid in a sheriff's sale for residential property and pay a 3.5
30 percent deposit as permitted by this section shall, on the date of the
31 sheriff's sale, register its participation with the sheriff or Special
32 Master if the sheriff cannot comply with the provisions of
33 paragraph (3) of subsection a. of this section. In registering its
34 participation in the sale, a corporation shall provide the most recent
35 form 1023 filing provided to the United States Internal Revenue
36 Service, stating the corporation's mission includes community
37 revitalization and the creation or preservation of affordable housing
38 through the restoration of vacant and abandoned property.

39 i. (1) If more than one nonprofit community development
40 corporation seeks to exercise the right of second refusal, the right
41 shall belong in the first instance to a nonprofit community
42 development corporation that fulfills the conditions set forth in
43 subsection f. of this section. If no such nonprofit community
44 development corporation exists, priority shall belong to the
45 nonprofit community development corporation that first registers its
46 participation in the foreclosure sale pursuant to paragraph (2) of
47 subsection h. of this section.

48 (2) If an individual or nonprofit community development
49 corporation exercises a right of first or second refusal pursuant to

1 subsection d. or f. of this section, the foreclosure sale shall be
2 deemed concluded and the person or corporation shall be deemed to
3 be the successful bidder and shall be subject to the applicable
4 provisions and procedures of this section.

5 j. (1) A nonprofit community development corporation that
6 successfully bids on the purchase of a residential property in a
7 sheriff's sale and satisfies the conditions set forth in subsection h. of
8 this section shall be subject to the fines assessed pursuant to
9 paragraph (3) of this subsection if the nonprofit corporation does
10 not:

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

16 (b) if the property is occupied at the time of sale by either a
17 tenant or the foreclosed upon defendant with whom the nonprofit
18 community development corporation does not already have an
19 agreement pursuant to subsection f. of this section, the nonprofit
20 community development corporation shall negotiate in good faith
21 with the foreclosed upon defendant or tenant on an affordable lease
22 schedule that will allow the foreclosed upon defendant or tenant to
23 continue to occupy the property should the foreclosed upon
24 defendant or tenant desire to do so. If after 120 business days the
25 foreclosed upon defendant or tenant does not respond to the
26 requests of the nonprofit community development corporation to
27 negotiate, the corporation may bring an action in a court of
28 competent jurisdiction to remove the foreclosed upon defendant or
29 tenant. If removal has successfully occurred, the nonprofit
30 community development corporation shall comply with the
31 requirements of subparagraph (a) of paragraph (1) of this
32 subsection.

33 (2) A nonprofit community development corporation that
34 successfully bids on the purchase of a residential property and
35 satisfies the conditions set forth in subsection f. of this section shall
36 ensure that, in any future sale of the property pursuant to
37 subparagraph (a) of paragraph (1) of this subsection, the property be
38 subject to a renewable deed restriction, with the minimum number
39 of affordability years being 30 years and with the option to renew,
40 requiring any future property owner to sell the property to a
41 household earning no more than 120 percent below area median
42 income or rent the property as an affordable housing unit to a
43 household who earns no more than 100 percent below area median
44 income.

45 (3) A nonprofit community development corporation that
46 successfully bids on and completes the purchase of a residential
47 property in a sheriff's sale and satisfies the conditions set forth in
48 subsection f. of this section and fails to meet the requirements of
49 this subsection shall be assessed a fine by a court of competent

1 jurisdiction of up to \$100,000 for the first violation, and \$500,000
2 thereafter for each subsequent violation. If the appropriate sheriff's
3 office, county administrative agent, or affordable housing
4 administrative agent that is hired by the county determines based
5 upon its oversight that there has been a violation of this subsection,
6 the sheriff's office, county administrative agent, or affordable
7 housing administrative agent shall bring an action in a court of
8 competent jurisdiction so that the sheriff's office, county
9 administrative agent, or affordable housing administrative agent can
10 pursue enforcement of penalties for the violation. If the nonprofit
11 community development corporation dissolves, the deed of the
12 residential property shall be transferred to another nonprofit
13 community development corporation who shall be bound by the
14 requirements of this subsection.

15 k. In the case of a residential property for which the successful
16 bidder is subject to the occupancy requirement pursuant to
17 paragraphs (7) and (8) of subsection e. of this section, the
18 appropriate sheriff's office, county administrative agent, or
19 affordable housing administrative agent that is hired by the county
20 shall oversee the occupancy of the property, which may include the
21 mailing of a questionnaire to the successful bidder within 84
22 months following the sale or requiring the bidder to respond to
23 questions and submit documentation evidencing the bidder's
24 continued residence at the property using the proof of residency
25 documents provided pursuant to paragraph (5) of subsection e. of
26 this section. If the appropriate sheriff's office, county
27 administrative agent, or affordable housing administrative agent
28 that is hired by the county determines based upon its oversight that
29 there has been an occupancy violation, the sheriff's office, county
30 administrative agent, or affordable housing administrative agent
31 hired by the county shall refer the matter to the county counsel's
32 office to bring an action in a court of competent jurisdiction so that
33 the sheriff's office can pursue enforcement of penalties for the
34 violation.

