



## NEW JERSEY STATE BAR ASSOCIATION

EVELYN PADIN, PRESIDENT  
Law Office of Evelyn Padin  
286 First Street  
Jersey City, NJ 07302  
201-963-8822 • FAX: 201-963-8874  
evelyn@lawjcnj.com

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Honorable Phil Murphy  
Governor, State of New Jersey  
Office of the Governor  
PO Box 001  
Trenton, New Jersey 08625

Re: Real Estate Transactions during the State of Emergency

Dear Governor Murphy:

Thank you for the steps you have taken to ensure real estate transactions continue to move forward during the current state of emergency, particularly your March 30, 2020 clarification to Executive Order 107 making it clear that real estate transactions are an essential service in this state. However, current closures of various county and municipal services place this essential service in jeopardy without additional immediate action. The New Jersey State Bar Association (NJSBA) respectfully follows up on its earlier correspondence and once again requests an Executive Order or other appropriate action to address these matters to ensure real estate transactions can continue:

**A. Request for Temporary Waiver or Alternative Method of Meeting Requirements for Smoke Alarm Certificates and Certificates of Occupancy**

The full or partial closure of certain municipal offices prevents compliance with N.J.A.C. 5:70-2.3(a), regarding smoke and carbon monoxide detector certificates, as well as compliance with other municipal ordinances requiring parties to obtain Continued or Permanent Certificates of Occupancy or Habitability, or the like, prior to purchase and sale closings, for all tenancies, or new tenants seeking to commence operations at commercial properties. On March 21, 2020, the Department of Community Affairs (DCA) offered guidance on the smoke and carbon monoxide certificates, suggesting that these requirements be met by an affidavit of the parties; unfortunately, however, that guidance has not been adopted by all municipalities.

On March 25, 2020, the DCA also offered guidance for ongoing construction projects but has not directly addressed resale Continued Certificates of Occupancy required for closings in certain municipalities. Each municipality should be given latitude in the application of its own ordinances, but many are refusing to inspect or provide an alternative path to obtain these documents, which are vitally needed for the transfer of real estate. In order for closings to continue in all 565 municipalities, an Executive Order is urgently needed that requires a clear and quick path to obtain the required certificates, either by waiver, affidavit or other means.

**B. Request to Allow Ongoing Recording of Documents and Searching of the County Land Records**

Over the past two months several County Clerk's Offices have closed and did not record, and have not been recording, essential documents, while others continue to prohibit searchers from accessing essential land records. The curtailment of services or closure of county recording offices (or both) threatens to stop all real estate transactions within the affected county or counties from being consummated. A uniform Order is urgently required to mandate that land records, which contain records for title searches, be available for searches and require that new documents be recorded in a timely manner.

**C. Request to Allow Ongoing Availability of Municipal Tax Information**

The closure of certain municipal tax collectors' offices has made it difficult, if not impossible, to obtain real estate tax and related information necessary for the closing of real estate transactions. The NJSBA requests that this information continues to be made available to the public in some fashion, even if this is accomplished by these municipalities on a daily, part-time basis.

Thank you very much for your immediate consideration of these matters in these trying times. Should you have any questions or require additional information, please do not hesitate to contact me.

Respectfully submitted,



Evelyn Padin, Esq.  
President  
New Jersey State Bar Association

cc: George Helmy, Governor's Chief of Staff  
Matt Platkin, Esq., Governor's Chief Counsel  
Kimberly A. Yonta, Esq., NJSBA President-Elect  
Angela C. Scheck, NJSBA Executive Director