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ORDINANCE MC- 5383
On Motion Of: Nahemi Sorla-Perez
APPROVED: April 12th, 2022
ADOPTED: May 10th, 2022

ORDINANCE AMENDING MC-5122 AND MC-5156 AND CHAPTER 615 OF THE CITY OF CAMDEN CODE TO INCLUDE ARTICLE II; VACANT AND ABANDONED PROPERTIES: NOTICE, REGISTRATION AND FEES FOR THE CITY OF CAMDEN.

WHEREAS, properties that are neglected and have unsecured, assessable structures have a substantial negative impact on the community and property values, create conditions inviting criminal activity and foster unsafe and an unhealthy environment for the residents of the City of Camden; and

WHEREAS, the City of Camden seeks to combat the deleterious effects of blight resulting from residential and commercial properties that become vacant or abandoned, notably those properties that become vacant and abandoned during the foreclosure process; and

WHEREAS, in many instances, the owner or lienholder of a vacant and abandoned property cannot be contacted to conduct needed maintenance and repairs of the vacant and abandoned property; and

WHEREAS, the City Council of the City of Camden finds that the implementation of this revised Chapter 615 will assist the City of Camden in protecting neighborhoods from the deleterious effects of blight resulting from vacant and abandoned properties; and

WHEREAS, the City Council of the City of Camden had previously adopted ordinances, MC-5122 and MC-5156 requiring the registration of vacant and abandoned properties; and

WHEREAS, the City Council of the City of Camden now seeks to amend MC-5122 and MC-5156 and amend Chapter 615 of the City of Camden Code as provided for below; now therefore

BE IT ORDAINED, that Chapter 615 is hereby amended as follows:

ARTICLE I. ABANDONED PROPERTY LIST.

615-1. Same.

615-2. Same.

615-3. Same.

ARTICLE II. VACANT AND ABANDONED PROPERTIES: NOTICE, REGISTRATION, AND FEES.

615-4. Incorporation of Recitals.

The above "Whereas" clauses are hereby incorporated into Chapter 615.

615-5. Creation of a Revised Chapter 615.

Chapter 615 is hereby amended to add the following: "Vacant and Abandoned Properties: Notice, Registration, and Fees." The following Sections are hereby incorporated into this amendment.

615-6. Purpose and Intent.

It is the intent of this Chapter 615, to enable the City of Camden to engage in the identification, registration, monitoring, and mitigation of properties that are or may become vacant and abandoned to the fullest extent permitted by P.L. 2021, c.444, in order to combat the

immeasurable and deleterious effects of blight arising from residential and commercial properties that become vacant or abandoned during the foreclosure process.

615-7. Definitions.

- (a) All words, terms, and phrases used within Chapter 615 shall be defined and interpreted consistent with their meanings as outlined within P.L. 2021, c.444, as may be amended from time to time.
- (b) A "creditor" shall mean: a 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 21-39 of P.L.2009, c.53 (C.17:11C51 through C.17:11C-89), and any entity, agent, or assignee acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. 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.
- (c) A property shall be deemed "vacant and abandoned" for purposes of Chapter 615 if:
 - 1) The property is not legally occupied by a mortgagor or tenant, and
 - 2) The property cannot be legally reoccupied, because of at least two (2) of the following conditions:
 - (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.

615-8. Establishment & Administration of Registry.

