



City of Trenton

Mayor W. Reed Gusciora

Vacant Property Registration Rules and Regulations

Promulgated Pursuant to
Section 2.1. of Ordinance 15-
14 (codified at 132-91.1B(9)
of the Trenton City Code)

Division of Housing Inspections

Why the Need for the Vacant Property Registration Process?

As is the case with every urban city throughout the Country, the City of Trenton contains a significant number of vacant and abandoned buildings. Unfortunately, in many cases the owners or other responsible parties of these buildings fail to maintain and secure them. It is a well-established fact that vacant buildings cause severe harm to the health, safety and general welfare of the community, including the diminution of neighboring property values, loss of property tax revenues, accumulation of trash and debris, increased risk of fire, and the potential increase in criminal activity. In an effort to reduce the number of vacant and abandoned buildings to mitigate these risks, and to encourage the restoration of these properties to productive use, the City established a vacant property registration process.

Pursuant to Ordinance 15-14 (codified at §132-91.1 of the Code of the City of Trenton), **effective January 1, 2015**, every Owner (as defined herein) of a Vacant Property (as defined herein) is required to register such Vacant Property in accordance with the requirements of the Ordinance, which are more fully described herein.

In accordance with Section 2.1 of the Ordinance, the Municipal Officer (as defined herein) is authorized to promulgate the within Rules and Regulations necessary for the orderly and efficient administration of the Ordinance. These Rules and Regulations are fully binding. The violation of any of the Rules and Regulations will result in the assessment of significant penalties as prescribed herein, as well as the commencement of other legal actions. To obtain a full copy of the Ordinance, please visit our website at www.trentonnj.org, or a copy may be obtained in the Division of Housing Inspections.

SECTION 1

DEFINITION

"Municipal Officer" is defined as the Director of the Department of Housing & Economic Development (the "Department") or such other individual in the Department as designated by the Director in writing.

"Owner" is defined as:

- any private title holder to a Vacant Property, or
- any agent of a private title holder having authority to act with respect to a Vacant Property, or
- any foreclosing entity that is required to file notice with the Municipal Clerk pursuant to the provisions of N.J.S.A. 46:10B-51 (commonly referred to as the "Creditor Responsibility Law"), or
- any other entity determined by the Municipal Officer to have authority to act with respect to a Vacant Property.

NOTE: Municipal, County or State owners of a Vacant Property are exempt from the registration requirements under the Ordinance.

"Vacant Property" is defined as:

- any building or structure that is not at present legally occupied, or
- any building at which all lawful business or construction operations or residential or other occupancy has substantially ceased, and which is in such condition that the property cannot be legally reoccupied without repair or rehabilitation, or
- any building meeting the definition of "abandoned" property under the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78, et seq.).

REGISTRATION AND RENEWAL FEES

Pursuant to Section 2 of the Ordinance, each Owner of a Vacant Property is required to complete and submit a separate Vacant Property Registration Statement (hereinafter, the "Registration Statement") for each Vacant Property having a separate tax block and lot number and pay the appropriate registration fee prescribed below (i) within 30 days after the building becomes vacant, or (ii) within 30 days after assuming ownership of the vacant building, whichever is later, or (iii) within 10 days of receipt of notice by the City of Trenton (see Section 2.A. of the Ordinance). A copy of the Registration Statement is available for download on the City's website at www.trentonnj.org, or a hard copy may be obtained in the Division of Housing Inspections.

Pursuant to Section 5 of the Ordinance, the registration and renewal fees for each Vacant Property are detailed in **Appendix A**.

The Owner shall be required to renew the registration no later than March 1st of every calendar year as long as the building remains a Vacant Property and shall pay the appropriate registration or renewal fee.

NOTE: Every Owner is responsible for determining and submitting the appropriate registration and renewal fee amount. If an Owner submits a registration or renewal fee that is less than the appropriate amount due, the fee will be returned to the Owner for re-submission of the correct amount and a \$50 administrative fee will be assessed. If an owner submits a fee that is greater than the appropriate amount due, the overage amount will be retained by the City and deemed to be an administrative penalty assessed for the current registration or renewal year.

