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Date: November 20, 2009
To: All Clients and Friends
From: Cliff Bernstein
Re: Surcharge to Record Instruments in Passaic & Union County

**NEW JERSEY
TITLE ALERT**

Surcharge to Record Instruments in Passaic & Union County

On September 8, 2009, the Governor signed A3101/S2354, the "County Homelessness Trust Fund Act", which allows each county, in its own discretion, to require payment of a \$3.00 surcharge on each document to be recorded in order to fund a "homelessness trust fund", the stated purpose of which is to "provide some of the additional funds necessary to move homeless or formerly homeless individuals toward the goal of permanent affordable housing and self-sufficiency."

According to a report that appeared in The Record on 11/11/09, Passaic County is the first in New Jersey to elect to impose the surcharges and establish the trust fund. The \$3.00 surcharge will be imposed commencing 12/1/09, and applies to all documents submitted to the Passaic County Clerk for recording, with the exception of mortgage assignments. Union County has also elected to establish a Homelessness Trust Fund. The \$3.00 surcharge in Union County will be imposed commencing 1/1/2010. Accordingly, all commitments affecting land in Passaic County and Union County will contain the following informational note:

"Informational Note: Pursuant to the provisions of P.L. 2009, c. 123 (the "County Homelessness Trust Fund Act"), N.J.S.A. 22A:4-17 is amended to permit counties to impose a recording surcharge of \$3.00 per document for any instrument submitted for recording (except assignments of mortgages). Passaic County has elected to impose this surcharge, which affects all instruments submitted for recording (except assignments of mortgages), as of December 1, 2009. Please be guided accordingly when collecting funds at closing for recordings."

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