



Title Topics



Special

February 2010

Alert

Recording Fee Surcharge

County Homelessness Trust Fund

The **County Homelessness Trust Fund Act, P.L. 2009, c. 123**, became law in September 2009. The act permits counties to establish a Homelessness Trust Fund for the purpose of moving the homeless and formerly homeless into permanent affordable housing. In order to fund this initiative, those counties that establish such a fund may add a \$3 surcharge to recording fees.

Presently, the following four counties have elected to establish a Homelessness Trust Fund and are charging the \$3 surcharge:

Bergen , Middlesex and Passaic.

Union County has established the Trust Fund but has not yet started to impose the surcharge.

The statute is slightly confusing as it says the recording of assignments and substitutions of Deeds of Trust as being exempt from the fee. (This phrase was lifted from a similar statute in Washington State.) We think the law's intention is to exempt assignments of mortgages, and the Middlesex, Passaic and Union County Clerks agree. However, Bergen County does not give any credence to the intention of the statute and requires payment of the surcharge on an assignment of mortgage.

We will do our best to keep you up to date as more counties create the Trust Fund and begin imposing the surcharge.

Vested Title Inc.
The Best for Service. Period.
648 Newark Avenue Jersey City NJ 07306
201-656-9220 800-637-0251 in NJ 201-656-4506 Fax
