

ORDINANCE 8 - 2022

ORDINANCE AMENDING CHAPTER 520 (PROPERTY MAINTENANCE) OF THE GREENWICH TOWNSHIP CODE AS IT RELATES TO VACANT, ABANDONED AND FORECLOSED PROPERTIES WITHIN THE TOWNSHIP OF GREENWICH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY

WHEREAS, Chapter 520, Article II of the Greenwich Township Code addresses Property Maintenance for Vacant, Abandoned and Foreclosed Properties; and

WHEREAS, P.L. 2021, Chapter 444 was approved on January 18, 2022 in an effort to assist municipalities addressing the increased risk of blight and to create uniformity across the State of New Jersey in addressing these risks; and

WHEREAS, certain amendments to the Chapter 520 are necessary in order to comply with this newly enacted law and to establish a more comprehensive property registration program that will identify multiple parties responsible to address safety and aesthetic concerns to minimize the negative impact and conditions that occur as a result of vacancy, absentee ownership and the foreclosure process and

WHEREAS, the Mayor and Council recognize that it is in the best interest of the public health, safety and welfare to establish to establish a more regulated method to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Greenwich, Gloucester County, New Jersey that the Greenwich Township Code is hereby amended as follows:

SECTION 1. The following shall be added to **Section 520-4 Definitions.**

All words, terms, and phrases used within this Article shall be defined and interpreted consistent with their meanings as outlined within P.L. 2021, c. 444 as may be amended from time to time.

CREDITOR

A State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the Jersey Residential Mortgage Lending sections 1 through 21 39 of P.L. 2009, c. 53(C.17:11C-51 through C.17:11C-89), and any entity, agent, or assignee acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. A creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

VACANT AND ABANDONED

- (1) The property is not legally occupied by a mortgagor or tenant, and
- (2) The property is not legally reoccupied, because of at least two (2) of the following conditions:
 - (a) overgrown or neglected vegetation;
 - (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
 - (c) disconnected gas, electric, or water utility services to the property;
 - (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - (e) the accumulation of junk, litter, trash, or debris on the property;
 - (f) the absence of window treatments such as blinds, curtains, or shutters;
 - (g) the absence of furnishings and personal items;
 - (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
 - (i) windows or entrances to the property that are boarded up or closed off, or multiple windowpanes that are damaged, broken, and unrepaired;
 - (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
 - (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
 - (l) an uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
 - (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

SECTION 2. §520-6 Establishment of Registry shall be amended to add the following:

(a) The Township of Greenwich shall create and maintain a registry of all commercial and/or residential properties within its municipal boundary for which a summons and complaint in an action to foreclose has been filed with the New Jersey Superior Court, pursuant to its authority granted by P.L. 2021, c. 444. This registry will be formed and maintained to assist the Township with regulating the maintenance, security, and upkeep of properties which may become vacant and abandoned during the foreclosure process, in order to prevent the deleterious effects of blight associated with vacant and abandoned properties that are not maintained.

(b) The Township of Greenwich may, at its discretion, create, maintain and administer this registry independently, retain the professional services of a third party pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., or participate in a Shared Services Agreement with other local units, counties, and/or County Improvement Authorities for the creation, maintenance and administration of the registry pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

(c) Any third parties retained to create, maintain, and/or administer the registry shall have the authority, on behalf of the Township to:

- (1) Identify properties subject to the registration requirement;
- (2) Maintain and update the registration list;
- (3) Communicate with creditors and/or in-state representatives;
- (4) Invoice and collect payment of fees;
- (5) Monitor compliance; and
- (6) Such other functions, within the scope of P.L. 2021, c. 444, which may be deemed necessary to carry out its function on behalf of the Borough.

(d) Any third parties retained to create, maintain, and/or administer the registry shall be required to comply with the following reporting and payment requirements:

- (1) Any and all amounts collected by the third party as part of its administration of the registry, including registration fees, interest, and penalties, shall be paid, in full directly to the Township of Greenwich, or County of Gloucester as applicable, not less than once per year, or as otherwise directed by the Township. No fees, payments, expenses, or other deductions shall be made from this payment; payment for any third services under this Article shall be made by the Township, or as applicable, the County directly to the third party, under the terms and conditions outlined within the contract for professional services.
- (2) Not less than once per year on the first business day of each calendar year, or as

otherwise may be requested by the Tax Collector, any third party administering the Township's registry shall file with the Tax Collector a certification identifying:

- a) The address, block, lot, and contact information of any property for which registration fees under this Article are due and owing at the time of the certification;
- (b) The amount of the registration fees, and separately, any interest, fines, and other penalties due and owing at the time of the certification; and,
- (c) The date on which the property became eligible for inclusion on the Township's registry.

(e) The Municipal Clerk or his or her designee shall serve as the municipal official responsible for notifying creditors, establishing, and maintaining the registry, determining eligibility for designation as a vacant and abandoned property under this Article, and for imposing fees, penalties, and/or violations. The responsibilities herein may be designated to a third party, pursuant to the terms and conditions of a contract for professional services consistent with P.L. 20201, c. 444.

