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FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:

Yes

12/23/2021

1/18/2022

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

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REPORTS:

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No

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No

RWH/JA

§§1-3
C.40:48-2.12s1 to
40:48-2.12s3
§5
Repealer
§6
Note to
C.40:48-2.12s2
and
40:48-2.12s3

P.L. 2021, CHAPTER 444, *approved January 18, 2021*
Assembly, No. 2877 (*Second Reprint*)

1 AN ACT concerning ²**[vacant and abandoned]**² property ²**[and]**
2 registration ordinances to address the risk of blight, revising
3 various parts of the statutory law and² supplementing Title 40 of
4 the Revised Statutes.

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

8
9 ²**[1.a.** The responsible party for a vacant and abandoned
10 property that is vacant and abandoned on the effective date of
11 P.L. , c. (C.) (pending before the Legislature as this bill),
12 shall file a certificate of registration with the clerk of the
13 municipality in which the property is located within 30 days after
14 the effective date. The responsible party for a property that
15 becomes vacant and abandoned subsequent to the effective date of
16 P.L. , c. (C.) (pending before the Legislature as this bill),
17 shall file a certificate of registration with the clerk of the
18 municipality in which the property is located within 90 days after
19 the property becomes vacant and abandoned or within 30 days after
20 the responsible party assumes ownership of or responsibility for an
21 already vacant and abandoned property, whichever is later. The
22 certificate of registration shall be filed on forms prescribed by the
23 Commissioner of Community Affairs and shall contain:

24 (1) the name, street address, and telephone number of a natural
25 person who resides or maintains an office within the State and who
26 is either the responsible party or an authorized agent designated by
27 the responsible party to receive notices and complaints of property
28 maintenance and code violations on behalf of the responsible party;

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:

¹Assembly ACD committee amendments adopted December 14, 2020.

²Senate SBA committee amendments adopted January 6, 2022.

1 (2) the name, street address, and telephone number of the person
2 responsible for maintaining the property, if different; and

3 (3) evidence of any liability insurance required by an ordinance
4 adopted pursuant to paragraph (3) of subsection c. of this section.

5 A responsible party for a vacant and abandoned property shall
6 file an amended certificate of registration within 30 days after any
7 change in the information required to be included thereon.

8 b. A certificate of registration shall remain valid for one year
9 and shall be renewed on an annual basis if the property remains
10 vacant and abandoned. A municipality may by ordinance establish
11 a fee of not more than \$250 for a certificate of registration for a
12 vacant and abandoned property. A renewal fee of not more than
13 \$500 may be established for a renewal if there is an outstanding
14 property maintenance or code violation on a vacant and abandoned
15 property that remains unabated at the time of renewal. A renewal
16 fee of not more than \$750 may be established for a subsequent
17 renewal if there continues to be an outstanding property
18 maintenance or code violation or there is a new such violation on a
19 vacant and abandoned property that remains unabated at the time of
20 renewal. If a greater fee for the registration or renewal of a vacant
21 and abandoned property was established by an ordinance adopted
22 prior to the effective date of P.L. , c. (C.) (pending before
23 the Legislature as this bill), then the municipality may continue to
24 impose and collect that greater fee.

25 c. A municipality may by ordinance require that, no sooner
26 than 45 days after ¹the municipality notifies the responsible party
27 that¹ the property ¹**【becomes】** is¹ vacant and abandoned and until
28 the property is reoccupied, the responsible party for a vacant and
29 abandoned property:

30 (1) ¹**【Enclose and secure】** Secure¹ the property against
31 unauthorized entry;

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

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

41 d. A responsible party that violates any provision of this
42 section or any ordinance adopted pursuant hereto, shall be liable to
43 a penalty of not less than \$500 and not more than \$1,000; provided,
44 however, that a greater penalty for such violations that was
45 established by an ordinance adopted prior to the effective date of
46 P.L. , c. (C.) (pending before the Legislature as this bill)
47 may continue to be imposed and collected. Each day that a
48 violation continues shall constitute an additional, separate, and

1 distinct offense. Any penalty imposed pursuant to this section shall
2 be recoverable by a summary proceeding under the "Penalty
3 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
4 The Superior Court, Law Division, in the county, or the municipal
5 court of the municipality, in which the property is located shall have
6 jurisdiction to enforce such penalty.

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

10 f. For the purposes of this section:

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

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

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

23 (1) Overgrown or neglected vegetation;

24 (2) The accumulation of newspapers, circulars, flyers, or mail
25 on the property;

26 (3) Disconnected gas, electric, or water utility services to the
27 property;

28 (4) The accumulation of hazardous, noxious, or unhealthy
29 substances or materials on the property;

30 (5) The accumulation of junk, litter, trash, or debris on the
31 property;

32 (6) The absence of window treatments such as blinds, curtains,
33 or shutters;

34 (7) The absence of furnishings and personal items;

35 (8) Statements of neighbors, delivery persons, or government
36 employees indicating that the property is vacant and abandoned;

37 (9) Windows or entrances to the property that are boarded up or
38 closed off, or multiple window panes that are damaged, broken, and
39 unrepaired;

40 (10) Doors to the property that are smashed through, broken
41 off, unhinged, or continuously unlocked;

42 (11) A risk to the health, safety, or welfare of the public or any
43 adjoining or adjacent property owners due to acts of vandalism,
44 loitering, criminal conduct, or the physical destruction or
45 deterioration of the property;

46 (12) An uncorrected violation of a municipal building, housing,
47 or similar code during the preceding year, or an order by municipal

1 authorities declaring the property to be unfit for occupancy and to
2 remain vacant and unoccupied;

3 (13) The mortgagee or other authorized party has secured or
4 winterized the property due to the property being deemed vacant
5 and unprotected or in danger of freezing;

6 (14) A written statement issued by a mortgagor expressing the
7 clear intent of all mortgagors to abandon the property; or

8 (15) Any other reasonable indicia of abandonment. **J**²

9

10 ²1. (New section) The Legislature finds and declares that:

11 a. Although New Jersey has made great strides in addressing
12 previous foreclosure crises, foreclosure continues to be an issue
13 confronting residents and municipalities;

14 b. Properties in foreclosure proceedings can involve properties
15 that are vacant and abandoned or have an increased risk of becoming
16 vacant and abandoned during the foreclosure proceeding;

17 c. Vacant and abandoned properties in foreclosure create a greater
18 risk of blight and can create a wide range of problems for the
19 communities in which they are located. These problems can include
20 fostering criminal activity, creating public health problems, depressing
21 neighboring property values and reducing revenues for municipalities,
22 and otherwise diminishing the quality of life for residents and business
23 operators in those areas;

24 d. Because of the increased risk of blight created by properties in
25 foreclosure, it is important that municipalities possess tools to identify
26 such properties, monitor their status, and mitigate the risk that they
27 become vacant and abandoned and, if vacant and abandoned, lead to
28 blight. The costs of identifying, monitoring, and mitigating such risks
29 can adversely impact a municipality's finances;

30 e. The State has enacted statutes intended to assist municipalities
31 in addressing such risks, including requiring that municipalities
32 receive notice of the initiation of a foreclosure action in court in
33 connection with residential properties and authorizing a public officer
34 in a municipality to take certain action against properties that have
35 been abandoned for more than six months;

36 f. Although these State laws provide municipalities with certain
37 tools to address blight and the risk of blight, the laws do not apply to
38 all properties, enable municipalities to create a comprehensive way to
39 identify, monitor, and address the risk of blight on all such properties
40 within their jurisdictions, or address the costs to municipalities to do
41 so;

42 g. A number of municipalities have adopted ordinances on an ad
43 hoc basis to create property registration programs to identify, monitor,
44 and address the risk of blight on residential and commercial properties
45 within their jurisdictions; and

46 h. The Legislature finds such property registration programs
47 provide a valuable tool to municipalities in confronting the risk of
48 blight created by properties on which foreclosure proceedings have

1 been initiated and such properties that become vacant and abandoned.
2 The Legislature finds that it is in the State's interest for municipalities
3 that operate such programs to do so with certain uniformity as part of
4 the State's overall statutory scheme addressing the risk of blight.²

5
6 ²2. (New section) a. (1) A creditor serving a summons and
7 complaint in an action to foreclose on a mortgage on commercial
8 property in the State shall, within 10 days of serving the summons and
9 complaint, notify the municipal clerk and the mayor or other chief
10 executive officer of the municipality in which the property is located
11 that a summons and complaint in an action to foreclose on a mortgage
12 has been filed against the subject property. The notice shall contain
13 the full name, address, and telephone number for the representative of
14 the creditor who is responsible for receiving complaints of property
15 maintenance and code violations and the full name and contact
16 information for any person or entity retained by the creditor or a
17 representative of the creditor to be responsible for any care,
18 maintenance, security, or upkeep of the property. The notice may
19 contain information about more than one property, and shall be
20 provided by mail or electronic communication, at the discretion of the
21 municipal clerk. In the event the creditor that has served a summons
22 and complaint in an action to foreclose on a commercial property that
23 is located out-of-State, the notice shall also contain the full name,
24 address, and telephone number of an in-State representative or agent
25 who shall be responsible for the care, maintenance, security, and
26 upkeep of the exterior of the property if it becomes vacant and
27 abandoned. If the municipality has designated or appointed a public
28 officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal
29 clerk shall forward a copy of the notice to the public officer or shall
30 otherwise provide it to any other local official responsible for
31 administration of any property maintenance or public nuisance code.
32 The notice shall also include the street address, lot, and block number
33 of the property.

34 If there is any change in the name, address, or telephone number
35 for a representative, agent, or individual authorized to accept service
36 on behalf of a creditor required to be provided in a notice pursuant to
37 this paragraph following the filing of the summons and complaint, the
38 creditor shall provide a notice to the applicable municipal clerk
39 containing the updated name, address, or telephone number within 10
40 days of the change in that information.

