

ASSEMBLY, No. 4066

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Authorizes municipalities to deposit payments from recovered demolition costs into municipal “Emergency Demolition Fund.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT authorizing municipalities to deposit payments from
2 recovered demolition costs into an “Emergency Demolition
3 Fund” and amending P.L.1942, c.42 and P.L.1992, c.89.

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

7
8 1. Section 3 of P.L.1942, c.112 (C.40:48-2.5) is amended to
9 read as follows:

10 3. Upon the adoption of a resolution finding that building
11 conditions of the character described in section 1 hereof exist within
12 a municipality, the governing body of such municipality is hereby
13 authorized to adopt an ordinance relating to buildings within such
14 municipality which are unfit for human habitation or occupancy or
15 use. Such ordinance shall include the following provisions:

16 (a) That a public officer be designated or appointed to exercise
17 the powers prescribed by the ordinance.

18 (b) That whenever a petition is filed with the public officer by a
19 public authority or by at least five residents of the municipality
20 charging that any building is unfit for human habitation or
21 occupancy or use or whenever it appears to the public officer (on
22 his own motion) that any building is unfit for human habitation or
23 occupancy or use, the public officer shall, if his preliminary
24 investigation discloses a basis for such charges, issue and cause to
25 be served upon the owner of and parties in interest in such building
26 a complaint stating the charges in that respect and containing a
27 notice that a hearing will be held before the public officer (or his
28 designated agent) at a place therein fixed not less than 7 days nor
29 more than 30 days after the serving of said complaint; that the
30 owner and parties in interest shall be given the right to file an
31 answer to the complaint and to appear in person, or otherwise, and
32 give testimony at the place and time fixed in the complaint; and that
33 the rules of evidence prevailing in the courts shall not be controlling
34 in hearings before the public officer.

35 (c) That if, after such notice and hearing, the public officer
36 determines that the building under consideration is unfit for human
37 habitation or occupancy or use he shall state in writing his findings
38 of fact in support of such determination and shall issue and cause to
39 be served upon the owner thereof and parties in interest an order:

40 (1) requiring the repair, alteration or improvement of the said
41 building to be made by the owner, within a reasonable time, which
42 time shall be set forth in the order or at the option of the owner to
43 vacate or have the said building vacated and closed within the time
44 set forth in the order; and

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.

1 (2) if the building is in such a condition as to make it dangerous
2 to the health and safety of persons on or near the premises, and the
3 owner fails to repair, alter or improve the said building within the
4 time specified in the order, then the owner shall be required to
5 remove or demolish the said building within a reasonable time as
6 specified in the said order of removal.

7 (d) That, if the owner fails to comply with an order to repair,
8 alter or improve or, at the option of the owner, to vacate and close
9 the building, the public officer may cause such building to be
10 repaired, altered or improved, or to be vacated and closed; that the
11 public officer may cause to be posted on the main entrance of any
12 building so closed, a placard with the following words: "This
13 building is unfit for human habitation or occupancy or use; the use
14 or occupation of this building is prohibited and unlawful."

15 (e) That, if the owner fails to comply with an order to remove or
16 demolish the building, the public officer may cause such building to
17 be removed or demolished or may contract for the removal or
18 demolition thereof after advertisement for, and receipt of, bids
19 therefor.

20 (f) That the amount of

21 (1) the cost of the filing of legal papers, expert witnesses' fees,
22 search fees and advertising charges, incurred in the course of any
23 proceeding taken under this act determined in favor of the
24 municipality, and

25 (2) such cost of such repairs, alterations or improvements, or
26 vacating and closing, or removal or demolition, if any,

27 or the amount of the balance thereof remaining after deduction of
28 the sum, if any, realized from the sale of materials derived from
29 such building or from any contract for removal or demolition
30 thereof, shall be a municipal lien against the real property upon
31 which such cost was incurred. If the building is removed or
32 demolished by the public officer, he shall sell the materials of such
33 building. There shall be credited against the cost of the removal or
34 demolition thereof, including the clearance and, if necessary,
35 leveling of the site, the proceeds of any sale of such materials or
36 any sum derived from any contract for the removal or demolition of
37 the building. If there are no such credits or if the sum total of such
38 costs exceeds the total of such credits, a detailed statement of the
39 aforesaid costs and the amount so due shall be filed with the
40 municipal tax assessor or other custodian of the records of tax liens
41 and a copy thereof shall be forthwith forwarded to the owner by
42 registered mail. If the total of the credits exceed such costs, the
43 balance remaining shall be deposited in the Superior Court by the
44 public officer, shall be secured in such manner as may be directed
45 by such court, and shall be disbursed according to the order or
46 judgment of the court to the persons found to be entitled thereto by
47 final order or judgment of such court. Any owner or party in
48 interest may, within 30 days from the date of the filing of the lien

