

**TOWNSHIP OF FAIRFIELD
ORDINANCE NO. 4 - 2019**

AN ORDINANCE AMENDING TOWNSHIP CODE CHAPTER __--__ et seq.

VACANT PROPERTIES

WHEREAS, the Township of Fairfield has previously enacted ordinance provisions concerning vacant and abandoned properties; and

WHEREAS, the Township of Fairfield has determined that these ordinances need to be updated; and

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

WHEREAS, P.L. 2003, C. 210 (N.J.S.A. 55:19-78 et. seq.) addresses situations where abandoned properties create a range of problems; and

WHEREAS, P.L. 2003, C. 210 (N.J.S.A. 55:19-78 et seq.), authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties; and

WHEREAS, P.L. 2014, c. 35, authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Township of Fairfield to establish a mechanism to identify and track vacant and abandoned properties and lots including those properties which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance.

WHEREAS, the Fairfield Township Committee is desirous of amending Chapter __-__ et seq.; and

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Fairfield that Chapter __-__ et seq. of the Code of the Township of Fairfield be, and is hereby, amended as follows:

§ ____. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OWNER — Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity that has filed a notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (P.L.2008, c.127, Sec.17 as amended by P.L.2009, c.296) and P.L. 2014 Chapter 35, any debtor in possession of the property, or any other entity determined by the Township of Fairfield to have authority to act with respect to the property. Throughout this ordinance, any obligation of an Owner will extend to a Creditor as well, except where a Creditor is explicitly obligated to a different standard. Creditors will not be considered Owners for penalty and fine purposes mandated under P.L. 2014 Chapter 35 and incorporated herein.

PUBLIC OFFICER – The Director of Code Enforcement and Housing and Construction Official are authorized to act as the Public Officers for the Township of Fairfield. A Public Officer may authorize a person or firm to act on behalf of the Public Officer (as a designee) and to assist in the enforcement and operations of the vacant and abandoned property program. The Public Officers and their designees shall exercise powers prescribed by this article and the Public Officer will file evidence of this granting of power by providing it to the Business Administrator.

ABANDONED PROPERTY – Any property that is determined to be abandoned pursuant to P.L. 2003, C. 210 (N.J.S.A. 55:19-78 et seq.) as follows:

- A. Property must not have been legally occupied for six months and must meet any of the following criteria:
1. Property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period.
 2. Construction was initiated and discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of determination that the building is abandoned.
 3. At least one installment of property tax remains unpaid and delinquent as of the date of determination.
 4. The property has been determined to be a nuisance by the Public Officer as defined in this section.
- B. “Vacant and Abandoned” residential property means, consistent with section 1 of P.L. 2012, c.70 (C.2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Paragraph e. 1 of this Section and subsection b. of section 1 of P.L.2014, c.35 (C.40:48-2.12s), or property which any condition on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months.

Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant. Such evidence would include, but is not limited to, evidence of the existence of two (2) or more of the following conditions at the property:

(a) over grown 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, association management, delivery persons, or government employees indicating that the residence 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, exists 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 any mortgagor expressing the clear intent of all mortgagors to abandon the property; (o) any other reasonable indicia of abandonment.

C. Exceptions to abandoned property

1. A property on which an entity other than the municipality holds a tax sale certificate is not deemed to be abandoned if the Owner of the certificate 1) continues to pay all municipal taxes and liens when due; and 2) initiates foreclosure proceedings within six months after the property is eligible for foreclosure.
 - a) Tax certificate holders who have foreclosed on a property are no longer exempt from abandoned property registration once they have become successful in gaining ownership of a property, the maintenance rules and obligations will be enforced against them as they would against any other Owner, in accordance with

Fairfield's code.

2. A property used on a seasonal basis is deemed to be abandoned only if it meets any two of the criteria listed in Subsection A(1) through A(4) above.
3. If a property is vacant but the owner maintains the exterior so that there are no code violations, and the owner provides a satisfactory explanation to the Public Officer as to the reason why the property is vacant, based on health, finances or other similar reasons, the property may be temporarily exempt from placement on the vacant and abandoned property list.

CREDITOR

"Creditor" means a national or State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. Where a bank is acting as a trustee for a trust where a lis pendens has been filed, both the bank and trust will be considered a Creditor, and they will be jointly liable for compliance with all maintenance and registration obligations. Notice to the bank acting as a trustee for a trust foreclosing on a vacant or abandoned property will satisfy notice obligations to a Creditor for all purposes within this vacant property code.

TOWNSHIP

The Township of Fairfield.

DEPARTMENT

The New Jersey Department of Community Affairs.

LIENHOLDER or MORTGAGE HOLDER

Any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

NUISANCE

Any property that is determined by the Public Officer to be a nuisance if any one of the following applies:

- A. The property is found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3
- B. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties.
- C. The property is subject to unauthorized entry leading to potential health and safety hazards; the Owner has failed to take reasonable and necessary measures to secure the property; or the Township has secured the property in order to prevent such hazards after the Owner has failed to do so.
- D. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the Owner has failed to take reasonable and necessary measures to remove the hazards; or
- E. The dilapidated appearance or other conditions of the property materially affects, including the economic welfare of, the residents of the area in close proximity to the property, and the Owner has failed to take reasonable and necessary measures to remedy the conditions.

QUALIFIED REHABILITATION ENTITY

An entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or nonresidential buildings, the provisions of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in P.L. 2003, C. 10 (N.J.S.A. 55:19-78 et seq.) to carry out the rehabilitation of vacant buildings in urban areas.