- (a) The City of Camden shall create and maintain a registry of all commercial and/or residential properties within the City of Camden's boundary for which a summons and complaint in an action to foreclose has been filed with the New Jersey Superior Court, pursuant to its authority granted by P.L. 2021, c.444. This registry will be formed and maintained to assist the City of Camden with regulating the maintenance, security, and upkeep of properties which may become vacant and abandoned during the foreclosure process, in order to prevent the deleterious effects of blight associated with vacant and abandoned properties that are not maintained.
- (b) The City of Camden may, at its discretion, create, maintain, and administer this registry independently, retain the professional services of a third party pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., or participate in a Shared Services Agreement with other local units, Counties, and/or County Improvement Authorities for the creation, maintenance, and administration of the registry pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.
- (c) Any third parties retained to create, maintain, and/or administer the registry shall have the authority, on behalf of the City of Camden, to:
 - 1) Identify properties subject to the registration requirement;
 - 2) Maintain and update the registration list;
 - 3) Communicate with creditors and/or in-state representatives;
 - 4) Invoice and collect payment of fees;
 - 5) Monitor compliance; and
 - 6) Such other functions, within the scope of P.L. 2021, c.444, which may be deemed necessary to carry out its function on behalf of the City of Camden.
- (d) Any third parties retained to create, maintain, and/or administer the registry shall be required to comply with the following reporting and payment requirements:
 - 1. Any and all amounts collected by the third party as part of its administration of the City of Camden's registry, including registration fees, interest, and penalties, shall be paid, in full, directly to the City of Camden, Camden County and/or the Camden County Improvement Authority, as applicable, not less than once per year, or as otherwise directed by the City of Camden's Business Administrator. No fees, payments, expenses, or other deductions shall be made from this payment; payment for any third party's services under this Chapter 615 shall be made by the City of Camden, or as applicable, Camden County or the Camden County Improvement Authority, directly to the third party, under the terms and conditions outlined within the contract for professional services.
 - 2. Not less than once per year on the first business day of each calendar year, or as otherwise may be requested by the Tax Collector, any third party administering the City of Camden's registry shall file with Tax Collector a certification identifying:
 - a. The address, block, lot, and contact information of any property for which registration fees under this Chapter are due and owing at the time of the certification;
 - b. The amount of the registration fees, and separately, any interest, fines, and other penalties due and owing at the time of the certification; and,
 - c. The date on which the property became eligible for inclusion on the City of Camden's registry.
- (e) The Business Administrator or his/her designee shall serve as the City of Camden Official responsible for notifying creditors, establishing and maintaining the registry, determining eligibility for designation as a vacant and abandoned property under this Article, and for imposing fees, penalties, and/or violations. The responsibilities herein may be designated to a third party, pursuant to the terms and conditions of a contract for professional services consistent with P.L. 2021, c.444.

615-9. Registration, Notice, and other Creditor Requirements.

- (a) Within 30 days of the effective date of this Chapter 615, any creditor who has initiated a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the City of Camden:
 - (i) prior to the effective date of this Chapter 615, and (ii) which is pending as of the effective date of this Chapter 615, shall provide notice in accordance with sub-section (b) of this Section 615-6.
- (b) Within 10 days of filing a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the City of Camden, the creditor shall notify the Municipal Clerk of the City of Camden, or his/her designee, of the action. Such notice shall include:
 - 1) The address, block, and lot of the subject property;
 - 2) 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;
 - 3) Whether the property is vacant and abandoned in accordance with the definition in section 615-4; (Definitions);
 - 4) The full name, address, and telephone number for the representative of the creditor who is responsible for receiving notice of complaints of property maintenance and code violations;
 - 5) The full name, address, and telephone number of any person or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property; and
 - 6) If the creditor is out-of-State, the full name, address, and telephone number of an in-State representative or agent who shall be responsible for any care, maintenance, security, or upkeep of the property, and for receiving notice complaints of property maintenance and code violations.
 - 7) The notice requirements herein represent a continuing obligation throughout the pendency of the foreclosure action. After initial notice to the City of Camden, creditors subject to the notice requirement shall update the City of Camden's property registration program within 10 days of any change in the information contained in the original or any subsequent notices.
- (c) Creditors of any commercial and/or residential mortgage required to notify the City of Camden pursuant to this section shall:
 - 1) Register the property with the City of Camden's property registration program as a property in foreclosure, within 30 days of notifying the City of Camden;
 - 2) Be subject to the registration fee, notice requirements, and penalties for noncompliance established within this Chapter 615;
 - 3) Update the property registration within 10 days of any change in the information contained in the original notice to the City of Camden;
 - 4) If an out-of-State creditor, appoint an in-state representative or agent to act for the foreclosing creditor, whose contact information shall be contained within the initial notice to the City of Camden;
 - 5) Within 10 days of the property becoming vacant and abandoned at any time during the pendency of the foreclosure action, the creditor shall:
 - a. Assume responsibility for the care, maintenance, upkeep, and security of the exterior of the property;
 - b. Secure the property against unauthorized entry;
 - c. Post a sign on the inside of the property, visible to the public, containing 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;
 - d. Acquire & maintain a vacancy insurance policy which covers any damage to any person or any property caused by any physical condition of the property while registered with the City of Camden's property registration program;
 - e. Provide proof, within 10 days of receiving a request by the

City of Camden or its designee, that the above conditions have been satisfied.

- f. Cure any violations of the above requirements within 30 days of receiving a notice of violation, or if deemed to present an imminent threat to public health and safety, within 10 days of receiving such notice.
- 6) Update the property registration within 10 days of the creditor becoming aware that the property is deemed vacant and abandoned as defined herein.
- (d) If at any time the creditor is deemed to be in violation of the above requirements, and/or if the property is deemed to be in violation of any other applicable local or state maintenance, health, or safety codes, the Code Official or his/her designee shall notify the creditor using the contact information provided in the property registry established by this Chapter 615.

