

# SENATE, No. 1155

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 25, 2018

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Co-Sponsored by:**

**Senator Cunningham**

**SYNOPSIS**

Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/6/2019)**

1 AN ACT concerning vacant and abandoned property and  
2 supplementing Title 40 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. The responsible party for a vacant and abandoned  
8 property that is vacant and abandoned on the effective date of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill),  
10 shall file a certificate of registration with the clerk of the  
11 municipality in which the property is located within 30 days after  
12 the effective date. The responsible party for a property that  
13 becomes vacant and abandoned subsequent to the effective date of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill),  
15 shall file a certificate of registration with the clerk of the  
16 municipality in which the property is located within 90 days after  
17 the property becomes vacant and abandoned or within 30 days after  
18 the responsible party assumes ownership of or responsibility for an  
19 already vacant and abandoned property, whichever is later. The  
20 certificate of registration shall be filed on forms prescribed by the  
21 Commissioner of Community Affairs and shall contain:

22 (1) the name, street address, and telephone number of a natural  
23 person who resides or maintains an office within the State and who  
24 is either the responsible party or an authorized agent designated by  
25 the responsible party to receive notices and complaints of property  
26 maintenance and code violations on behalf of the responsible party;

27 (2) the name, street address, and telephone number of the person  
28 responsible for maintaining the property, if different; and

29 (3) evidence of any liability insurance required by an ordinance  
30 adopted pursuant to paragraph (3) of subsection c. of this section.

31 A responsible party for a vacant and abandoned property shall  
32 file an amended certificate of registration within 30 days after any  
33 change in the information required to be included thereon.

34 b. A certificate of registration shall remain valid for one year  
35 and shall be renewed on an annual basis if the property remains  
36 vacant and abandoned. A municipality may by ordinance establish  
37 a fee of not more than \$250 for a certificate of registration for a  
38 vacant and abandoned property. A renewal fee of not more than  
39 \$500 may be established for a renewal if there is an outstanding  
40 property maintenance or code violation on a vacant and abandoned  
41 property that remains unabated at the time of renewal. A renewal  
42 fee of not more than \$750 may be established for a subsequent  
43 renewal if there continues to be an outstanding property  
44 maintenance or code violation or there is a new such violation on a  
45 vacant and abandoned property that remains unabated at the time of  
46 renewal. If a greater fee for the registration or renewal of a vacant  
47 and abandoned property was established by an ordinance adopted  
48 prior to the effective date of P.L. , c. (C. ) (pending before

1 the Legislature as this bill), then the municipality may continue to  
2 impose and collect that greater fee.

3 c. A municipality may by ordinance require that, no sooner  
4 than 45 days after the property becomes vacant and abandoned and  
5 until the property is reoccupied, the responsible party for a vacant  
6 and abandoned property:

7 (1) Enclose and secure the property against unauthorized entry;

8 (2) Post a sign affixed to the inside of the property and visible to  
9 the public indicating the name, address, and telephone number of  
10 the responsible party, any authorized agent designated by the  
11 responsible party for the purpose of receiving service of process,  
12 and the person responsible for maintaining the property if different  
13 from the responsible party or authorized agent; or

14 (3) Acquire and otherwise maintain liability insurance by  
15 procuring a vacancy policy, covering any damage to any person or  
16 any property caused by any physical condition of the property.

17 d. A responsible party that violates any provision of this  
18 section or any ordinance adopted pursuant hereto, shall be liable to  
19 a penalty of not less than \$500 and not more than \$1,000; provided,  
20 however, that a greater penalty for such violations that was  
21 established by an ordinance adopted prior to the effective date of  
22 P.L. , c. (C. ) (pending before the Legislature as this bill)  
23 may continue to be imposed and collected. Each day that a  
24 violation continues shall constitute an additional, separate, and  
25 distinct offense. Any penalty imposed pursuant to this section shall  
26 be recoverable by a summary proceeding under the "Penalty  
27 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
28 The Superior Court, Law Division, in the county, or the municipal  
29 court of the municipality, in which the property is located shall have  
30 jurisdiction to enforce such penalty.

31 e. For the purposes of this section:

32 "Responsible party" means the title holder of a vacant and  
33 abandoned property or a creditor responsible for the maintenance of  
34 a property pursuant to section 17 of P.L.2008, c.127 (C.46:10B-51).

35 "Street address" means an address at which a natural person who  
36 is the responsible party or an authorized agent actually resides or  
37 actively uses for business purposes, and shall include a street name  
38 or rural delivery route.