41 (2) Within 30 days following the effective date of P.L. _____,
42 c. (C. _____) (pending before the Legislature as this bill), any creditor
43 that has initiated a foreclosure proceeding on any commercial property
44 that is pending in Superior Court shall provide to the municipal clerk
45 of the municipality in which the property is located, a listing of all
46 commercial properties in the municipality for which the creditor has
47 foreclosure actions pending by street address and lot and block
48 number. If the municipality has designated or appointed a public

1 officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal
2 clerk shall forward a copy of the notice to the public officer, or shall
3 otherwise provide it to any other local official responsible for
4 administration of any property maintenance or public nuisance code.

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

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

33 d. For the purposes of this section, "creditor" means a State
34 chartered bank, savings bank, savings and loan association or credit
35 union, any person required to be licensed under the provisions of the
36 "New Jersey Residential Mortgage Lending Act," sections 1 through
37 39 of P.L.2009, c.53 (C.17:11C-51 through C.17:11C-89), and any
38 entity acting on behalf of the creditor named in the debt obligation
39 including, but not limited to, servicers. For purposes of this section, a
40 creditor shall not include the State, a political subdivision of the State,
41 or a State, county, or local government entity, or their agent or
42 assignee, such as the servicer.²

43
44 ²3. (New section) a. The governing body of any municipality
45 may adopt ordinances to:

46 (1) create a property registration program for the purposes of
47 identifying and monitoring residential and commercial properties

- 1 within the municipality for which a summons and complaint in an
2 action to foreclose on a mortgage has been filed;
- 3 (2) regulate the care, maintenance, security, and upkeep of the
4 exterior of vacant and abandoned residential and commercial
5 properties for which a summons and complaint in an action to
6 foreclose has been filed; and
- 7 (3) impose property registration fees on the creditor of residential
8 or commercial properties, on an annual or semi-annual basis.
- 9 b. An ordinance adopted pursuant to subsection a. of this section
10 shall:
- 11 (1) require that the creditor filing a summons and complaint in an
12 action to foreclose shall, in addition to the notice provided to the
13 municipality pursuant to section 17 of P.L.2008, c.127 (C.46:10B-51)
14 or section 2 of P.L. , c. (C.) (pending before the Legislature
15 as this bill), register the residential or commercial property with the
16 municipality's property registration program as a property in
17 foreclosure and, as part of that registration: (a) provide the
18 municipality with the information regarding the creditor required by
19 paragraph (1) of subsection a. of section 17 of P.L.2008, c.127
20 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L. ,
21 c. (C.) (pending before the Legislature as this bill); (b) identify
22 the date the summons and complaint in an action to foreclose on a
23 mortgage was filed against the subject property, the court in which it
24 was filed, and the docket number of the filing; and (c) identify whether
25 the property is vacant and abandoned in accordance with the definition
26 in the ordinance required by paragraph (8) of this subsection;
- 27 (2) require, if there is any change in the name, address, or
28 telephone number for a representative, agent, or individual authorized
29 to accept service on behalf of a creditor required to register pursuant to
30 the property registration program following the filing of the summons
31 and complaint, the creditor shall update the property registration
32 program within 10 days of the change in that information;
- 33 (3) require that the creditor filing a summons and complaint in an
34 action to foreclose shall, if the registered property becomes vacant and
35 abandoned in accordance with the definition in the ordinance required
36 by paragraph (8) of this subsection after the property is initially
37 registered with the municipality, update the property registration with
38 the municipality to reflect the change in the property's status;
- 39 (4) require that the creditor filing a summons and complaint in an
40 action to foreclose shall be responsible for the care, maintenance,
41 security, and upkeep of the exterior of the property if the property is
42 vacant and abandoned at any time while the property is registered with
43 the property registration program;
- 44 (5) require that a creditor located out-of-State shall be responsible
45 for appointing an in-State representative or agent to act for the
46 foreclosing creditor;
- 47 (6) identify any requirements that the municipality imposes on the
48 creditor filing a summons and complaint in an action to foreclose on a

1 property, that is or becomes vacant and abandoned, relating to the care,
2 maintenance, security, and upkeep of the exterior of the property,
3 including, but not limited to, any requirements to secure the property
4 against unauthorized entry, post a sign affixed to the inside of the
5 property and visible to the public indicating the name, address, and
6 telephone number of the creditor or an out-of-State creditor's in-State
7 representative or agent for the purpose of receiving service of process,
8 or acquire and otherwise maintain liability insurance by procuring a
9 vacancy policy, covering any damage to any person or any property
10 caused by any physical condition of the property while registered with
11 the property registration program;

12 (7) identify any fees that may be imposed on the creditor in
13 connection with the property registration program that are authorized
14 pursuant to subsection e. of this section; and

15 (8) define that a property shall be considered vacant and
16 abandoned if it is not legally occupied by a mortgagor or tenant, which
17 is in such condition that it cannot be legally reoccupied, because of the
18 presence or finding of at least two of the following:

19 (a) overgrown or neglected vegetation;

20 (b) the accumulation of newspapers, circulars, flyers, or mail on
21 the property;

22 (c) disconnected gas, electric, or water utility services to the
23 property;

24 (d) the accumulation of hazardous, noxious, or unhealthy
25 substances or materials on the property;

26 (e) the accumulation of junk, litter, trash, or debris on the
27 property;

28 (f) the absence of window treatments such as blinds, curtains, or
29 shutters;

30 (g) the absence of furnishings and personal items;

31 (h) statements of neighbors, delivery persons, or government
32 employees indicating that the property is vacant and abandoned;

33 (i) windows or entrances to the property that are boarded up or
34 closed off, or multiple window panes that are damaged, broken, and
35 unrepaired;

36 (j) doors to the property that are smashed through, broken off,
37 unhinged, or continuously unlocked;

38 (k) a risk to the health, safety, or welfare of the public or any
39 adjoining or adjacent property owners due to acts of vandalism,
40 loitering, criminal conduct, or the physical destruction or deterioration
41 of the property;

42 (l) an uncorrected violation of a municipal building, housing, or
43 similar code during the preceding year, or an order by municipal
44 authorities declaring the property to be unfit for occupancy and to
45 remain vacant and unoccupied;

46 (m) the mortgagee or other authorized party has secured or
47 winterized the property due to the property being deemed vacant and
48 unprotected or in danger of freezing;

1 (m) a written statement issued by a mortgagor expressing the clear
2 intent of all mortgagors to abandon the property; or

3 (o) any other reasonable indicia of abandonment.

4 c. An ordinance adopted pursuant to subsection a. of this section
5 shall authorize a public officer, designated or appointed pursuant to
6 P.L.1942, c.112 (C.40:48-2.3 et seq.), or any other local official
7 responsible for administration of any property maintenance or public
8 nuisance code to issue a notice to the creditor filing the summons and
9 complaint in an action to foreclose, if the public officer or other
10 authorized municipal official determines that the creditor has violated
11 the ordinance. In the case of a violation for failure to provide care,
12 maintenance, security, and upkeep of the exterior of vacant and
13 abandoned property, such notice shall require the person or entity to
14 correct the violation within 30 days of receipt of the notice, or within
15 10 days of receipt of the notice if the violation presents an imminent
16 threat to public health and safety.

17 d. A municipality may contract with and set the compensation of a
18 private entity, pursuant to the "Local Public Contracts Law," P.L.1971,
19 c.198 (C.40A:11-1 et seq.), to assist the municipality in the
20 implementation and administration of the property registration
21 program established pursuant to an ordinance adopted pursuant to
22 subsection a. of this section. A county or county improvement
23 authority may similarly contract with a private entity to assist the
24 county or authority in the implementation and administration of a
25 property registration system established for the use of a municipality
26 with a property registration program established pursuant to an
27 ordinance adopted pursuant to subsection a. of this section as well as
28 for the use of the county or improvement authority. A local unit may
29 delegate to such private entity any duties under the property
30 registration program, including, without limitation, identifying
31 properties located within the municipality that are subject to the
32 registration requirements of the property registration program,
33 maintaining and updating the property registrations for the
34 municipality, communicating with the creditors or the in-State
35 representative or agent appointed by creditors located out of State of
36 such properties, invoicing and collecting payment from the creditors
37 for such properties any fees authorized by the ordinance and
38 subsection e. of this section, and monitoring compliance with the
39 requirements of the ordinance. A local unit may conduct property
40 registration services on behalf of a municipality pursuant to a shared
41 services agreement subject to the "Uniform Shared Services and
42 Consolidation Act," P.L.2007, c.63 (C.40A:65-1 et al.). Property
43 registration fees imposed pursuant to subsection e. of this section and
44 an ordinance adopted pursuant to subsection a. of this section shall be
45 considered a municipal charge pursuant to the "tax sale law,"
46 R.S.54:5-1 et seq., regardless of whether the fees are being collected
47 by a third-party entity or by the municipality directly. The Local
48 Finance Board of the Department of Community Affairs may adopt

1 rules and regulations pertaining to contracts, entered pursuant to this
2 subsection, with third-party entities for the implementation and
3 administration of a property registration program.

4 e. A municipality may impose an annual fee on a creditor required
5 to register a property pursuant to an ordinance adopted pursuant to
6 subsection a. of this section. The fee shall not exceed: (1) \$500 per
7 property annually for any property that is required to be registered
8 because a summons and complaint in an action to foreclose was filed
9 by the creditor; and (2) an additional \$2,000 per property annually if
10 the property is vacant or abandoned pursuant to the definition in the
11 ordinance when the summons and complaint in an action to foreclose
12 is filed, or becomes vacant and abandoned pursuant to the definition in
13 the ordinance at any time thereafter while the property is in
14 foreclosure. All such annual fees and the due dates thereof shall be
15 identified in the ordinance adopted pursuant to subsection a. of this
16 section.

