

Vacant Property Registration Ordinance

Documents Included:

1. Ordinance 6S&FA060211
2. Registration form for vacant residential properties.
3. FAQ regarding the Vacant Property Registration Ordinance.

8j 042011
6F-h 050411
6PSF-g 051811
6PSF-a 06C211
JUN. 0. 3. 2011

6FH MAY 04 2011
No. 6FH 1st Reading

Ordinance

of the

No. 6PSFA JUN 02 2011
2nd Rdg. and Final Passage

City of Newark, N.J.

Date to Mayor JUN 03 2011
Date Returned JUN 10 2011

Date Resubmitted to Council
Date Advertised 1st Reading

No. Reconsidered
Approved as to Form and Legality on Basis of Facts Set Forth



Final Reading
Factual contents certified to by

Danielle P. Turk
Corporation Counsel

Stefan Pryor
Title

Council member *Rice* presents the following Ordinance:

Stefan Pryor, Deputy Mayor/Director
Dept. of Economic
and Housing Development

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AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION, CHAPTER 10, DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, TO ADD NEW SECTION 2:10-1.4D GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE CITY OF NEWARK, ESTABLISHING REGISTRATION REQUIREMENTS AND LEVYING A REGISTRATION FEE ON OWNERS OF VACANT PROPERTIES.

CITY CLERK'S OFFICE
NEWARK, N.J.
ROOM 309
2011 APR - 8 P 4: 21

WHEREAS, the City of Newark contains numerous structures that are vacant in whole or large part; and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard, or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the City of Newark incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the City of Newark to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the City of Newark; and

WHEREAS, it is in the public interest for the City of Newark to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the City by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Section 1.

Title 2, Administration, Chapter 10, Department of Economic and Housing Development, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, be amended to add Section 2:10-1.4D governing the maintenance of vacant properties in the City of Newark, establishing registration requirements and levying a registration fee on owners of vacant properties.

2:10-1.4D.1. Definitions.

No. 6PSFAPage 2Date JUN 02 2011

1 "Owner" shall include the title holder, any agent of the title holder having authority to act with
2 respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51
3 (P.L.2008, c.127, Sec.17), or any other entity determined by the City of Newark to have authority
4 to act with respect to the property.
5

6 "Vacant Property" shall mean any building used or to be used as a residence which is not legally
7 occupied or at which substantially all lawful construction operations or residential occupancy has
8 ceased, and which is in such condition that it cannot legally be re-occupied without repair or
9 rehabilitation; provided, however, that any property that contains all building systems in working
10 order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant.
11 Property determined to be "abandoned property" in accordance with the meaning of such term in
12 the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., shall also be deemed to
13 be vacant property for the purposes of this ordinance.
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16 **2:10-1.4D.2. General Requirements.**
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18 a. Effective August 1, 2011, the owner of any vacant property as defined herein
19 shall within 60 days after the building becomes vacant property or within 30 days after assuming
20 ownership of the vacant property, whichever is later, file a registration statement for each such
21 vacant property with the Rent Regulation Officer on forms provided by that Rent Regulation
22 Officer for such purposes. The registration shall remain valid for one year from the date of
23 registration. The owner shall be required to renew the registration annually as long as the building
24 remains vacant property and shall pay a registration or renewal fee in the amount prescribed in
25 Section 2:10-1.4D.4 of this Chapter for each vacant property registered.
26

27 b. Any owner of any building that meets the definition of vacant property prior to
28 August 1, 2011, shall file a registration statement for that property on or before August 30, 2011.
29 The registration statement shall include the information required under Section 2:10-1.4D.3 of
30 this Chapter, as well as any additional information that the Rent Regulation Officer may
31 reasonably require.
32

33 c. The owner shall notify the Rent Regulation Officer within 30 days of any change
34 in the registration information by filing an amended registration statement on a form provided by
35 the Rent Regulation Officer for such purpose.
36
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38 d. The registration statement shall be deemed prima facie proof of the statements
39 therein contained in any administrative enforcement proceeding or court proceeding instituted by
40 the City against the owner or owners of the building.
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42 **2:10-1.4D.3. Registration Statement Requirements; Property Inspection.**
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44 After filing a registration statement or a renewal of a registration statement, the owner of any
45 vacant property shall provide access to the City to conduct an exterior and interior inspection of
46 the building to determine compliance with the municipal code, following reasonable notice,
47 during the period covered by the initial registration or any subsequent renewal.
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50 a. The registration statement shall include the name, street address and telephone
51 number of a natural person 21 years of age or older, designated by the owner or owners as the
52 authorized agent for receiving notices of code violations and for receiving process, in any court
53 proceeding or administrative enforcement proceeding, on behalf of such owner or owners in
54 connection with the enforcement of any applicable code. This person must maintain an office in
55 the state of New Jersey or reside within the state of New Jersey. The statement shall also include
56 the name of the person responsible for maintaining and securing the property, if different.
57

58 b. An owner who is a natural person and who meets the requirements of this
59 ordinance as to location of residence or office may designate him or herself as agent.
60

61 c. By designating an authorized agent under the provisions of this section the owner
62 consents to receive any and all notices of code violations concerning the registered vacant
63 property and all process in any court proceeding or administrative enforcement proceeding
64 brought to enforce code provisions concerning the registered building by service of the notice or
65 process on the authorized agent. Any owner who has designated an authorized agent under the
66 provisions of this section shall be deemed to consent to the continuation of the agent's designation
67 for the purposes of this section until the owner notifies the Rent Regulation Officer of a change of
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No. 6PSF-A

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Date JUN 02 2011

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authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this ordinance.

2:10-1.4D.4. Fee Schedule.

The initial registration fee for each building shall be \$500. The fee for the first renewal is \$1,500, and the fee for the second renewal is \$3,000. The fee for any subsequent renewal beyond the second renewal is \$5,000.

Vacant property registration fee schedule

Initial registration	\$500
First renewal	\$1,500
Second renewal	\$3,000
Any subsequent renewal	\$5,000

2:10-1.4D.5. Requirements for Owners of Vacant Property.

The owner of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, within 30 days:

a. enclose and secure the building against unauthorized entry as provided in the applicable provisions of the code of the City of Newark, or as set forth in rules and regulations adopted by the Director of Neighborhood and Recreational Services to supplement those codes; and

b. post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Section 2:10-1.4D.3 of this Chapter), and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18"x 24"; and

c. secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.

2:10-1.4D.6. Administration.

The Rent Regulation Officer may issue rules and regulations for the administration of the provisions of this ordinance.

2:10-1.4D.7. Violations and Penalties.

a. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 2:10-1.4D.5 of this Chapter, or such other matters as may be established by the rules and regulations of the Rent Regulation Officer shall be deemed to be violations of this ordinance.

Section 2. Nothing in this Ordinance is intended to nor shall be read to conflict or prevent the City from taking action against buildings found to be unfit for human habitations or unsafe structures as provided in applicable provisions of the Code of the City of Newark, including but not limited to Title 18, Chapter 11; Title 18, Chapter 13; and Title 7, Chapter 5. Further, any action taken under any such code provision other than the demolition of a structure shall relieve an owner from its obligations under this ordinance.

Section 3. This Ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

No. 6PSFA

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8j 042011
6F-h 050411
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JUN 02 2011

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Section 4. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue in full force and effect.

STATEMENT

This Ordinance authorizes the City to govern the maintenance of vacant properties in the City of Newark, establishing registration requirements and levying a registration fee on owners of vacant properties.

**CERTIFIED TO BY ME THIS
JUN 10 2011**

DO NOT USE SPACE BELOW THIS LINE


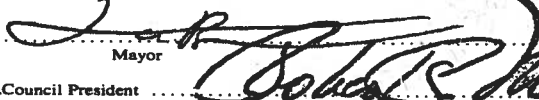
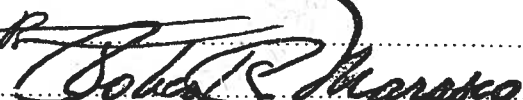
RECORD OF COUNCIL VOTE ON FINAL PASSAGE					RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador	✓				Ramos Vice President				✓	Amador				
Baraka	✓				Rice	✓				Baraka				
Crump				✓	Sharif	✓				Crump				
Gonzalez	✓				Payne President	✓				Gonzalez				
Quintana	✓									Quintana				

✓ - Indicates Vote

AB - Absent

NV - Not Voting

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on MAY 04 2011
Adopted on second and final reading after hearing on JUN 02 2011

Approved
Rejected By  Council President  Mayor  City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk, Certified copies are available.

**REGISTRATION FORM FOR
ABANDONED/VACANT RESIDENTIAL PROPERTIES**

(Please Print or Type)

BLOCK # _____ LOT # _____

1. _____
ADDRESS OF SUBJECT DWELLING WARD

2. _____
PROPERTY OWNER'S NAME TELEPHONE #

3. _____
PROPERTY OWNER'S ADDRESS CITY STATE ZIP

EMAIL _____

4. _____
NAME OF MANAGING AGENT AUTHORIZED TO ACT WITH RESPECT TO THE VACANT PROPERTY

_____ NJ ADDRESSES ONLY CITY STATE ZIP CODE

TELEPHONE # _____

EMAIL _____

5. PROPERTY DESCRIPTION: TOTAL RESIDENTIAL UNITS: _____ COMMERCIAL UNITS: _____

A. Number of stories: _____

B. Date property was acquired: _____

C. Does "owner" intend to restore property to productive use and occupancy in the next 12 months: Yes: _____ No: _____

D. Is property currently:

1. Enclosed and secured from unauthorized entry: (Boarded-up) Yes _____ No _____

2. Sign affixed to building indicating the name, address and telephone number of the owner and owner's authorized agent? (no smaller than 18'X24") Yes _____ No _____

3. Who will maintain the building and sign in a secure and closed condition until building is again occupied, demolished and/or rehabilitation is completed?

I CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. I AM AWARE THAT IF ANY OF THE FOREGOING STATEMENTS MADE BY ME ARE WILLFULLY FALSE, I AM SUBJECT TO PUNISHMENT UNDER THE PENAL PROVISIONS OF THE RENT CONTROL ORDINANCE.

OWNER'S SIGNATURE

DATE

Frequently Asked Questions:

How do I know if my property is considered a vacant residential property?

“Vacant Property” as defined by Ordinance 6S&FA060211 is any residential building which is not legally occupied or at which construction has ceased and the building is in such a condition that it cannot be legally occupied. Properties that contain all building systems in working order that are actively being marketed for sale or rental are not deemed vacant.

Why should I register and my residential property as vacant?

The City of Newark has recently adopted the Vacant Property Ordinance in an effort to reduce crime, fires, blight, and other negative effects caused by vacant and abandoned properties. Property owners who fail to register their vacant properties with the City of Newark are subject to substantial fines.

How do I register my property as a vacant residential property?

Vacant property should be registered with the City of Newark’s Rent Regulation Officer, Maria C. Hernandez. Vacant residential property registrations should be renewed on annual basis. Registration forms are available on the City of Newark’s website and at City Hall, 920 Broad Street, Room 403. Completed forms and fees should be returned to:

Maria C. Hernandez
Rent Regulation Officer
Office of Rent Control, Room 403
920 Broad Street
Newark, NJ 07102

Vacant property registration fee schedule:

Initial registration	\$500
First renewal	\$1,500
Second renewal	\$3,000
Any subsequent renewal	\$5,000

When should I register my vacant residential property?

If you already own a residential property that is vacant prior to August 1, 2011, you have until August 30, 2011 to register your vacant property with the city.

If you acquire a vacant residential property on or after August 1, 2011, you must register the property within 30 days of acquisition.

If you already own a property prior to August 1, 2011 that becomes vacant on or after August 1, 2011, you have 60 days after the property becomes vacant to register it.

I received a notification from the city stating that my property was added to its Abandoned Property List, must I also register it as a Vacant Property?

Yes. Any property that is considered abandoned according to the Abandoned Property Rehabilitation Act (APRA) must also be registered as a Vacant Property with the City of Newark.

What should I do once I have registered a vacant property with the city?

Vacant property owners are required to enclose and secure the building in accordance with the code of the City of Newark. In addition, a sign should be posted on the building indicating the name, address, and telephone number of the owner, the owner's agent, and the person responsible for day-to-day management of the building. The building should remain secured and marked until the property is no longer vacant.

What are the penalties for not registering a vacant residential property with the city?

Property owners who fail to register their vacant property are subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that the vacant property is not registered counts as a separate offense. For example, a property owner who waits five (5) days after being notified that their property is vacant will be fined between \$500 and \$1,000 for each of those five days for a total of between \$2,500 and \$5,000.

What can I do if a residential property other than my own appears to be vacant?

If you think a residential property is vacant, you can call 311 to alert the city.

* The above information should be used as a guide to the City of Newark Vacant Property Ordinance and does not stand in place of the ordinance itself as legally binding.