

## ORDINANCE #04-22

# Chapter 19 – Vacant and Abandoned Properties

### 19-01 VACANT AND ABANDONED PROPERTIES.

#### 19-01 Purpose.

The purpose of this Article is to protect the public health, safety, morals, and welfare by establishing minimum standards governing the maintenance, appearance, rehabilitation and condition of vacant and/or abandoned properties and fixing penalties for violations of this Article.

The provisions of §11-10 through §11-19 of this article are adopted pursuant to authority granted under the New Jersey Urban Redevelopment Act, N.J.S.A. 55:19-20 et seq., as amended, and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., as amended.

The governing body of the Borough finds and declares that there are properties within the Borough which are abandoned properties as defined in N.J.S.A.55:19-81. The continued presence of abandoned buildings within the community acts as a significant barrier to urban revitalization and to the regeneration of the neighborhoods where they are located.

Abandoned properties have been found to foster criminal activity, create public health problems, and otherwise diminish the quality of life for residents and business operators in the neighborhoods where they are located, while diminishing the value of neighboring properties, increasing the risk of property damage through arson and vandalism, and discouraging neighborhood stability and revitalization.

The purpose of these regulations is to implement and utilize the powers afforded to local government by the Abandoned Properties Rehabilitation Act, to further the revitalization of the Borough, and improve economic and social conditions.

### **19-02 - DEFINITIONS**

As used in this Chapter, the following terms shall have the meanings indicated:

#### **ABANDONED PROPERTY-**

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

- (1) Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:

- (a) The property is in need of rehabilitation in the reasonable judgment of the Public Official, and no rehabilitation has taken place during that six-month period;
  - (b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Official pursuant to this section;
  - (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the Construction Official pursuant to this section; or
  - (d) The property has been determined to be a nuisance by the Public Official in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).
- (2) A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Official and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this Subsection 8.1.

#### **OWNER-**

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Borough of Jamesburg to act with respect to the property.

#### **PUBLIC OFFICER**

Shall mean a staff person designated by the Mayor.

#### **19.03 EVIDENCE OF VACANCY-**

"Vacant and abandoned property" means any residential or commercial building which is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, and at which at least two of the following conditions exist (as per P.L. 2021, CHAPTER 444):

- (1) Overgrown or neglected vegetation;
- (2) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (3) Disconnected gas, electric, or water utility services to the property;

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

#### **19.04 ABANDONED SHALL MEAN VACANT**

- (1) Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.
- (2) As per N.J.S.A. 55:19-105 any interested party may submit in writing a request to the public officer that a property be included on the abandoned property list prepared pursuant to section 36 of P.L.1996, c.62 (C.55:19-55), specifying the street address and block and lot

number of the property to be included, and the grounds for its inclusion. Within 30 days of receipt of any such request, the public officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For the purposes of this section, "interested party" shall include any resident of the municipality, any owner or operator of a business within the municipality or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

Any interested party may participate in any redetermination hearing held by the public officer pursuant to subsection e. of section 36 of P.L.1996, c.62 (C.55:19-55). Upon written request by any interested party, the public officer shall provide the party with at least 20 days' notice of any such hearing. The party shall provide the public officer with notice at least 10 days before the hearing of its intention to participate, and the nature of the testimony or other information that it proposes to submit at the hearing.

#### **19-05 Borough List of Abandoned Properties.**

- a. The Public Officer is hereby directed to identify abandoned properties with the Borough, place said properties on an abandoned property list established as provided in Section 36 of P.L.1996, c.62 (C.55:19-55), as amended by Section 28 of P.L.2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.
- b. The abandoned property list shall apply to the Borough of Jamesburg as a whole.
- c. The Enforcement, Public Officer shall exercise the authority granted the Borough pursuant to Section 13 of P.L.2003, c.210, to designate qualified rehabilitation entities to act as the designee of the Borough with respect to the provisions of that section.
- d. Reserved
- e. The Public Officer shall provide a report to the Borough Administrator every six (6) months, with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the Borough or by any qualified rehabilitation entity designated pursuant to the authority granted to the public officer with respect to any property on the list or any other abandoned property within the Borough as per N.J.S.A. 55:19-105 any interested party may submit in writing a request to the public officer that a property be included on the abandoned property list prepared pursuant to section 36 of P.L.1996, c.62 (C.55:19-55), specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within 30 days of receipt of any such request, the public officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the

list. For the purposes of this section, "interested party" shall include any resident of the municipality, any owner or operator of a business within the municipality or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

## **19-06 REGISTRATION OF VACANT PROPERTY.**

### **19-06.1 Definitions.**

As used in this section:

**Owner** shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of C.46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296), or any other entity determined by the public officer of the Borough of Jamesburg to have authority to act with respect to the property.

**Public Officer** shall mean an individual appointed by the Mayor to carry out activities as per applicable State and local statutes.

**Vacant Property** shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-81; provided, however, that any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and which is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this section.

### **19-06.2 Registration of Vacant Property Required; Term; Fee Waivers.**

- a. As of the effective date of this section (this section adopted by Ord. No. 2015-10 on 4-22-15), the owner of any vacant property as defined herein shall, within thirty (30) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later; or within ten (10) days of receipt of notice from the Borough, file a registration statement for such vacant property with the municipal officer on forms provided for that purpose by the municipal officer along with any fee required by this section. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property.

As per P.L. 2021, Chapter 444, the responsible party for a vacant and abandoned property that is vacant and abandoned on the effective date of P.L. 2021, c. 444, shall file a certificate of registration with the clerk of the municipality in which the property is located within 30 days after the effective date. The responsible party for a property that becomes vacant and abandoned subsequent to the effective date of P.L. 2021, c. 444 shall file a certificate of registration with the clerk of the municipality in which the property is located within 90 days after the property becomes vacant and abandoned or within 30 days after the responsible party assumes ownership of or responsibility for an already vacant and abandoned property, whichever is later. The certificate of registration shall be filed on forms prescribed by the Commissioner of Community Affairs

- b. Each property having a separate tax block and lot number shall be registered separately.
- c. The registration shall include the information required under the applicable subsection, the insurance certificate required under the applicable subsection, as well as any additional information that the municipal officer may reasonably require.
- d. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in "Fees" subsection for each vacant property registered.
- e. The municipal officer may establish for purposes of efficient administration that all registrations shall be renewed by a single date in each year, which date shall be established by the municipal officer in which case the initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.
- f. Reserved
- g. The owner shall notify the municipal officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.
- h. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.
- i. Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve-month period following the date of the initial registration of the property shall apply for all necessary building permits with the registration application which shall be reviewed by the public officer, and if building permits are granted, shall be exempt from payment of the registration fee, but shall comply with all other provisions of this ordinance. If the property has not

received a certificate of occupancy at the end of the twelve-month period, the owner shall be liable for any fee waived. The public officer may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the owner has received all necessary building permits and commenced restoration of the property and the public officer finds that compelling conditions outside of the owner's control made it impossible for the owner to complete restoration of the property within the initial twelve-month period. If the property receives a certificate of occupancy and is restored to productive use and occupancy within the term of the waiver granted by the public officer, the fee shall be forgiven in its entirety.

j. Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this ordinance is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinance, and where by virtue of financing, market or other conditions that project may require more than one year for realization, the public officer may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner as long as the municipal officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the public officer with such documentation, which may include plans, financing applications, applications for land use approval or other evidence of progress.

#### **19-07 Borough Access for Inspections.**

At any time after filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough to conduct inspections of the building to determine compliance with municipal codes, on reasonable notice to the property owner or the designated agent.

#### **19-08 Registration Application Content.**

- a. The registration statement shall include (1) the name, street address, e-mail address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and (2) the name, street address, e-mail address and telephone number of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24-hour per day, seven (7) day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

- b. An owner who is a natural person and who maintains offices in the State of New Jersey or resides within the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- c. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the municipal officer in writing of a change of authorized agent or until the owner files a new annual registration statement.
- d. Any owner who fails to register a vacant property under the provisions of this section shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

**19-09 Fees Schedule.**

a. The registration and renewal fee for each building shall be as follows as per P.L. 2021 c. 444:

Initial registration	\$250.00
First renewal	\$250.00; unless existing property maintenance or code violations than the fee is \$500.00
Second renewal	\$250.00; unless existing property maintenance or code violations than the fee is \$750.00
Any subsequent renewal	\$250.00; unless existing property maintenance or code violations than the fee is \$750.00

**19-10 Violations and Penalties.**

- a. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than one thousand (\$1,000.00) dollars and not more than two thousand (\$2,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed



under this section shall be recoverable from the owner and shall be a lien on the property.

- b. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later; or within 10 days of receipt of notice by the Borough, failure to provide correct information on the registration statement, failure to comply with the provisions of appropriate subsections, or such other matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this section.

### **19-11 Maintenance of Vacant Property Required.**

A municipality may by ordinance require that, no sooner than 45 days after Borough notifies the responsible party that<sup>1</sup> the property is vacant and abandoned and until the property is reoccupied, the responsible party for a vacant and abandoned property:

- (1) Secure the property against unauthorized entry;

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

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

d. A responsible party that violates any provision of this section or any ordinance adopted pursuant hereto, shall be liable to a penalty of not less than \$500 and not more than \$1,000; provided, however, that a greater penalty for such violations that was established by an ordinance adopted prior to the effective date of P.L. 2021 c. 444 may continue to be imposed and collected. Each day that a violation continues shall constitute an additional, separate, and distinct offense. Any penalty imposed pursuant to this section shall be recoverable by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274 (C.2A:58-10 et seq.). The Superior Court, Law Division, in the county, or the municipal court of the municipality, in which the property is located shall have jurisdiction to enforce such penalty.