17 f. Notwithstanding the provisions of N.J.S.40A:5-15 to the
18 contrary, any property registration fees imposed pursuant to subsection
19 e. of this section and an ordinance adopted pursuant to subsection a. of
20 this section and collected by a third-party entity contracted with
21 pursuant to subsections d. and e. of this section shall be paid over to
22 the municipality within a timeframe specified in the contract between
23 the municipality and the third-party entity. Amounts collected by the
24 third-party entity on behalf of the local unit shall be paid over in full to
25 the local unit without any amount deducted as payment for services
26 rendered by the third-party entity. Once the collected fees are paid
27 over to the local unit, the officer charged with the custody of the
28 general funds shall deposit all such funds within 48 hours after the
29 receipt thereof to the credit of the municipality in its designated legal
30 depository. A third-party entity shall collect and pay over to the
31 municipality any interest and penalties, based upon the rate of interest
32 and penalties fixed by the governing body of the municipality for late
33 payment of property taxes, assessments, and other municipal charges
34 pursuant to R.S.54:4-67, for late payment of the property registration
35 fees imposed pursuant to subsection e. of this section and an ordinance
36 adopted pursuant to subsection a. of this section. The third-party
37 entity shall at least once a year, or as requested by the municipal tax
38 collector, file a certification as may be required by the tax collector to
39 enforce tax liens for all unpaid property registration program fees due
40 and owing at the time the certification is filed.

41 g. (1) An out-of-State creditor subject to an ordinance adopted
42 pursuant to subsection a. of this section found by the municipal court
43 of the municipality in which the property subject to the ordinance is
44 located, or by any other court of competent jurisdiction, to be in
45 violation of the requirement to appoint an in-State representative or
46 agent pursuant to the ordinance shall be subject to a fine of \$2,500 for
47 each day of the violation. Any fines imposed on a creditor for the
48 failure to appoint an in-State representative or agent shall commence

1 on the day after the 10-day period set forth in paragraph (1) of
2 subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) or
3 paragraph (1) of subsection a. of section 2 of P.L. , c. (C.)
4 (pending before the Legislature as this bill) for providing notice to the
5 municipal clerk that a summons and complaint in an action to
6 foreclose on a mortgage has been served.

7 (2) A creditor subject to an ordinance adopted pursuant to
8 subsection a. of this section found by the municipal court of the
9 municipality in which the property subject to the ordinance is located,
10 or by any other court of competent jurisdiction, to be in violation,
11 excluding only a violation addressed by paragraph (1) of this
12 subsection, of the ordinance shall be subject to a fine of \$1,500 for
13 each day of the violation. Any fines imposed pursuant to this
14 paragraph shall commence 31 days following receipt of the notice of
15 violation, except if the violation presents an imminent risk to public
16 health and safety, in which case any fines shall commence 11 days
17 following receipt of the notice.

18 h. No less than 20 percent of any money collected pursuant to
19 subsection f. or g. of this section or an ordinance adopted pursuant to
20 subsection a. of this section shall be utilized by the municipality for
21 municipal code enforcement purposes.

22 i. As used in this section:

23 “Creditor” means a mortgagee or an agent or assignee of a
24 mortgagee, such as the servicer, who has filed a complaint in the
25 Superior Court seeking to foreclose upon a residential or commercial
26 mortgage. If the entity seeking to foreclose upon the residential or
27 commercial mortgage changes as a result of an assignment, transfer, or
28 otherwise after the filing of the foreclosure complaint in the Superior
29 Court, the new entity shall be deemed the creditor for purposes of this
30 section. For purposes of this section, a creditor shall not include the
31 State, a political subdivision of the State, a State, county, or local
32 government entity, or their agent or assignee, such as the servicer.

33 “Local unit” means a municipality, a county, or a county
34 improvement authority or other subdivision of a municipality or
35 county.²

36
37 ²4. Section 1 of P.L.2012, c.70 (C.2A:50-73) is amended to read
38 as follows:

39 1. a. For the purposes of this section, "vacant and abandoned"
40 residential property means residential real estate with respect to which
41 the mortgagee proves, by clear and convincing evidence, that the
42 mortgaged real estate is vacant and has been abandoned or where a
43 notice of violation has been issued pursuant to **【subsection b. of**
44 **section 1 of P.L.2014, c.35 (C.40:48-2.12s)】** section 3 of
45 P.L. , c. (C.) (pending before the Legislature as this bill).
46 Where a notice of violation has not been issued pursuant to
47 **【subsection b. of section 1 of P.L.2014, c.35 (C.40:48-2.12s)】** section

1 3 of P.L. , c. (C.) (pending before the Legislature as this bill),
2 real property shall be deemed "vacant and abandoned" if the court
3 finds that the mortgaged property is not occupied by a mortgagor or
4 tenant as evidenced by a lease agreement entered into prior to the
5 service of a notice of intention to commence foreclosure according to
6 section 4 of the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-56),
7 and at least two of the following conditions exist:

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

41 b. For the purposes of this section, a residential property shall not
42 be considered "vacant and abandoned" if, on the property:

- 43 (1) there is an unoccupied building which is undergoing
44 construction, renovation, or rehabilitation that is proceeding diligently
45 to completion, and the building is in compliance with all applicable
46 ordinances, codes, regulations, and statutes;
- 47 (2) there is a building occupied on a seasonal basis, but otherwise
48 secure; or

1 (3) there is a building that is secure, but is the subject of a probate
2 action, action to quiet title, or other ownership dispute.

3 c. In addition to the residential mortgage foreclosure procedures
4 set out in the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et
5 seq.), a summary action to foreclose a mortgage debt secured by
6 residential property that is vacant and abandoned may be brought by a
7 lender in the Superior Court. In addition, a lender may, at any time
8 after filing a foreclosure action, file with the court, in accordance with
9 the Rules Governing the Courts of the State of New Jersey, an
10 application to proceed in a summary manner because the residential
11 property that is the subject of the foreclosure action is believed to be
12 "vacant and abandoned"; provided, however, that this section shall not
13 apply to a foreclosure of a timeshare interest secured by a mortgage.

14 d. (1) In addition to the service of process required by the Rules
15 of Court, a lender shall establish, for the entry of a residential
16 foreclosure judgment under this section, that a process server has made
17 two unsuccessful attempts to serve the mortgagor or occupant at the
18 residential property, which attempts must be at least 72 hours apart,
19 and during different times of the day, either before noon, between
20 noon and 6 P.M., or between 6 P.M. and 10 P.M.

21 (2) In addition to any notices required to be served by law or the
22 Rules of Court, a lender shall, with any order to show cause served as
23 original service of process or a motion to proceed summarily, serve a
24 notice that the lender is seeking, on the return date of the order to show
25 cause, or on the date fixed by the court, to proceed summarily for entry
26 of a residential foreclosure judgment because the property is vacant
27 and abandoned.

28 (3) When a property is deemed vacant and abandoned as herein
29 defined, a lender shall not be required to serve the debtor with the
30 notice to cure required by section 6 of the "Fair Foreclosure Act,"
31 P.L.1995, c.244 (C.2A:50-58).

32 e. (1) The court may enter a final residential mortgage foreclosure
33 judgment under this section upon a finding, (a) by clear and
34 convincing evidence, that the residential property is vacant and
35 abandoned as defined under subsection a. of this section, and (b) that a
36 review of the pleadings and documents filed with the court, as required
37 by the Rules of Court, supports the entry of a final residential
38 mortgage foreclosure judgment.

39 (2) A final residential mortgage foreclosure judgment under this
40 section shall not be entered if the court finds that:

41 (a) the property is not vacant or abandoned; or

42 (b) the mortgagor or any other defendant has filed an answer,
43 appearance, or other written objection that is not withdrawn and the
44 defenses or objection asserted provide cause to preclude the entry of a
45 final residential mortgage foreclosure judgment.

46 f. If a final residential mortgage foreclosure judgment under this
47 section is not entered on the original or adjourned return date of an
48 order to show cause or the date fixed by the court to proceed

1 summarily, the court may direct that the foreclosure action continue on
2 the normal track for residential mortgage foreclosure actions for
3 properties that are not vacant and abandoned and the notice to cure
4 served with the order to show cause or the order fixing that date for the
5 matter to proceed summarily shall be of no effect.

6 g. All actions brought to foreclose on real property pursuant to this
7 section shall proceed in accordance with the Rules of Court.

8 h. Nothing in this section is intended to supersede or limit other
9 procedures adopted by the Court to resolve residential mortgage
10 foreclosure actions, including, but not limited to, foreclosure
11 mediation.

12 i. Nothing in this section shall be construed to affect the rights of a
13 tenant to possession of a leasehold interest under the Anti-Eviction
14 Act, P.L.1974, c.49 (C.2A:18-61.1 et seq.), the "New Jersey
15 Foreclosure Fairness Act," P.L.2009, c.296 (C.2A:50-69 et seq.), or
16 any other applicable law.

17 j. (1) Notwithstanding paragraph (3) of subsection a. of section 12
18 of P.L.1995, c.244 (C.2A:50-64) to the contrary, the sheriff shall sell
19 the property within 90 days of the sheriff's receipt of any writ of
20 execution issued by the court if:

21 (a) the court makes a finding in the foreclosure judgment that the
22 property is vacant and abandoned; or

23 (b) the court issues an order directing the sheriff to sell the
24 property within 90 days, pursuant to the provisions of subsection k. of
25 this section.

26 (2) If it becomes apparent that the sheriff cannot comply with the
27 provisions of paragraph (1) of this subsection, the foreclosing plaintiff
28 shall apply to the court for an order appointing a Special Master or
29 judicial agent to hold the foreclosure sale, within 90 days of the date of
30 application.

31 k. (1) Following issuance of a foreclosure judgment, in which the
32 court did not make a finding that the property is vacant and
33 abandoned, a foreclosing plaintiff may make application to the court
34 for the property to be sold by the sheriff within 90 days of the date of
35 application. The application shall include a certification that the
36 mortgaged real estate is vacant and abandoned.

37 (2) Upon application that meets the criteria set forth in paragraph
38 (1) of this subsection, the court shall issue an order directing the
39 sheriff to sell the property in accordance with the provisions of
40 subsection j. of this section. A hearing shall not be required unless the
41 application is contested.²

42 (cf: P.L.2019, c.72, s.1)

43
44 ²5. Section 1 of P.L.2014, c.35 (C.40:48-2.12s) is repealed.²

45
46 ²[2.] 6.² This act shall take effect ²[on the first day of the third
47 month next following the date of enactment, but the Commissioner of
48 Community Affairs may take such anticipatory administrative action

1 in advance thereof as shall be necessary for the implementation of this
2 act] immediately, except that municipalities that have existing
3 ordinances that address property registration programs shall have until
4 the first day of the seventh month next following the effective date of
5 this act to amend their ordinances to the extent necessary to make them
6 consistent with this act².

