

ASSEMBLY, No. 1843

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

SYNOPSIS

Shortens timeframe for municipality to rehabilitate certain abandoned property.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the rehabilitation of certain abandoned property
2 and amending P.L.2003, c.210.

3

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

6

7 1. Section 4 of P.L.2003, c.210 (C.55:19-81) is amended to
8 read as follows:

9 4. Except as provided in section 6 of P.L.2003, c.210 (C.55:19-
10 83), any property that has not been legally occupied for a period of
11 **【six】** three months and which meets any one of the following
12 additional criteria may be deemed to be abandoned property upon a
13 determination by the public officer that:

14 a. The property is in need of rehabilitation in the reasonable
15 judgment of the public officer, and no rehabilitation has taken place
16 during that **【six-month】** three-month period;

17 b. Construction was initiated on the property and was
18 discontinued prior to completion, leaving the building unsuitable
19 for occupancy, and no construction has taken place for at least **【six】**
20 three months as of the date of a determination by the public officer
21 pursuant to this section;

22 c. At least one installment of property tax remains unpaid and
23 delinquent on that property in accordance with chapter 4 of Title 54
24 of the Revised Statutes as of the date of a determination by the
25 public officer pursuant to this section; or

26 d. The property has been determined to be a nuisance by the
27 public officer in accordance with section 5 of P.L.2003, c.210
28 (C.55:19-82).

29 A property which contains both residential and non-residential
30 space may be considered abandoned pursuant to P.L.2003, c.210
31 (C.55:19-78 et al.) so long as two-thirds or more of the total net
32 square footage of the building was previously legally occupied as
33 residential space and none of the residential space has been legally
34 occupied for at least **【six】** three months at the time of the
35 determination of abandonment by the public officer and the
36 property meets the criteria of either subsection a. or subsection d. of
37 this section.

38 (cf: P.L.2005, c.118, s.3)

39

40 2. Section 6 of P.L.2003, c.210 (C.55:19-83) is amended to
41 read as follows:

42 6. a. If an entity other than the municipality has purchased or
43 taken assignment from the municipality of a tax sale certificate on a
44 property that has not been legally occupied for a period of **【six】**
45 three months, that property shall not be placed on the abandoned

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

property list pursuant to section 36 of P.L.1996, c.62 (C.55:19-55) if (1) the owner of the certificate has continued to pay all municipal taxes and liens on the property in the tax year when due; and (2) the owner of the certificate takes action to initiate foreclosure proceedings within **[six]** three months after the property is eligible for foreclosure pursuant to either subsection a. or subsection b. of R.S.54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

b. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in section 4 of P.L.2003, c.210 (C.55:19-81).

c. A determination that a property is abandoned property under the provisions of P.L.2003, c.210 (C.55:19-78 et al.) shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

d. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b. of R.S.54:5-86, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in sections 4 and 5 of P.L.2003, c.210 (C.55:19-81 and C.55:19-82).
(cf: P.L.2005, c.118, s.4)

3. Section 7 of P.L.2003, c.210 (C.55:19-84) is amended to read as follows:

7. A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to a municipality may be brought by a municipality in the Superior Court in the county in which the property is situated. If the court shall find that the property is abandoned pursuant to section 4 of P.L.2003, c.210 (C.55:19-81) and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the court may authorize the municipality to take possession and control of the property and develop a rehabilitation plan.

The municipality granted possession and control may commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the court shall not direct the sale of the property if the owner applies to the court for reinstatement of control of the property as provided in section 15 of P.L.2003, c.210 (C.55:19-92).

Failure by the owner, mortgage holder or lien holder to submit plans for rehabilitation to the municipality, obtain appropriate construction permits for rehabilitation or, in the alternative, submit

1 formal applications for funding the cost of rehabilitation to local,
2 State or federal agencies providing such funding within that **【six-**
3 **month】** three-month period shall be deemed prima facie evidence
4 that the owner has failed to take any action to further the
5 rehabilitation of the property.

6 (P.L.2003, c.210, s.7)
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8 4. Section 9 of P.L.2003, c.210 (C.55:19-86) is amended to
9 read as follows:

10 9. a. Within 10 days of filing a complaint pursuant to
11 P.L.2003, c.210 (C.55:19-78 et al.), the plaintiff shall file a notice
12 of lis pendens with the county recording officer of the county
13 within which the building is located.

14 b. At least 30 days before filing the complaint, the municipality
15 shall serve a notice of intention to take possession of an abandoned
16 building. The notice shall inform the owner and interested parties
17 that the property has not been legally occupied for **【six】** three
18 months and of those criteria that led to a determination of
19 abandonment pursuant to section 4 of P.L.2003, c.210 (C.55:19-81).

20 The notice shall provide that unless the owner or a party in
21 interest prepares and submits a rehabilitation plan to the appropriate
22 municipal officials, the municipality will seek to gain possession of
23 the building to rehabilitate the property and the associated cost shall
24 be a lien against the property, which may be satisfied by the sale of
25 the property, unless the owner applies to the court for reinstatement
26 of control of the property as provided in section 15 of P.L.2003,
27 c.210 (C.55:19-92).

28 After the complaint is filed, the complaint shall be served on the
29 parties in interest in accordance with the New Jersey Rules of
30 Court.

31 c. After serving the notice of intent pursuant to subsection b. of
32 this section, the municipality or its designee may enter upon that
33 property after written notice to the owner by certified mail, return
34 receipt requested, in order to secure, stabilize or repair the property,
35 or in order to inspect the property for purposes of preparing the plan
36 to be submitted to the court pursuant to section 12 of P.L.2003,
37 c.210 (C.55:19-89).

38 (cf: P.L.2005, c.118, s.5)
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40 5. Section 29 of P.L.2003, c.210 (C.55:19-103) is amended to
41 read as follows:

42 29. If a property, which an entity other than the municipality has
43 purchased or taken assignment from the municipality of a tax sale
44 certificate, is placed on the abandoned property list, the property
45 shall be removed from the list if the owner of the certificate pays all
46 municipal taxes and liens due on the property within 30 days after
47 the property is placed on the list; provided, however, that if the
48 owner of the certificate fails to initiate foreclosure proceedings

1 within **【six】** three months after the property was first placed on the
2 list, the property shall be restored to the abandoned property list.
3 (cf: P.L.2003, c.210, s.29)
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5 6. This act shall take effect on the first day of the fourth month
6 next following enactment.
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9 STATEMENT
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11 This bill would reduce the time a municipality has to wait before
12 acting to rehabilitate abandoned property under the "Abandoned
13 Properties Rehabilitation Act," P.L.2003, c.210 (C.55:19-78 et al.).
14 Currently, a property has to be unoccupied for six months before
15 the municipality may designate the property abandoned and begin
16 the process to take possession of the property under that law. This
17 bill would reduce that timeframe to three months. The bill would
18 help speed the rehabilitation of abandoned properties, which create
19 a range of problems for the communities in which they are located.