

[Third Reprint]

ASSEMBLY, No. 1755

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

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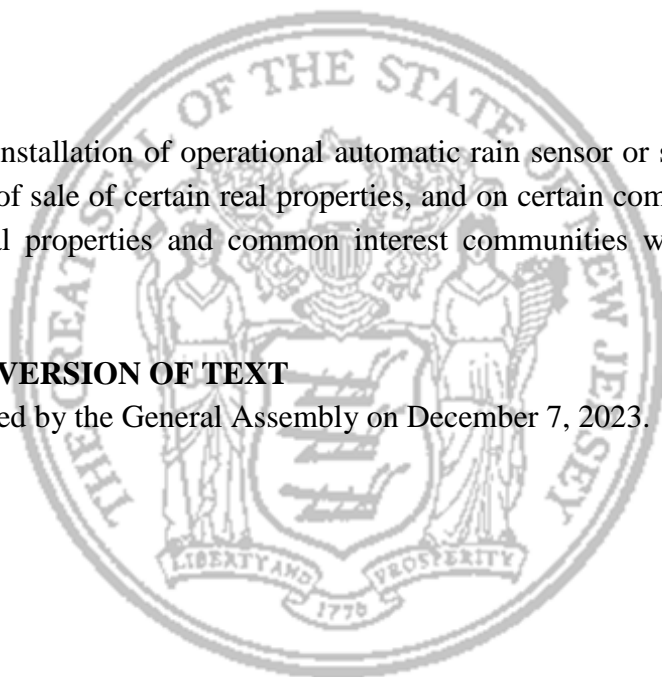
Assemblymen Wimberly, Stanley, Assemblywomen Carter, Jasey, Speight and Park

SYNOPSIS

Requires installation of operational automatic rain sensor or smart sprinkler as condition of sale of certain real properties, and on certain commercial, retail, and industrial properties and common interest communities within specified timeframes.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 7, 2023.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning the installation of operational automatic rain
 2 ¹**【sensor devices】** sensors and smart sprinklers¹, amending
 3 P.L.2000, c.107, and supplementing ³**【P.L.1975, c.217**
 4 **(C.52:27D-119 et seq.)】** Title 52 of the Revised Statutes³ .

5
 6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 7 *of New Jersey:*

8
 9 1. Section 1 of P.L.2000, c.107 (C.52:27D-123.13) is amended
 10 to read as follows:

11 1. a. An automatic lawn sprinkler system installed after **【the**
 12 **effective date of P.L.2000, c.107 (C.52:27D-123.13)】** September 8,
 13 2000 shall be equipped with an operational automatic rain sensor
 14 ¹**【device or switch that will override the irrigation cycle of the**
 15 **automatic lawn sprinkler system when adequate rainfall has**
 16 **occurred】** or a smart sprinkler¹.

17 b. ³**【(1) Every contract of sale of real property upon which an**
 18 **automatic lawn sprinkler system was installed on or prior to**
 19 **September 8, 2000 shall include a provision requiring, as a**
 20 **condition of the sale, the installation of an operational automatic**
 21 **rain sensor** ¹**【device or switch that will override the irrigation cycle**
 22 **of the automatic lawn sprinkler system when adequate rainfall has**
 23 **occurred】** or a smart sprinkler¹ ²or the deposit of monies in escrow
 24 in an amount sufficient to cover the costs of the installation of an
 25 operational automatic rain sensor or a smart sprinkler² .

26 (2) Closing of title on the sale of any real property shall not
 27 occur unless documentation is provided demonstrating the
 28 installation of an operational automatic rain sensor ¹**【device or**
 29 **switch】** or smart sprinkler¹ ²or the deposit of monies in escrow² as
 30 required by paragraph (1) of this subsection. At closing, the buyer
 31 and seller both shall certify in writing that the requirements of this
 32 subsection have been met.

33 (3) The provisions of this subsection shall not apply to the
 34 closing of title on the sale of property within a common interest
 35 community. ¹**【As used in this paragraph, “common interest**
 36 **community” means a horizontal property regime, condominium,**
 37 **homeowner association, cooperative, or mutual housing**
 38 **corporation, in which some of the property, commonly known as**
 39 **"common elements" or "common areas," are owned or controlled by**
 40 **the unit or association owners or members.】**¹

41 c. Failure to comply with the requirements of subsection b. of
 42 this section shall neither defeat nor impair the title conveyed.

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted February 16, 2023.

²Assembly ALA committee amendments adopted June 15, 2023.

³Assembly floor amendments adopted December 7, 2023.

1 ¹d.]³ As used in this section:

2 “Automatic rain sensor” means a device or switch that will
3 override the irrigation cycle of an automatic lawn sprinkler system
4 when adequate rainfall has occurred.

5 ³[“Common interest community” means a horizontal property
6 regime, condominium, homeowner association, cooperative, or
7 mutual housing corporation, in which some of the property,
8 commonly known as "common elements" or "common areas," are
9 owned or controlled by the unit or association owners or
10 members.]³

11 “Smart sprinkler” means an Internet connected device that
12 monitors the weather, soil moisture, and other conditions to
13 calculate and automatically adjust the watering schedule of an
14 automatic lawn sprinkler system.¹

15 (cf: P.L.2000, c.107, s.1)

16

17 ³2. (New section) As used in sections 3 through 6 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill):

19 “Automatic rain sensor” means a device or switch that will
20 override the irrigation cycle of an automatic lawn sprinkler system
21 when adequate rainfall has occurred.

22 “Common interest community” means a horizontal property
23 regime, condominium, homeowner association, cooperative, or
24 mutual housing corporation, in which some of the property,
25 commonly known as "common elements" or "common areas," are
26 owned or controlled by the unit or association owners or members.