7

8

9

10

11 Concerns municipal property registration ordinances to address
12 risk of blight.

ASSEMBLY, No. 2877

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

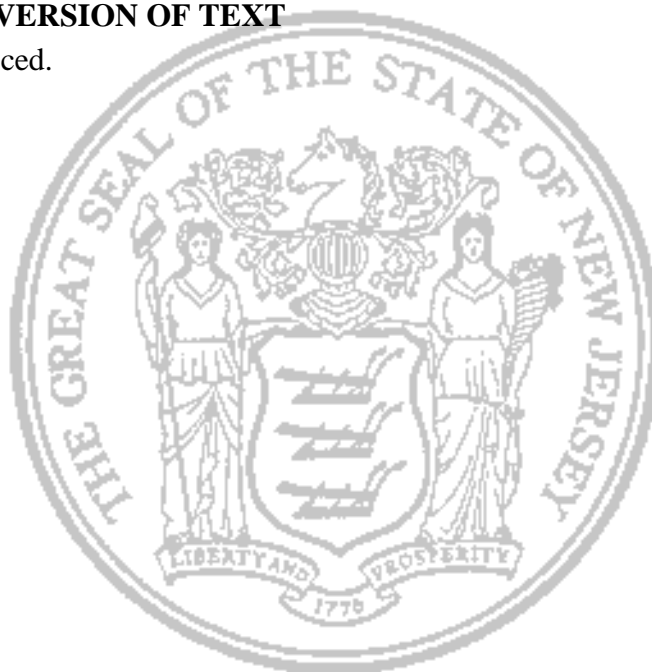
Assemblyman Caputo and Assemblywoman Timberlake

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: 12/10/2020)

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
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

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

5 c. A municipality may by ordinance require that, no sooner
6 than 45 days after the property becomes vacant and abandoned and
7 until the property is reoccupied, the responsible party for a vacant
8 and abandoned property:

9 (1) Enclose and secure the property against unauthorized entry;

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

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

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

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

36 f. For the purposes of this section:

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

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

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

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

40
41

42 STATEMENT

43

44 This bill would require the responsible party for a vacant and
45 abandoned property to register such property with the municipality
46 in which the property is located and would provide enforcement
47 tools to help ensure that these properties are properly maintained.

1 Vacant and abandoned properties negatively impact public safety
2 and neighboring property values, affecting communities throughout
3 the State. The bill would help ensure that municipalities are able to
4 hold those responsible for maintaining these properties to account.

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

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

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

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

A2877 DANCER, VAINIERI HUTTLE

6

1 Law Division, in the county, or the municipal court of the
2 municipality, in which the property is located would have
3 jurisdiction to enforce the penalty.

4 The bill would not diminish property maintenance
5 responsibilities for property owners who are not subject to the bill's
6 provisions.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2877

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2020

The Assembly Community Development and Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2877.

As amended, this bill would require the responsible party for a vacant and abandoned property to register such property with the municipality in which the property is located and would provide enforcement tools to help ensure that these properties are properly maintained. Vacant and abandoned properties negatively impact public safety and neighboring property values, affecting communities throughout the State. The bill would help ensure that municipalities are able to hold those responsible for maintaining these properties to account.

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

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

A municipality would also be authorized to require responsible parties for vacant and abandoned properties to undertake certain protective measures regarding such properties after notifying the responsible party that the property is vacant. Specifically, a municipality would be able to require a responsible party to secure the property against unauthorized entry, post a sign on the property with pertinent contact information, and maintain liability insurance.

The bill would also establish penalties for violations of any of its provisions or any ordinance adopted pursuant thereto. Specifically, a responsible party would be liable to a penalty of not less than \$500 and not more than \$1,000 for a violation. If a greater penalty for such violations was established by a municipal ordinance adopted prior to the enactment of the bill, that greater penalty may continue to be imposed and collected. Each day that a violation continues would constitute an additional, separate, and distinct offense. Any penalty imposed under the bill would 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 would have jurisdiction to enforce the penalty.

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

COMMITTEE AMENDMENTS:

The committee amendments require that the municipality notify a responsible party regarding a vacant and abandoned property in order for the bills requirements to apply to the responsible party. The committee amendments also clarify that the responsible party is responsible for securing the property against unauthorized entry, but the amendments remove a requirement for enclosure of the property.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2877

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2877 (1R).

This bill would require the responsible party for a vacant and abandoned property to register such property with the municipality in which the property is located and would provide enforcement tools to help ensure that these properties are properly maintained. Vacant and abandoned properties negatively impact public safety and neighboring property values, affecting communities throughout the State. The bill would help ensure that municipalities are able to hold those responsible for maintaining these properties to account.

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

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

A municipality would also be authorized to require responsible parties for vacant and abandoned properties to undertake certain protective measures regarding such properties after notifying the responsible party that the property is vacant. Specifically, a

municipality would be able to require a responsible party to secure the property against unauthorized entry, post a sign on the property with pertinent contact information, and maintain liability insurance.

The bill would also establish penalties for violations of any of its provisions or any ordinance adopted pursuant thereto. Specifically, a responsible party would be liable to a penalty of not less than \$500 and not more than \$1,000 for a violation. If a greater penalty for such violations was established by a municipal ordinance adopted prior to the enactment of the bill, that greater penalty may continue to be imposed and collected. Each day that a violation continues would constitute an additional, separate, and distinct offense. Any penalty imposed under the bill would 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 would have jurisdiction to enforce the penalty.

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

As reported, this bill is identical to Senate Bill No. 1149 (1R), which was amended and reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services concludes that the bill would have an indeterminate impact on municipal finances depending on whether a municipality already administers a vacant and abandoned property registration program.

If a municipality already operates a registration program, then the fiscal impact of the bill is expected to vary depending on whether this bill pre-empts any local ordinances governing existing property registration programs and on the degree to which any existing municipal program differs from that prescribed by the bill.

If this bill does not pre-empt existing local ordinances governing registration of vacant and abandoned properties, then there would be no fiscal impact on municipalities that currently have a registration program. To the extent that this bill will pre-empt existing local ordinances, municipal revenues and expenditures could increase or decrease depending on how closely these existing municipal ordinances conform to this bill.

By requiring municipalities to administer the registration of all vacant and abandoned properties located within their boundaries and allowing for the collection of registration, renewal, and penalty fees, the bill is expected to increase the expenditures and revenues of any municipality that currently does not administer a property registration program.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2877

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 2021

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2877 (1R), with committee amendments.

As amended, this bill enhances the guidance provided to local government for establishing property registration policies to address the risk of blight.

Within 10 days after serving a summons and complaint in a foreclosure action on a commercial property, this bill requires a creditor to notify the municipal clerk and mayor or other chief executive of the municipality. This notice would contain the full name, and contact information for the representative of the creditor who is responsible for receiving property maintenance and code violation complaints, the person retained by the creditor for property care, maintenance, security or upkeep. Regarding out-of-State creditors, the bill would also require contact information to be provided for an in-State representative. The bill also requires the creditor to provide prompt notification of any change to the initially-provided contact information.

The bill further requires that, within 30 days following its effective date, a creditor that has initiated a foreclosure proceeding on a commercial property would provide the municipal clerk with a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending.

The bill requires the municipal clerk, or other responsible local official to notify a foreclosing creditor, or their representative or agent as applicable, in the event that a commercial property in foreclosure becomes vacant and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code. The creditor would have the equivalent responsibility to abate the nuisance or correct the violation as the title owner, to the applicable standards. The municipality would include a description of the conditions that gave rise to the violation and would 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 bill permits the municipality to impose

authorized penalties. 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 appropriate notice, but failed to abate the nuisance or correct the violation as directed, the bill provides the municipality with the same recourse against the creditor as it would have against the title owner of the property to impose a lien pursuant to N.J.S.A.55:19-100.

This bill additionally repeals N.J.S.A.40:48-2.12s, an existing section of law concerning property registration, and replaces it with a new section to enhance clarity. This provision of the bill expressly authorizes a municipality to adopt an ordinance to: (1) create a property registration program for the identification and monitoring of residential and commercial properties in foreclosure; (2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties in foreclosure; and (3) impose property registration fees on creditors, on an annual or semi-annual basis. The bill requires an ordinance adopted for these purposes to:

(1) require the creditor filing a summons and complaint in an action to foreclose to register the residential or commercial property with the municipality's property registration program as a property in foreclosure;

(2) require the creditor to promptly update the property registration program in the event of a change in the contact information of a representative, agent, or individual authorized to accept service on behalf of a creditor required to register under the property registration program;

(3) require the creditor filing a summons and complaint in an action to foreclose to, if the registered property becomes vacant and abandoned, update the property registration with the municipality to reflect the change in the property's status;

(4) require that the creditor filing a summons and complaint in an action to foreclose would be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program;

(5) require a creditor located out-of-State shall to responsible for appointing an in-State representative or agent to act for the foreclosing creditor;

(6) identify any requirements that the municipality imposes on the creditor filing a summons and complaint in an action to foreclose on a property, that is or becomes vacant and abandoned, relating to the care, maintenance, security, and upkeep of the exterior of the property, including, but not limited to, any requirements to secure the property against unauthorized entry, post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State

representative or agent for the purpose of receiving service of process, or 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;

(7) identify any fees that may be imposed on the creditor in connection with the property registration program; and

(8) define the criteria, in accordance with guidance provided in the bill, under which a property would be considered vacant and abandoned.

The bill requires a property registration ordinance to authorize a public officer or appropriate public official to issue a notice to a foreclosing creditor, if determined to be in violation of the ordinance. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, the notice would require the violation to be corrected 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 bill permits a municipality to contract with and set the compensation of a private entity, pursuant to the “Local Public Contracts Law,” N.J.S.A.40A:11-1 et seq., to assist in the implementation and administration of the property registration program. The municipality would be able to delegate to the private entity any duties under the program, including, identifying properties subject to the registration requirements, maintaining and updating property registrations, communicating with creditors or appropriate representatives, invoicing and collecting payment from the creditors for such properties, and monitoring compliance. The bill restricts the authority of private contractors to retain fees, and expressly authorizes the Local Finance Board to adopt regulations concerning property registration contracts. The bill expressly authorizes shared service agreements with other local units.

