

**WEYMOUTH TOWNSHIP  
ATLANTIC COUNTY  
NEW JERSEY**

**ORDINANCE NO. 592-2023**

**AN ORDINANCE AMENDING CHAPTER 96, ARTICLE III, ABANDONED REAL PROPERTY, OF  
THE CODE OF THE TOWNSHIP OF WEYMOUTH, COUNTY OF ATLANTIC AND STATE OF  
NEW JERSEY**

**WHEREAS**, The present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

**WHEREAS**, The Township desires to amend the Township’s Code in order to participate in the county-wide registration program established by the Atlantic County Improvement Authority and administered by Hera Property Registry, LLC that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WEYMOUTH AS FOLLOWS:**

**SECTION 96-20. Chapter 96, Article III. Abandoned Real Property**

**PURPOSE AND INTENT. Replace Community Champions Corporation with Hera Property Registry, LLC.**

**SECTION 96-21. DEFINITIONS.**

*Vacant and Abandoned Property –*

A. Any residential or commercial building which is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, and at which at least two of the following conditions exist:

- (1) Overgrown or neglected vegetation;
- (2) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (3) Disconnected gas, electric, or water utility services to the property;
- (4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (5) The accumulation of junk, litter, trash, or debris on the property;
- (6) The absence of window treatments such as blinds, curtains, or shutters;
- (7) The absence of furnishings and personal items;
- (8) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (9) Windows or entrances to the property that are boarded up or closed off, or multiple windowpanes that are damaged, broken, and unrepaired;
- (10) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (11) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;

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

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

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

**(15)** Any other reasonable indicia of abandonment.

**B.** For the purposes of this section, a residential property shall not be considered vacant and abandoned if, on the property:

**(1)** There is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;

**(2)** There is a building occupied on a seasonal basis, but otherwise secure; or

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

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

**D.** In addition to the service of process required by the Rules of Court, a lender shall establish, for the entry of a residential foreclosure judgment under this section, that a process server has made two unsuccessful attempts to serve the mortgagor or occupant at the residential property, which attempts must be at least 72 hours apart, and during different times of the day, either before 12:00 noon, between 12:00 noon and 6:00 p.m., or between 6:00 p.m. and 10:00 p.m.

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

**(2)** When a property is deemed vacant and abandoned as herein defined, a lender shall not be required to serve the debtor with the notice to cure required by Section 6 of the Fair Foreclosure Act, P.L. 1995, c. 244 (N.J.S.A. 2A:50-58).

**E.** The court may enter a final residential mortgage foreclosure judgment under this section upon a finding i) by clear and convincing evidence that the residential property is vacant and abandoned as defined under Subsection **A** of this definition, and ii) that a review of the pleadings and documents filed with the court, as required by the Rules of Court, supports the entry of a final residential mortgage foreclosure judgment.

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

**(a)** The property is not vacant or abandoned; or

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

#### **SECTION 96-23. ESTABLISHMENT OF A REGISTRY.**

Pursuant to the provisions of Section 3., the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Hera Property Registry, LLC cataloging each Abandoned Property within the Township, containing the information required by this Article.

#### **SECTION 96-24. REGISTRATION OF ABANDONED REAL PROPERTY.**

- a. Any mortgagee who holds a mortgage on real property located within the Township of Weymouth shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspections, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, 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.
- b. 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 ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.
- c. Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d. A nonrefundable annual registration fee shall be collected as a pass-through fee to the designated third-party administrator with a mandatory minimum of \$300 and a maximum of \$500 (per the state legislation enacted on January 18, 2022) per property shall accompany the website registration. All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.
- e. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- f. 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.
- g. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- h. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.
- i. Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

**SECTION 4. SEVERABILITY.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 5. REPEALER.** All ordinances of parts of ordinances in conflict herewith, are and the same are hereby repealed.

**SECTION 6. CODIFICATION.** It is the intention of the Township Committee of the Township of Weymouth, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Weymouth Township Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately following its advertisement, public hearing and adoption in accordance with the law.

WEYMOUTH TOWNSHIP

BY \_\_\_\_\_  
KENNETH R. HAESER, MAYOR

This is to certify that the foregoing Ordinance was given its First Reading by Title at a Regular Meeting of the Weymouth Township Committee which was held on September 6, 2023. It was advertised for a Second Reading and a Public Hearing was held on October 18, 2023 at which time it was finally adopted.

Attest: \_\_\_\_\_  
Dorothy-Jo Ayres, Weymouth Township Clerk