10 STEPS BY MUNICIPALITIES TO DEMOLISH UNFIT STRUCTURES

NJSA. 40:48-2.5 provides the strict statutory requirements that must be adhered to by a municipality in demolishing an unfit or dilapidated building.

1. Issue notice to the owner stating the charges
2. State the time and place of the hearing related to the charges.
3. Notify the owner that they will be given the right to answer the complaint.
4. The owner shall be given the right to appear in person and give testimony at the time and place fixed in the complaint.
5. The Rules of Evidence prevailing in the Courts shall not be controlling in the hearing.
6. If the municipality finds the building unfit for human habitation or occupancy, they must state in writing their findings in supports of such a determination to be served upon the owner. This order sent to the owner requiring repair, alteration

   or improvement must allow a reasonable period of time for these actions.
7. If the owner fails to repair or improve the building and the condition is such that it is a danger to persons near the premises, then the owner will be required to remove or demolish said structure.
8. The municipality can repair or improve the building themselves, or cause it to be vacated, or post a placard indicating that the building is unfit and any occupation is unlawful and prohibited.
9. If the owner fails to comply with an order to remove or demolish the building, the municipality may remove or demolish the building after advertising and receiving bids for such work.
10. Any related costs, not recouped from the sale of any building materials shall be a municipal lien against the property

Example; A town failed to comply with all requirements of the statute when they could not prove that they had complied with the notice requirement to the owner of the demolition hearing. The town could not produce the green return receipt card confirming it had noticed the owner. Total payout to the claimant in this file was $50,000 plus legal expenses. Personal service and Registered mail service

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