The bill authorizes a municipality to impose an annual fee on a creditor required to register a property under the associated ordinance. The fee would not exceed: (1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (2) an additional \$2,000 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned, as defined in the associated ordinance, at any time thereafter while the property is in foreclosure.

The bill additionally directs that an out-of-State creditor subject to an ordinance adopted pursuant to the bill found by a court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance, would be subject to a fine of \$2,500 for each day of the violation. A creditor found by a court of competent jurisdiction to be in violation of certain

other aspects of the ordinance would be subject to a fine of \$1,500 for each day of the violation.

The bill will take effect immediately, except that municipalities with existing property registration programs would be provided until the first day of the seventh month next following the effective date to amend those ordinances to the extent necessary to make consistent with this bill.

As amended, this bill is identical to Senate Bill No. 1149 (2R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) omit the substantive provisions of the prior reprint of the bill, making substantive additions as provided for in the bill and changing the bill from establishing a registration requirement for all vacant and abandoned properties, to establishing the initiation of a foreclosure action as an event that requires a commercial property creditor to notify municipal officials of certain information concerning their representatives' identities and that of the property in foreclosure;

(2) model the requirement to register commercial property in foreclosure on a similar requirement for residential property under N.J.S.A.46:10B-51;

(3) add a findings and declarations section;

(4) repeal N.J.S.A.40:48-2.12s and recodify that section of law with substantive and technical changes as provided for in the bill, and amend existing law to reference the appropriate recodified provisions of this bill instead of N.J.S.A.40:48-2.12s, as necessary;

(5) revise the title, synopsis and effective date of the bill.

FISCAL IMPACT:

Fiscal information is currently unavailable for this bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2877

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 24, 2021

SUMMARY

- Synopsis:** Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties.
- Type of Impact:** Indeterminate annual impact on municipal finances.
- Agencies Affected:** Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Municipal Expenditures		Indeterminate Impact	
Municipal Revenue		Indeterminate Impact	

- The Office of Legislative Services (OLS) concludes that the bill would have an indeterminate impact on municipal finances depending on whether a municipality already administers a vacant and abandoned property registration program.
- If a municipality already operates a registration program, then the fiscal impact of the bill is expected to vary depending on whether this bill pre-empts any local ordinances governing existing property registration programs and on the degree to which any existing municipal program differs from that prescribed by the bill.
- If this bill does not pre-empt existing local ordinances governing registration of vacant and abandoned properties, then there would be no fiscal impact on municipalities that currently have a registration program. To the extent that this bill will pre-empt existing local ordinances, municipal revenues and expenditures could increase or decrease depending on how closely these existing municipal ordinances conform to this bill.

- By requiring municipalities to administer the registration of all vacant and abandoned properties located within their boundaries and allowing for the collection of registration, renewal, and penalty fees, the bill is expected to increase the expenditures and revenues of any municipality that currently does not administer a property registration program.

BILL DESCRIPTION

This bill would require the responsible party for a vacant and abandoned property to register such property with the municipality in which the property is located and would provide enforcement tools to help ensure that these properties are properly maintained.

The bill would establish a new registration requirement for all vacant and abandoned residential and commercial properties. A property would be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant for residential or business purposes, it cannot be legally reoccupied, and at least two conditions which indicate abandonment exist. The title holder or mortgage lender responsible for maintaining a property would be required to register such property.

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

A municipality would also be authorized to require responsible parties for vacant and abandoned properties to undertake certain protective measures regarding such properties after notifying the responsible party that the property is vacant. Specifically, a municipality would be able to require a responsible party to secure the property against unauthorized entry, post a sign on the property with pertinent contact information, and maintain liability insurance.

The bill would also establish penalties for violations of any of its provisions or any ordinance adopted pursuant thereto. Specifically, a responsible party would be liable to a penalty of not less than \$500 and not more than \$1,000 for a violation. If a greater penalty for such violations was established by a municipal ordinance adopted prior to the enactment of the bill, that greater penalty may continue to be imposed and collected. Each day that a violation continues would constitute an additional, separate, and distinct offense. The Superior Court, Law Division, in the county, or the municipal court of the municipality, in which the property is located would have jurisdiction to enforce the penalty.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill would have an indeterminate impact on municipal finances depending on whether a municipality already administers a vacant and abandoned property registration program. For example, the bill is expected to increase the expenditures and revenues of any municipality that does not currently administer a vacant and abandoned property registration program. However, if a municipality already operates a comparable registration program, then the fiscal impact of the bill is expected to vary depending on the degree to which the municipality's existing registration differs from that prescribed by the bill and whether this bill would pre-empt local ordinances governing existing property registration programs.

Fiscal Impact on Municipalities without Existing Registration Programs

Under the bill, the responsible party of any vacant and abandoned property would be required to register the property with the municipality in which it is located. Depending on the fees established by local ordinance, the responsible party could also be required to pay an initial registration fee of no greater than \$250 and an annual renewal fee of not more than \$750, depending on the extent to which property maintenance and code violations are discovered and abated on the property. Additionally, the responsible party of a vacant and abandoned property would be liable to pay a penalty of not less than \$500 and not more than \$1,000 for each day in which a violation occurs.

As a result, any municipality that has not already established a vacant and abandoned property registration program would be expected to experience increased expenditures and revenues as a result of the bill. Specifically, those municipalities would incur additional costs associated with administering the registration program and inspecting properties for maintenance and code violations. However, these anticipated cost increases may vary depending on: (1) the total number of vacant and abandoned property located within the municipality; and (2) whether the municipality hires a third-party contractor to conduct property inspections, thereby reducing the need to employ additional personnel. Absent this information, the OLS is unable to quantify the anticipated increase in expenditures that these municipalities would experience.

Additionally, these municipalities are expected to receive increased revenues due to the collection of registration, renewal, and penalty fees. However, the amount of increased revenue collected by each municipality would vary depending on: (1) the number of vacant and abandoned properties located within the municipality; (2) the registration, renewal, and penalty fees established by the municipality; and (3) the number of property maintenance or code violations identified at each property, and the rate at which those violations are abated. Given that the OLS lacks sufficient information to predict each of these factors, the OLS is unable to quantify the increase in revenue that these municipalities are expected to experience.

Fiscal Impact on Municipalities with Existing Registration Programs

Although the bill requires municipalities to administer vacant and abandoned property registration program, many municipalities have already adopted ordinances to establish comparable programs. It is unclear whether existing local ordinances regarding the registration of vacant and abandoned property would be pre-empted by this bill or if these property registration programs would be allowed to continue unaffected. If this bill does not pre-empt existing local ordinances governing registration of vacant and abandoned properties, then there would be no fiscal impact on municipalities that currently have a registration program. To the extent that this

bill does pre-empt existing local ordinances, municipal revenues and expenditures could increase or decrease depending on how closely these municipal ordinances conform to this bill.

For example, the OLS notes that if this bill pre-empts local ordinances, then the bill could decrease the expenditures and revenues of certain municipalities if fewer vacant and abandoned properties would be subject to registration under the bill compared to the municipality's existing ordinance. Under the bill, any property that meets the following definition of vacant and abandoned property would be subject to the registration requirement: any residential or commercial property that is not legally occupied, which is in such condition that it cannot be legally occupied, and at which at least two indications of abandonment exist, such as overgrown vegetation, an accumulation of newspapers, disconnected utility services, and other reasonable indications of abandonment.

However, according to an examination of existing municipal registration programs, numerous municipalities currently define vacant and abandoned property more broadly than the bill, thereby potentially causing a greater number of properties to be registered with the municipality than would be required under the bill. For example, in addition to those properties qualifying as vacant and abandoned property under the bill, it appears that numerous municipalities also require the registration of any properties that have been designated as abandoned property pursuant to the Abandoned Properties Rehabilitation Act. Under this law, a public officer of the municipality may deem a property to be abandoned if the property has not been occupied for six months and certain additional criteria are met.

Assuming that certain properties, which have been designated as abandoned pursuant to the Abandoned Properties Rehabilitation Act, would not qualify as vacant and abandoned property under the bill, it is possible that the size of certain municipal vacant and abandoned property registries could decrease as result of the bill, thereby reducing expenditures and revenues for those municipalities. Conversely, if the bill's definition of vacant and abandoned property is broader than a municipality's existing ordinance, then the bill could increase the expenditures and revenues of that municipality by requiring more properties to become registered.

The OLS also notes that the fiscal impact of the bill could vary depending on the rate at which a municipality currently requires the renewal of a vacant and abandoned property registration. For example, if a municipality currently requires the registration of vacant and abandoned properties to be renewed every other year, then the bill would be expected to increase revenues due to the collection of additional renewal fees.

Due to information constraints, the OLS is unable to analyze the differences between the requirements of each existing vacant and abandoned property registration ordinance and those prescribed by the bill. As a result, the OLS is unable to estimate the fiscal impact of the bill on those municipalities that have already established comparable registration programs.

Section: Local Government

*Analyst: Benjamin A. Levy
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 2877

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JANUARY 18, 2022

SUMMARY

- Synopsis:** Concerns municipal property registration ordinances to address risk of blight.
- Type of Impact:** Potential annual cost increases to local governments; potential annual revenue increases to local governments
- Agencies Affected:** Municipalities

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Potential Local Cost Increase		Indeterminate	
Potential Local Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) determines that the bill may result in an indeterminate increase in annual local government expenditures for the administrative functions associated with the bill's requirement that creditors provide notification to municipalities regarding foreclosures on commercial properties and for municipalities to provide notification to creditors of their responsibility to abate nuisances and violations of commercial properties that are in foreclosure.
- Local governments may expend additional monies to abate violations and nuisances to the extent that the creditor notification requirement increases the awareness of blighted commercial properties within a municipality and the municipality chooses to address these violations and nuisances. The OLS notes that municipalities currently have this authority.
- Municipalities may impose penalties and enforce liens against creditors of commercial properties for failing to remedy violations and nuisances identified by the municipality, which would increase annual local government revenues. Local governments with a property registration program created by ordinance may also impose fees on creditors, which would further increase annual revenues in these municipalities.