Article ____ Maintenance and Registration Requirements, Fees

§ ____-___. Registration Requirements

Registration Requirements

A. Effective _____, 2019, the owner of any vacant property as defined herein shall, within 10 days after the building becomes vacant property, or within 10 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Public Officer on forms made available by the Public Officer for such purposes. The registration shall remain valid for six months from the date of registration. The owner shall be required to renew the registration every six months as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in § ____--____ of this chapter for each vacant property registered.

B. Any owner of any building that meets the definition of vacant property prior to _____, 2019, shall file a registration statement for that property on or before _____, 2019. The registration statement shall include the information required under § ____-__ of this chapter, as well as any additional information that the Public Officer may reasonably require.

C. The owner shall notify the Public Officer within 10 days of any change in the registration information by filing an amended registration statement on a form available at the Code Enforcement Office.

D. The registration statement shall be deemed prima facie proof of the statements therein contained in any administration enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

E. Each property having a separate block and lot number as designated in official records of the Township shall be registered separately.

F. The registration statement shall include the name, street address, telephone number, and e-mail address (if applicable) of a person 21 years of age or older, designated by the Owner or Owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Owner or Owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour per day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing the property, if different.

G. Upon a change of Ownership, a new registration statement must be filed within 10 days of closing or transfer.

H. The Owner shall notify the Code Enforcement Office within 10 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township for such purpose.

I. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the Owner or Owners of the building.

J. The Owner shall maintain insurance in accordance with § __-__.

K. The Owner or their agent shall visit each vacant or abandoned property at least every thirty days to confirm the property is in compliance with this code, and the owner or their agent must maintain a log of these visits and the result of their review and provide the log with the following registration renewal.

__--__ Notice Requirements, Notice of Lis Pendens, Notice of Default

Lis Pendens

A. A Creditor serving a notice of intention to foreclose on a mortgage on residential property in this Township shall serve the public officer with a copy of the notice at the same time it is served on the owner of the property in hard copy form, and must also submit a copy to the Public Officer or his/her designee, within 10 days, via e-mail.

B. A Creditor must submit a vacant property registration within 10 calendar days of the filing of its notice of intention to foreclose. Failure to submit notice of the intention to foreclose to the Township shall not constitute grounds for failing to register the property.

C. If a Creditor sells, assigns, or transfers ownership of a mortgage on a vacant or abandoned property to a new entity, the Creditor will retain the obligation to maintain and keep that property registered until the Creditor has successfully discharged its Lis Pendens and provided documentation of the discharge and transfer to the Public Officer.

Notice of Default:

Initial Inspection Prior to Filing Notice of Default:

A. Any beneficiary/trustee/mortgagee who holds a deed of trust/mortgage on a property located within the Township of ____ shall perform an inspection of the property that is the security for the deed of trust/mortgage, upon default by the trustor/mortgagor, prior to recording a notice of default. If the property is found to be vacant or shows evidence of vacancy, it is, by this article, deemed abandoned, and the beneficiary/trustee/mortgagee shall, within 10 days of the inspection, register the property with the Public Officer, on forms provided by the Township.

Monthly Inspection Prior to filing Notice of Default:

B. If a property is occupied but remains in default, it shall be inspected by the beneficiary/trustee/mortgagee, or his designee, monthly until 1) the trustor/mortgagor or other party remedies the default; or 2) it is found to be vacant or show evidence of vacancy, at which time it is deemed abandoned, and the trustee shall, within 10 days of that inspection, register the property with the Public Officer, or his designee, on forms provided by the Township. The beneficiary/trustee/mortgagee shall provide a log of the monthly inspections performed from the date of default up until the discovery of evidence of vacancy, when submitting their vacant property registration.

§ __-__. Access.

After filing a registration statement or a renewal of a registration statement, the Owner of any vacant property or their agent shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. Such inspections may be carried out by municipal employees on weekdays during the hours of 9:00 a.m. and 4:00 p.m. or by designees of the Public Officer at such a time as may be mutually agreed upon between the Owner and the Township.

§ __-__. Responsible Owner or agent.

- A. An Owner who meets the requirements of this article with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.

- B. By designating an authorized agent under the provisions of this section, the Owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice of process on the authorized agent. Service on the Owner or the agent in compliance with this provision shall be sufficient to satisfy the notice requirement discussed herein. The selection of a designated authorized agent does not prevent the Township from sending notice of code violations and court proceedings to any corporate office, headquarters, or listed address of the Owner on file with the Township or state or found through reasonable diligence of the Public Officer or his designee. Any Owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the Owner notifies the Township of Fairfield in writing of a change of authorized agent or until the Owner files a new registration statement. The designation of an authorized agent in no way releases the Owner from any requirement of this article.

- C. Any Owner who fails to register a vacant property under the provisions of this article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service notice at the last known address of the Owner of the property on record with the Township of Fairfield by regular mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ __-__. Owner requirements.

The Owner of any structure that has become vacant property, and any person responsible for maintaining, operating, or collecting rent for any such building that has become vacant shall, within 30 calendar days of the structure becoming vacant or within 30 calendar days of the Owner taking title to the property, do the following:

- A. Board and/or secure the structure and all unattached accessory structures, garages or similar structures against unauthorized entry as provided for in the applicable codes of the Township of Fairfield or as set forth in rules and regulations promulgated by the Public Officer, Housing or Construction Code Official, or by ordinance and/or municipal code.

- B. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter, and grass and weed overgrowth.

