

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

**ORDINANCE 26-2661 – AN ORDINANCE AMENDING CHAPTER 233 OF THE
CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED “PROPERTY,
ABANDONED”**

was introduced at a Work Session Meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, held on Tuesday, February 3, 2026 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chambers, Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, February 17, 2026 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement is to delete Article I entitled “Abandoned Property Rehabilitation Act,” to be re-entitled “Registration Program for Properties in Foreclosure Actions,” to establish a uniform property registration system to enable the Borough to identify, monitor, and address the risk of blight created by properties on which foreclosure proceedings have been initiated or such properties that have become vacant and abandoned, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey or can be accessed online on the Borough website at www.Bergenfieldnj.gov.

Marie Quinones-Wilson
Borough Clerk

BOROUGH OF BERGENFIELD

ORDINANCE 26-2661 - AN ORDINANCE AMENDING CHAPTER 233 OF THE CODE OF THE BOROUGH OF BERGENFIELD, ENTITLED "PROPERTY, ABANDONED"

WHEREAS, Chapter 233 of the Code of the Borough of Bergenfield sets forth all regulations regarding Property, Abandoned within the Borough of Bergenfield; and,

BE IT ORDAINED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Article I entitled "Abandoned Property Rehabilitation Act," be re-entitled "Registration Program for Properties in Foreclosure Actions" and shall be deleted in its entirety and replaced with the following:

Sec. 233-1. Findings and declarations.

- A. Foreclosure continues to be an issue confronting residents and municipalities.
- B. Properties in foreclosure proceedings can involve properties that are vacant and abandoned or have an increased risk of becoming vacant and abandoned during the foreclosure proceeding.
- C. Vacant and abandoned properties in foreclosure create a greater risk of blight and can create a wide range of problems for the communities in which they are located, including criminal activity, public health problems, depressed property values, reduced tax revenues, and diminished quality of life.
- D. The Legislature has recognized that municipalities must possess tools to identify properties in foreclosure, monitor their status, and mitigate the risk that they become vacant and abandoned, resulting in blight. The Legislature has also recognized the impact on municipal budgets associated with identifying, monitoring, and mitigating these problems.
- E. Existing antiblight statutes do not provide a uniform and comprehensive mechanism for municipalities to identify, monitor, and mitigate the risks of vacant and abandoned properties in foreclosure.
- F. To provide such a mechanism, the Legislature enacted P.L. 2021, c. 444, to establish a uniform property registration system to enable municipalities to identify, monitor, and address the risk of blight created by properties on which foreclosure proceedings have been initiated or such properties that have become vacant and abandoned.

Sec. 233-2. Statutory authority.

- A. This article is enacted pursuant to N.J.S.A. 40:48-2.12s3, which permits municipalities to enact ordinances to:
 - (1) Create a property registration program for the purposes of identifying and monitoring residential and commercial properties within the municipality for which a summons and complaint in an action to foreclose on a mortgage has been filed;
 - (2) Regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential and commercial properties for which a summons and complaint in an action to foreclose has been filed; and

- (3) Impose property registration fees on the creditor of residential or commercial properties on an annual or semiannual basis.
- B. This article shall be interpreted and enforced in accordance with the fullest extent of the authority granted to municipalities under P.L. 2021, c. 444, and any subsequent amendments or supplements thereto.
- C. To the extent that any provision of this chapter conflicts with P.L. 2021, c. 444, the latter shall control.

Sec. 233-3. Definitions.

As used in this article, the following words, terms and their derivations shall have the following meanings unless their use in the text of this article clearly demonstrates a different meaning or references another provision of the Borough Code, or a statute or regulation.

CREDITOR — A mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for the purposes of this article. For the purposes of this article, a creditor shall not include the State of New Jersey; a political subdivision of the state; a state, county, or local government entity, or their agent or assignee, such as a servicer.

VACANT AND ABANDONED PROPERTY —

- A. A property that is not legally occupied by mortgagor or tenant, which is in such condition that it cannot be legally reoccupied because of the presence or finding of at least two of the following conditions:
 - (1) Overgrown or neglected vegetation;
 - (2) Accumulation of newspapers, circulars, flyers, or mail on the property;
 - (3) Disconnected gas, electric, or water utility services to the property;
 - (4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - (5) The accumulation of junk, litter, trash, or debris on the property;
 - (6) The absence of window treatments, such as blinds, curtains, or shutters;
 - (7) The absence of furnishings or personal items;
 - (8) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
 - (9) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
 - (10) Doors to the property that are smashed through, broken off, unhinged, or continuously locked;
 - (11) 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;
 - (12) 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;

(13) 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;

(14) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or

(15) Any other reasonable indicia of abandonment.

