

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14, SECTIONS 20.3 AND 20.5 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED “DUTIES AND RESPONSIBILITIES OF FORECLOSING CREDITOR”

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey, that Chapter 14, Sections 20.3 and 20.5 of the Revised General Ordinances of the Township of West Orange shall be amended and supplemented as follows:

14-20 DUTIES AND RESPONSIBILITIES OF FORECLOSING CREDITOR

14-20.3 Duty to Report

- a. A foreclosing creditor shall, within 10 days of serving a summons and complaint, submit a foreclosure notice to the Township Clerk.
- b. Upon receipt of a foreclosure notice, the Township Clerk shall provide a copy of the foreclosure notice to the Zoning Officer and/or their designee(s) for enforcement of property maintenance regulations.
- c. Once a foreclosing creditor is vested with legal title to the property and upon filing the deed with the county clerk, the foreclosing creditor shall simultaneously provide the Township Clerk with a copy of the deed.

14-20.5 Responsibility to Maintain Property

In the event that any residential property becomes vacant and abandoned subsequent to a foreclosing creditor's filing of a summons and complaint but prior to the vesting of title in the foreclosing creditor or any third party, a foreclosing creditor shall assume all duties imposed upon owners and operators of property, pursuant to Section 8.1 and Section 8.2 of this Chapter and Section 5.1 of Chapter 20, with respect to the subject property. The foreclosing creditor, within 10 days of receiving notice that the property is vacant and abandoned, shall also provide a copy of an annual contract with the Township Clerk that sets forth the name and contact information of the representative who shall be responsible for the care, maintenance, security and upkeep of the exterior property and ensure compliance with Section 8.1 and Section 8.2 of this Chapter and Section 5.1 of Chapter 20, with respect to the subject property. The foreclosing creditor shall also provide the name and contact information of the foreclosing attorney and the name and contact information of the servicer of the loan. The foreclosing creditor has a continuing obligation to update all information throughout the foreclosure process.

BE IT FURTHER ORDAINED, that the remainder of Chapter 14 shall remain unchanged.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with law.

Karen J. Carnevale
Municipal Clerk

Jerry Guarino
Council President

Honorable Robert Parisi
Mayor

Introduction: October 13, 2015

Adopted: October 27, 2015

Legislative History

This legislation is authorized by N.J.S.A. 40:48-2.12s, which permits municipalities to adopt ordinances regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties that are the subject of foreclosure actions.

This amended legislation imposes two additional requirements upon foreclosing creditors in order to regulate vacant and abandoned residential properties: (1) to provide notice to the Township once a foreclosing creditor is vested with legal title to the property; and (2) to file an annual contract with the Township Clerk that sets forth the name and contact information of the representative who shall be responsible for the care, maintenance, security and upkeep of the exterior property, as well as the foreclosing attorney and servicer of the loan. Chapter 14, Section 20.5 also includes a continuing obligation clause for foreclosing creditors to update all information throughout the foreclosure process.