- C. Post a sign, affixed and protected from the elements, to the structure indicating the name, address and telephone number of the Owner and the Owner's authorized agent for the purpose of service of process, and the name, address and telephone number of the entity responsible for maintenance of the property, which may be the same as the Owner or authorized agent. The sign shall include the words "No Trespassing" and "to report problems with this building, call...", shall be of sufficient size and shall be placed in a location where it is clearly visible from the nearest public street or sidewalk, whichever is nearer. The sign shall meet the requirements pursuant to § __-__, Signs, and shall be no smaller than 18 inches by 24 inches and Owner and/or agent must ensure that the sign is visible from the nearest public street or sidewalk, and legible, and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

- D. Maintain the vacant property for the entire period of vacancy in accordance with all applicable local and state property maintenance codes or ordinances, building codes, health codes and fire codes pertaining to the exterior condition and appearance of the building, the safety and structural integrity of the building, the outdoor portion of the property, the condition and safety of accessory structures on the property, and any conditions on the property which may constitute a hazard or adversely affect the health and safety of persons who may have contact with the vacant property. Promptly repair all broken windows, doors and other openings and unsafe conditions. Boarding up of open and broken windows is prohibited, except as a temporary measure for no longer than 45 consecutive days, which period may be extended at the discretion of the Fire Official, Public Officer or his/her designee, or Construction Code Official. Boards or coverings must be installed and painted in accordance with Township specifications.
- E. The Owner of any vacant property shall acquire and otherwise maintain liability insurance, in an amount of not less than \$300,000 for buildings designed primarily for residential use, and not less than \$1,000,000 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building or property subject to the provisions of this article. Said insurance shall provide a rider for payment of all demolition costs should the vacant building become abandoned and require the Township of Fairfield to demolish the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the Township of Fairfield Public Officer within 30 calendar days of any lapse, cancellation or change in coverage. The Owner shall attach evidence of the insurance to the Owner's registration statement. Any registration statement submitted that does not include such evidence shall be deemed to be an invalid registration. Insurance must name Township of Fairfield as party or payee for demolition costs should the Township deem demolition is required.

§ __-__. Rules and regulations issued by Public Officer.

The Public Officer or his/her designee may issue rules and regulations for the administration of the provisions of this article. Such administratively promulgated rules and regulations shall be in writing and shall be provided to the Owners of properties registered under this article or their designated agents within 30 calendar days of their effective date. Any rules and regulations under this ordinance that conflict with any other provisions of local law supersede the other provisions for all matters relating to vacant and abandoned property maintenance and registration. Changes to rules and regulations, including ordinance changes and registration changes will not reset the registration period and corresponding fee owed on a vacant or abandoned property back to the initial registration period, they will continue to correlate sequentially based on the total periods registration has been paid or owing.

§ __-__. Fees.

All fees applicable to this ordinance may be revised by the Township Committee via ordinance. Registration and inspection fees shall be paid at the time of submitting the registration or renewal form or affidavit. There shall also be a fee for the filing of additional or new Owner's affidavit, with such fee being set by resolution of the Township Committee. For properties that are not registered within the required time frame, an additional fee for the added cost of the Township's expenses in having to determine Ownership, which may include, but not limited to, title searches, shall be assessed and immediately payable.

A vacant and abandoned property registration form or renewal form must be submitted every six months along with the initial registration fee or renewal fee described in the Fee Schedule Below.

Persons with primary residence in the Township of Fairfield with less than \$__,000 in annual income may apply to the Township Council for a limited, temporary financial hardship waiver that lasts for one registration period. With the exception of the hardship waiver recipients, all Owners/Creditors or their agents will pay pursuant to the following Fee Schedule:

- A. First registration: \$500 for residential properties, \$1,000 for commercial and all other properties
- B. First renewal: \$1500 for residential properties, \$3,000 for commercial and all other properties
- C. Second renewal: \$3000 for residential properties, \$6,000 for commercial and all other properties
- D. Third and all subsequent renewals: \$5,000 or 5% of the assessed property value, whichever is greater for residential properties, \$10,000 for commercial and all other properties

§ __-__. Violations and penalties.

- A. Any non-Creditor Owner who violates any provision of this Article or of the rules and regulations issued hereunder may be fined not less than \$500, and no more than \$2,000 for each offense based on the recommendation of the Public Officer, and/or thirty (30) days of community service and/or thirty (30) days in the County Jail in the discretion of the Municipal Court Judge. The Municipal Court Judge may enforce and/or modify the fines recommended by the Public Officer, but all fines recommended by the Public Officer and issued under a Vacant and Abandoned Property Ordinance are to be retained by the Vacant and Abandoned Property Department and used for Code Enforcement and Vacant and Abandoned Property related purposes or as the Business Administrator determines to be appropriate. Fines assessed under this Article, shall be recoverable from the Owner/responsible party if they have been identified. When the Owner or responsible party cannot be found, the costs of the maintenance, incurred by the Township, will be entered as a property maintenance lien. Every day that a violation continues shall constitute a separate and distinct offense. Failure to file a timely registration statement, failure to provide correct information on the registration statement, failure to comply with all provisions of this Article, or such other matters as may be established by the rules and regulations of the Public Officer or his/her designee shall be deemed to be violations of this article and do not require notice to be sent to an Owner prior to summons and complaints being written and submitted.
- B. In accordance with P.L. 2014, c. 35, if an out-of-state Creditor that is subject to a rule promulgated in this Article is found by the Township's Municipal Court or by any court of competent jurisdiction to be in violation of the requirement to appoint an in-state representative or agent and provide a complete and accurate registration statement, such Creditor shall be subject to a fine of \$2,500 for each day of the violation. However, any fines imposed on a Creditor for the failure to appoint an in-state representative or agent or complete and accurate registration statement shall commence on the day after the ten-day period set forth in Subdivision a(1) of Section 17 of P.L. 2008, c. 127 (N.J.S.A. 46:10B-51) [text below], for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

a(1) of Section 17 of P.L. 2008, c. 127 (N.J.S.A. 46:10B-51)

A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in this State shall, within 10 days of serving the summons and complaint, notify the municipal clerk of the municipality in which the property is located that a summons and complaint in an action to foreclose a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk. If the municipality has appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

C. In accordance with P.L. 2014, c. 35, if a Creditor that is found by the Township's Municipal Court or by any court of competent jurisdiction to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this article, such Creditor shall be subject to a fine of \$1,500 for each day of the violation. Every day that a violation continues shall constitute a separate and distinct offense. Any fines imposed pursuant to this subsection shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, as determined by the Public Officer, Code Enforcement Official, Construction Official, Fire Chief, or other appropriate Township Official, as applicable based on the code violation at issue, in which case any fines shall commence 11 days following receipt of the notice.