SECTION 3. §520-7 Registration of Abandoned Real Property shall be repealed. The following shall be inserted in its place:

§520-7. REGISTRATION, NOTICE, AND OTHER CREDITOR REQUIREMENTS

- (a) Within 30 days of the effective date of this Ordinance, any creditor who has initiated a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the Township of Greenwich: (i) prior to the effective date of this Ordinance, and (ii) which is pending as of the effective date of this Ordinance, shall provide notice in accordance with subsection of this Section.
- (b) Within 10 days of filing a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located with the Township of Greenwich, the creditor shall notify the Township Clerk, or his or her designee, of the action. Such notice shall include:
 - (1) The address, block, and lot of the subject property;
 - (2) The date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing;
 - (3) Whether the property is vacant and abandoned in accordance with the definition in this Article;
 - (4) The full name, address, and telephone number for the representative of the Creditor who is responsible for receiving notice of complaints of property

- (5) maintenance and code violations;
 - (5) The full name, address, and telephone number of any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property; and
 - (6) If the creditor is out-of-State, the full name, address, and telephone number of an in-State representative or agent who shall be responsible for any care, maintenance, security, or upkeep of the property, and for receiving notice complaints of property maintenance and code violations.
 - (7) The notice requirements herein represent a continuing obligation through the pendency of this foreclosure action. After initial notice to the Township, creditors subject to the notice requirement shall update the property registration program within 10 days of any change in the information contained in the original or any subsequent notices.
- (c) Creditors of any commercial and/or residential mortgage required to notify the Township pursuant to this section shall:
- (1) Register the property with the property registration program as a property in foreclosure, within 30 days of notifying the Township;
 - (2) Be subject to the registration fee, notice requirements and penalties for noncompliance established within this Article;
 - (3) Update the property registration within 10 days of any change in the information contained in the original notice to the Township;
 - (4) If an out-of-State creditor, appoint an in-state representative or agent to act for the foreclosing creditor, whose contact information shall be contained within the initial notice to the Township;
 - (5) Within 10 days of the property becoming vacant and abandoned at any time during the pendency of the foreclosure action, the creditor shall:
 - (a) Assume responsibility for the care, maintenance, upkeep, and security of the exterior of the property;
 - (b) Secure the property against unauthorized entry;
 - (c) Post a sign on the inside of the property, visible to the public, containing the name, address, and telephone number of the creditor, or an out-of-State in-State representative or agent, for the purpose of receiving service of process;
 - (d) Acquire and maintain a vacancy insurance policy which covers any damage to any person, or any property caused by any physical condition of the property while registered with the property registration program;
 - (e) Provide proof, within 10 days of receiving a request by the Township or its designee, that the above conditions have been satisfied;
 - (f) Cure any violations of the above requirements within 30 days of receiving a notice of violation, or if deemed to present an imminent threat to public health and safety, within 10 days of receiving such notice.
 - (g) Update the property registration within 10 days of the creditor becoming aware that the property is deemed vacant and abandoned as defined herein.

- (d) If at any time the creditor is deemed to be in violation of the above requirements, and/or if the property is deemed to be in violation of any other applicable local or state maintenance, health or safety codes, the Code Official or his or her designee shall notify the creditor using the contact information provided in the property registry established by this Article.
- (e) Any mortgagee who holds a mortgage on real property located within the Township of Greenwich shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within 10 days of the inspection, register the property as set forth above on forms or website access provided by the Township, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (f) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within 10 days of that inspection, update the property registration to a vacancy status conforms provided by the Township.
- (g) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.

SECTION 4. §520-9 Registration, inspection and other fees. shall be repealed. The following shall be inserted in its place:

§520-9. FEES, VIOLATIONS AND PENALTIES

- (a) All fees, penalties, and/or fines established within this Article and assessable pursuant to the authority outlined within P.L. 2021, c. 444 shall be deemed a municipal charge in accordance with N.J.S.A. 54:5-1 et seq.
- (b) Creditors/Mortgagees required to notify the Township and register a property as abandoned, vacant or one in foreclosure shall be required to pay the following annual registration fee, per property, due at the time of registration of \$500.00.
- (c) If a property registered with the registration program as a property in foreclosure is vacant and abandoned at the time of registration, or becomes vacant and abandoned at any time during the pendency of the foreclosure proceeding, the creditor/mortgagee shall pay an additional annual registration fee, per property, due at the time the determination that the property is vacant and abandoned is made, of \$2,000.00

(d) Violations

- (1) An out-of-State creditor subject to the notice and registration requirements of this Article, found to be in violation of the requirement to appoint an in-State representative or agent, shall be subject to a fine of \$2,500 for each day of the violation. The violation shall be deemed to commence on the day after the initial 10 or 30-day requirement to notify the Township of applicable foreclosure actions.
 - (2) A creditor subject to the notice and registration requirements of this Article found to be in violation of any part of this Ordinance (with the exception of a violation pursuant to subsection (d)(1) of this Section, shall be subject to a fine of \$1,500 for each day of the violation. The violation shall be deemed to commence on the 31st day following the receipt of a notice of violation, or if deemed to present an imminent threat to public health and safety, on the 11th day following the creditor's receipt of such notice.
- (e) If the Township expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the creditor was given notice pursuant to this Article, but failed to abate the nuisance or correct the violation as directed, the Township shall have the same resource against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under N.J.S.A. 55:19-100, et seq.

SECTION 5. Repeal All ordinances at variance with this chapter are hereby repealed.

SECTION 6 Effective This Ordinance shall take effect twenty (20) days after adoption and publication as required by law.

Introduced at a meeting of the Mayor and Council of the Township of Greenwich held on the 18th day of July, 2022 and passed upon a second reading of the Mayor and Council held on the 15th day of August, 2022 and effective twenty (20) days after adoption and publication as required by law.

ATTEST:

TOWNSHIP OF GREENWICH

HOLLY TROPEA, Acting Municipal
Clerk

VINCE GIOVANNITTI, Mayor