35 l. Each sheriff's office shall maintain information, written in
36 plain language, regarding the program to finance the purchase of
37 residential property in a foreclosure sale in accordance with this
38 section on its Internet website, and in any other medium used by the
39 office to advertise a foreclosure sale, in a manner that is accessible
40 to the public. Additionally, each sheriff's office shall display
41 information, written in plain language, regarding the Community
42 Wealth Preservation Program in its office in a manner that is
43 conspicuous to the public. The information posted on a sheriff's
44 Internet website or displayed in a sheriff's office concerning the
45 program shall further contain language notifying the public that the
46 program shall exclude those purchasing property for investment
47 purposes. For any county in which the primary language of 10
48 percent or more of the residents is a language other than English,
49 the sheriff's office shall provide the information required by this

1 subsection in that other language or languages in addition to
2 English. The alternate language shall be determined based on
3 information from the latest federal decennial census.

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

6 n. Any penalty imposed pursuant to this section may be
7 recovered with costs in a summary proceeding commenced by the
8 appropriate sheriff's office pursuant to the "Penalty Enforcement
9 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Fifty percent
10 of any monies collected pursuant to this section shall be forwarded
11 to the municipality in which the foreclosed upon property is located
12 to be deposited in the affordable housing trust fund of the
13 municipality for use on low income housing or moderate income
14 housing needs as defined in section 4 of P.L.1985, c.222
15 (C.52:27D-304), to the extent the municipality maintains such a
16 fund, and if the municipality does not maintain such a fund, to the
17 State Treasurer, and shall annually be appropriated to the "New
18 Jersey Affordable Housing Trust Fund," section 20 of P.L.1985,
19 c.222 (C.52:27D-320) for the purpose of developing and supporting
20 housing programs that create for-sale and rental affordable housing.
21 The remaining 50 percent of any monies collected pursuant to this
22 section shall provide for administrative and enforcement costs,
23 including costs incurred by the appropriate sheriff's office, county
24 administrative agent, or county counsel's office, necessary to
25 effectuate the purposes of this section.

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

29 p. As used in this section:

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

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

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

46 "Residential property" means real property located in this State
47 which is utilized as a primary residence or dwelling, and shall not
48 include any real property which is acquired for investment,

1 commercial, or business purposes or real property containing more
2 than four residential units.

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

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

7

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

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

15 a. The purchase or licensing of proprietary computer software
16 designed for contracting unit purposes, which may include
17 hardware intended for use with the proprietary software. This
18 subsection shall not be utilized for the purpose of acquiring general
19 purpose computer hardware or software;

20 b. The hiring of a for-profit entity or a not-for-profit entity
21 incorporated under Title 15A of the New Jersey Statutes for the
22 purpose of:

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

30 (2) the operation, management or administration of recreation or
31 social service facilities or programs, which shall not include the
32 administration of benefits under the Work First New Jersey
33 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
34 seq.), or under General Assistance;

35 (3) the operation, management or administration of data
36 processing services; or

37 (4) the operation and management of a county hospital pursuant
38 to the "Local Hospital Authority Law," P.L.2006, c.46 (C.30:9-
39 23.15 et al.);

40 c. (Deleted by amendment, P.L.2009, c.4)

41 d. Homemaker--home health services;

42 e. Laboratory testing services;

43 f. Emergency medical services;

44 g. Contracted food services;

45 h. Performance of patient care services by contracted medical
46 staff at county hospitals, correctional facilities and long-term care
47 facilities;

- 1 i. At the option of the governing body of the contracting unit,
2 any good or service that is exempt from bidding pursuant to section
3 5 of P.L.1971, c.198 (C.40A:11-5);
- 4 j. Concessions;
- 5 k. The operation, management or administration of other
6 services, with the approval of the Director of the Division of Local
7 Government Services;
- 8 l. Maintenance, custodial, and groundskeeping services;
- 9 m. Consulting services;
- 10 n. Emergency medical billing services;
- 11 o. Property appraisal services;
- 12 p. Reassessment or revaluation services;
- 13 q. Grant writing services;
- 14 r. Animal control services;
- 15 s. Private on-site inspection agency services, as may be
16 authorized by rules and regulations adopted by the Department of
17 Community Affairs;
- 18 t. Pursuant to section 2 of P.L. , c. (C.) (pending
19 before the Legislature as this bill), electronic, online foreclosure
20 sales of real estate conducted by any sheriff or person authorized or
21 required by statute.
- 22 Any purpose included herein shall not be considered by a
23 contracting unit as an extraordinary unspecifiable service pursuant to
24 subparagraph (ii) of paragraph (a) of subsection (1) of section 5
25 of P.L.1971, c.198 (C.40A:11-5).
- 26 As used in this section, "stormwater management system" means
27 the same as that term is defined in section 3 of P.L.2019, c.42
28 (C.40A:26B-3).¹
29 (cf: P.L.2022, c.139, s.3)
- 30
- 31 ¹**[5.] 7.**¹ This act shall take effect on the first day of the second
32 month next following enactment.