D. In accordance with P.L. 2014, c. 35, C.40:48-2.12s(d.), no less than 20% of any money collected from creditors/Owners/responsible parties under this article shall be utilized by the Township for Municipal Code Enforcement purposes.

E. Failures by an Owner of a vacant or abandoned property to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this article, if found by any court of competent jurisdiction, shall result in the violator being subject to a fine pursuant to the guidelines set forth herein. Any fines imposed pursuant to this subsection shall commence on the first date after the abatement date listed in the notice has passed if the violation has not been fully abated. At the discretion of the Public Officer, non-imminent risk notices may offer up to 30 days from receipt to abate violations before ticketing may begin. If a violation presents an imminent risk to public health and safety, as determined by the Public Officer, Code Enforcement Official, Construction Official, Fire Chief or other appropriate Township Official, in accordance with Township Code, 10 days from receipt of notice will be given to abate, and any fines shall commence 11 days following receipt of notice. Receipt of notice will be presumed as of the day after mailing for in-state owners and Creditors and on the fourth day after mailing for out of state Owners and Creditors.

F. For purposes of this section, failure by an Owner to file a complete and accurate registration statement with the correct payment within 10 calendar days after a building becomes vacant property or within 10 calendar days after assuming Ownership of a vacant property, whichever is later; or within 10 calendar days of receipt of notice by the Township, and failure to comply with all applicable provisions of section of this Article, shall be deemed to be violations of this Article.

G. If not paid within six (6) months of the registration date required, the applicable registration fee on any vacant or abandoned property shall double. Late payments do not delay the registration effective date or the next registration renewal period date, but are retroactive to the beginning of the earliest period for which a registration payment is being made.

§ __-__. Designation and Power of the Public Officer to Create an Abandoned Property List

The Public Officer is hereby directed to identify abandoned properties within the Township, place said properties on an abandoned property list, established as provided in Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as amended, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.

§ 265-33. Abandoned Property Report

The Public Officer shall provide a report to the Mayor, Township Administrator and governing body every six months with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the Township or by any qualified rehabilitation entity, designated pursuant to the authority granted the Public Officer, with respect to any property on the list or any other abandoned property within the Township of Fairfield.

§ __-__. Establishment of and updates to abandoned property list.

The Public Officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Township of Fairfield, which publication shall constitute public notice and, within 10 days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the Owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the Owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to Subdivision d of N.J.S.A. 54:4-64. When the Owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in Section 5 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.7). The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54) and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the Public Officer in the office of the Cumberland County Clerk or Register of Deeds and Mortgages. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property Owner as defendant and the name of the Township as plaintiff, as though an action had been commenced by the Township against the Owner.

§ __-__. Appeals of abandoned property list inclusion.

A. An Owner or lienholder may challenge the inclusion of his or her property on the abandoned property list by appealing that determination to the Public Officer within 30 days of the Owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An Owner whose identity was not known to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Public Officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the Owner, through the submission of an affidavit or certification by the property Owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The ground for appeal shall be that the property in question is not abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54) or exempted pursuant to this ordinance. The Public Officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property Owner of the decision and the reasons therefor.

B. The property Owner may challenge an adverse determination of an appeal with the Public Officer by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in Cumberland County, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the Public Officer pursuant to Subsection A of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54). The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the Court may extend the deadline for instituting the action.

C. The Public Officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.

D. The abandoned property list shall become effective, and the Township of Fairfield shall have the right to pursue any legal remedy with respect to properties on the abandoned property list, at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to the property or upon the denial of an appeal brought by the property Owner.

§ __-__. Sale of tax lien.

A. The Township of Fairfield shall hold special tax lien sales in compliance with New Jersey Tax Sale Law as described in N.J.S.A. 54:5-1 et seq. and in compliance with the provisions of the Abandoned Properties Rehabilitation Act as described within N.J.S.A.55:19-101 and in compliance with NJSA54:5-86(b).

B. Remediation.

1. If the Township of Fairfield or the New Jersey Redevelopment Authority or its subsidiaries acquires the tax sale certificate for a property on the abandoned property list, then, upon 10 days' written notice to the property Owner and any mortgagee as of the date of the filing of the lis pendens notice under Subdivision d of Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), that entity shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that ten-day period the Owner or mortgagee shall have notified the Township of Fairfield or the New Jersey Redevelopment Authority or its subsidiary, as appropriate, in writing that the Owner or mortgagee has elected to perform the remediation itself. When the Owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Township of Fairfield or the New Jersey Redevelopment Authority or its subsidiaries, as appropriate, in order to ensure performance. The amount and conditions of the bond shall be determined by the Public Officer.

2. The cost of remediation incurred by the Township of Fairfield or the New Jersey Redevelopment Authority or its subsidiaries pursuant to this subsection, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to, or after the filing of any lien by the Township or the New Jersey Redevelopment Authority, except for municipal taxes, liens and assessments and any lien imposed pursuant to the Spill Compensation and Control Act, P.L. 1976, c. 141 (N.J.S.A. 58:10-23.11 et seq.), together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the County Clerk or Register of Deeds and Mortgages, as appropriate, in the county in which the property is located.

C. Property maintained as abandoned property.

1. Failure of an Owner or lienholder to remove a property from the abandoned property list within the period of time for appeal of inclusion of the property on the list pursuant to Subdivision e of Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), shall be prima facie evidence of the intent of the Owner to continue to maintain the property as abandoned property.
2. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to Subsection C(1) of this section shall be a public purpose and public use for which the power of eminent domain may be exercised.

§ __-__. Removal of property from list; remediation.

A. An Owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and municipal liens due, including interest and penalties, and:

1. By posting a certified check, money order, or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) and posting a certified check, money order, or a bond to cover the cost of any environmental cleanup required on the

property, evidenced by a certification by a licensed engineer retained by the Owner and reviewed and approved by the Public Officer stating that the certified check, money order, or bond adequately covers the cost of the cleanup; or

2. By demonstrating to the satisfaction of the Public Officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Public Officer finds that the Owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as evidenced by significant rehabilitation activity on the property, the Public Officer may grant an extension of time of not more than 120 days for the Owner to complete all work, during which time no further proceedings will be taken against the Owner or the property.

B. If the Owner has posted a certified check, money order, or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting a certified check, money order or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the Owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the Owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Township, which shall use the a certified check, money order, or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the Owner.

§ ____-____. Acquisition of tax sale certificate; action to foreclose; right of redemption.

A. When a person other than the Township of Fairfield or the New Jersey Redevelopment Authority or its subsidiaries acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time at or after the sale as permitted by law and in compliance with N.J.S.A. 54:5-86.

B. Notwithstanding Section 6 of P.L. 1948, c. 96 (N.J.S.A. 54:5-104.34), when the Township of Fairfield is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, or when the New Jersey Redevelopment Authority or any of its subsidiaries acquires the tax sale certificate pursuant to Subdivision a of Section 37 of P.L. 1996, c. 62 (N.J.S.A. 55:19-56), an action to foreclose the right of redemption may be instituted in accordance with the provisions of Subdivision b of N.J.S.A. 54:5-77.

C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the Owner:

1. Posts a certified check, money order, or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as determined by the Court; or
2. Demonstrates to the Court that the conditions because of which the property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) have been remedied in full.

§ ____-____. Grounds for reopening judgment.

Once a final judgment barring the right of redemption with respect to a property on the list of abandoned properties has been recorded, the grounds of lack of jurisdiction or fraud in the conduct of the action or any other legal basis for reopening judgment may be utilized; in any such proceeding, the provisions of P.L. 1996, C. 62 (N.J.S.A. 55:19-20 et seq.) shall be construed liberally in favor of the purchaser, assignee or transferee of the tax sale certificate.

§ ___ - ___. Property deemed not abandoned; certification of abandonment.

A. If an entity other than the Township of Fairfield has purchased or taken assignment from the Township of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) if:

1. the Owner of the certificate has continued to pay all Township of Fairfield taxes and liens on the property in the tax year when due; and
2. the Owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either Subdivision a or Subdivision b of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

B. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in Section 4 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81).

C. A determination that a property is abandoned property under the provision of P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to Subdivision b of N.J.S.A. 54:5-86, the public officer or the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in Sections 4 and 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82).

§ ___ - ___. Transfer of possession and control of abandoned property.

A. A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to the Township of Fairfield may be brought by the Township of Fairfield in the Superior Court in Cumberland County. If the Court shall find that the property is abandoned pursuant to Section 4 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81) and the Owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the Township of Fairfield to take possession and control of the property and develop a rehabilitation plan.

B. The Township of Fairfield, granted possession and control, may commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the Court shall not direct the sale of the property if the Owner applies to the Court for reinstatement of control of the property as provided in Section 15 of P.L. 2001 c. 210 (N.J.S.A. 55:19-92).

C. Failure by the Owner, mortgage holder or lienholder to submit plans for rehabilitation to the Township of Fairfield, obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding within that six-month period shall be deemed prima facie evidence that the Owner has failed to take any action to further the rehabilitation of the property.

§ ___ - ___. Filing of complaint: required information.

A. A complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (N.J.S.A. 55:19-84) shall include:

1. Documentation that the property is on the municipal abandoned property list or a certification by the public officer that the property is abandoned; and
2. A statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

§ ____ - ____ . Filing of complaint; notice requirements; entry upon property by Township.

A. Within 10 days of filing a complaint pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), the plaintiff shall file a notice of lis pendens with the County of _____ Recording Officer.

B. At least 30 days before filing the complaint, the Township of Fairfield shall serve a notice of intention to take possession of an abandoned building. The notice shall inform the Owner and interested parties that the property has not been legally occupied for six months and of those criteria that led to a determination of abandonment pursuant to Section 4 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81). The notice shall provide that unless the Owner or a party in interest prepares and submits a rehabilitation plan to the appropriate Township of Fairfield official, the Township will seek to gain possession of the building to rehabilitate the property, and the associated costs shall be a lien against the property, which may be satisfied by the sale of the property, unless the Owner applies to the Court for reinstatement of control of the property as provided in Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92). After the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.

C. After serving the notice of intent pursuant to Subsection B of this section, the Township of Fairfield or its designee may enter upon that property after written notice to the Owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the Court pursuant to Section 12 of P.L. 2003, c. 210 (N.J.S.A. 55:19-89).

§ ____ - ____ . Plan for rehabilitation and reuse.

A. Any Owner may defend against a complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (N.J.S.A. 55:19-84) by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125% of the amount determined by the Public Officer or the Court to be the projected cost of rehabilitation. Any plan submitted by an Owner to defend against a complaint shall be submitted within 60 days after the complaint has been filed, unless the Court provides the Owner with an extension of time for good cause shown.

B. A plan submitted by an Owner pursuant to this section shall include, but not be limited to:

1. A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
2. A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;
3. A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and
4. Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.

C. The Court shall approve any plan that, in the judgment of the Court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property, which is the subject of the complaint. If the Court approves the Owner's plan, then it may appoint the Public Officer to act as monitor of the Owner's compliance. If the Owner fails to carry out any step in the approved plan, then the Township may apply to the Court to have the Owner's bond forfeited, possession of the building transferred to the Township to complete the rehabilitation plan and authorization to use the bond proceeds for rehabilitation of the property. The Owner shall provide quarterly reports to the Township on its activities and progress toward rehabilitation and reuse of the property. The Owner shall provide those reports to the Court on its activities that the Court determines are necessary.

D. The Court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the Owner or his representatives or agents, or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.

§ ___ - ___. Mortgage holder or lienholder to be designated in possession of property.

A. If an Owner is unsuccessful in defending against a complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (N.J.S.A. 55:19-84), the mortgage holder or lienholder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in Section 10 of P.L. 2003, c. 210 (N.J.S.A. 55:19-87). The plan shall be submitted within 60 days after the Court has rejected the Owner's plan, unless the Court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the Court approves any such mortgage holder or lienholder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation and reuse and may appoint the Public Officer to act as monitor of the party's compliance. The mortgage holder or lienholder, as the case may be, shall provide quarterly reports to the Court and the Township on its activities and progress toward rehabilitation and reuse of the property. If the mortgage holder or lien holder fails to carry out any material step in the approved plan, then the Public Officer shall notify the Court, which may order the bond forfeit, grant the Township possession of the property, and authorize the Township to use the proceeds of the bond for rehabilitation of the property.

B. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lienholder granted possession of a property pursuant to Subsection A of this section, including Court costs and reasonable attorney's fees, may be added to the unpaid balance due that mortgage holder or lienholder, with the interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lienholder, at the statutory interest rate for subsequent liens.

§ ___ - ___. Township to be designated in possession of property.

A. If no mortgage holder or lienholder meets the conditions of Section 11 of P.L. 2003, c. 210 (N.J.S.A. 55:19-88), then the Township may submit a plan to the Court which conforms with the provisions of Subdivision b of Section 10 of P.L. 2003, c. 210 (N.J.S.A. 55:19-87). The plan shall designate the entity which shall implement the plan, which may be the Township or that entity designated in accordance with the provisions of Section 13 P.L. 2003, c. 210 (N.J.S.A. 55:19-90).

B. The Court shall grant the Township possession of the property if it finds that:

1. The proposed rehabilitation and reuse of the property is appropriate and beneficial;
2. The Township is qualified to undertake the rehabilitation and reuse of the property; and
3. The plan submitted by the Township represents a realistic and timely plan for the rehabilitation and reuse of the property.

C. The Township may take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the Court. In making its findings pursuant to this subsection, the Court may consult with qualified parties, including the Department of Community Affairs, and, upon request by a party in interest, may hold a hearing on the plan.

D. Where either a redevelopment plan pursuant to P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.), or a neighborhood revitalization plan pursuant to P.L. 2001, c. 415 (N.J.S.A. 52:27D-490 et seq.) has been adopted or approved by the Department of Community Affairs, as appropriate, encompassing the property which is the subject of a complaint, the Court shall make a further finding that the proposed rehabilitation and reuse of the property are not inconsistent with any provision of either plan.

§ __-__ Designation of qualified rehabilitation entity.

A. The Township may exercise its rights under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), directly, or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising the Township's rights where that designation will further the rehabilitation and reuse of the property consistent with the Township's plans and objectives. This designation shall be made by resolution of the Council of the Township of Fairfield.

B. Regardless of whether the Township exercises its rights directly or designates a qualified rehabilitation entity pursuant to this section, while in possession of a property pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), the Township shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Township's possession of the property, nothing in P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), shall be deemed to relieve the Owner of the property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the Owner.

§ __-__. Township deemed possessor of property; borrowing of funds; reporting and filing requirements.

A. If the Township has been granted possession of a property pursuant to Section 12 of P.L. 2003, c. 210 (N.J.S.A. 55:19-89), the Township shall be deemed to have an Ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities. For the purposes of any state program of grants or loans, including but not limited to programs of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this subsection shall be considered legal control of the property. Notwithstanding the granting of possession to the Township, nothing in P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), shall be deemed to relieve the Owner of the property of any obligation the Owner or any other person may have for the payment of taxes or other Township liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession. The granting of possession shall not suspend any obligation the Owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.

B. The Court may approve the borrowing of funds by the Township to rehabilitate the property and may grant a lien or security interest with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the Court shall find that:

1. the Township sought to obtain the necessary financing from the senior lienholder, which declined to provide such financing on reasonable terms;
2. the Township sought to obtain a voluntary subordination from the senior lienholder, which refused to provide such subordination; and
3. lien priority is necessary in order to induce another lender to provide financing on reasonable terms.

C. Where the Township has been granted possession by the Court in the name of the Township, the Township may seek the approval of the Court to assign its rights to another entity, which approval shall be granted by the Court when it finds that:

1. the entity to which the Township's rights will be assigned is a qualified rehabilitation entity; and
2. the assignment will further the purposes of this section.

D. Where the Township has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Township on its activities and progress toward rehabilitation and reuse of the property. The Township or qualified rehabilitation entity, as the case may be, shall provide such reports to the Court as the Court determines to be necessary. If the Court finds that the Township or its designee have failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the Court may request the Township to designate another qualified rehabilitation entity to exercise its rights, or if the Township fails to do so, may terminate the order of possession and return the property to its Owner.

E. The Township shall file a notice of completion with the Court, and shall also serve a copy on the Owner and any mortgage holder or lienholder, at such time as the Township has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the public officer attesting that rehabilitation can realistically be anticipated to be complete within that time period, and a statement setting forth such actions as it plans to undertake to ensure that reuse of the property takes place consistent with the plan.

§ ____-____. Petition for reinstatement of control and possession by Owner.

A. An Owner may petition for reinstatement of the Owner's control and possession of the property at any time after one year from the grant of possession, but no later than 30 days after the Township has filed a notice of completion with the Court or, in the event the notice of completion is filed within less than one year of the grant of possession, within 30 days after the Township has filed notice.

B. The Court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the Township, or affect any of the terms or conditions under which the Township has applied for or received financing for the rehabilitation of the property.

C. Any petition for reinstatement of the Owner's control and possession of the property filed pursuant to Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92) shall:

1. include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the Court;
2. provide legally binding assurances that the Owner will comply with all conditions of any grant or loan secured by the Township or repay those grants or loans in full, at the discretion of the maker of the loan or grant; and
3. be accompanied by payment equal to the sum of:
 - a. all Township liens outstanding on the property;
 - b. all costs incurred by the Township in bringing action with respect to the property;
 - c. any costs incurred by the Township not covered by grants or loans to be assumed or repaid pursuant to this section; and
 - d. any costs remaining to complete rehabilitation and reuse of the property, as determined by the public officer, which payment shall be placed in escrow with the Clerk of the Court pending disposition of the petition.

§ ____-____. Obligations of Owner prior to grant of petition.

A. Prior to the granting of a petition on the part of the Owner by the Court pursuant to Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92), the Owner may be required to post a bond or other security in an amount determined by the Court, after consultation with the Public Officer, as likely to ensure that the Owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the Township to make any repair on the property in the event of a Code violation which is not corrected in timely fashion by the Owner. The bond or other security may be forfeited in full in the event that the Owner fails to comply with any requirement imposed as a condition of the reinstatement petition filed pursuant to Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92).

B. The Owner may seek approval of the Court to be relieved of this requirement after five years, which shall be granted if the court finds that the Owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that period, and that the Owner has remedied other violations in a timely and expeditious fashion.

§ § ____-____. Granting of title to Township; authority to sell.

If the Owner fails to petition for the reinstatement of control and possession of the property within 30 days after the entity in possession has filed a notice of completion or in any event within two years after the initial grant of possession, or if the Owner fails to meet any conditions

that may be set by the Court in granting a reinstatement petition filed pursuant to Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92), upon petition from the entity in possession, the Court may grant the Township title or authorize the Township to sell the property, subject to the provisions of Section 19 of P.L. 2003, c. 210 (N.J.S.A. 55:19-96).

§ __ - __. Procedure of Township to gain title to property; authorization to sell; proceeds.

A. Where the Township seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the Court shall approve, and may place the proceeds of sale in escrow with the Court. The Court may authorize the Township to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in Section 20 of P.L. 2003, c. 210 (N.J.S.A. 55:19-97).

B. The Township may seek approval of the Court to sell the property to a third party when the Court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property.

C. Upon approval by the Court, the Township shall sell the property on such terms and at such price as the court shall approve, and may place the proceeds of sale in escrow with the Court. The Court shall order a distribution of the proceeds of sale after paying court costs in the order of priority set forth in Section 20 of P.L. 2003, c. 210 (N.J.S.A. 55:19-97).

§ __ - __. Distribution of proceeds.

A. The proceeds paid pursuant to Subdivision c of Section 19 of P.L. 2003, c. 210 (N.J.S.A. 55:19-96) shall be distributed in the following order of priority:

1. the costs and expenses of sale;
2. other governmental liens;
3. the payment of principal and interest on any borrowing or indebtedness incurred by the Township and granted priority lien status pursuant to Subdivision a of Section 21 of P.L. 2003, c. 210 (N.J.S.A. 55:19-98);
4. a reasonable development fee to the Township consistent with the standards for development fees established for rehabilitation programs by the New Jersey Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
5. other valid liens and security interests, in accordance with their priority; and
6. the Owner.

§ __ - __. Authority of Public Officer to place lien on property; remedies.

A. The Public Officer, with the approval of the Court, may place a lien on the property to cover any costs of the Township in connection with a proceeding under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), incurred prior to the grant by the Court of an order of possession under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Township lien for the purposes of N.J.S.A. 54:5-9 with the rights and status of a Township lien pursuant thereto.

B. With the exception of the holding of special tax sales pursuant to Section 24 of P.L. 2003, c. 210 (N.J.S.A. 55:19-101), the remedies available under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), shall be available to the Township with respect to any abandoned property, whether or not the Township has established an abandoned property list as provided in Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19- 55) and whether or not the property has been included on any such list.

§ __ - __. Court's denial of rights and remedies to lienholders and mortgage holders.

Notwithstanding any provision to the contrary in P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), a court may in its discretion deny a lienholder or mortgage holder of any or all rights or remedies afforded lienholders and mortgage holders under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), if

the Court finds that the Owner of a property subject to any of the provisions of P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) owns or controls more than a fifty-percent interest in, or effective control of, the lienholder or mortgage holder or that the familial or business relationship between the lienholder or mortgage holder and the Owner precludes a separate interest on the part of the lienholder or mortgage holder.

§ __ - __. Recourse of Township with respect to liens against real property.

A. With respect to any lien placed against any real property pursuant to the provisions of Section 1 or Section 3 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3 or N.J.S.A. 40:48-2.5) or Section 1 of P.L. 1989, c. 91 (N.J.S.A. 40:48-2.3a) or any receiver's lien pursuant to P.L. 2003, c. 295 (N.J.S.A. 2.A:42-114 et seq.), the Township shall have recourse with respect to the lien against any asset of the Owner of the property if an individual, and against any asset of any partner if a partnership.

B. The Public Officer, with the approval of the Court, may place a lien on the property to cover any costs of the Township in connection with a proceeding under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), incurred prior to the grant by the Court of an order of possession under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Township lien for the purposes of N.J.S.A. 54:5-9 with the rights and status of a Township lien pursuant thereto.

C. With the exception of the holding of special tax sales pursuant to Section 24 of P.L. 2003, c. 210 (N.J.S.A. 55:19-101), the remedies available under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.), shall be available to the Township with respect to any abandoned property, whether or not the Township has established an abandoned property list as provided in Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) and whether or not the property has been included on any such list.

§ __ - __. Properties eligible for tax sales; notice.

A. The Township may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on an abandoned property list established by the Township pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55). If the Township elects to hold a special tax sale, it shall conduct that sale subject to following provisions:

1. the Township shall establish criteria for eligibility to bid on properties at the sale, which may include, but shall not be limited to: documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with the Township's plans and regulations; commitments by the bidder to take action to foreclose on the tax lien by a date certain; and such other criteria as the Township may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
2. the Township may establish minimum bid requirements for a special tax sale that may be less than the full amount of the taxes, interest and penalties due, the amount of such minimum bid to be at the sole discretion of the Township, in order to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
3. the Township may combine properties into bid packages, and require that bidders place a single bid on each package in addition to bids on individual properties within the bidding package, and the Township may reject any and all bids on individual properties that have been included in bid packages;
4. the Township may sell properties subject to provisions that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale pursuant to Subsection A(1) of this section or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Township, and any amount paid by the purchaser to the Township at the special tax sale shall be forfeited to the Township;
5. in the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Township may designate the unsuccessful but qualified bidder whose bid was closest to the successful bid as an eligible purchaser;

6. in the event that the purchaser of that property or bid package fails to meet any of the conditions of sale established by the Township pursuant to this section, and the purchaser's interest in the property or properties reverts to the Township, the Township may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.
7. The Township shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the Township pursuant to Subsection A(2), (3), or (4) of this section. Nothing shall prohibit the Township from holding a special tax sale on the same day as a standard or accelerated tax sale.

§ ___-___. Eminent domain proceedings; establishment of fair market value.

A. With respect to any eminent domain proceeding carried out under Section 37 of P.L. 1996, c. 62 (N.J.S.A. 55:19-56), the fair market value of the property shall be established on the basis of an analysis which determines independently:

1. the cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct a new building on the site, including all costs ancillary to rehabilitation such as, but not limited to, marketing and legal costs;
2. the realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood or subarea of the Township in which the property is located; and
3. the extent to which the cost exceeds or does not exceed the market value after rehabilitation, or demolition and new construction, and the extent to which any "as is" value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the Owner.

§ ___-___. Removal of property from abandoned property list.

If a property which an entity other than the Township has purchased or taken assignment from the Township of a tax sale certificate is placed on the abandoned property list, the property shall be removed from the list if the Owner of the certificate pays all the Township's taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the Owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list.

§ ___-___. Request to place property on abandoned property list.

A. Any interested party may submit in writing a request to the Public Officer that a property be included on the abandoned property list prepared pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within 30 days of receipt of any such request, the Public Officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For the purposes of this subsection, "interested party" shall include any resident of the Township, any Owner or operator of a business within the Township or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

B. Any interested party may participate in any redetermination hearing held by the Public Officer pursuant to Subdivision e of Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55). Upon written request by any interested party, the public officer shall provide the party with at least 20

days' notice of any such hearing. The party shall provide the public officer with notice at least 10 days before the hearing of its intention to participate, and the nature of the testimony or other information that it proposes to submit at the hearing.

BE IT FURTHER ORDAINED, by the Township Committee of the Township of Fairfield that in all other respects Section 265 shall remain unaffected and unaltered by the provisions hereof.

BE IT FURTHER ORDAINED that this ordinance shall take effect according to law.

Section One. Repealer. All former Ordinances of the Township of Fairfield which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. This Ordinance shall take effect after final approval and publication as required by law.

DATE: April 17, 2019
TOWNSHIP OF FAIRFIELD

BY: [Signature]
Benjamin Byrd, Sr. - Mayor

[Signature]
Linda M. Gonzales - Municipal Clerk

STATE OF NEW JERSEY :
:ss
COUNTY OF CUMBERLAND :

Please take notice that the above Ordinance was adopted after a Public Hearing at a meeting of the Fairfield Township Committee on the 17th day of April, 2019 at the Fairfield Township Municipal Building in Fairton, New Jersey.

ATTEST
[Signature]
Linda M. Gonzales, Municipal Clerk

Adoption: First Reading: April 3, 2019
Publication on First Reading: April 9, 2019
Second Reading/ Public Hearing: April 17, 2019
Final Adoption: April 17, 2019
Publication on Final Reading: April 23, 2019

Final Adoption:
Motion By: Mark H. Pierce, Sr.
Seconded: Marvin Pierce, Jr.
Aye: Clark, Gonzales, Pierce Sr, Pierce Jr, Byrd Nay: NONE
Abstain: NONE