



TABLE 2.1  
STATUTORY DEFINITION OF ABANDONED PROPERTY  
[Based on N.J.S.A.55:19-81 through 83]

**DEFINITION**

**PART 1: THRESHOLD CRITERIA**

Property must not have been legally occupied for six months\* and must meet any ONE of the **secondary criteria** in Part 2 [but also see Part 4: Exceptions below].

**PART 2: SECONDARY CRITERIA**

Any ONE must apply:

- a. Property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six month period.
- b. Construction was initiated and discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of determination that the building is abandoned.
- c. At least one installment of property tax remains unpaid and delinquent as of the date of determination.
- d. The property has been determined to be a nuisance by the public officer in accordance with the **nuisance criteria**.

**PART 3: NUISANCE CRITERIA**

A property may be determined by the public officer to be a nuisance if any ONE of the following apply:

- a. The property is found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A.40:48-2.3
- b. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties.
- c. The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so.
- d. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; OR
- e. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

**PART 4: EXCEPTIONS**

There are two limited exceptions to the definition of abandoned property above:

- a. A property on which an entity other than the municipality holds a tax sale certificate is not deemed to be abandoned if the owner of the certificate (1) continues to pay all municipal taxes and liens when due; and (2) initiates foreclosure proceedings within six months after the property is eligible for foreclosure.
- b. A property used on a seasonal basis is deemed to be abandoned only if it meets any TWO of the Secondary Criteria listed in Part 2 above.

**TABLE 2.2  
ABANDONED PROPERTY LIST NOTICE  
AND APPEAL TIMETABLE**

<b>ACTIONS</b>	<b>TIMETABLE</b>
Public officer publishes list in newspaper.	This action constitutes “establishing” the list.
Public officer sends notice to owner of record and lienholders known to municipal tax collector.	Within 10 days after publication.
Public officer files notice with county clerk or register of deeds and mortgages.	Simultaneously with publication and notice to owner.
Owner or lienholder may appeal inclusion of property on abandoned property list.	Within 30 days of receipt of notice or 40 days from date on which notice was sent.
Public officer schedules redetermination hearing on appeal.	Within 30 days of receipt of request for redetermination.
Public officer decides appeal.	Within 10 days after hearing.
Owner challenges adverse determination of appeal by instituting proceeding in Superior Court.	Owner must file within 20 days of the date of notice of the decision by the public officer.