



Legislation Text

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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, TO CHANGE ALL RESPONSIBILITIES OF VACANT PROPERTIES REGISTRATION FROM THE RENT REGULATION OFFICER TO THE DIRECTOR OF THE DEPARTMENT OF THE DEPARTMENT OF ECONOMIC AND HOUSING DEVELOPMENT OR HIS DESIGNEE**

**WHEREAS**, the Mayor of the City of Newark is desirous of amending certain provisions of the Revised General Ordinances of the City of Newark, New Jersey, 2000, Title 2, Chapter 10 to change all responsibilities of vacant properties registration from the Rent Regulation Officer to the Director of the Department of Economic and Housing Development or his designee.

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

**Section 1. Editor's Note:** Additions are shown as **underlined and bold**. Deletions are strikethroughs.

**2:10-1.4E. MAINTENANCE OF VACANT PROPERTIES, REGISTRATION REQUIREMENTS AND FEES.**

**2:10-1.4E.1. Definitions.**

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

**Vacant property** shall mean 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 its owner for sale or rental, shall not be deemed vacant. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

(Ord. 6 PSF-A, 6-2-11 § 1)

**2:10-1.4E.2. General Requirements.**

a. Effective August 1, 2011, the owner of any vacant property as defined herein shall within sixty

(60) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Rent Regulation Officer **the Director of the Department of Economic and Housing Development or his/her designee** on forms provided by that Rent Regulation Officer **the Director of the Department of Economic and Housing Development or his/her designee** for such purposes. The registration shall remain valid for one (1) year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 2:10-1.4E.4 of this Article 4 for each vacant property registered.

b. Any owner of any building that meets the definition of vacant property prior to August 1, 2011, shall file a registration statement for that property on or before August 30, 2011. The registration statement shall include the information required under Section 2:10-1.4E.3 of this Article 4, as well as any additional information that the Rent Regulation Officer **Director of the Department of Economic and Housing Development or his/her designee** may reasonably require.

c. The owner shall notify the Rent Regulation Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Rent Regulation Officer **Director of the Department of Economic and Housing Development or his/her designee** for such purpose.

d. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.  
(Ord. 6 PSF-A, 6-2-11 § 1)

### **2:10-1.4E.3. Registration Statement Requirements; Property Inspection.**

After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the City to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

a. The registration statement shall include the name, street address and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing~~ty~~ the property, if different.

b. An owner who is a natural person and who meets the requirements of this Article 4 as to location of residence or office may designate him or herself as agent.

c. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized

agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Rent Regulation Officer **Director of the Department of Economic and Housing Development or his/her designee** of a change of 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 Article 4.

(Ord. 6 PSF-A, 6-2-11 § 1)

**2:10-1.4E.4. Fee Schedule.**

The initial registration fee for each building shall be five hundred (\$500.00) dollars. The fee for the first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars.

Vacant Property Registration Fee Schedule

Initial registration	\$500.00
First renewal	\$1,500.00
Second renewal	\$3,000.00
Any subsequent renewal	\$5,000.00

(Ord. 6 PSF-A, 6-2-11 § 1)

**2:10-1.4E.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 thirty (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 subsection 2:10-1.4E.3. of this Article), 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.

(Ord. 6 PSF-A, 6-2-11 § 1)

**2:10-1.4E.6. Administration.**

The Rent Regulation Officer **Director of the Department of Economic and Housing**

**Development** may issue rules and regulations for the administration of the provisions of this Article 4. (Ord. 6 PSF-A, 6-2-11 § 1)

**2:10-1.4E.7. Violations and Penalties.**

a. Any owner who is not in full compliance with this Article 4 or who otherwise violates any provision of this Article or of the rules and regulations issued hereunder shall be subject to a fine of not less than five hundred (\$500.00) dollars and not more than one thousand (\$1,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Article 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 2:10-1.4E.5. of this Article 4, or such other matters as may be established by the rules and regulations of the Rent Regulation Officer **Director of the Department of Economic and Housing Development or his/her designee** shall be deemed to be violations of this Article.  
(Ord. 6 PSF-A, 6-2-11 § 1)

**2:10-1.4E.8. Compliance with Other Provisions.**

Nothing in this Article 4 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 not relieve an owner from its obligations under this Article. (Ord. 6 PSF-A, 6-2-11 § 2)

**Section 2.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**Section 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency.

**Section 4.** This Ordinance amendment shall take effect upon final passage and publication in accordance with New Jersey State law.

**STATEMENT**

This ordinance amends Title 2, Administration, Chapter 10, Department of Economic and Housing Development, to change all responsibilities of vacant properties registration from the Rent Regulation Officer to the to the Director of the Department of Economic and Housing Development or his designee.

