Township of Independence
286B Route 46. P.O. Box 164
Great Meadows, NJ 07838
zoning@independencenj.com
908-637-4133 x 19

FORECLOSURE REGISTRATION AND VACANT / ABANDONED PROPERTY REGISTRATION FORM

BLOCK: _____ LOT: _____

PROPERTY ADDRESS: _____

PROPERTY OWNER NAME: _____

Address (No P.O. Boxes): _____

Telephone Number & Email: _____

LENDER/LIEN HOLDER/MORTGAGE COMPANY/ TRUSTEE:

Name: _____

Address (No P.O. Boxes): _____

Telephone Number and Fax Number: _____

Contact, Telephone # (Direct Line) & Email _____

PROPERTY MANAGEMENT COMPANY:

Name: _____

Address (No P.O. Boxes): _____

Telephone Number and Fax Number: _____

Contact, Telephone # (Direct Line) & Email: _____

DATE OF FORECLOSURE ACTION: _____ **ANNUAL REGISTRATION FEE: $500**

DATE PROPERTY BECOMES VACANT / ABANDONED _____ **ANNUAL VAP FEE: $2000**

PROPERTY DESCRIPTION:

Total Number of Residential Units: _____ Commercial Units: _____ Number of Stories: _____

1. Is the property: ☐ Vacant ☐ Abandoned: ☐ Secure: ☐ Open & Accessible:
2. Does the owner intend to restore the property to productive use and occupy in the next 12 months? ☐ Yes ☐ No
3. Is the property currently enclosed and/or secured from unauthorized entry e.g., windows/doors boarded)? ☐ Yes ☐ No
4. Are the utilities: ☐ On ☐ Off ☐ Electric ☐ Water ☐ Gas
5. Is a sign (minimum 8"x10") affixed to the building specifying the name, address, and telephone number of the owner, owner's authorized agent and person responsible for daily supervision and management of building? ☐ Yes ☐ No

An emergency contact person, having the authority to act and respond to the needs of the registered property must be available on a 24 hour per day, 7 day per week basis.
Emergency Contact Name & Telephone Number: _____

_____ _____ _____
Owner's Name Owner's Signature Date

I hereby certify that the foregoing information and statements made by me are true. I am aware that if any of the foregoing information or statements made by me are willfully false, I am subject to punishment under the "violations and penalties" provision of the vacant property registration ordinance.

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OFFICE USE ONLY:

☐ Annual Registration Fee: $500.00 ☐ Annual Vacant and Abandoned Fee: $2,000.00

Date Paid: _____ ☐Cash ☐ Check Check Number: _____

INDEPENDENCE TOWNSHIP

ORDINANCE NO. 2022-08

AMENDING CHAPTER 380 OF THE CODE OF THE TOWNSHIP OF INDEPENDENCE ENTITLED "VACANT AND ABANDONED STRUCTURES" REGARDING THE REGISTRATION OF VACANT AND FORECLOSED PROPERTIES TO BE CONSISTENT WITH P.L. 2021, C. 444

WHEREAS, Independence Township is challenged to identify and locate responsible parties of foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Independence Township finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; and

WHEREAS, the Independence Township has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Independence Township adopted Ordinance 2014-07 regulating the registration and maintenance of abandoned and vacant properties; and

WHEREAS, amendments to Ordinance 2014-07, codified as Chapter 380 of the Township Code, are necessary to comply with P.L. 2021, c. 444 and such ordinance must be adopted no later than August 1, 2022; and

WHEREAS, the Independence Township has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned, vacant, and foreclosure properties located within the Township; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Independence, in the County of Warren and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. Chapter 380, entitled, "Vacant and Abandoned Structures," is renamed "Abandoned and Foreclosed Property Registration and Maintenance."

SECTION 2. Chapter 380 of the Township Code is hereby deleted in its entirety and replaced with the following:

§ 380-1. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

VACANT AND ABANDONED REAL PROPERTY – As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that 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 window panes that are damaged, broken, and unrepaired;

(j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;

(k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;

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

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

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

(o) any other reasonable indicia of abandonment.

APPLICABLE CODES - means to include, but not be limited to, the Independence Township Code of Ordinances ("Township Code"), and the New Jersey Building Code.

CREDITOR – As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P.L.2009, c.53 (N.J.S.A.17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a "creditor" shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

ENFORCEMENT OFFICER - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Independence Township to enforce the applicable code(s).

FORECLOSURE – means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm's length transaction whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

MORTGAGEE - means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY MANAGEMENT COMPANY - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

VACANT - means any building or structure that is not legally occupied.

§ 380-2. Applicability:

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Township of Independence above and beyond any other state, county or local provisions for same.

§ 380-3. Establishment of a Registry.

Pursuant to the provisions of Section 65-10, the Independence Township or its designee shall establish a vacant and abandoned property registry containing the information required by this Article.

§ 380-4. Registration of Property.

a) Any creditor who holds a mortgage or equity lien on real property located within the Township shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) days of the inspection, register the property with the Township Code Enforcement Official, or its designee, on forms or website access provided by the Township, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Township.

c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.

d) A non-refundable annual registration fee in the amount of $500.00 per property, shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration and fee as follows: 1) $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 (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 pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.

e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.

f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Township and/or its authorized designee.

g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain in foreclosure.

i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.

k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits and inspections required by applicable code or State Statutes.

m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

n) If the creditor sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous creditor will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

§65-11. Maintenance Requirements:

a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.

d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter, Chapter 407 ("Nuisances, Public Health"), Chapter 342 ("Streets and Sidewalks"), and Chapter 142 (Brush, Grass, Weeds & Debris) of the Township Code. Pursuant to a finding and determination by the Township's Code Enforcement Officer or a Court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section.

h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

§ 65-12. Security Requirements:

a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.

§65-13. Public Nuisance:

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Township.

§65-14. **Violations and Penalties:**

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not less than $500.00 or exceeding $1,250.00; or by a period of community service not exceeding 90 days.

Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

§65-15. Inspections for Violations:

Adherence to this Chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

§65-16. Additional Authority:

a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.

b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

d) If the mortgagee does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Township sending the mortgagee the invoice, then the Township may lien the property with such cost, along with an administrative fee of $500.00 to recover the administrative personnel services.

§65-17. Opposing, Obstructing Enforcement Officer; Penalty:

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

§65-18. Immunity of Enforcement Officer:

Any enforcement officer or any person authorized by the Township to enforce the Sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

SECTION 3. Severability. Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. Repealer. All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION 5. When Effective. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTEST:

Dena M. Hrebenak, RMC
Clerk/Administrator

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF INDEPENDENCE

Robert M Giordano
Mayor