NOTE: A REGISTRATION WILL ONLY BE DEEMED "COMPLETE" ONCE THE FULLY COMPLETED REGISTRATION STATEMENT AND APPROPRIATE REGISTRATION OR RENEWAL FEES HAVE BEEN SUBMITTED, ALONG WITH THE REQUIRED LIABILITY INSURANCE DOCUMENTATION AS PROVIDED HEREIN. FAILURE TO TIMELY SUBMIT THESE ITEMS WILL RESULT IN THE PENALTIES AS PRESCRIBED IN APPENDIX D.

ANNUAL REGISTRATION DATE

Pursuant to Section 2.E. of the Ordinance, all renewals shall be due on January 2nd of each year, unless otherwise noticed by the Municipal Officer. If January 2nd falls on a weekend, all renewals shall be due on the next business day immediately following January 2nd of that year.

VACANT PROPERTY REGISTRATION FEE EXEMPTIONS

Pursuant to Section 2.1 of the Ordinance, the Municipal Officer is authorized to grant a one - year exemption from payment of the registration fee under limited circumstances. Please see **Appendix B** which provides the categories and requirements for which an exemption may be granted.

Pursuant to Section 2.F.i. of the Ordinance, the Municipal Officer may extend the waiver of the registration fee for one additional year in response to an Owner's written request, if the Municipal Office finds that there are compelling conditions outside of the Owner's control that made it impossible for the Owner to rehabilitate and restore the Vacant Property to productive use within the 12-month period. Generally, Force Majeure (see Appendix B) events are examples of such compelling conditions which the Municipal Officer may consider when extending the waiver of the registration fee for one additional year. However, an Owner's lack of financial resources shall not be deemed a compelling condition.

If an Owner wishes to seek an exemption from the registration fee requirements, the Owner must complete the Vacant Property Registration Exemption Request Form at **Appendix E**.

NOTE: Pursuant to Section 2.F.i of the Ordinance, in the event that a one-year exemption is granted and the building or structure has not been restored to productive use and occupancy at the end of the twelve month period following the date of the initial registration, the Owner shall be liable for (i) any fees waived, and (ii) the annual renewal fee for that year.

LIABILITY INSURANCE

Pursuant to Section 7 of the Ordinance, every Owner of a Vacant Property is required to acquire or maintain liability insurance in the amount of not less than \$300,000 for buildings designed primarily for one- to four-unit residential use and not less than \$1,000,000 for any other building. Further, any insurance policy acquired or renewed after the building has become vacant, the Owner must provide written notice to the Municipal Officer within 30 days of any lapse, cancellation or change in coverage. Failure to comply with these provisions will result in the assessment of penalties as prescribed in Appendix D.

Note: Every Owner is required to attach evidence of insurance coverage such as a Certificate of Liability Insurance to the Registration Statement. **ANY REGISTRATION STATEMENT SUBMITTED THAT DOES NOT INCLUDE EVIDENCE OF LIABILITY INSURANCE COVERAGE WILL NOT BE CONSIDERED TO BE A VALID REGISTRATION, AND THE OWNER WILL BE DEEMED IN VIOLATION OF THE CODE FOR WHICH PENALTIES WILL BE ASSESSED.**

DE-REGISTRATION OF PROPERTY

Under certain limited circumstances, the City will approve the removal of a Vacant Property, or a former Owner's name, from the Vacant Property Registration database under the following circumstances:

Legal Occupancy

Once a Vacant Property is legally occupied, the Owner is no longer required to register the property. Upon the occupancy of a Vacant Property, the Owner can submit a written request to have the property removed from the Vacant Property Registration database. The written request must be accompanied by documentation (e.g., current lease) evidencing that the property is currently legally occupied.

Property is Sold

If a Vacant Property is sold and title vests in a new Owner, the former Owner can seek to have his/her name removed from the Vacant Property Registration database. However, before the former Owner is removed from the Vacant Property Registration database, the City must be able to identify the new Owner and verify that title has in fact vested in the name of the new Owner. To that end, the former Owner must submit a written request that identifies the new Owner's full name, address, telephone number, and email address, if any, and must also submit such as an executed and filed deed evidencing that title has vested in a new Owner.