BILL DESCRIPTION

The bill enhances the guidance provided to local government for establishing property registration policies to address the risk of blight. The bill requires that a creditor that has initiated a foreclosure proceeding on a commercial property to provide the municipal clerk with a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending.

The bill requires the municipal clerk or other responsible local official to notify a foreclosing creditor in the event that a commercial property in foreclosure becomes vacant and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code. The creditor would have the responsibility to abate the nuisance or correct the violation. If the creditor fails to remedy the violation within a specified period, the bill permits the municipality to impose penalties. 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 appropriate notice, but failed to abate the nuisance or correct the violation as directed, the bill provides the municipality with the same recourse against the creditor as it would have against the title owner of the property to enforce a lien pursuant to current law.

The bill also authorizes a municipality to adopt an ordinance to: (1) create a property registration program for the identification and monitoring of residential and commercial properties in foreclosure; (2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties in foreclosure; and (3) impose property registration fees on creditors, on an annual or semi-annual basis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill may result in an indeterminate increase in annual local government expenditures for the administrative functions associated with the bill's requirement that creditors provide notification to municipalities regarding foreclosures on commercial properties and for municipalities to provide notification to creditors of their responsibility to abate nuisances and violations of commercial properties that are in foreclosure. Local governments may expend additional monies to abate violations and nuisances to the extent that the creditor notification requirement increases the awareness of blighted commercial properties within a municipality and the municipality chooses to address these violations and nuisances. The OLS notes that municipalities currently have this authority.

Municipalities may impose penalties and enforce liens against creditors of commercial properties for failing to remedy violations and nuisances identified by the municipality, which would increase local government revenues. Local governments with a property registration program created by ordinance may also impose fees on creditors, which would further increase annual revenues in these municipalities.

Section: Local Government

*Analyst: Abigail Stoyer
Assistant Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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.

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
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.

33

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.

39

40

41

STATEMENT

42

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

6

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

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1149

STATE OF NEW JERSEY

DATED: OCTOBER 8, 2020

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 1149.

This bill would require the responsible party for a vacant and abandoned property to register such property with the municipality in which the property is located and would provide enforcement tools to help ensure that these properties are properly maintained.

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

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

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

The bill would also establish penalties for violations of any of its provisions or any ordinance adopted pursuant thereto. Specifically,

a responsible party would be liable to a penalty of not less than \$500 and not more than \$1,000 for a violation. If a greater penalty for such violations was established by a municipal ordinance adopted prior to the enactment of the bill, that greater penalty may continue to be imposed and collected. Each day that a violation continues would constitute an additional, separate, and distinct offense. Any penalty imposed under the bill would 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 would have jurisdiction to enforce the penalty.

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

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1149

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1149 (1R), with committee amendments.

As amended, this bill enhances the guidance provided to local government for establishing property registration policies to address the risk of blight.

Within 10 days after serving a summons and complaint in a foreclosure action on a commercial property, this bill requires a creditor to notify the municipal clerk and mayor or other chief executive of the municipality. This notice would contain the full name, and contact information for the representative of the creditor who is responsible for receiving property maintenance and code violation complaints, the person retained by the creditor for property care, maintenance, security or upkeep. Regarding out-of-State creditors, the bill also requires contact information to be provided for an in-State representative. The bill also requires the creditor to provide prompt notification of any change to the initially-provided contact information.

The bill further requires that, within 30 days following its effective date, a creditor that has initiated a foreclosure proceeding on a commercial property would provide the municipal clerk with a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending.

The bill requires the municipal clerk, or other responsible local official to notify a foreclosing creditor, or their representative or agent as applicable, in the event that a commercial property in foreclosure becomes vacant and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code. The creditor would have the equivalent responsibility to abate the nuisance or correct the violation as the title owner, to the applicable standards. The municipality would include a description of the conditions that gave rise to the violation and would 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 bill permits the municipality to impose

authorized penalties. 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 appropriate notice, but failed to abate the nuisance or correct the violation as directed, the bill provides the municipality with the same recourse against the creditor as it would have against the title owner of the property to impose a lien pursuant to N.J.S.A.55:19-100.

This bill additionally repeals N.J.S.A.40:48-2.12s, an existing section of law concerning property registration, and replaces it with a new section to enhance clarity. This provision of the bill expressly authorizes a municipality to adopt an ordinance to: (1) create a property registration program for the identification and monitoring of residential and commercial properties in foreclosure; (2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties in foreclosure; and (3) impose property registration fees on creditors, on an annual or semi-annual basis. The bill requires an ordinance adopted for these purposes to:

(1) require the creditor filing a summons and complaint in an action to foreclose to register the residential or commercial property with the municipality's property registration program as a property in foreclosure;

(2) require the creditor to promptly update the property registration program in the event of a change in the contact information of a representative, agent, or individual authorized to accept service on behalf of a creditor required to register under the property registration program;

(3) require the creditor filing a summons and complaint in an action to foreclose to, if the registered property becomes vacant and abandoned, update the property registration with the municipality to reflect the change in the property's status;

(4) require that the creditor filing a summons and complaint in an action to foreclose would be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program;

(5) require a creditor located out-of-State shall to responsible for appointing an in-State representative or agent to act for the foreclosing creditor;

(6) identify any requirements that the municipality imposes on the creditor filing a summons and complaint in an action to foreclose on a property, that is or becomes vacant and abandoned, relating to the care, maintenance, security, and upkeep of the exterior of the property, including, but not limited to, any requirements to secure the property against unauthorized entry, post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State

representative or agent for the purpose of receiving service of process, or 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;

(7) identify any fees that may be imposed on the creditor in connection with the property registration program; and

(8) define the criteria, in accordance with guidance provided in the bill, under which a property would be considered vacant and abandoned.

The bill requires a property registration ordinance to authorize a public officer or appropriate public official to issue a notice to a foreclosing creditor, if determined to be in violation of the ordinance. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, the notice would require the violation to be corrected 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 bill permits a municipality to contract with and set the compensation of a private entity, pursuant to the “Local Public Contracts Law,” N.J.S.A.40A:11-1 et seq., to assist in the implementation and administration of the property registration program. The municipality would be able to delegate to the private entity any duties under the program, including, identifying properties subject to the registration requirements, maintaining and updating property registrations, communicating with creditors or appropriate representatives, invoicing and collecting payment from the creditors for such properties, and monitoring compliance. The bill restricts the authority of private contractors to retain fees, and expressly authorizes the Local Finance Board to adopt regulations concerning property registration contracts. The bill expressly authorizes shared service agreements with other local units.

The bill authorizes a municipality to impose an annual fee on a creditor required to register a property under the associated ordinance. The fee would not exceed: (1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (2) an additional \$2,000 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned, as defined in the associated ordinance, at any time thereafter while the property is in foreclosure.

The bill additionally directs that an out-of-State creditor subject to an ordinance adopted pursuant to the bill found by a court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance, would be subject to a fine of \$2,500 for each day of the violation. A creditor found by a court of competent jurisdiction to be in violation of certain

other aspects of the ordinance would be subject to a fine of \$1,500 for each day of the violation.

The bill will take effect immediately, except that municipalities with existing property registration programs would be provided until the first day of the seventh month next following the effective date to amend those ordinances to the extent necessary to make consistent with this bill.

As amended, this bill is identical to Assembly Bill No. 2877 (2R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) omit the substantive provisions of the prior reprint of the bill, making substantive additions as provided for in the bill and changing the bill from establishing a registration requirement for all vacant and abandoned properties, to establishing the initiation of a foreclosure action as an event that requires a commercial property creditor to notify municipal officials of certain information concerning their representatives' identities and that of the property in foreclosure;

(2) model the requirement to register commercial property in foreclosure on a similar requirement for residential property under N.J.S.A.46:10B-51;

(3) add a findings and declarations section;

(4) repeal N.J.S.A.40:48-2.12s and recodify that section of law with substantive and technical changes as provided for in the bill, and amend existing law to reference the appropriate recodified provisions of this bill instead of N.J.S.A.40:48-2.12s, as necessary; and

(5) revise the title, synopsis and effective date of the bill.

FISCAL IMPACT:

Fiscal information is currently unavailable for this bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1149

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1149 (1R), with committee amendments.

As amended, this bill enhances the guidance provided to local government for establishing property registration policies to address the risk of blight.

Within 10 days after serving a summons and complaint in a foreclosure action on a commercial property, this bill requires a creditor to notify the municipal clerk and mayor or other chief executive of the municipality. This notice would contain the full name, and contact information for the representative of the creditor who is responsible for receiving property maintenance and code violation complaints, the person retained by the creditor for property care, maintenance, security or upkeep. Regarding out-of-State creditors, the bill also requires contact information to be provided for an in-State representative. The bill also requires the creditor to provide prompt notification of any change to the initially-provided contact information.

The bill further requires that, within 30 days following its effective date, a creditor that has initiated a foreclosure proceeding on a commercial property would provide the municipal clerk with a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending.

The bill requires the municipal clerk, or other responsible local official to notify a foreclosing creditor, or their representative or agent as applicable, in the event that a commercial property in foreclosure becomes vacant and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code. The creditor would have the equivalent responsibility to abate the nuisance or correct the violation as the title owner, to the applicable standards. The municipality would include a description of the conditions that gave rise to the violation and would 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 bill permits the municipality to impose

authorized penalties. 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 appropriate notice, but failed to abate the nuisance or correct the violation as directed, the bill provides the municipality with the same recourse against the creditor as it would have against the title owner of the property to impose a lien pursuant to N.J.S.A.55:19-100.

