



Re: Block: Lot:

Mine Hill, New Jersey 07803

The Township of Mine Hill adopted Ordinance 14-22, amending Chapter 390 to *Comply with Statutory Requirements for Vacant and Foreclosure Property Registration*, on January 18, 2022. The purpose of this ordinance is to regulate the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed an action to foreclose and to establish a mechanism to identify and track vacant and abandoned properties in the Township and to establish standards for their maintenance. The full text of the ordinance can be found on the township's website, www.minehill.com.

Enclosed is an *Application for the Registration of Vacant and Abandoned Properties*, which must be completed and submitted to the Township within ten calendar days of receipt of notice. The annual fee schedule is:

1. \$500 per property annually for any property that is required to be registered because summons and complaint in an action to foreclose was filed by the creditor; and
2. An additional \$2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed or becomes vacant and abandoned at any time thereafter while the property is in foreclosure.

Also enclosed you will find the sections of the Township's Property Maintenance Ordinance Chapter 390 indicating maintenance issues that must be addressed by the Creditor.

The implementation of this ordinance is beneficial to both the Township and the Creditor. Thank you for your cooperation and prompt attention.

Very truly yours,

William Budesheim

Mine Hill Township

10 Baker Street • Mine Hill • New Jersey • 07803

Phone: 862-437-1197

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E-mail: Zoning@MineHill.com

Township of Mine Hill

Property Maintenance Chapter 390

§390-24 DEFINITIONS: Abandoned Property

A residential property shall not be considered “vacant and abandoned” if there is an unoccupied building which is undergoing construction, renovation, or rehabilitation and the building is in compliance with all applicable ordinances, codes, regulations, and statutes; if there is a building occupied on a seasonal basis, but otherwise secure; or if there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

§390-32 PURPOSE OF THIS ARTICLE IS TO:

- (1) create a property registration program for the purposes of identifying and monitoring residential and commercial properties within the Township for which a summons and complaint in an action to foreclose on a mortgage has been filed;
- (2) regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties for which a summons and complaint in an action to foreclose has been filed; and
- (3) impose property registration fees on the creditor of residential or commercial properties on an annual basis.

§390-33 CREDITOR REGISTRATION:

- (1) As used in this section: “Creditor” means a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this section. For purposes of this section, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.
- (2) A creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the Township pursuant to section 17 of P.L.2008, c. 127 (C.46:10B-51) or section 2 of P.L.2021, c. 444 (C.40:48-2.12s2), register the residential or commercial property with the Township’s property registration program as a property in foreclosure and, as part of that registration: (a) provide the Township with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of P.L.2008, c. 127 (C.46:10B-51) or paragraph (1) of subsection a. of section 2 of P.L.2021, c. 444 (C.40:48-2.12s2); (b) identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and (c) identify whether the property is vacant and abandoned;
- (3) If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor following the filing of the summons and complaint, the creditor shall update the property registration program within 10 days of the change in that information;
- (4) A creditor filing a summons and complaint in an action to foreclose shall, if the registered property becomes vacant and abandoned after the property is initially registered with the Township, update the property registration with the Township to reflect the change in the property’s status.
- (5) A creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor;

§390-34 CREDITOR RESPONSIBILITY

- (1) A creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program.
- (2) The care, maintenance, security, and upkeep of the exterior of the property includes, but is not limited to, securing the property against unauthorized entry, 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 an out-of-State creditor’s in-State representative or agent for the purpose of receiving service of process, acquiring and otherwise maintaining liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property while registered with the property registration program.

§390-35 DEFINITION OF “VACANT AND ABANDONED”

A property shall be considered vacant and abandoned under this Article if it is not legally occupied by a mortgagor or tenant, which is in 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 windowpanes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

REFUSE or RUBBISH — All discarded, useless, unusable, unused or worthless solid waste matter or materials, combustible or noncombustible, including, but not limited to, garbage; trash; ashes; paper, paper goods and products; wrappings; cans; bottles; containers; yard clippings; garden refuse; brush and containers of waste materials, chemicals or oil other than garbage containers used and intended to be picked up in the normal weekly scavenger collection service; debris; junk; glass; boxes, crockery; wood; mineral matter; plastic; rubber; leather; furniture; household goods; appliances; fixtures; bedding; scrap lumber; scrap metal, construction material, inoperable machinery or parts thereof; dead or rotting vegetation, excluding compost piles which are not otherwise prohibited in this chapter; abandoned, inoperative, unused or unusable automobiles and vehicles, or parts or components of automobiles, motor vehicles, motorcycles or vehicles of any kind; and solid commercial or industrial waste.