FACTORS NOTCONSIDERED FOR EXEMPTIONS

The following shall not be considered factors upon which an Owner may be exempted from payment of the vacant property registration fee:

1. Tax Lien Foreclosure Proceedings

The pendency of an *in rem* tax foreclosure proceeding does not exempt the Owner from payment the vacant property registration or renewal fee. Only upon the issuance of a Final Judgment of Foreclosure by the court will the record Owner be relieved from payment the registration or renewal fee as of the day the Final Judgment of Foreclosure is issued.

2. Owner's Financial Inability to Pay

The financial inability of the Owner to pay the registration or renewal fee does not rise to the level of a "compelling conditions" for the consideration of an exemption.

3. Bankruptcy Filing

The filing of a bankruptcy petition does not relieve the Owner from payment of the vacant property registration or renewal fee unless there are specific statutory guidelines that would otherwise exempt the Owner from payment of the fee.

4. Outstanding Municipal Fees and Liens

No Owner of a Vacant Property will be exempted from payment of the vacant property registration or renewal fee if Owner has past due municipal fees or if there are municipal liens on the Vacant Property.

APPENDICES

APPENDIX A: Registration and Renewal Fees

APPENDIX B: Registration Exemption Categories

APPENDIX C: Vacant Property Registration Exemption Request Form

APPENDIX D: Violations and Penalties

APPENDIX E: Contact Information

APPENDIX A

Registration and Renewal Fees

Fee Type	Fee
Initial Registration (Year 1)	\$500
First Renewal (Year 2)	\$1,300
Second Renewal (Year 3)	\$2,000
Any Subsequent Renewal (Year 4 and beyond)	\$3,000

It is the responsibility of each Owner to determine the correct prorated or other amount that is due. In an effort to avoid unnecessary delays and the assessment of penalties, every Owner is advised to contact the Division of Housing Inspections at (609) 989-3563, or send an email to vacantpropertyregistration@trentonnj.org, to obtain the correct amount due. Failure to submit the appropriate fee will result in the assessment of penalty as prescribed in **Appendix D**.

APPENDIX B

Registration Exemption Categories

Exemption Category	Requirements for Exemption
Habitable Property	An Owner may be exempted from the vacant property registration requirements if the Vacant Property is habitable wherein (i) all building systems are in sound working order which is evidenced by the issuance of a Certificate of Occupancy, (ii) the building and grounds are maintained in good order, and (iii) the building is being actively marketed for sale or rental.+ The fact that an owner has secured the requisite permits to rehabilitate the vacant property is not prima facie
	Evidence that the Vacant Property is habitable, but will be used as one of the factors to determine if the Vacant Property may be exempted from the registration requirements.
Restoration to Productive Use	An owner must timely submit plans to the Department of Inspections demonstrating that the property will be completely rehabilitated and restored to productive use and occupancy within twelve (12) months following the initial property registration, or must submit to the Municipal Officer a certified letter from a licensed contractor or architect stating that the property is capable of being completely rehabilitated and restored to productive use and occupancy within the twelve (12) months following the initial property registration.
Rehabilitation/Redevelopment Project	If the Owner is an entity that is experienced in the rehabilitation and redevelopment of Vacant Property, and the Vacant Property that is subject to the Ordinance is being held for a rehabilitation or redevelopment project, the Owner may request a one-year exemption in writing to the Municipal Officer, and must provide the Municipal Officer with plans, financing applications, applications for land use approval or other evidence of progress.
Force Majeure	The property is rendered uninhabitable due to circumstances beyond the owner's control and in which the owner had no responsibility whatsoever, including but not limited to, an Act of God, criminal activity, or negligence of individuals or entities other than the Owner or anyone under the Owner's control.
Demolition	The owner timely provides the Municipal Officer with official documentation from a qualified, licensed demolition entity indicating that the property will be demolished within thirty (30) days after the date on which the initial vacant property registration fee or renewal fee is due, which may be extended by the Municipal Officer for good cause shown. An Owner may demonstrate good cause by providing specific evidence showing that events occurred that caused a delay in which the Owner could not reasonably foresee, or which was beyond the Owner's control.

Active marketing shall mean any proactive, deliberate and purposeful actions taken by the owner to actively seek prospective purchasers or lessees. Examples of active marketing include, but are not limited to, retaining a licensed real estate agent or broker to list the property for sale or rent, and taking out advertisements in various media forms such as, newspapers and online services. The placement of a "For Sale" sign on or about the property, the posting of flyers or signs, or making known that the property is for sale or rent by word of mouth, shall be considered passive marketing for which an exemption will not apply. If the Vacant Property has not been occupied after the expiration of the twelve -month period, the owner shall be required to pay the initial registration fee of \$500, and any subsequent renewals as required.