27 “Smart sprinkler” means an Internet connected device that
28 monitors the weather, soil moisture, and other conditions to
29 calculate and automatically adjust the watering schedule of an
30 automatic lawn sprinkler system.³

31

32 ³3. (New section) a. No later than three years after the effective
33 date of P.L. , c. (C.) (pending before the Legislature as this
34 bill), every contract of sale of real property upon which an operable
35 automatic lawn sprinkler system was installed on or prior to
36 September 8, 2000 shall include a provision requiring, as a
37 condition of the sale, the installation of an operational automatic
38 rain sensor or a smart sprinkler or the deposit of monies in escrow
39 in an amount sufficient to cover the costs of the installation of an
40 operational automatic rain sensor or a smart sprinkler.

41 b. Closing of title on the sale of any real property shall not
42 occur unless documentation is provided demonstrating the
43 installation of an operational automatic rain sensor or smart
44 sprinkler or the deposit of monies in escrow as required by
45 subsection a. of this section. At closing, the buyer and seller both
46 shall certify in writing that the requirements of this subsection have
47 been met.

1 c. The provisions of this subsection shall not apply to the
 2 closing of title on the sale of property within a common interest
 3 community.

4 d. No later than 60 days after the effective date of P.L. _____,
 5 c. (C. _____) (pending before the Legislature as this bill), a person
 6 with a business permit issued by the New Jersey Board of
 7 Landscape Irrigation Contractors, pursuant to the "Landscape
 8 Irrigation Contractor Certificate Act of 1991," P.L.1991, c.27
 9 (C.45:5AA-1 et seq.), engaging in the business of landscape
 10 irrigation on a property upon which an automatic lawn sprinkler
 11 system was installed on or prior to September 8, 2000, shall be
 12 required to provide notice, to all past and present clients, of the
 13 provisions of subsection a. of this section, requiring the installation,
 14 by such person, of an operational automatic rain sensor or a smart
 15 sprinkler, or the deposit of monies in escrow in an amount sufficient
 16 to cover the costs of the installation of an operational automatic rain
 17 sensor or a smart sprinkler.

18 e. Failure to comply with the requirements of this section shall
 19 neither defeat nor impair the title conveyed.³

20
 21 ³[2.] 4.³ (New section) An owner who sells ²[, leases, rents, or
 22 otherwise permits to be utilized or occupied]² any property ³that is³
 23 subject to³, but that fails to comply with,³ the provisions of
 24 ³[P.L.2000, c.107 (C.52:27D-123.13) when the property does not
 25 comply with the requirements of P.L.2000, c.107
 26 (C.52:27D-123.13)] section 3 of P.L. c. (C. _____) (pending
 27 before the Legislature as this bill)³ shall be subject to a fine of not
 28 more than \$500 to be collected in a civil action by a summary
 29 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
 30 P.L.1999, c.274 (C.2A:58-10 et seq.). ³The local enforcing agency
 31 shall designate appropriate personnel to ensure compliance with the
 32 provisions of section 3 of P.L. _____, c. (C. _____) (pending before
 33 the Legislature as this bill), and to facilitate the enforcement thereof
 34 and the appropriate imposition of any associated penalties for
 35 violations thereof, as set forth in this section.³

36
 37 ³[3.] 5.³ (New section) ³[¹a.¹]³ Within 24 months after the
 38 date of enactment of P.L. _____, c. (C. _____) (pending before the
 39 Legislature as this bill), an automatic lawn sprinkler system
 40 installed on or prior to September 8, 2000 in a common interest
 41 community shall be retrofitted with an operational automatic rain
 42 sensor ¹[device or switch that will override the irrigation cycle of
 43 the automatic lawn sprinkler system when adequate rainfall has
 44 occurred] or smart sprinkler¹.

45 ³[¹b.¹ As used in this section ¹[, "common interest
 46 community" means a horizontal property regime, condominium,
 47 homeowner association, cooperative, or mutual housing

1 corporation, in which some of the property, commonly known as
2 "common elements" or "common areas," are owned or controlled by
3 the unit or association owners or members.】 :

4 “Automatic rain sensor” means a device or switch that will
5 override the irrigation cycle of an automatic lawn sprinkler system
6 when adequate rainfall has occurred.

7 “Common interest community” means a horizontal property
8 regime, condominium, homeowner association, cooperative, or
9 mutual housing corporation, in which some of the property,
10 commonly known as "common elements" or "common areas," are
11 owned or controlled by the unit or association owners or members.

12 “Smart sprinkler” means an Internet connected device that
13 monitors the weather, soil moisture, and other conditions to
14 calculate and automatically adjust the watering schedule of an
15 automatic lawn sprinkler system.^{1】³}

16
17 ³【4.】 6.³ (New section) ³【1.a.】³ Within 12 months after the date
18 of enactment of P.L. , c. (C.) (pending before the
19 Legislature as this bill), an automatic lawn sprinkler system
20 installed on or prior to September 8, 2000 on any commercial,
21 retail, or industrial property shall be retrofitted with an operational
22 automatic rain sensor ¹【device or switch that will override the
23 irrigation cycle of the automatic lawn sprinkler system when
24 adequate rainfall has occurred】 or smart sprinkler¹.

25 ³【1b. _____ As used in this section:

26 “Automatic rain sensor” means a device or switch that will
27 override the irrigation cycle of an automatic lawn sprinkler system
28 when adequate rainfall has occurred.

29 “Smart sprinkler” means an Internet connected device that
30 monitors the weather, soil moisture, and other conditions to
31 calculate and automatically adjust the watering schedule of an
32 automatic lawn sprinkler system.^{1】³}

33

34 ³【5.】 7.³ This act shall take effect immediately.