

SENATE, No. 1149

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Pou and O'Scanlon

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: 12/16/2021)

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

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

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

34 f. For the purposes of this section:

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

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

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

47 (1) Overgrown or neglected vegetation;

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

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

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STATEMENT

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43 This bill would require the responsible party for a vacant and
44 abandoned property to register such property with the municipality
45 in which the property is located and would provide enforcement
46 tools to help ensure that these properties are properly maintained.
47 Vacant and abandoned properties negatively impact public safety
48 and neighboring property values, affecting communities throughout

1 the State. The bill would help ensure that municipalities are able to
2 hold those responsible for maintaining these properties to account.

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

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

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

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

S1149 RUIZ, SINGLETON

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1 The bill would not diminish property maintenance
2 responsibilities for property owners who are not subject to the bill's
3 provisions.