

54 N.J.R. 367(a)

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RULE ADOPTIONS

Reporter

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NJ - New Jersey Register > 2022 > FEBRUARY > FEBRUARY 22, 2022 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS

Administrative Code Citation

Adopted New Rules: N.J.A.C. 13:45A-37

Text

Deed Procurement Services Rules

Proposed: September 20, 2021, at 53 N.J.R. 1564(a).

Adopted: December 21, 2021, by Sean P. Neafsey, Acting Director, Division of Consumer Affairs.

Filed: January 20, 2022, as R.2022 d.025, **without change**.

Authority: N.J.S.A. 56:8-208 and 209.

Effective Date: February 22, 2022.

Expiration Date: January 16, 2026.

Summary of Public Comment and Agency Response:

The official comment period ended November 19, 2021. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted new rules are subject to State statutory requirements and are not subject to any Federal requirements.

Full text of the adopted new rules follows:

SUBCHAPTER 37. DEED PROCUREMENT SERVICES

13:45A-37.1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Deed" means a written instrument entitled to be recorded in the office of a county recording officer that purports to convey or transfer title to a freehold interest in any lands, tenements, or other realty in this State by way of grant or bargain and sale thereof from the named grantor to the named grantee. A leasehold interest for 99 years or more or a proprietary lease of a cooperative unit and any assignment of a proprietary lease of a cooperative unit, shall be treated as a "freehold" for the purpose of N.J.S.A. 56:8-208 and 209 and this chapter. Instruments providing for common driveways; for exchanges of easements or rights-of-way; for revocable licenses to use, adjust, or to clear defects of or clouds on title; [page=368] to provide for utility service lines, such as drainage, sewerage, water, electric, telephone, or other such service lines; or to quitclaim possible outstanding interests, shall not be "deeds" for the purposes of N.J.S.A. 56:8-208 and 209 or this chapter.

"Deed procurement service" means the provision by a non-governmental entity of one or more copies of deeds for lands, tenements, or other realty in this State to a property owner, for a fee in excess of the amount authorized pursuant to Title 22A of the New Jersey Statutes that the county clerk's office assesses for providing copies of deeds, and not in relation to the transfer or sale of, or the mortgage origination, mortgage servicing, mortgage refinancing, property tax servicing, or other action initiated by or on behalf of the owner with respect to, such lands, tenements, or realty.

"Written form of communication" or "communication" means a written or electronic communication used by a deed procurement service in order to solicit business.

13:45A-37.2 Requirements for written forms of communication used to solicit business

(a) Any written form of communication used by a deed procurement service in order to solicit business shall include the following:

1. A statement that the communication is an advertisement;
2. A statement that deeds also may be obtained at the office of the county clerk;
3. The address, website, and phone number for the county clerk of the county in which the consumer receiving the solicitation resides; and
4. The fee that is charged by the county clerk for copies of deeds.

(b) The information required to be included in a written form of communication pursuant to (a) above shall be located at the top of the first page of the written form, or at the top of any electronic solicitation or other form of written communication, and shall be in a boldface type larger than all other text contained in the communication and in a color clearly distinguishable from the surrounding background.

(c) The information required to be included in a written form of communication pursuant to (a) above shall not wrongfully imply association with any department or agency of the Federal government or of this State or any of its political subdivisions, or otherwise violates N.J.S.A. 56:8-2.1.

(d) The written form of communication and any accompanying documentation, including packaging, shall not specify a date or time period when payment to the deed procurement service is due, and shall not include any deceptive or misleading language including, but not limited to, the terms "due date," "respond by," "urgent," or other language that would lead a recipient of the communication to believe action must be taken within a certain period to obtain a service or benefit.

(e) A copy of any written form of communication and all accompanying documentation, including packaging, used by a deed procurement service as a solicitation for business is to be submitted to the relevant county clerk's office at least 15 days before the procurement service sends the communication to any resident of that county.

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