

ORDINANCE #2014-1150

**AN ORDINANCE CONCERNING MAINTENANCE OF VACANT
RESIDENTIAL PROPERTIES DURING FORECLOSURE**

STATEMENT OF PURPOSE

The purpose of this ordinance is to authorize the Borough of Manville to impose penalties on creditors that fail to timely remedy code violations of vacant residential properties in foreclosure.

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

Article 1. Notice of Intention

a. A creditor that serves a notice of intention to foreclose on a mortgage on residential property in the Borough pursuant to the "Fair Foreclosure Act," P.L. 1995, c.244 (C.2A:50-53 et seq), shall serve the Borough Clerk with a copy of the notice at the same time that the creditor serves the notice on the owner of the property. The creditor shall include the full name and contact information of a person located within the State of New Jersey who is authorized to accept service on behalf of the creditor with a copy of the notice served on the Borough Clerk.

b. If the residential property becomes vacant at any time after the creditor files the notice of intention to foreclose, but prior to vesting of title in any third party, and the Borough determines that the property is in violation of any applicable State or local housing code, the Borough shall notify the creditor of the violation, by providing a copy of the notice to the person located within the State who is authorized to accept service on behalf of the creditor, and may require the creditor to correct the violation.

c. The notice to correct a violation pursuant to this Ordinance shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than thirty (30) days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of municipal ordinances pursuant to R.S.40:49-5.

d. For purposes of this ordinance, "creditor" means a federal or 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 Licensed Lenders Act," P.L. 1996, c.157 (C.17:11C-1 et seq), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

Article 2. Notice of Foreclosure

a.(1)A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the Borough shall, within ten (10) days of serving the summons and complaint, notify the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the

representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the Borough Clerk. The Borough Clerk shall forward a copy of the notice to the public officerⁱ or shall otherwise provide it to any other local official responsible for the administration of any property maintenance or public nuisance code. In the event the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301, et al), then the creditor shall identify that the property is subject to the Fair Housing Act. The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor. The notice shall be provided to the Borough Clerk within ten (10) days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

(2)Any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Borough Clerk a listing of all residential properties in the municipality for which the creditor has foreclosure actions pending by street address and lot and block number. The Borough Clerk shall forward a copy of the notice to the public official.

b. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer, Borough Clerk or other authorized municipal official shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance. The Borough shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than thirty (30) days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of municipal ordinances pursuant to R.S.40:49-5.

c. If the Borough expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to the provisions of subsection b hereof, but failed to abate the nuisance or correct the violation as directed, the Borough 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), which recourse includes placement of a lien against the property and against any asset of the creditor, against any asset of the partner of a creditor, if a partnership, and against any asset of any owner of a 10% interest or greater if the creditor is a corporation.

Article 3. Inconsistency

Should any provision of this ordinance be inconsistent with the provisions of any prior

ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

Article 4. Severability

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

Article 5. Purpose of Captions

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

Article 6. Effective Date

This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Borough of Manville,



Angelo Corradino, Mayor

ATTEST:



Philip E. Petrone
Borough Clerk

¹ For purposes of this ordinance, the public officer shall mean the Construction Code Official, the Property Maintenance Officer, the Health Officer, or their designees, all of whom are authorized by Ordinance 2012-1109 to exercise the powers prescribed by that ordinance and by N.J.S.A. 40:48-2.3, et seq.

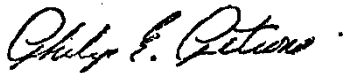
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FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ASHER	√			
		GREGOR	√			
	√	KOMOROSKI	√			
		ONDERKO	√			
		SKIRKANISH	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this 11th day of August, 2014.

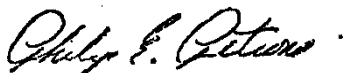


Attest: Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	ASHER	√			
√		GREGOR	√			
		KOMOROSKI	√			
		ONDERKO	√			
		SKIRKANISH	√			
		SZABO	√			
		MAYOR CORRADINO				

ADOPTED this 9th day of September, 2014



Attest: Philip E. Petrone, Clerk