B. Except that for purposes of this article, a residential property shall not be considered "vacant and abandoned" if, on the property:

(1) There is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;

(2) There is a building occupied on a seasonal basis, but otherwise secure; or

(3) There is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

Sec. 233-4. Property registration program.

A. There is hereby established a property registration program for the purposes of identifying and monitoring residential and commercial properties within the municipality for which a summons and complaint in an action to foreclose on a mortgage has been filed.

B. A creditor filing a summons and complaint in an action to foreclose must, in addition to the notices provided to the Borough pursuant to N.J.S.A. 46:10B-51 and N.J.S.A. 40:48-2.12s2; also register the residential or commercial property with the enforcement official as a property in foreclosure.

C. The registration must include the following:

(1) Information regarding the creditor required pursuant to N.J.S.A. 46:10B-51a(1) and N.J.S.A. 40:48-2.12s2a(1) and Sec. 233-3.

(2) Information regarding the filed summons and complaint in foreclosure, including: a) the filing date; b) the court in which it was filed; and c) the docket number of the filing. Provided that it provides this information, a copy of the summons and complaint will satisfy this provision.

(3) Information regarding whether the property qualifies as vacant and abandoned as defined pursuant to N.J.S.A. 40:48-2.12s3b(8) and Sec. 233-3.

D. If, following the filing of the summons and complaint in foreclosure, there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to register hereunder, the property registration must be updated within 10 days of such changes.

E. If a registered property becomes vacant and abandoned, as defined pursuant to N.J.S.A. 40:48-2.12s3b(8) and Sec. 233-3, after the initial registration, the registration must be updated to reflect this change in status.

- F. Out-of-state creditors must appoint an in-state representative or agent to act for the foreclosing creditor and to accept service of summonses and notices of violation.

Sec. 233-5. Property registration fees.

- A. Creditors required to register properties pursuant to this chapter are subject to the following fees:
- (1) A fee of \$500 per property annually for any property required to be registered because a summons and complaint have been filed in an action by the creditor to foreclose.
 - (2) An additional fee of \$2,000 per property annually if the property is vacant and abandoned, as defined pursuant to Sec. 233-3, when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned at any time thereafter while the property is in foreclosure.
- B. Property registration fees are due and payable upon filing of the required notice and thereafter on or before January 1 of each year.
- C. Property registration fees shall be considered a municipal charge pursuant to the Tax Sale Law, N.J.S.A. 54:5-1 et seq.
- D. Late and unpaid property registration fees are subject to interest pursuant to N.J.S.A. 54:4-67.

Sec. 233-6. Property maintenance.

- A. A creditor filing a summons and complaint in an action to foreclose is responsible for the care, maintenance, security, and upkeep of the exterior of any property that is or becomes vacant and abandoned while registered in the property registration program.
- B. The duties and obligations imposed upon creditors pursuant to Subsection A include, but are not limited to, the following:
- (1) Compliance with the provisions of Chapter 232, Property Maintenance of the Code of the Borough of Bergenfield.
 - (2) Compliance with any and all other applicable provisions of the Borough Code.
- C. Creditors, or authorized agents, of vacant and abandoned properties registered hereunder must provide the Borough with reasonable access thereto for the purpose of conducting interior and exterior inspections to determine compliance with this section. The Borough shall provide reasonable notice of such inspections, which will be carried out during regular business hours, or at such other times as circumstances warrant or as agreed to by the parties.

Sec. 233-7. Enforcement.

- A. The provisions of this article shall be enforceable by the Construction Official, Zoning Officer, Health Officer, Fire Official, Property Maintenance Officer, Borough Engineer, or any such other authorized officer or employee of the municipality authorized to enforce the provisions of the Borough Code, all of whom, unless otherwise specified by ordinance or state law, shall be considered the "enforcement official" for purposes of this article.
- B. Upon a determination that a creditor has violated this chapter, the enforcement official is empowered to issue notices of violation. In cases where the charge is failure to provide care, maintenance, security, and

upkeep of the exterior of vacant and abandoned property, such notices shall require that the violation be corrected within 30 days of receipt, or within 10 days of receipt if the violation presents an imminent threat to public health and safety.

Sec. 233-8. Fines and penalties.

- A. An out-of-state creditor found by the Municipal Court, or other court of competent jurisdiction, to be in violation of the requirement set forth in § 233-4F to appoint an in-state representative shall be subject to a fine of \$2,500 for each day of the violation. These fines shall commence on the first day after the close of the ten-day period, set forth in N.J.S.A. 46:10B-51; P.L. 2021, c. 444, and N.J.S.A. 40:48-2.12s2; for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- B. A creditor found by the Municipal Court, or other court of competent jurisdiction, to be in violation of any other provision of this article, except for the violation covered under the preceding subsection, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this subsection shall commence 31 days following receipt of the notice of violation, except in cases where the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

Sec. 233-9. Exemption for federally administered and federally serviced properties.