§390-36 ENFORCEMENT

The Township Manager may designate an officer or employee with the responsibility to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity 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.

§390-38 VIOLATIONS

- (1) An out-of-State creditor found by the municipal court or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall be in violation, excluding only a violation addressed by paragraph (1) of this subsection, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph 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.
- (1) No less than 20 percent of any money collected pursuant to subsection f. or g. of this section or an ordinance adopted pursuant to subsection a. of this section shall be utilized by the Township for municipal code enforcement purposes.

Chapter 235, “Fees”, of the Revised General Ordinances of the Township of Mine Hill, Section 235-14, “Property Maintenance”, shall be amended by the inclusion of new subsection B which shall read as follows:

- B. Buildings Pending Foreclosure: The annual fee for a creditor required to register a property pursuant to Chapter 390, Article VI, shall be:
- (2) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (3) an additional \$2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed or becomes vacant and abandoned at any time thereafter while the property is in foreclosure.

Mine Hill Township

10 Baker Street, Mine Hill, New Jersey 07803

862-437-1197

Zoning@MineHill.com

REGISTRATION OF VACANT AND ABANDONED PROPERTIES

Block: _____ Lot: _____

Street Address: _____

☐

Foreclosed

☐

Foreclosed & Vacant

☐

Amended

Creditor

Name: _____

Address: _____

City, State, Zip: _____

Contact Person: _____ Title: _____

Phone: _____ Email: _____

Fee Paid: _____

Authorized Agent

A person twenty-one years or older designated by the Creditor 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 Creditor in connection with the enforcement of any applicable code. §181-2C.

Name: _____

Address: _____

City, State, Zip: _____

Cell Phone: _____ Office Phone: _____

Maintenance Firm

The Firm and the actual name(s) of the Firm's individual principal(s) responsible for maintaining the Abandoned and Vacant 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 NJ or reside within NJ. §181-2D.

Name of Firm: _____

Address: _____ City, State, Zip: _____

Phone: _____ Email: _____

Representative: _____ Phone: _____

Office or Resides
in New Jersey ☐

Representative: _____ Phone: _____

Office or Resides
in New Jersey ☐

Representative: _____ Phone: _____

Office or Resides
in New Jersey ☐

The annual fee schedule, payable to the Township of Mine Hill upon application, is:

1. \$500 per property annually for any property that is required to be registered because summons and complaint in an action to foreclose was filed by the creditor; and
2. An additional \$2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed or becomes vacant and abandoned at any time thereafter while the property is in foreclosure.

Signature Required on Reverse Side

Township of Mine Hill

Ordinance No. 14-22

Chapter 390

Adopted January 18, 2022

Registration Statement For Vacant Property

Pursuant to N.J.S.A. 55:19-78, et seq.

Address:

Block:

Lot:

In submitting this Registration Statement, I acknowledge that I have been given a copy of and read Chapter 390, Article V (Vacant Residential and Non-Residential Premises), and agree to comply with all provisions, including:

- Notifying the municipality of Mine Hill within 30 days of any change in the registration information by filing an amended Registration Statement (Section 390-25C).
- Providing the Mine Hill Township Construction Official or Code Enforcement Official with access to the property. If an inspection is required for the interior of the property due to complaints or other causes, the fee for such inspection shall be the same as for a Certificate of Occupancy inspection (Section 390-26A).
- Posting a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for the day-to-day supervision and management of the building, if different from the owner holding the title or authorized agent (Section 390-28A).
- Meeting minimum standards for basic equipment and facilities (Section 390-28B).

Print Name of Authorized Agent: _____

Name of Mortgagee: _____

Address: _____

Telephone #: _____ E-mail: _____

Signature of Authorized Agent: _____