This bill additionally repeals N.J.S.A.40:48-2.12s, an existing section of law concerning property registration, and replaces it with a new section to enhance clarity. This provision of the bill expressly authorizes a municipality to adopt an ordinance to: (1) create a property registration program for the identification and monitoring of residential and commercial properties in foreclosure; (2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties in foreclosure; and (3) impose property registration fees on creditors, on an annual or semi-annual basis. The bill requires an ordinance adopted for these purposes to:

(1) require the creditor filing a summons and complaint in an action to foreclose to register the residential or commercial property with the municipality's property registration program as a property in foreclosure;

(2) require the creditor to promptly update the property registration program in the event of a change in the contact information of a representative, agent, or individual authorized to accept service on behalf of a creditor required to register under the property registration program;

(3) require the creditor filing a summons and complaint in an action to foreclose to, if the registered property becomes vacant and abandoned, update the property registration with the municipality to reflect the change in the property's status;

(4) require that the creditor filing a summons and complaint in an action to foreclose would be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program;

(5) require a creditor located out-of-State shall to responsible for appointing an in-State representative or agent to act for the foreclosing creditor;

(6) identify any requirements that the municipality imposes on the creditor filing a summons and complaint in an action to foreclose on a property, that is or becomes vacant and abandoned, relating to the care, maintenance, security, and upkeep of the exterior of the property, including, but not limited to, any requirements to secure the property against unauthorized entry, post a sign affixed to the inside of the property and visible to the public indicating the name, address, and telephone number of the creditor or an out-of-State creditor's in-State

representative or agent for the purpose of receiving service of process, or 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;

(7) identify any fees that may be imposed on the creditor in connection with the property registration program; and

(8) define the criteria, in accordance with guidance provided in the bill, under which a property would be considered vacant and abandoned.

The bill requires a property registration ordinance to authorize a public officer or appropriate public official to issue a notice to a foreclosing creditor, if determined to be in violation of the ordinance. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, the notice would require the violation to be corrected 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 bill permits a municipality to contract with and set the compensation of a private entity, pursuant to the “Local Public Contracts Law,” N.J.S.A.40A:11-1 et seq., to assist in the implementation and administration of the property registration program. The municipality would be able to delegate to the private entity any duties under the program, including, identifying properties subject to the registration requirements, maintaining and updating property registrations, communicating with creditors or appropriate representatives, invoicing and collecting payment from the creditors for such properties, and monitoring compliance. The bill restricts the authority of private contractors to retain fees, and expressly authorizes the Local Finance Board to adopt regulations concerning property registration contracts. The bill expressly authorizes shared service agreements with other local units.

The bill authorizes a municipality to impose an annual fee on a creditor required to register a property under the associated ordinance. The fee would not exceed: (1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (2) an additional \$2,000 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned, as defined in the associated ordinance, at any time thereafter while the property is in foreclosure.

The bill additionally directs that an out-of-State creditor subject to an ordinance adopted pursuant to the bill found by a court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance, would be subject to a fine of \$2,500 for each day of the violation. A creditor found by a court of competent jurisdiction to be in violation of certain

other aspects of the ordinance would be subject to a fine of \$1,500 for each day of the violation.

The bill will take effect immediately, except that municipalities with existing property registration programs would be provided until the first day of the seventh month next following the effective date to amend those ordinances to the extent necessary to make consistent with this bill.

As amended, this bill is identical to Assembly Bill No. 2877 (2R), which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) omit the substantive provisions of the prior reprint of the bill, making substantive additions as provided for in the bill and changing the bill from establishing a registration requirement for all vacant and abandoned properties, to establishing the initiation of a foreclosure action as an event that requires a commercial property creditor to notify municipal officials of certain information concerning their representatives' identities and that of the property in foreclosure;

(2) model the requirement to register commercial property in foreclosure on a similar requirement for residential property under N.J.S.A.46:10B-51;

(3) add a findings and declarations section;

(4) repeal N.J.S.A.40:48-2.12s and recodify that section of law with substantive and technical changes as provided for in the bill, and amend existing law to reference the appropriate recodified provisions of this bill instead of N.J.S.A.40:48-2.12s, as necessary; and

(5) revise the title, synopsis and effective date of the bill.

FISCAL IMPACT:

Fiscal information is currently unavailable for this bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1149 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: DECEMBER 23, 2021

SUMMARY

- Synopsis:** Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties.
- Type of Impact:** Indeterminate annual impact on municipal finances.
- Agencies Affected:** Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Municipal Expenditures		Indeterminate Impact	
Municipal Revenue		Indeterminate Impact	

- The Office of Legislative Services (OLS) concludes that the bill would have an indeterminate impact on municipal finances depending on whether a municipality already administers a vacant and abandoned property registration program.
- If a municipality already operates a registration program, then the fiscal impact of the bill is expected to vary depending on whether this bill pre-empts any local ordinances governing existing property registration programs and on the degree to which any existing municipal program differs from that prescribed by the bill.
- If this bill does not pre-empt existing local ordinances governing registration of vacant and abandoned properties, then there would be no fiscal impact on municipalities that currently have a registration program. To the extent that this bill will pre-empt existing local ordinances, municipal revenues and expenditures could increase or decrease depending on how closely these existing municipal ordinances conform to this bill.
- By requiring municipalities to administer the registration of all vacant and abandoned properties located within their boundaries and allowing for the collection of registration,

renewal, and penalty fees, the bill is expected to increase the expenditures and revenues of any municipality that currently does not administer a property registration program.

BILL DESCRIPTION

This bill would require the responsible party for a vacant and abandoned property to register such property with the municipality in which the property is located and would provide enforcement tools to help ensure that these properties are properly maintained.

The bill would establish a new registration requirement for all vacant and abandoned residential and commercial properties. A property would be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant for residential or business purposes, it cannot be legally reoccupied, and at least two conditions which indicate abandonment exist. The title holder or mortgage lender responsible for maintaining a property would be required to register such property.

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

A municipality would also be authorized to require responsible parties for vacant and abandoned properties to undertake certain protective measures regarding such properties after notifying the responsible party that the property is vacant. Specifically, a municipality would be able to require a responsible party to secure the property against unauthorized entry, post a sign on the property with pertinent contact information, and maintain liability insurance.

The bill would also establish penalties for violations of any of its provisions or any ordinance adopted pursuant thereto. Specifically, a responsible party would be liable to a penalty of not less than \$500 and not more than \$1,000 for a violation. If a greater penalty for such violations was established by a municipal ordinance adopted prior to the enactment of the bill, that greater penalty may continue to be imposed and collected. Each day that a violation continues would constitute an additional, separate, and distinct offense. The Superior Court, Law Division, in the county, or the municipal court of the municipality, in which the property is located would have jurisdiction to enforce the penalty.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill would have an indeterminate impact on municipal finances depending on whether a municipality already administers a vacant and abandoned property registration program. For example, the bill is expected to increase the expenditures and revenues of any municipality that does not currently administer a vacant and abandoned property registration program. However, if a municipality already operates a comparable registration program, then the fiscal impact of the bill is expected to vary depending on the degree to which the municipality's existing registration differs from that prescribed by the bill and whether this bill would pre-empt local ordinances governing existing property registration programs.

Fiscal Impact on Municipalities without Existing Registration Programs

Under the bill, the responsible party of any vacant and abandoned property would be required to register the property with the municipality in which it is located. Depending on the fees established by local ordinance, the responsible party could also be required to pay an initial registration fee of no greater than \$250 and an annual renewal fee of not more than \$750, depending on the extent to which property maintenance and code violations are discovered and abated on the property. Additionally, the responsible party of a vacant and abandoned property would be liable to pay a penalty of not less than \$500 and not more than \$1,000 for each day in which a violation occurs.

As a result, any municipality that has not already established a vacant and abandoned property registration program would be expected to experience increased expenditures and revenues as a result of the bill. Specifically, those municipalities would incur additional costs associated with administering the registration program and inspecting properties for maintenance and code violations. However, these anticipated cost increases may vary depending on: (1) the total number of vacant and abandoned property located within the municipality; and (2) whether the municipality hires a third-party contractor to conduct property inspections, thereby reducing the need to employ additional personnel. Absent this information, the OLS is unable to quantify the anticipated increase in expenditures that these municipalities would experience.

Additionally, these municipalities are expected to receive increased revenues due to the collection of registration, renewal, and penalty fees. However, the amount of increased revenue collected by each municipality would vary depending on: (1) the number of vacant and abandoned properties located within the municipality; (2) the registration, renewal, and penalty fees established by the municipality; and (3) the number of property maintenance or code violations identified at each property, and the rate at which those violations are abated. Given that the OLS lacks sufficient information to predict each of these factors, the OLS is unable to quantify the increase in revenue that these municipalities are expected to experience.

Fiscal Impact on Municipalities with Existing Registration Programs

Although the bill requires municipalities to administer vacant and abandoned property registration program, many municipalities have already adopted ordinances to establish comparable programs. It is unclear whether existing local ordinances regarding the registration of vacant and abandoned property would be pre-empted by this bill or if these property registration programs would be allowed to continue unaffected. If this bill does not pre-empt existing local ordinances governing registration of vacant and abandoned properties, then there would be no fiscal impact on municipalities that currently have a registration program. To the extent that this

bill does pre-empt existing local ordinances, municipal revenues and expenditures could increase or decrease depending on how closely these municipal ordinances conform to this bill.

For example, the OLS notes that if this bill pre-empts local ordinances, then the bill could decrease the expenditures and revenues of certain municipalities if fewer vacant and abandoned properties would be subject to registration under the bill compared to the municipality's existing ordinance. Under the bill, any property that meets the following definition of vacant and abandoned property would be subject to the registration requirement: any residential or commercial property that is not legally occupied, which is in such condition that it cannot be legally occupied, and at which at least two indications of abandonment exist, such as overgrown vegetation, an accumulation of newspapers, disconnected utility services, and other reasonable indications of abandonment.

However, according to an examination of existing municipal registration programs, numerous municipalities currently define vacant and abandoned property more broadly than the bill, thereby potentially causing a greater number of properties to be registered with the municipality than would be required under the bill. For example, in addition to those properties qualifying as vacant and abandoned property under the bill, it appears that numerous municipalities also require the registration of any properties that have been designated as abandoned property pursuant to the Abandoned Properties Rehabilitation Act. Under this law, a public officer of the municipality may deem a property to be abandoned if the property has not been occupied for six months and certain additional criteria are met.