Notwithstanding any other contrary provisions of this chapter, Fannie Mae, Freddie Mac and any loan servicers acting on their behalf are exempt from payment of any registration fee for any property registered under this chapter as well as from payment of any fines or penalties otherwise permitted to be assessed under this chapter or any other provision of the Borough Code.

Sec. 233-10. Reserved.

Article II. Rehabilitation of Abandoned Properties shall be amended as follows, anything not amended below shall remain the same.

Sec. 233-15(b). Inventory of abandoned property.

Inventory of abandoned property; list to be maintained; publication in official newspaper; notice to owner of record; challenge by owner (from N.J.S.A. 55:19-55). The Borough of Bergenfield may direct the public officer to identify abandoned property for the purpose of establishing an abandoned property list through the Borough, or within those parts of the Borough as the governing body may designate. Each item of abandoned property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot.

- A. The public officer shall establish and maintain a list of abandoned property, to be known as the "abandoned property list." The Borough of Bergenfield may add properties to the abandoned property list at any time and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following that procedure set forth in § 31 of P.L. 2003, c. 210 (N.J.S.A. 55:19-105).
- B. an abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Borough

has purchased or taken assignment from the Borough of a tax sale certificate which has been placed on the abandoned property list may be removed in accordance with the provisions of § 29 of P.L. 2003, c. 210 (N.J.S.A. 55:19-103).

- C. The public officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Borough of Bergenfield which publication shall constitute public notice and, within 10 days after publication, shall send a notice by certified mail, return receipt requested, and by regular mail to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned, setting forth the owner of record, if known, the tax lot and block number and street address. The public officer, in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization or property tax processing organization that receives a duplicate copy of the tax bill pursuant to Subsection d of N.J.S.A. 54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in § 5 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.7). The mailed notice shall indicate the factual basis for the public officer's finding that the property is abandoned property as that term is defined in § 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54), and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the public officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situate. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property owner as defendant and the name of the Borough as plaintiff, as though an action had been commenced by the Borough against the owner.
- D. An owner or lienholder may challenge the inclusion of his property on the abandoned property list determined pursuant to Subsection B of this section by appealing that determination to the public officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the public officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the public officer shall accept a late filing of an appeal. Within 30 days of receipt of a request of an appeal of the findings contained in the notice pursuant to Subsection D of this section, the public officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, and repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in § 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54). The public officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.
- E. The property owner may challenge an adverse determination of an appeal with the public officer pursuant to Subsection E of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to Subsection E of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in § 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54). The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown,

the court may extend the deadline for instituting the action.

- F. The public officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.
- G. The abandoned property list shall become effective, and the Borough shall have the right to pursue any legal remedy with respect to properties on the abandoned property list, at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal bought by the property owner.

Sec. 233-35. Removal of property from abandoned property list.

- A. An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and municipal liens due including interest and penalties, and:
 - (1) By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to § 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), and posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or
 - (2) By demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to § 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.
- B. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Borough which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

Sec. 233-37. Action for foreclose right of redemption.

- A. When a person other than the Borough of Bergenfield or the authority or its subsidiaries acquired a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of six months following the date of the seal of the tax sale certificate.
- B. When the Borough of Bergenfield is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, or when the authority or any of its subsidiaries acquires the tax sale

certificate pursuant to Subsection a of § 37 of P.L. 1996, c. 62 (N.J.S.A. 54:5-104.34), an action to foreclose the right of redemption may be instituted in accordance with the provisions of Subsection b of N.J.S.A. 54:5-77.

- C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemptions shall be permitted except where the owner:
- (1) Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to § 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-56), as determined by the court; or
 - (2) Demonstrates to the court that the conditions because of which the property was determined to be abandoned pursuant to § 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-56), have been remedied in full.

Sec. 233-38. Final judgment.

Entry of final judgment barring right of redemption; grounds for reopening judgment (from N.J.S.A. 55:19-59). Once a final judgment barring the right of redemption with respect to a property on the list of abandoned properties has been recorded, no court shall reopen such judgment at any time except on the grounds of lack of jurisdiction or fraud in the conduct of the action; in any such proceeding, the provisions of P.L. 1996, c. 62 (N.J.S.A. 55:19-20 et seq.) shall be construed liberally in favor of the purchaser, assignee or transferee of the tax sale certificate.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

Introduced: February 3, 2026

Adopted:

Attest

Approved