

[First Reprint]

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)

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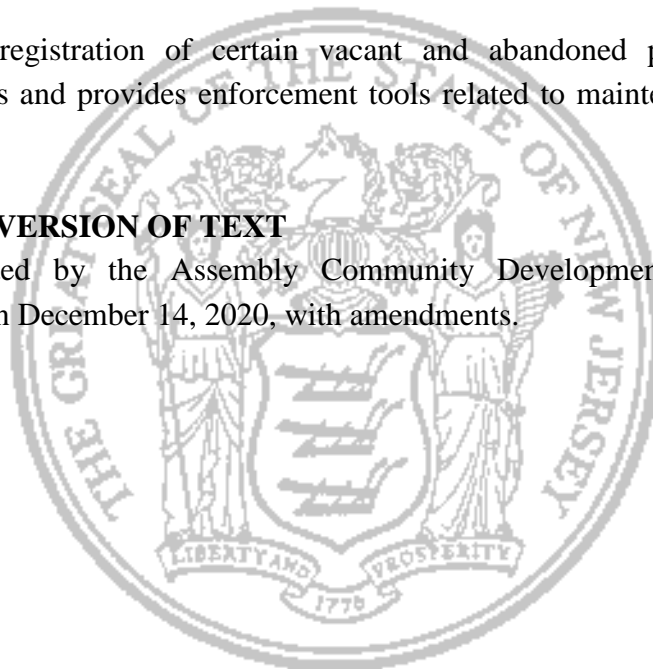
Assemblyman Caputo, Assemblywoman Timberlake, Assemblymen Simonsen, McClellan, Assemblywoman Lampitt, Assemblymen McKeon, Houghtaling, Assemblywoman Downey, Assemblymen Armato, Mazzeo and Assemblywoman Swain

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 reported by the Assembly Community Development and Affairs Committee on December 14, 2020, with amendments.



(Sponsorship Updated As Of: 1/10/2022)

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACD committee amendments adopted December 14, 2020.

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

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

11 (1) Enclose and secure Secure the property against
12 unauthorized entry;

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

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

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

36 e. This section shall not be construed to diminish any property
37 maintenance responsibilities of property owners who are not subject
38 to the provisions of the section.

39 f. For the purposes of this section:

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

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

47 "Vacant and abandoned property" means any residential or
48 commercial building which is not legally occupied by a mortgagor

1 or tenant, which is in such condition that it cannot be legally
2 reoccupied, and at which at least two of the following conditions
3 exist:

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

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