

**HAMPTON TOWNSHIP
ORDINANCE NO. 2023-16**

AN ORDINANCE TO AMEND CHAPTER 40, ENTITLED “VACANT AND ABANDONED PROPERTIES” AND TO ADD CHAPTER 39, ENTITLED “REGISTRATION AND COMPLIANCE REQUIREMENTS FOR PROPERTIES IN FORECLOSURE” TO THE CODE OF THE TOWNSHIP OF HAMPTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

BE IT ORDAINED by the Township Committee of the Township of Hampton in the County of Sussex, as follows:

SECTION 1. Section 40-1, entitled “Definitions”, of Chapter 40, entitled “Vacant and Abandoned Properties”, of the Code of the Township of Hampton, County of Sussex, State of New Jersey, is amended to delete the following definition:

CREDITOR

A creditor who files a summons and complaint in an action to foreclose.

SECTION 2. Section 40-4, entitled “Responsibilities of creditors; violations and fines” of Chapter 40, entitled “Vacant and Abandoned Properties”, of the Code of the Township of Hampton, County of Sussex, State of New Jersey, is amended to read as follows:

40-4 Responsibilities of creditors; violations and fines.

See Chapter 39, Registration and Compliance Requirements for Properties in Foreclosure

SECTION 3. A new Chapter 39, entitled “Registration and Compliance Requirements for Properties in Foreclosure” shall be added to the Code of the Township of Hampton, County of Sussex, State of New Jersey, and shall read as follows:

Chapter 39. Registration and Compliance Requirements for Properties in Foreclosure.

39-1 Definitions.

CREDITOR

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 Chapter. For purposes of this Chapter, 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.

PROPERTY

Any building or structure or portion thereof and the land appurtenant thereto.

PUBLIC OFFICER

The Code Enforcement Officer of the Township of Hampton.

39-2 Vacant and Abandoned Property.

For the purposes of this Chapter, a property shall be considered vacant and abandoned 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.

39-3 Duties of creditors.

- A. A creditor shall, in addition to the notice provided to the Township of Hampton pursuant to section 17 of N.J.S.A 46:10B-51 or section 2 of N.J.S.A. 40:48-2.12s2 register the residential or commercial property with the municipality's property registration program as a property in foreclosure and, as part of that registration: (a) provide the municipality with the information regarding the creditor required by paragraph (1) of subsection a. of section 17 of N.J.S.A 46:10B-51 or paragraph (1) of subsection a. of section 2 of N.J.S.A 40:48-2.12s2 (b) identify the date the 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 in accordance with Section 39-2.
- B. 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 required to register pursuant to the property registration requirements following the filing of the complaint, the creditor shall update the property registration with the Township within 10 days of the change in that information.
- C. The creditor shall, if the registered property becomes vacant and abandoned in accordance with Section 39-2 after the property is initially registered with the municipality, update the property registration with the Township to reflect the change in the property's status.
- D. The creditor 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 Township and shall specifically, but without limitation, comply with the duties applicable to owners of vacant and abandoned property as set forth in Section 40-2.
- E. A creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
- F. A creditor shall comply with the requirements of Subsection 40-2 relating to the care, maintenance, security, and upkeep of the exterior of the property, and post 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, or acquire and otherwise maintain 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 Township.
- G. A creditor shall pay fees as required by Chapter 39 in accordance with Section 39-6.

39-4. Enforcement.

- A. The public officer or other authorized municipal official is authorized to issue a notice to the creditor if the public officer or other authorized municipal official determines that the creditor has violated any requirements of Chapter 39.
- B. 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 creditor to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The notice issued shall include a description of the conditions which give rise to the violation. If the creditor fails to remedy the violation within that time period, the creditor shall be subject to the penalties set forth in Section 39-7.

- C. If the Township expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the creditor was given notice pursuant to the provisions of Section 39-4 but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property, including, but not limited to, the recourse provided under section 23 of P.L.2003, C. 210 (C.55:19-100).

39-5 In its discretion, the Township of Hampton may contract with and set the compensation of a private entity, pursuant to the "Local Public Contracts Law," N.J.S.A. 40A: 11-1 et seq., to assist the Township in the implementation and administration of the property registration program.

39-6 Registration Fees for Properties in Foreclosure.

The registration fee shall be \$500 annually per property required to be registered per this Chapter; and an additional \$2,000 annually per property if the property is determined by the Township to be vacant and abandoned per Section 39-2 at any time during the pendency of the mortgage foreclosure action.

39-7 Violations; penalties.

- a. An out-of-State creditor subject to Chapter 39 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 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 commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of N.J.S.A. 46:10B-51 or paragraph (1) of subsection a. of section 2 of N.J.S.A. 40:48-2. 1 2s2 for providing notice to the Township clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- b. A creditor subject to Chapter 39 found by the municipal court or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (a) of this Section 39-7 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.
- c. Fines assessed under Chapter 39 shall be a lien on the property.

39-8 No less than 20 percent of any money collected pursuant to Chapter 39 shall be used for municipal code enforcement purposes.

39-9 Compliance with other provisions.

Nothing in Chapter 39 is intended to nor shall be read to conflict or prevent the Township of Hampton from taking action regarding buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Township of Hampton and/or the Uniform Construction Code. Further, any action taken under any such code provision shall not relieve an owner or creditor from his, her or its obligations under Chapter 39.

39-10 Interpretation.

All references in Chapter 39 to statutes include all amendments thereto. References to particular sections of enabling statutes are for ease of reference but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in enabling statutes or elsewhere in New Jersey statutes.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Hampton Township Committee at their regular meeting held on August 29, 2023 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: _____

Kathleen Armstrong, RMC
Township Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2023-16 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 25th day of July 2023 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 29th day of August 2023 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Date:

Kathleen Armstrong, RMC
Township Clerk

**NOTICE
ORDINANCE 2023-16**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2023-16 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, August 29, 2023, at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC
Township Clerk