The Abandoned Property Rehabilitation Act (APRA) was enacted into law January 8, 2004. It offers New Jersey’s municipalities and others a toolkit of additional means by which they can gain control of abandoned properties to restore them to productive use.

Statutory Definition of Abandoned Property
Based on N.J.S.A.55:19-81 through 83

For the purposes of creating an abandoned property list, properties must meet the criteria in the statutory definition as outlined below. This definition applies to buildings of any type, without respect to their previous use, but does not apply to vacant lots.

1. Threshold Criteria
Property must not have been legally occupied for the previous six months and must meet any ONE of the secondary criteria below (also see section 4 on exceptions).

2. Secondary Criteria
One of the following 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 the building was determined to be abandoned.

c. At least one installment of property tax remains unpaid and delinquent as of the date the building was determined to be abandoned.

d. The property has been determined to be a nuisance by the public officer in accordance with the nuisance criteria below.

3. Nuisance Criteria
For a property to be determined a nuisance, one of the following must 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.

4. Exceptions
There are two limited exceptions to the aforementioned definition of abandoned property:

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 of the property being determined 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 above.
HOW TO DEFINE ABANDONED PROPERTIES
FOR THE CREATION OF AN ABANDONED PROPERTY LIST

THRESHOLD DETERMINATION
The property in question has not been legally occupied for six or more months

DO SECONDARY CRITERIA (A), (B) OR (C) APPLY?
- YES
- NO

DOES ONE OR MORE OF THE NUISANCE CRITERIA APPLY?
- YES
- NO

DO EXCEPTIONS APPLY?
- YES
- NO

BUILDING IS DETERMINED TO BE ABANDONED
BUILDING NOT DETERMINED TO BE ABANDONED