An abandoned property list is a list prepared by a designated municipal official that identifies abandoned properties in a municipality, as a prerequisite for using specific legal tools to reclaim these properties for reuse. The Abandoned Property Rehabilitation Act (APRA), signed into law January 8, 2004, provides the statutory provisions that govern abandoned property list creation and enactment in New Jersey.

Why Create an Abandoned Property List?

Any municipality which is trying to deal with abandoned properties should consider establishing an abandoned property list. In addition to serving as a valuable planning tool for a municipality working to address its abandoned property issues, it triggers some specific municipal powers:

- It allows municipalities to hold a special tax sale of properties on the list.
- It allows municipalities to use ‘spot blight’ eminent domain to take buildings on the list in or outside of redevelopment areas, and apply special rules to determine the fair market value of the properties under such takings.

While a building does not have to be on an abandoned property list to trigger other powers to deal with abandoned properties, putting it on the list can simplify or expedite other proceedings. In addition, placing properties on the list will often in itself motivate owners to return their properties to productive use.

Process for Creating an Abandoned Property List

The process of creating an abandoned property list (‘the list’) involves five steps. These steps should be carefully followed to ensure that subsequent actions taken by the municipality on the basis of the list will stand up in any legal proceeding.

Step 1

The municipality must designate a public officer for the purpose of creating the list.

In a Faulkner Act strong mayor municipality, the mayor designates the public officer, while in other municipalities, the municipal governing body designates the public officer. The public officer can be an existing public officer, or a different municipal officer, such as the planning director or the director of community development.

Step 2

The governing body must enact an ordinance* directing the public officer to create the list.

The ordinance can specify that the list should cover the entire municipality, or it can limit the scope of the list to designated parts of the municipality—such as specific redevelopment areas or neighborhood target areas.

- Since the list does not have to include all the abandoned properties in the municipality, it is a good idea for the ordinance to designate the entire municipality, in order to give the public officer flexibility to address problem properties as they arise.

- The voters of a municipality that has not yet taken action to create an abandoned property list can propose such an ordinance by petition. The petition must be signed by a number of voters equal to 5 percent of the votes cast in the last municipal election.

* For further guidance, please see the model ordinance for creating an abandoned property list.
Step 3
The public officer creates a list of abandoned properties that includes at a minimum the following information:

- Tax block and lot number
- Street address
- Name and address of owner of record
- The basis for the determination that the property is abandoned, based on the criteria set forth in C:55:19-81 and 82 (see fact sheet on defining abandoned properties)

It is important that the findings leading to the determination that the property is abandoned are made by individuals with appropriate technical qualifications or licensure, in case they are challenged in a future proceeding.

The list does not have to include all of the abandoned properties in the municipality, or in the sections of the municipality covered by the ordinance. The public officer can begin with any number of properties, and can add properties to the list at any time.

Residents, business owners, and neighborhood organizations have the right to submit properties to the public officer for inclusion on the list. Once the officer receives such a submission, the officer must either notify the entity submitting the property within 30 days that it will be added to the list, or provide a written explanation of the reasons for not adding it to the list.

Step 4
The public officer notifies the owners of record.

Within 10 days of establishing the list, the public officer must notify the owner of every property by certified mail, and publish the list in the official newspaper of the municipality. Additional noticing requirements in the law must also be followed carefully to ensure that the process withstands legal scrutiny.

Step 5
An owner or lienholder can challenge the inclusion of the property on the abandoned property list.

The public officer must schedule a hearing for redetermination upon an owner or lienholder’s request. The sole ground for removing a property from the list is a finding that it is not actually abandoned, as defined by the law. Property owners who have been denied redetermination by the public officer have the right to appeal the denial to Superior Court.

- The law provides specific time frames for all actions by the owner or the public officer with respect to challenges and appeals.
- Any resident, business owner, or neighborhood organization has the right to participate in any redetermination hearing, and to receive advance notice from the public officer of hearings when they are scheduled.

Once the time to challenge the officer’s determination has passed, or a challenge has been denied and the time to appeal has passed, the property is deemed to be on the list for purposes of any of the relevant municipal powers. Even if some properties on the list are still in the process of being heard or appealed, the municipality can take action with respect to other properties on the list.

Adding Properties to the List
The public officer can add properties to the list at any time by following the same process (Steps 3 through 5). While in theory, properties could be added to the list one at a time or in small numbers, the process can be much more easily managed if groups of properties are added on a regular schedule.
**Creating an Abandoned Property List**

**Property Solutions Kit Infographic**

**Start**

**First, the municipality:**
1. Enacts ordinance authorizing an abandoned property list
2. Designates a public officer

**Next:**
Public officer creates the abandoned property list

**Then:**
Public officer provides notice to public and to owners

**Does the owner appeal the inclusion of their property on the list?**

**No**

The building is retained on the abandoned property list

Public officer finds owner appeal to be justified

Building is removed from the abandoned property list

**Yes**

Public officer holds redetermination hearing

Public officer finds owner appeal not justified

Building is retained on the abandoned property list

**Action Timetable**

<table>
<thead>
<tr>
<th>Action</th>
<th>Timetable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public officer publishes list in newspaper</td>
<td>This act constitutes ‘establishing’ the list</td>
</tr>
<tr>
<td>Public officer sends notice to owner of record and lienholders known</td>
<td>Within 10 days after publication</td>
</tr>
<tr>
<td>to municipal tax collector</td>
<td></td>
</tr>
<tr>
<td>Public officer files notice with county clerk or register of deeds and</td>
<td>Simultaneously with publication and notice to owner</td>
</tr>
<tr>
<td>mortgages</td>
<td></td>
</tr>
<tr>
<td>Owner or lienholder may appeal inclusion of property on abandoned</td>
<td>Within 30 days of receipt of notice or 40 days from date notice was sent</td>
</tr>
<tr>
<td>property list</td>
<td></td>
</tr>
<tr>
<td>Public officer schedules redetermination hearing on appeal</td>
<td>Within 30 days of receipt of request for redetermination</td>
</tr>
<tr>
<td>Public officer decides appeal</td>
<td>Within 10 days after hearing</td>
</tr>
<tr>
<td>Owner challenges adverse determination of appeal by instituting</td>
<td>Owner must file within 20 days of the date of notice of the decision by</td>
</tr>
<tr>
<td>proceeding in Superior Court</td>
<td>the public officer</td>
</tr>
</tbody>
</table>

Numbers to the left of the action items above signal the corresponding template document.