Assuming that certain properties, which have been designated as abandoned pursuant to the Abandoned Properties Rehabilitation Act, would not qualify as vacant and abandoned property under the bill, it is possible that the size of certain municipal vacant and abandoned property registries could decrease as result of the bill, thereby reducing expenditures and revenues for those municipalities. Conversely, if the bill's definition of vacant and abandoned property is broader than a municipality's existing ordinance, then the bill could increase the expenditures and revenues of that municipality by requiring more properties to become registered.

The OLS also notes that the fiscal impact of the bill could vary depending on the rate at which a municipality currently requires the renewal of a vacant and abandoned property registration. For example, if a municipality currently requires the registration of vacant and abandoned properties to be renewed every other year, then the bill would be expected to increase revenues due to the collection of additional renewal fees.

Due to information constraints, the OLS is unable to analyze the differences between the requirements of each existing vacant and abandoned property registration ordinance and those prescribed by the bill. As a result, the OLS is unable to estimate the fiscal impact of the bill on those municipalities that have already established comparable registration programs.

Section: Local Government

*Analyst: Abigail Stoyer
Assistant Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1149 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JANUARY 18, 2022

SUMMARY

- Synopsis:** Concerns municipal property registration ordinances to address risk of blight.
- Type of Impact:** Potential annual cost increases to local governments; potential annual revenue increases to local governments
- Agencies Affected:** Municipalities

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Potential Local Cost Increase		Indeterminate	
Potential Local Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) determines that the bill may result in an indeterminate increase in annual local government expenditures for the administrative functions associated with the bill's requirement that creditors provide notification to municipalities regarding foreclosures on commercial properties and for municipalities to provide notification to creditors of their responsibility to abate nuisances and violations of commercial properties that are in foreclosure.
- Local governments may expend additional monies to abate violations and nuisances to the extent that the creditor notification requirement increases the awareness of blighted commercial properties within a municipality and the municipality chooses to address these violations and nuisances. The OLS notes that municipalities currently have this authority.
- Municipalities may impose penalties and enforce liens against creditors of commercial properties for failing to remedy violations and nuisances identified by the municipality, which would increase annual local government revenues. Local governments with a property registration program created by ordinance may also impose fees on creditors, which would further increase annual revenues in these municipalities.

BILL DESCRIPTION

The bill enhances the guidance provided to local government for establishing property registration policies to address the risk of blight. The bill requires that a creditor that has initiated a foreclosure proceeding on a commercial property to provide the municipal clerk with a listing of all commercial properties in the municipality for which the creditor has foreclosure actions pending.

The bill requires the municipal clerk or other responsible local official to notify a foreclosing creditor in the event that a commercial property in foreclosure becomes vacant and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code. The creditor would have the responsibility to abate the nuisance or correct the violation. If the creditor fails to remedy the violation within a specified period, the bill permits the municipality to impose penalties. 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 appropriate notice, but failed to abate the nuisance or correct the violation as directed, the bill provides the municipality with the same recourse against the creditor as it would have against the title owner of the property to enforce a lien pursuant to current law.

The bill also authorizes a municipality to adopt an ordinance to: (1) create a property registration program for the identification and monitoring of residential and commercial properties in foreclosure; (2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties in foreclosure; and (3) impose property registration fees on creditors, on an annual or semi-annual basis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill may result in an indeterminate increase in annual local government expenditures for the administrative functions associated with the bill's requirement that creditors provide notification to municipalities regarding foreclosures on commercial properties and for municipalities to provide notification to creditors of their responsibility to abate nuisances and violations of commercial properties that are in foreclosure. Local governments may expend additional monies to abate violations and nuisances to the extent that the creditor notification requirement increases the awareness of blighted commercial properties within a municipality and the municipality chooses to address these violations and nuisances. The OLS notes that municipalities currently have this authority.

Municipalities may impose penalties and enforce liens against creditors of commercial properties for failing to remedy violations and nuisances identified by the municipality, which would increase local government revenues. Local governments with a property registration program created by ordinance may also impose fees on creditors, which would further increase annual revenues in these municipalities.

Section: Local Government

*Analyst: Abigail Stoyer
Assistant Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

01/18/2022

TRENTON – Governor Murphy today signed the following bills:

S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttle, Wimberly, Mosquera, Downey, Chiaravalloti) – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttle, Downey, Mosquera, Lampitt, Benson) - Establishes mandatory domestic violence training for municipal prosecutors

S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji) – Adjusts statute of limitations on damage claim for construction defect in common interest communities

S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttle, Downey) – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez) – Revises reporting requirements for charitable organizations and non-profit corporations

S-867/A-2316 (Pou/Jimenez, Giblin, Johnson) – Permits physical therapists to perform dry needling under certain circumstances

S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy) – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

S-969WGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

S-994/A-6248 (Sweeney, Singleton/Lopez) – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson) – Restricts use of neonicotinoid pesticides

S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo) – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer) – “New Jersey Insurance Fair Conduct Act”

S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttle) – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – Creates special education unit within the Office of Administrative Law; requires annual report

SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon) – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake) – “21st Century Integrated Digital Experience Act”

S-2830/A-5291 (Ruiz, Singleton/Quijano) – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey) – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji) – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli) – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

S-3081/A-5219 (Singleton/McKeon, Dunn) – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttle, Giblin) – Creates NJ Legislative Youth Council

S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji) – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake) – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space) – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

S-3493/A-5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight) – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

S-3539/A5409 (T. Kean, Gopal/Houghtaling) – Directs DEP to establish grant program for local governments to support development of community gardens

S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli) – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight) – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

S-3673/A-6219 (Gopal, Greenstein/Burzichelli) – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji) – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker) – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak) – Establishes Commission on Asian American Heritage in DOE

S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano) – “Responsible Collective Negotiations Act”

S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak) – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo) – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson) – Establishes database of certain appointed positions and elected offices

S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter) – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley) – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

S-4043/A-6005 (Cunningham/Jasey, Greenwald) – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

S-4063/A-6220 (Sweeney/Giblin, Egan) – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick) – Revises elective pass-through entity business alternative income tax

S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter) – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker) – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer) – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin) – Concerns apprenticeship programs of public works contractors

S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji) – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker) – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji) – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez) – Limits fees charged to patients and authorized third parties for copies of medical and billing records

S-4252/A-6182 (Madden/Murphy, Chaparro) – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio) – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

A-798/S-52 (Verrelli, Vainieri Huttel, Armato/Singer, Greenstein) – Establishes local drug overdose fatality review teams

A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou) – Requires certain retailers to train employees on gift card fraud

A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou) – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

A-953/S-4031 (Karabinchak, Houghtaling/Pou) – Requires architects disclose insurance coverage

ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttel/Ruiz, Beach, Singleton) – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio) – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

A-1219wGR/S-1054 (Chaparro, McKnight/Stack) – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton) – Requires DCA to make information on homeless prevention programs and services available on its Internet website

A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal) – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari) – Establishes “New Jersey Nonprofit Security Grant Program”

A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou) – Establishes Statewide database of beds in shelters for the homeless

A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack) – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack) – Concerns information on property condition disclosure statement

A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal) – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz) – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal) – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach) – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco) – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou) – “Defense Against Porch Pirates Act”; amends theft statute

A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner) – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – Allows deduction of promotional gaming credit from gross revenue on sports wagering

A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith) – Creates program in Department of Agriculture for deer fencing on certain farmland

A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer) – Establishes minimum Medicaid reimbursement rate for adult medical day care services

A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou) – Requires DHS to conduct biennial survey of SNAP experience

ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan) – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein) – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz) – Establishes Student Wellness Grant Program in DOE

A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden) – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner) – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner) – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton) – Expands offenses eligible for expungement upon successful discharge from drug court

A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach) – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal) – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco) – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman) – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden) – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi) – Provides for employment by State of certain persons with disabilities

A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean) – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden) – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach) – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden) – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan) – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon) – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal) – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey) – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham) – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

A-6073/S-4140 (Verrelli/Vitale) – Temporarily waives certain basic life support services crewmember requirements

A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal) – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden) – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal) – Permits volunteer paramedics to operate within mobile intensive care units

A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari) – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou) – Revises penalties for transfer of certain professional and occupational licenses

A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz) – Revises and renames Office of Food Insecurity Advocate

A-6162/S-4246 (Benson, Stanley/Gopal) – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

A-6205/S-4270 (Coughlin, McKeon/Pou) – Amends certain requirements concerning insurance holding companies

A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho) – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney) – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez) – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho) – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein) – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein) – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado) – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith) – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith) – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein) – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

A-6246/S-4295 (Karabinchak/Sweeney) – Concerns changes in control of hotels and disruptions of hotel services

A-6257/S-4311 (McKnight/Sweeney, Singleton) – Imposes surcharge on casino hotel occupancies to fund public safety services

A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Appropriates \$2 million to Legislative Services Commission

Governor Murphy pocket vetoed the following bills:

S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight) – Establishes requirements for sale of cottage food products

S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight) – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy) – Authorizes use of disability benefits for transportation provided by transportation network companies

S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy) – Requires paint producers to implement or participate in paint stewardship program

S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter) – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji) – Revises out-of-network arbitration process

S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn) – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

S-3715/A-5804 (Cryan/Quijano, Mukherji) – Modifies certain definitions related to transient accommodation taxes and fees

S-4189/A-6112 (Vitale, Cruz-Perez/Lopez) – Permits PERS retiree to return to elective public office after retirement under certain circumstances

A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon) – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach) – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho) – Provides temporary exemption under sales and use tax for winterizing certain small business operations

A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean) – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana) – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

A-6033/S-4194 (Bramnick/Sweeney, T. Kean) – Classifies golf caddies as independent contractors for purposes of State employment laws

A-6157/S-4202 (Speight, Moen/Ruiz, Beach) – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances

