

ASSEMBLY, No. 2877

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

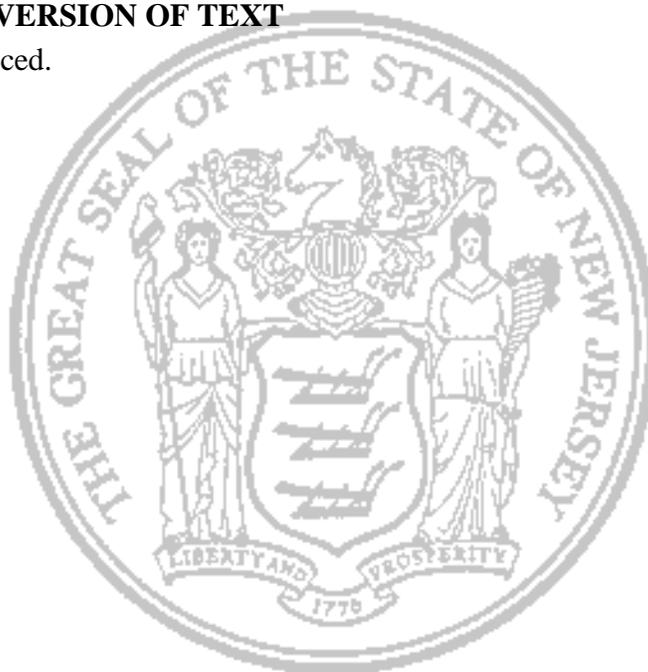
Assemblyman Caputo and Assemblywoman Timberlake

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: 12/10/2020)

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

1 and abandoned property was established by an ordinance adopted
2 prior to the effective date of P.L. , c. (C.) (pending before
3 the Legislature as this bill), then the municipality may continue to
4 impose and collect that greater fee.

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

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

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

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

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

33 e. This section shall not be construed to diminish any property
34 maintenance responsibilities of property owners who are not subject
35 to the provisions of the section.

36 f. For the purposes of this section:

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

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

44 "Vacant and abandoned property" means any residential or
45 commercial building which is not legally occupied by a mortgagor
46 or tenant, which is in such condition that it cannot be legally
47 reoccupied, and at which at least two of the following conditions
48 exist:

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

34
35 2. This act shall take effect on the first day of the third month
36 next following the date of enactment, but the Commissioner of
37 Community Affairs may take such anticipatory administrative
38 action in advance thereof as shall be necessary for the
39 implementation of this act.

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42 STATEMENT

43

44 This bill would require the responsible party for a vacant and
45 abandoned property to register such property with the municipality
46 in which the property is located and would provide enforcement
47 tools to help ensure that these properties are properly maintained.

1 Vacant and abandoned properties negatively impact public safety
2 and neighboring property values, affecting communities throughout
3 the State. The bill would help ensure that municipalities are able to
4 hold those responsible for maintaining these properties to account.

5 The bill would establish a new registration requirement for all
6 vacant and abandoned residential and commercial properties. A
7 property would be considered vacant and abandoned if it is not
8 legally occupied by a mortgagor or tenant for residential or business
9 purposes, it cannot be legally reoccupied, and at least two
10 conditions which indicate abandonment exist. The title holder or
11 mortgage lender responsible for maintaining a property pursuant to
12 section 17 of P.L.2008, c.127 (C.46:10B-51) would be required to
13 register such property.

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

28 A municipality would also be authorized to require responsible
29 parties for vacant and abandoned properties to undertake certain
30 protective measures regarding such properties. Specifically, a
31 municipality would be able to require a responsible party to enclose
32 and secure the property against unauthorized entry, post a sign on
33 the property with pertinent contact information, and maintain
34 liability insurance.

35 The bill would also establish penalties for violations of any of its
36 provisions or any ordinance adopted pursuant thereto. Specifically,
37 a responsible party would be liable to a penalty of not less than
38 \$500 and not more than \$1,000 for a violation. If a greater penalty
39 for such violations was established by a municipal ordinance
40 adopted prior to the enactment of the bill, that greater penalty may
41 continue to be imposed and collected. Each day that a violation
42 continues would constitute an additional, separate, and distinct
43 offense. Any penalty imposed under the bill would be recoverable
44 by a summary proceeding under the "Penalty Enforcement Law of
45 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court,

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1 Law Division, in the county, or the municipal court of the
2 municipality, in which the property is located would have
3 jurisdiction to enforce the penalty.

4 The bill would not diminish property maintenance
5 responsibilities for property owners who are not subject to the bill's
6 provisions.