APPENDIX C

Vacant Property Registration Exemption Request Form

If an Owner of a Vacant Property wishes to seek an exemption from payment of the vacant property registration fee, the Owner must complete this form prior to the date the registration is due and submit all of the documentation required. **FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL RESULT IN THE DENIAL OF THE OWNER'S EXEMPTION REQUEST.**

1. PROPERTY INFORMATION

Property Address: _____ Block# _____

Lot# _____

Date Property Became Vacant: _____ (mm/dd/yyyy)

2. OWNER INFORMATION

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: (_____) _____ Email Address: _____

3. EXEMPTION CATEGORY

Please identify the category for which you are seeking an exemption of the vacant property registration fee. The requirements for each category are explained in **Appendix B** appended to the Vacant Property Rules and Regulations.

- Habitable Property
- Restoration to Productive Use
- Rehabilitation/Redevelopment Project
- Force Majeure
- Demolition

4. PROPERTY OWNER'S OR AUTHORIZED AGENT'S STATEMENT

- (a) Are there any past due water, sewer, or tax charges due on the Vacant Property? Yes No
- (b) Have you complied with all of the requirements and attached all of the required documentation identified in **Appendix B** for the Exemption Category selected? Yes No

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM DULY AUTHORIZED TO ACT ON BEHALF OF ALL OWNERSHIP INTERESTS IN THE ABOVE-REFERENCED PROPERTY. I HEREBY ATTEST/SWEAR THAT THE INFORMATION CONTAINED HEREIN IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I AM AWARE THAT IF ANY OF THE FOREGOING STATEMENTS MADE BY ME ARE WILLFULLY FALSE, I AM SUBJECT TO PUNISHMENT UNDER AS PROVIDED IN APPENDIX D OF THE VACANT PROPERTY REGISTRATION RULES AND REGULATIONS.

OWNER'S SIGNATURE _____ DATE _____

APPENDIX D

Violations and Penalties

Chapter 132, Article X, Section 139.91.1, Section 9 provides that any person who violates any provision of the Code or of the rules and regulations issued thereunder shall be fined not less than \$250 and not more than \$1000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Pursuant to Section 9 of the Ordinance, the following acts or omissions shall constitute violations of the Ordinance, and the following penalties shall be levied and accrue daily as a continuing violation of the Ordinance:

Ordinance Section	Violation	Penalty
2A, 5A	Failure to complete the Vacant Property Registration Process	\$1000
2G	Failure to file an amended statement notifying the Municipal Officer of a change in the previously filed registration statement	\$500
3	Failure to provide access to the City for property inspection	\$500
6(1)	Failure to enclose and secure the property	\$1000
6(2), (4)	Failure to ensure that the grounds of the property are well-maintained	\$750
6(3), (4)	Failure to post and maintain the requisite sign to the property	\$750
6(4)	Failure to condition maintain the structure in secured and closed	\$1000
7	Failure to maintain liability insurance or failure to provide written notice to the Municipal Officer within 30 days of any lapse, cancellation or change in insurance coverage.	\$500
	Failure to promptly tender payment for a bounced check and the \$25 bounced check fee as mandated by Ordinance 85- 54, or tender payment for a stopped payment on a check without proper cause and notice to and approval by the Municipal Officer	\$250

APPENDIX E

Contact Information

If you have any questions or need any information relative to the Ordinance or this document, please contact us by using any of the following modes:

By Telephone:

Please call the Division of Housing Inspections at (609) 989 -3563.

By Email

Please send an email to vacantpropertyregistration@trentonnj.org

By Mail

All written requests may be mailed to City of Trenton, Division of Housing Inspections, 319 East State Street 2nd Fl., Trenton, New Jersey 08609, Attention: Vacant Property Registration.

In-person

Please come to Trenton City Hall, Division of Housing Inspections, Second Floor, 319 East State Street, Trenton, New Jersey 08608, between the hours of 8:30am and 4:30pm Monday thru Friday.