



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

[New Jersey Statutes Annotated](#)

[Title 40. Municipalities and Counties](#)

[Subtitle 3. Municipalities Generally \(Refs & Annos\)](#)

[Chapter 48. General Powers \(Refs & Annos\)](#)

[Article 1. General and Regulatory Powers](#)

N.J.S.A. 40:48-2.12s

40:48-2.12s. Regulation of care, maintenance, security, and upkeep of exterior of certain vacant and abandoned residential properties; ordinances authorized; violations

Effective: July 28, 2019

[Currentness](#)

a. The governing body of any municipality may adopt ordinances to regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties on which a summons and complaint in an action to foreclose has been filed.

b. (1) An ordinance adopted pursuant to subsection a. of this section shall provide that the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property, and if located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.

(2) An ordinance adopted pursuant to subsection a. of this section shall authorize a public officer, appointed pursuant to P.L.1942, c. 112 ([C.40:48-2.3 et seq.](#)), or any other local official responsible for administration of any property maintenance or public nuisance code to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall constitute proof that a property is “vacant and abandoned” for the purposes of section 1 of [P.L.2012, c. 70 \(C.2A:50-73\)](#).

(3) An ordinance adopted pursuant to subsection a. of this section shall provide that an out-of-State creditor shall include the full name and contact information of the in-State representative or agent, and any other person or entity retained by the creditor or a representative of the creditor, in the notice required to be provided pursuant to paragraph (1) of subsection a. of section 17 of [P.L.2008, c. 127 \(C.46:10B-51\)](#).

c. (1) An out-of-State creditor subject to an ordinance adopted pursuant to subsection 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.

(2) A creditor subject to an ordinance adopted pursuant to subsection 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 correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to the ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

d. No less than 20 percent of any money collected pursuant to subsection a. of this section shall be utilized by the municipality for municipal code enforcement purposes.

Credits

[L.2014, c. 35, § 1, eff. Aug. 15, 2014](#). Amended by [L.2019, c. 66, § 1, eff. July 28, 2019](#).

N. J. S. A. 40:48-2.12s, NJ ST 40:48-2.12s
Current with laws through [L.2021, c. 32](#) and [J.R. No. 1](#).

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