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

- f. For the purposes of this section:

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

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

g. Enclose and secure the structure as provided in the applicable codes of the Borough of Jamesburg or as set forth in rules and regulations adopted by the municipal officer to supplement those codes.

h. Ensure that the grounds of the structure, including yards, fences, sidewalks, walks and driveways, are well-maintained and kept free from trash or debris; and

i. Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

k. Maintain the structure and grounds in accordance with the Borough's Property Maintenance Code

### **19-13 Insurance Requirements.**

The owner of any vacant property shall acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for one to four unit residential use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building.

The policy shall be written on a comprehensive Personal or Commercial form and protect against claims for all damages arising from bodily injury or property damage including death, proof of which shall be furnished by a currently dated Certificate of Liability Insurance. **The Borough of Jamesburg reserves** the right to accept, amend or modify any of the conditions listed. The owner agrees to indemnify and hold the Borough of Jamesburg and its Officers, Directors, Employees, Appointed or Elected Officials, departments, volunteers and insurers, including but limited to the NJ Intergovernmental Insurance Fund (collectively referred to herein as the "Indemnities") harmless from any and all liability, claims, costs and attorney's fees rising out of the use of the property referred to above.

Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the municipal officer within 30 days of any lapse, cancellation or change in coverage. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration.

#### **19-14 Online Registry.**

The Borough of Jamesburg may establish an online registry of all properties registered with the Borough under this section, which shall include a procedure by which citizens can provide the municipal officer with information on unregistered properties that may be subject to this section through electronic means.

#### **19-15 Additional Rules and Regulations.**

The public officer may issue rules and regulations for the daily and annual administration of the provisions of this section upon approval from the Mayor or Borough Administrator.

#### **19-16 Action to transfer property to municipality (Receivership)**

As per N.J.S.A. 55:19-84 The Borough is authorized to partake in a summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to a municipality may be brought by a municipality in the Superior Court in the county in which the property is situated. If the court shall find that the property is abandoned pursuant to section 4 of P.L.2003, c.210 (C.55:19-81) and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the court may authorize the municipality to take possession and control of the property and develop a rehabilitation plan.

The municipality granted possession and control may commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the court shall not direct the sale of the property if the owner applies to the court for reinstatement of control of the property as provided in section 15 of P.L.2003, c.210 (C.55:19-92).

Failure by the owner, mortgage holder or lien holder to submit plans for rehabilitation to the municipality, obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, State or federal agencies providing such funding within that six-month period shall be deemed prima facie evidence that the owner has failed to take any action to further the rehabilitation of the property.

The rules that govern this include, but are not limited to: N.J.S.A 55:19-84 through N.J.S.A. 55:19-97.

### **19-17 Removal from Vacant Property List.**

As per N.J.S.A. 55:19-57 et. seq. the following shall be how a property shall be removed from the vacant property list:

- (1) An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and municipal liens due, including interest and penalties and:
- (2) by posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to section 36 of P.L.1996, c.62 (C.55:19-55) and posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or
- (3) by demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to section 36 of P.L.1996, c.62 (C.55:19-55), as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.
- (4). If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the municipality which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

## **19-18 Tax Sale**

- (1) The Borough may take properties on the abandoned property list that are also eligible for tax sale under N.J.S.A. 55: 19-56, take them off the regular tax sale and hold a special tax sale for those properties. Under a special tax sale, the Borough may set qualifications and performance requirements for bidders, in order to ensure that the properties go to entities that will reuse them in a manner consistent with the public interest (N.J.S.A.55:19-101)
- (2) As per the requirements of N.J.S.A. 54:19-56 the Borough may require any property on the Vacant Property List in which the tax cert is held by the Borough, to remediate the property in accordance with this Section and applicable State law.

## **19-20 UPKEEP OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE.**

### **19-20.01 Definitions.**

**Creditor** shall mean, consistent with section 3 of P.L. 2008, c.86, a State chartered bank, savings bank, savings and loan association or any credit union, or any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” and any entity acting on behalf of the Creditor named in the debt obligation, including but not limited to, mortgage loan servicers.

Property Maintenance Code shall mean the dually adopted Code of the Borough of Jamesburg.

### **19-21 Creditor Responsibility for Vacant and Abandoned Properties; In-State Representative Required.**

- a. Any Creditor filing a summons and complaint in an action to foreclose on any residential property within the Borough shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of that property, in the event it is determined to be vacant and abandoned property.
- b. Where a Creditor is located out-of-State, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor’s behalf for the purpose of satisfying the requirements of paragraph a. above. Notice of said representative or agent shall be provided to the Borough Clerk and the Public Officer (as defined in this section, in a manner that is consistent with subsection a. of section

17 of P.L. 2008, c.127 (the "Save New Jersey Homes Act of 2008"), and shall further include the full name and contact information of the in-State representative or agent.