39 "Vacant and abandoned property" means any residential or  
40 commercial real estate which is not legally occupied by a mortgagor  
41 or tenant, which is in such condition that it cannot be legally  
42 reoccupied, and at which at least two of the following conditions  
43 exist:

44 (1) Overgrown or neglected vegetation;

45 (2) The accumulation of newspapers, circulars, flyers, or mail on  
46 the property;

47 (3) Disconnected gas, electric, or water utility services to the  
48 property;

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- 1 (4) The accumulation of hazardous, noxious, or unhealthy  
2 substances or materials on the property;
- 3 (5) The accumulation of junk, litter, trash, or debris on the  
4 property;
- 5 (6) The absence of window treatments such as blinds, curtains, or  
6 shutters;
- 7 (7) The absence of furnishings and personal items;
- 8 (8) Statements of neighbors, delivery persons, or government  
9 employees indicating that the property is vacant and abandoned;
- 10 (9) Windows or entrances to the property that are boarded up or  
11 closed off, or multiple window panes that are damaged, broken, and  
12 unrepaired;
- 13 (10) Doors to the property that are smashed through, broken off,  
14 unhinged, or continuously unlocked;
- 15 (11) A risk to the health, safety, or welfare of the public or any  
16 adjoining or adjacent property owners due to acts of vandalism,  
17 loitering, criminal conduct, or the physical destruction or  
18 deterioration of the property;
- 19 (12) An uncorrected violation of a municipal building, housing,  
20 or similar code during the preceding year, or an order by municipal  
21 authorities declaring the property to be unfit for occupancy and to  
22 remain vacant and unoccupied;
- 23 (13) The mortgagee or other authorized party has secured or  
24 winterized the property due to the property being deemed vacant  
25 and unprotected or in danger of freezing;
- 26 (14) A written statement issued by a mortgagor expressing the  
27 clear intent of all mortgagors to abandon the property; or
- 28 (15) Any other reasonable indicia of abandonment.

29  
30 2. This act shall take effect on the first day of the third month  
31 next following the date of enactment, but the Commissioner of  
32 Community Affairs may take such anticipatory administrative  
33 action in advance thereof as shall be necessary for the  
34 implementation of this act.

35  
36  
37 STATEMENT

38  
39 This bill would require the responsible party for a vacant and  
40 abandoned property to register such property with the municipality  
41 in which the property is located and would provide enforcement  
42 tools to help ensure that these properties are properly maintained.  
43 Vacant and abandoned properties negatively impact public safety  
44 and neighboring property values, affecting communities throughout  
45 the State. The bill would help ensure that municipalities are able to  
46 hold those responsible for maintaining these properties to account.

47 The bill would establish a new registration requirement for all  
48 vacant and abandoned residential and commercial properties. A

1 property would be considered vacant and abandoned if it is not  
2 legally occupied by a mortgagor or tenant for residential or business  
3 purposes, it cannot be legally reoccupied, and at least two  
4 conditions which indicate abandonment exist. The title holder or  
5 mortgage lender responsible for maintaining a property pursuant to  
6 section 17 of P.L.2008, c.127 (C.46:10B-51) would be required to  
7 register such property.

8 The bill would authorize municipalities to establish a fee of not  
9 more than \$250 to initially register a vacant and abandoned  
10 property. A renewal fee of not more than \$500 may be established  
11 for a renewal if there is an outstanding property maintenance or  
12 code violation that remains unabated at the time of renewal, and a  
13 renewal fee of not more than \$750 may be established for a  
14 subsequent renewal if there continues to be such a violation or there  
15 is a new violation that remains unabated at the time of renewal. If  
16 there is no such violation on a vacant and abandoned property, the  
17 renewal fee may be no greater than \$250. If a greater fee for the  
18 registration or renewal of a vacant and abandoned property was  
19 established by a municipal ordinance adopted prior to the enactment  
20 of the bill, that greater fee may continue to be imposed and  
21 collected.

22 A municipality would also be authorized to require responsible  
23 parties for vacant and abandoned properties to undertake certain  
24 protective measures regarding such properties. Specifically, a  
25 municipality would be able to require a responsible party to enclose  
26 and secure the property against unauthorized entry, post a sign on  
27 the property with pertinent contact information, and maintain  
28 liability insurance.

29 The bill would also establish penalties for violations of any of its  
30 provisions or any ordinance adopted pursuant thereto. Specifically,  
31 a responsible party would be liable to a penalty of not less than  
32 \$500 and not more than \$1,000 for a violation. If a greater penalty  
33 for such violations was established by a municipal ordinance  
34 adopted prior to the enactment of the bill, that greater penalty may  
35 continue to be imposed and collected. Each day that a violation  
36 continues would constitute an additional, separate, and distinct  
37 offense. Any penalty imposed under the bill would be recoverable  
38 by a summary proceeding under the "Penalty Enforcement Law of  
39 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court,  
40 Law Division, in the county, or the municipal court of the  
41 municipality, in which the property is located would have  
42 jurisdiction to enforce the penalty.