

[First Reprint]

SENATE, No. 1149

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

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 reported by the Senate Budget and Appropriations Committee on December 16, 2021, with amendments.



(Sponsorship Updated As Of: 1/6/2022)

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 property
8 that is vacant and abandoned on the effective date of
9 P.L. , c. (C.) (pending before the Legislature as this bill), shall
10 file a certificate of registration with the clerk of the municipality in
11 which the property is located within 30 days after the effective date.
12 The responsible party for a property that becomes vacant and
13 abandoned subsequent to the effective date of P.L. , c. (C.)
14 (pending before the Legislature as this bill), shall file a certificate of
15 registration with the clerk of the municipality in which the property is
16 located within 90 days after the property becomes vacant and
17 abandoned or within 30 days after the responsible party assumes
18 ownership of or responsibility for an already vacant and abandoned
19 property, whichever is later. The certificate of registration shall be
20 filed on forms prescribed by the Commissioner of Community Affairs
21 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 is
24 either the responsible party or an authorized agent designated by the
25 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 file
32 an amended certificate of registration within 30 days after any change
33 in the information required to be included thereon.

34 b. A certificate of registration shall remain valid for one year and
35 shall be renewed on an annual basis if the property remains vacant and
36 abandoned. A municipality may by ordinance establish a fee of not
37 more than \$250 for a certificate of registration for a vacant and
38 abandoned property. A renewal fee of not more than \$500 may be
39 established for a renewal if there is an outstanding property
40 maintenance or code violation on a vacant and abandoned property
41 that remains unabated at the time of renewal. A renewal fee of not
42 more than \$750 may be established for a subsequent renewal if there
43 continues to be an outstanding property maintenance or code violation
44 or there is a new such violation on a vacant and abandoned property
45 that remains unabated at the time of renewal. If a greater fee for the

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:

¹Senate SBA committee amendments adopted December 16, 2021.

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

5 c. A municipality may by ordinance require that, no sooner than
6 45 days after ¹the municipality notifies the responsible party that¹ the
7 property ¹**["becomes"]** is¹ vacant and abandoned and until the property
8 is reoccupied, the responsible party for a vacant and abandoned
9 property:

10 (1) ¹**["Enclose and secure"]** Secure¹ the property against
11 unauthorized entry;

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

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

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

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

37 f. For the purposes of this section:

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

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

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

- 1 (1) Overgrown or neglected vegetation;
- 2 (2) The accumulation of newspapers, circulars, flyers, or mail on
- 3 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, or
- 11 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 deterioration
- 23 of the property;
- 24 (12) An uncorrected violation of a municipal building, housing, or
- 25 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 and
- 30 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.