615-10. Fees, Violations & Penalties.

- (a) All fees, penalties, and/or fines established within this Chapter 615 and assessable pursuant to the City of Camden's authority outlined within P.L. 2021, c.444 shall be deemed a municipal charge in accordance with N.J.S.A. 54:5-1, et seq.
- (b) Creditors required to notify the City of Camden and register a property as one in foreclosure shall be required to pay the following annual registration fee, per property, due at the time of registration: \$500.00.
- (c) If a property registered with the City of Camden's registration program as a property in foreclosure is vacant and abandoned at the time of registration, or becomes vacant and abandoned at any time during the pendency of the foreclosure proceeding, the Creditor shall pay an additional annual registration fee, per property, due at the time the determination that the property is vacant and abandoned is made, of: \$2,000.00.

(d) Violations

- 1) An out-of-State creditor subject to the notice and registration requirements of this Chapter 615, found 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. The violation shall be deemed to commence on the day after the creditor's initial 10 or 30-day requirement to notify the City of Camden of applicable foreclosure actions.
- 2) A creditor subject to the notice and registration requirements of this Chapter 615, found to be in violation of any part of this Chapter 615 (with the exception of a violation pursuant to sub-section (d)(1) if this section 615-7), shall be subject to a fine of \$1,500 for each day of the violation. The violation shall be deemed to commence on the 31st day following the creditor's receipt of a notice of violation, or if deemed to present an imminent threat to public health and safety, on the 11th day following the creditor's receipt of such notice.
- (e) If the City of Camden 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 this Chapter 615, but failed to abate the nuisance or correct the violation as directed, the City of Camden 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 N.J.S.A. 55:19-100, et seq.

615-11. Fines and penalties to be considered cumulative.

The fines and penalties established within this Chapter 615 shall be considered cumulative, and not superseding, as a remedy available to the City of Camden in addition to those which may also apply under any other applicable City of Camden ordinance, or other applicable local, County, or State law or regulation.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.


BE IT FURTHER ORDAINED, that in the event any section, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional, unenforceable, or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance, and the Ordinance shall be interpreted consistent with its original intent to the fullest extent permissible by law.

BE IT FURTHER ORDAINED, that the fines and penalties established within this Ordinance shall be considered cumulative, and not superseding, as a remedy available to the City of Camden in addition to those which may also apply under any other applicable City of Camden ordinance, or other applicable local, County, or State law or regulation.


BE IT FURTHER ORDAINED that this ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

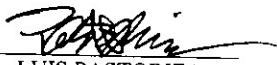
The above has been reviewed
and approved as to form.


MICHELLE BANKS-SPEARMAN
City Attorney


ANGEL FUENTES
President City Council


VICTOR CARSTARPHEN
Mayor

ATTEST:


LUIS PASTORIZA
Municipal Clerk

Angel Fuentes, President
Councilperson-at-Large

Sheila Davis, Vice-President
Councilperson-at-Large

Nohemi Soria-Perez
Councilperson-at-Large

Luis Pastoriza, RMC, CMR
Municipal Clerk

Yenise E. Valdez
Assistant Municipal Clerk

Howard McCoach
Council-Tri-Council



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Shanika Boucher
Councilperson, 1st Ward

Chris Collins
Councilperson, 2nd Ward

Maribyn Torres
Councilperson, 3rd Ward

Felisha Reyes-Morton
Councilperson, 4th Ward

MEMORANDUM

DATE: May 16, 2022
TO: Victor Carstarphen, Mayor
FROM: Luis Pastoriza, Municipal Clerk
RE: Ordinance Final Passage – (MC-5383)

Ordinance Repealing MC-5122 And MC-5156 And Amending Chapter 615 Of The City Of Camden Code In Its Entirety To Establish A Revised Chapter 615; "Vacant And Abandoned Properties: Notice, Registration And Fees" For The City Of Camden

In accordance with Rule XIX of the Administrative Code of the City of Camden (Rules of Procedure governing the City Council), I am delivering to you the attached ordinance adopted by City Council at a Regular meeting held on **5-10-22**. Said article provides that "each ordinance shall be returned by the Mayor to the Municipal Clerk after the Mayor has affixed his /her signature thereto or after the expiration of **ten (10) days** from the date of its delivery to the Mayor in any event."

OFFICE OF THE MAYOR

Received by: Kyanna Walker Date: 5-16-22

Date of Approval: 5/20/22