

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2023-3

**AN ORDINANCE AMENDING THE CODE OF MANSFIELD
TOWNSHIP, CHAPTER 38A “PROPERTIES, ABANDONED AND VACANT”**

WHEREAS, the Township Committee of the Township of Mansfield declares and finds that the current Township Ordinances governing properties, abandoned and vacant, are in need of revisions.

NOW, THEREFORE. BE IT ORDAINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

SECTION ONE: Section 38A-1. “Definitions”, is hereby amended to add the following definition at the end of said Section:

“**CREDITOR** – Any State-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of N.J.S.A. 17:11C-51 through N.J.S.A. 17:11C-89, and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to servicers. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, or a State, county or local government entity, or their agent or assignee, such as the servicer.”

SECTION TWO: Section 38A-3. “Duties and powers of public officer,” is hereby amended to add two subsections E (1) and F, at the end of the said Section, and the two subsections will state as follows:

E. The public officer shall issue a notice to a creditor filing the summons and complaint in an action to foreclose if the creditor has violated any section of this Chapter.

(1) If the creditor has failed to provide care, maintenance, security, and upkeep of the exterior of the abandoned property, such notice shall require the creditor to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

F. If an owner of a commercial property abandons any property on which a foreclosure proceeding has been initiated and the exterior of the property is found to be a nuisance or found to be in violation of the Township, local, or State building codes, the public officer shall notify the creditor who shall have the responsibility to abate the nuisance or correct the violation. The Township shall provide a description of the conditions that gave rise to the nuisance or violation and shall provide a period of not less than 30 days from the creditor’s receipt of the notice to remedy the nuisance or correct the violation. If the creditor fails to remedy the nuisance or abate the violation within that time period, the Township may impose penalties.

SECTION THREE: Section 38A-8. “Additional powers available to municipality”, is hereby amended to add a paragraph at the end of said Section as follows:

If the Township expends public funds to abate a nuisance or abate a violation on a commercial property in situations which the creditor was given notice pursuant to this Chapter, but failed to abate the nuisance or

violation, the Township shall have recourse against the creditor for reimbursement of those funds, pursuant to N.J.S.A. § 55:19-100.

SECTION FOUR: Section 38A-10. “Registration requirements”, is hereby amended to delete the following paragraph:

A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Township shall, within 10 days of serving the summons and complaint, notify the Township Clerk that an action has been filed on a property and contain the contact information and submit to the registration requirements detailed herein.

SECTION FIVE: Section 38A-10. “Registration requirements”, subsection F, is hereby amended to delete the phrase, “The owner shall notify the Clerk within 15 calendar days...”, and replace it with the phrase, “The owner shall notify the Clerk within 10 calendar days...”

SECTION SIX: Chapter 38A is hereby amended, with the addition of a new numbered Section, entitled “38A-11. Notice requirements for creditor foreclosing on commercial Property”, and said Section will state the following:

§ 38A-11. Notice requirements for creditor foreclosing on commercial property.

A creditor filing a summons and complaint in an action to foreclose on a mortgage on a commercial property in the Township shall, within 10 days of serving the summons and complaint, notify the municipal clerk and public officer. The notice shall contain the following:

- A. Street address, lot, and block number of the property.
- B. Full name, address, and telephone number for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations.
- C. Full name and contact information for any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security or upkeep of the property.

Notice may contain information about more than one property.

If there is any change in the above referenced information submitted to the municipal clerk and public officer, the creditor shall provide such change to the municipal clerk and public officer within 10 days of the change of that information.

SECTION SEVEN: Chapter 38A is hereby amended, with the addition of a new numbered Section, entitled “38A-12. Registration requirements for creditor foreclosing on commercial or residential property,” and said Section will state the following:

§ 38A-12. Registration requirements for creditor foreclosing on commercial or residential property.

In addition to the notice requirements outlined above, the creditor filing a summons and complaint in an action to foreclose shall register the residential or commercial property as a property in foreclosure and shall provide the information required in §38A-11, as well as the following:

- A. Identify the date, the summons, and complaint in an action to foreclose on a mortgage which was filed against the property;
- B. The court in which it was filed;

- C. The docket number of the filing;
- D. Identify whether the property is vacant and abandoned.

If there is any change in the information required for the notice or registration pursuant to this Chapter, the creditor shall update the information within 10 days of the change of that information.

If the property becomes vacant and abandoned after the property is registered with the Township, then the creditor shall update the registration with the Township.

SECTION EIGHT: Chapter 38A is hereby amended, with the addition of a new numbered Section, entitled “38A-13. Criteria for the determination of vacant and abandoned,” and said Section will state the following:

§38A-13. Criteria for the determination of vacant and abandoned.

A property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is under such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- 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 window panes 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 indication of abandonment.

SECTION NINE: Section 38A-11. “Fee schedule”, is hereby amended to be re-numbered as, Section 38A-14.

SECTION TEN: Section 38A-12. “Access to vacant properties”, is hereby amended to be re-numbered as Section 38A-15.

SECTION ELEVEN: Section 38A-13. “Requirements of owners of vacant property”, is hereby amended to be re-numbered as Section 38A-16.

SECTION TWELVE: Section 38A-14. “Violations and Penalties”, is hereby amended to be re-numbered as Section 38A-17.

SECTION THIRTEEN: Section 38A-14. “Fee Schedule”, is hereby amended to add the following subsection C, and such subsection will state as follows:

C. Registration fee schedule for creditor of residential or commercial properties.

(1) Initial Registration: \$500 per property that is required to be registered because a summons and complaint in an action to foreclose was filed.

(2) An additional \$2,000 per property if the property is vacant and abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned at any time thereafter.

SECTION FOURTEEN: Section 38A-16. “Requirements of owners of vacant property”, is hereby amended to add subsection F (1),(2), and (3), and such subsection will state as follows:

F. Responsibilities for creditor filing a summons and complaint in an action to foreclose on a commercial or residential property.

(1) Creditor shall be responsible for the care, maintenance, security, and upkeep of the exterior of an abandoned property registered with the Township.

(2) Creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for them.

(3) Creditor shall secure the property against any unauthorized entry, by posting 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 acquire and otherwise maintain liability insurance with the Township

SECTION FIFTEEN: Section 38A-17. “Violations and penalties”, is hereby amended to include a new subsection G, and such subsection will state as follows:

G. A creditor found to have violated this Chapter, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this Chapter shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

SECTION SIXTEEN: Chapter 38A is hereby amended, with the addition of a new numbered Section, entitled “38A-18. Private entity to assist with administration of the property registration program,” and such Section will state as follows:

§ 38A-18. Private entity to assist with administration of the property registration program.

The Township may contract with and set the compensation of a private entity, pursuant to N.J.S.A 40A:11-1 et seq., to assist the Township in the implementation and administration of the property registration program established in this Chapter. The Township may delegate to such private entity any duties under this Chapter including, without limitation, identifying properties located within the municipality that are subject to the registration requirements of this Chapter, maintaining and updating the property registrations for the Township, communicating with the creditor of vacant and abandoned properties, invoicing and collecting payment for the creditors for fees authorized by this Chapter and monitoring compliance with this Chapter. An entity may conduct property registration services on behalf of the Township pursuant to a shared services agreement subject to N.J.S.A 40A:65-1 et seq. Property registration fees imposed pursuant to this Chapter shall be considered a municipal charge pursuant N.J.S.A. 54:5-1 et seq.

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

I, LINDA SEMUS, RMC, CMR, Municipal Clerk of Mansfield Township, County of Burlington, State of New Jersey do hereby certify the foregoing to be a true and accurate copy of the Ordinance which was introduced by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey on March 15, 2023 and is scheduled for second reading, public hearing and finally adoption by the Township Committee, at the April 5, 2023 at 7:00 PM..

LINDA SEMUS, RMC, CMR
Municipal Clerk

Introduced: 3-15-23

Approved: