

Chapter 615

PROPERTY, VACANT AND ABANDONED

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[HISTORY: Adopted by the City Council of the City of Camden as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Abandoned Property List**[Adopted 10-14-2004 by Ord. No. MC-3994 (Ch. 2 of the 1987 Code)]****§ 615-1. Adoption of provisions of Act.**

An ordinance adopting the provisions of the Abandoned Properties Rehabilitation Act is adopted as follows.

§ 615-2. Identification of abandoned properties; duty to maintain list.

The public officer designated by the Mayor is hereby directed to identify abandoned properties within the municipality, 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 by Section 28 of P.L. 2003, c. 210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.

§ 615-3. Application of list.

The abandoned property list shall apply to the City of Camden as a whole as set forth below: The public officer shall provide a report to the Mayor 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 municipality 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 City of Camden.

ARTICLE II

Registration of Vacant and/or Defaulted Mortgage Property**[Adopted 11-13-2018 by Ord. No. MC-5156¹]****§ 615-4. Purpose and intent.**

- A. The City Council of the City of Camden finds that the implementation of the following changes and additions will assist the City of Camden in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy and lack of compliance with existing City of Camden regulations and laws.
- B. It is the purpose and intent of the City Council to establish a process to address the deterioration, crime and decline in value of the City of Camden neighborhoods caused by property with defaulted mortgages located within the City of Camden, and to identify, regulate, limit and reduce the number of these properties located within the City of Camden. It is the City Council's further intent to establish a registration requirement as a mechanism to protect neighborhoods from the negative impact and conditions that occur as a result of vacancy, lack of adequate maintenance and security and will provide a method to expeditiously identify a contact person for each property responsible for this protection.
- C. It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the City of Camden is not a party. This article under agreements to which the City of Camden is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and tenant or others relating to property that is the subject of this article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

§ 615-5. Definitions.

ACCESSIBLE PROPERTY/STRUCTURE — A property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES — Includes, but is not limited to, the City of Camden's Zoning Code, the City of Camden's Property Maintenance Code, Neighborhood Improvement Ordinances, Solid Waste Ordinances, Residential and Commercial Recycling Ordinance, and the state and City of Camden Building and Fire Codes.

BLIGHTED PROPERTY —

- A. Properties that have broken or severally damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- B. Properties whose maintenance is not in conformance with the maintenance of other neighboring properties, causing a decrease in value of the neighboring properties; or
- C. Properties cited for public nuisance pursuant to Camden City Codes; or

1. **Editor's Note:** This ordinance also repealed former Article II, Registration of Defaulted Mortgages, adopted 7-10-2018 by Ord. No. MC-5122.

- D. Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lack maintenance as required by the applicable codes.

DEFAULT — That the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

ENFORCEMENT OFFICER — Any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the City of Camden to enforce the applicable code(s).

FORECLOSURE — The legal process by which a mortgagee terminates a property owner's equitable right of redemption to obtain legal equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed in lieu of foreclosure, sale to the mortgagee, certificate of title and all other processes, activities and actions, by whatever name, associated with described process.

MORTGAGEE — The creditor, including but not limited to trustees; mortgage servicing companies; lenders in 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.

OWNER — Any person, firm, corporations or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment or premises subject to the provisions of this chapter.

REAL PROPERTY — Any improved residential or commercial land, buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City of Camden limits. Developed lots are considered improved land.

REGISTRABLE PROPERTY —

- A. Any vacant real property located in the City of Camden, including a property that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a foreclosure action by a mortgagee or trustee and a judgment has been entered, or has 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.
- B. The designation of a default/foreclosure property as "registrable" shall remain in place until such time as the property is sold to a nonrelated bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

SEMI-ANNUAL REGISTRATION — Six months from the date of the first action that requires registration, as determined by the City of Camden, or its designee, and every subsequent six months. The date of the initial registration may be different than the date of the first action that required registration.

VACANT PROPERTY — Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation; provided, however, that any property that contains all building systems in working

order and is being actively marketed by the owner for sale or rental shall not be deemed vacant. Property determined to be "abandoned property" in accordance with the meaning of the such term in the Abandoned Properties Rehabilitations Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

§ 615-6. Applicability.

These sections shall be considered cumulative and superseding or subject to any other law or provisions for same, but rather be an additional remedy available to the City of Camden above and beyond any other state or City of Camden provisions for the same.

§ 615-7. Establishment of a registry.

The City of Camden, or its designee, shall establish a registry cataloging each registrable property within the City of Camden, containing the information required by this article.

§ 615-8. Registration of vacant and/or defaulted mortgage real property.

- A. Any owner or mortgagee who holds title or a mortgage on real property located within the City of Camden shall be responsible for registering vacant and/or defaulted mortgage property with the City of Camden or its designee. Mortgagees shall perform an inspection of the property to determine vacancy or occupancy upon default by the mortgagor. The owner shall have 10 days from the date of vacancy and the mortgagee shall have 10 days from the date of inspection to register the property with the Code Enforcement Department or its designee on forms or other manners as directed. A separate registration is required for each property.
- B. Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the owner or mortgagee/trustee, and the mortgage servicer, and, if applicable, the name and twenty-four-hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith. Additionally, owners and mortgagees must designate an agent for service of process with an address within the State of New Jersey.
- C. Owners and/or mortgagees who have existing registrable property on the effective date of this article have 30 calendar days from the effective date² to register the property with the Code Enforcement Department, or its designee, on forms or other manner as directed. A separate registration is required for each property. An agent for service with an address within the State of New Jersey must be included on all registration forms.
- D. If the mortgage on a registrable property is sold or transferred, the new mortgagee is subject to all the terms of this article. Any previous unpaid registration fees are the responsibility of the new mortgagee or trustee and are due and payable with their initial registration, except if it is determined that the transferee is exempt from paying fees, then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The

2. Editor's Note: See § 615-12, When effective.

provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's nonpayment of previous fees and fines to a court of competent jurisdiction for disposition.

- E. If the servicing rights for a mortgage on a registrable property are sold or transferred, the registration must be updated to include all the new servicer information within 10 days of the servicing transfer.
- F. If the mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this article and within five days of the transfer register the property. Any previous unpaid registration fees are the responsibility of the new registrable property owner and are due and payable with their initial registration. Except if it is determined that the transferee is exempt from paying fees then the previous mortgagee will not be released from the responsibility of paying all previous unpaid fees and fines, regardless of who the mortgagee was at the time when registration was required, including but not limited to unregistered periods during the foreclosure process. The provisions of this section are cumulative with and in addition to other available remedies. Moreover, the Code Enforcement Department is authorized and empowered to refer the previous mortgagee's non-payment of previous fees and fines to the Code Enforcement Special Magistrate or a court of competent jurisdiction for disposition.
- G. As long as the property is registrable it shall be inspected by the mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within 10 days of that inspection, update the occupancy status of the property registration.
- H. A nonrefundable registration fee of \$500 shall accompany each registration pursuant to this section.
- I. If a lis pendens, deed-in-lieu of foreclosure, or other public notice of foreclosure is filed on a property and the property was not registered and the registration fee paid at least 30 days prior to the filing date, a late fee of \$100 shall be charged per property and shall be due and payable with the registration. This section shall apply to the initial registration and registration renewals. Registrations delinquent greater than 30 days are subject to additional fines as described herein.
- J. All registration fees must be paid directly from the mortgagee, trustee, servicer, or owner. Third-party registration fees are not allowed without the consent of the City of Camden and/or its authorized designee.
- K. Properties subject to this section shall remain under the semiannual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.
- L. Until the mortgage on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of lis pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any mortgagee holding the defaulted mortgage from all the requirements of this article as long as the borrower is in default.
- M. Any person or legal entity that has registered a property under this section must report any

change of information contained in the registration within 10 days of the change.

- N. Failure of the owner or mortgagee to properly register or to modify the registration information from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties and/or property liens.
- O. Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the City of Camden 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.
- P. Properties subject to this chapter shall be in accordance with the applicable code(s) of the City of Camden.

§ 615-9. Repealer.

All ordinances or parts of ordinances in conflict herewith, including MC 4818, are and the same are hereby repealed.

§ 615-10. Portions not amended.

Any portion of this article not herein amended shall remain in full force and effect.

§ 615-11. Repealer.

All ordinance or parts of ordinances inconsistent with the provisions of this article are hereby repealed as to such inconsistency only.

§ 615-12. When effective.

This article shall take effect 20 days after final passage and publications as provided by law.

§ 615-13. Severability.

If any provision of this article is declared invalid, such invalidity shall not affect the other provisions of this article. Furthermore, the other provisions of this article are deemed to be severable and remain in full force and effect.