1 certificate, proceed in a summary manner in the Superior Court to
2 contest the reasonableness of the amount or the accuracy of the
3 costs set forth in the municipal lien certificate.

4 Any recovered cost of the demolition of a structure by a
5 municipality that is authorized to be collected pursuant to section 3
6 of P.L.1942, c.112 (C.40:48-2.5), shall be placed in a separate
7 revolving municipal fund designated as the "Emergency Demolition
8 Fund," and shall be used solely for demolition related activities.

9 If an actual and immediate danger to life is posed by the
10 threatened collapse of any fire damaged or other structurally unsafe
11 building, the public officer may, after taking such measures as may
12 be necessary to make such building temporarily safe, seek a
13 judgment in summary proceedings for the demolition thereof.

14 Nothing in this section shall be construed to impair or limit in
15 any way the power of the municipality to define and declare
16 nuisances and to cause their removal or abatement, by summary
17 proceedings or otherwise, nor is anything in this act intended to
18 limit the authority of the enforcing agency or construction official
19 under the "State Uniform Construction Code Act," P.L.1975, c.217
20 (C.52:27D-119 et seq.) or any rules or regulations adopted
21 thereunder.

22 (cf: P.L.1979, c.43, s.2)

23
24 2. Section 5 of P.L.1992, c.89 (C.40:48-2.5b) is amended to
25 read as follows:

26 5. a. Notwithstanding any law to the contrary, in any
27 municipality where the governing body has appointed a public
28 officer pursuant to the provisions of P.L.1942, c.112 (C.40:48-2.3 et
29 seq.), the public officer, to finance the costs of accomplishing the
30 purpose of **【this act】** P.L.1992, c.89, shall have the power to accept
31 gifts or grants from private or public agencies, or to accept
32 donations from or enter into loan agreements with any casino
33 licensee or the authority under any legal terms and conditions,
34 including agreements which obligate such municipality to repay any
35 such loan over a period in excess of one year, which the public
36 officer determines will be beneficial to the purposes of P.L.1942,
37 c.112 (C.40:48-2.3 et seq.). In the event that the public officer
38 accepts or borrows any funds from any casino licensee or the
39 authority for which funds the casino licensee seeks authorization for
40 an investment tax credit in accordance with section 3 of P.L.1984,
41 c.218 (C.5:12-144.1), the authority is authorized to approve an
42 investment tax credit in accordance with the provisions of section 3
43 of P.L.1984, c.218 (C.5:12-144.1), and the authority's rules.

44 b. All funds received pursuant to subsection a. of this section,
45 together with any recovered cost of the demolition of a structure by
46 a municipality that is authorized to be collected pursuant to section
47 3 of P.L.1942, c.112 (C.40:48-2.5), shall be placed in a separate

1 revolving municipal fund designated as the "Emergency Demolition
2 Fund" to be used solely for demolition related activities.

3 The public officer shall have the sole discretion in determining
4 which gift or grant funds will be accepted and the time and manner
5 of all expenditures necessary to carry out the purposes of **[this act]**
6 P.L.1992, c.89; except that, the public officer shall not accept or use
7 any funds provided by a casino licensee or the authority for the
8 purpose of demolishing any structure owned by a casino licensee.
9 All payments made pursuant to this section shall be made under the
10 direction of the public officer.

11 (cf: P.L.1992, c.89, s.5)

12
13 3. This act shall take effect immediately.

14
15
16 STATEMENT

17
18 This bill would allow a municipality to deposit recovered costs
19 of municipal demolition of buildings unfit for human habitation,
20 occupancy, or use, into a revolving fund designated as the
21 "Municipal Demolition Fund." Funds deposited into a "Municipal
22 Demolition Fund" can be used only for municipal expenses related
23 to the demolition of buildings unfit for human habitation,
24 occupancy, or use.