

MAINTENANCE OF ABANDONED PROPERTIES IN FORRECLOSURE

As discussed in *Title Talk No. 89* (Summer 2014) the Legislature has enacted **P.L. 2014, c. 5** (eff. July 15, 2014), amending **N.J.S.A. 46:10B-51**, which imposes certain duties upon lenders seeking to foreclosure mortgages encumbering abandoned properties. This has been supplemented by **P.L. 2014, c. 35** (eff. Aug. 15, 2014), which enacts **N.J.S.A. 40:48-2.12s**, authorizing municipalities to adopt ordinances to “regulate the care, maintenance, security and upkeep of the exterior of

vacant or abandoned residential properties” for which a foreclosure action has been commenced. Such an ordinance must provide that an out-of-state mortgage lender supply contact information for its representative or agent located within New Jersey. An out-of-state lender which fails to comply is subject to a fine of \$2500.00 per day. The fine imposed for failure to cure a violation for which a notice of same has been issued is fixed at \$1500.00 per day.

The law also amends **N.J.S.A. 2A:50-73** (which permits summary actions to foreclose mortgages on vacant properties) in order to expand the definition of “vacant and abandoned” to include property where a notice of violation has been issued pursuant to N.J.S.A. 40:48-2.12s (discussed above). For more information about N.J.S.A. 2A:50-73, see *Title Talk No. 83* (Winter 2012-13).



Title Talk is published periodically in printable electronic format by the Fidelity National Title Group, and is distributed free of charge to its customers and friends. Title Talk contains general information about topics of interest to those involved with real estate conveyancing and title insurance in New Jersey. It is not intended to provide legal advice or opinions or as a substitute for obtaining the advice of counsel.