- c. All foreclosing creditors, and, in the case of an out-of-State foreclosing Creditor, their in-State representatives, shall be responsible to comply with the requirements of all other ordinances adopted by the Borough of Jamesburg and the Code of the Borough relating to vacant and/or abandoned property, in the same manner as those ordinances and the Code of the Borough pertain to the title owners of such vacant and/or abandoned property.
- d. As per N.J.S.A 40:48-2.12s(c)(1) the out-of-State creditor shall be subject to the following: a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- e. The out-of-State creditor shall maintain the exterior of the property in accordance with the Borough's Property Maintenance Code

2. As per P.L. 2021, CHAPTER 444 A creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property in the State shall, within 10 days of serving the summons and complaint, notify the municipal clerk and the mayor or other chief executive officer of the municipality in which the property is located that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the full name, address, and telephone number for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property. The notice may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk. In the event the creditor that has served a summons and complaint in an action to foreclose on a commercial property that is located out-of-State, the notice shall also contain the full name, address, and telephone number of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned. If the municipality has designated or appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code. The notice shall also include the street address, lot, and block number of the property.

If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to be provided in a

notice pursuant to this paragraph following the filing of the summons and complaint, the creditor shall provide a notice to the applicable municipal clerk containing the updated name, address, or telephone number within 10 days of the change in that information.

(2) Within 30 days following the effective date of P.L. 2021, CHAPTER 444, any creditor that has initiated a foreclosure proceeding on any commercial property that is pending in Superior Court shall provide to the municipal clerk of the municipality in which the property is located, a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending by street address and lot and block number. If the municipality has designated or appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer, or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

b. If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer, municipal clerk, or other authorized municipal official shall notify the creditor or the representative or agent of an out-of-State creditor, as applicable, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance. The municipality shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the municipality may impose penalties allowed for the violation of municipal ordinances.

c. If the municipality expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the creditor was given notice pursuant to the provisions of subsection b. of this section but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under section 23 of P.L.2003, c.210 (C.55:19-100).

d. For the purposes of this section, "creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P.L.2009, c.53 (C.17:11C-51 through C.17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

### **19-22 Notice of Violation.**

- a. The Borough's public officer shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough, if the public officer determines that the Creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to the applicable subsection and the Save New Jersey Homes Act of 2008.
- b. The notice referenced in paragraph a. above shall require the Creditor to correct the violation(s) within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety.
- c. The issuance of a notice pursuant to paragraph a. above shall constitute proof that a residential property is "Vacant and Abandoned" for the purposes of P.L. 2012 (NJSA 2A: 50-73).

### **19-23 Violations and Penalties.**

- a. A Creditor subject to this section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a "care, maintenance, security, or upkeep violation" cited in a notice issued pursuant to this section, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence thirty-one (31) days following the Creditor's receipt of the notice, except where the violation is deemed to present an imminent risk to the public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.
- b. An out-of-state Creditor subject to this section that is found by the municipal court of the Borough, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on an out-of-State Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51), for providing notice to the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.



RECORD OF VOTE:

FIRST READING: May 18,, 2022

COUNCIL MEMBER	MOTION TO INTRODUCE	2nd	VOTE
Council Member Czarneski			X
Council Member Ludas	X		X
Council Member Rutsky			X
Council Member Spillane		X	X
Council Member Taylor			X
Council President Rampacek			AB
Mayor Lowande			

PUBLICATION: May 18, 2022

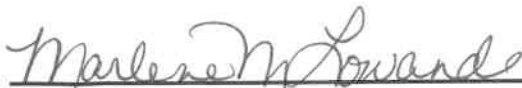
SECOND READING: June 15, 2022

PUBLIC HEARING: June 15, 2022

COUNCIL MEMBER	MOTION TO OPEN	2nd	VOTE	MOTION TO CLOSE	2nd	VOTE	MOTION TO ADOPT	2nd	VOTE
Council Member Czarneski			Y			Y			Y
Council Member Ludas			AB			AB			AB
Council Member Rutsky			Y		Y	Y			Y
Council Member Spillane			Y			Y			Y
Council Member Taylor		Y	Y			Y	Y		Y
Council President Rampacek	Y		Y	Y		Y		Y	Y
Mayor Lowande									

Y = YES    N = OPPOSED    A = ABSTAINED    AB = ABSENT

APPROVED:

  
 Marlene Lowande, Mayor

ATTEST:

  
 Susan Boulogne, Registered Municipal Clerk