

CHAPTER 299

AN ACT concerning the installation of operational automatic rain sensors and smart sprinklers, amending P.L.2000, c.107, and supplementing Title 52 of the Revised Statutes.

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

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

C.52:27D-123.13 Automatic rain sensor, sprinkler, override irrigation cycle after adequate rainfall, required.

1. a. An automatic lawn sprinkler system installed after September 8, 2000 shall be equipped with an operational automatic rain sensor or a smart sprinkler.

b. As used in this section:

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

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

C.52:27D-123.13a Definitions.

2. As used in sections 3 through 6 of P.L.2023, c.299 (C.52:27D-123.13b through 52:27D-123.13e):

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

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

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

C.52:27D-123.13b Real property, contract of sale, automatic lawn sprinkler system, operational automatic rain sensor, smart sprinkler, monies in escrow, required.

3. a. No later than three years after the effective date of P.L.2023, c.299 (C.52:27D-123.13a et al.), every contract of sale of real property upon which an operable automatic lawn sprinkler system was installed on or prior to September 8, 2000 shall include a provision requiring, as a condition of the sale, the installation of an operational automatic rain sensor or a smart sprinkler or the deposit of monies in escrow in an amount sufficient to cover the costs of the installation of an operational automatic rain sensor or a smart sprinkler.

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

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

d. No later than 60 days after the effective date of P.L.2023, c.299 (C.52:27D-123.13a et al.), a person with a business permit issued by the New Jersey Board of Landscape Irrigation

Contractors, pursuant to the “Landscape Irrigation Contractor Certificate Act of 1991,” P.L.1991, c.27 (C.45:5AA-1 et seq.), engaging in the business of landscape irrigation on a property upon which an automatic lawn sprinkler system was installed on or prior to September 8, 2000, shall be required to provide notice, to all past and present clients, of the provisions of subsection a. of this section, requiring the installation, by such person, of an operational automatic rain sensor or a smart sprinkler, or the deposit of monies in escrow in an amount sufficient to cover the costs of the installation of an operational automatic rain sensor or a smart sprinkler.

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

C.52:27D-123.13c Compliance, violations, fines.

4. An owner who sells any property that is subject to, but that fails to comply with, the provisions of section 3 of P.L.2023, c.299 (C.52:27D-123.13b) shall be subject to a fine of not more than \$500 to be collected in a civil action by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The local enforcing agency shall designate appropriate personnel to ensure compliance with the provisions of section 3 of P.L.2023, c.299 (C.52:27D-123.13b), and to facilitate the enforcement thereof and the appropriate imposition of any associated penalties for violations thereof, as set forth in this section.

C.52:27D-123.13d Automatic lawn sprinkler system, common interest community, retrofitting, rain sensor, smart sprinkler.

5. Within 24 months after the date of enactment of P.L.2023, c.299 (C.52:27D-123.13a et al.), an automatic lawn sprinkler system installed on or prior to September 8, 2000 in a common interest community shall be retrofitted with an operational automatic rain sensor or smart sprinkler.

C.52:27D-123.13e Automatic lawn sprinkler system, commercial, retail, industrial property, retrofitting, rain sensor, smart sprinkler.

6. Within 12 months after the date of enactment of P.L.2023, c.299 (C.52:27D-123.13a et al.), an automatic lawn sprinkler system installed on or prior to September 8, 2000 on any commercial, retail, or industrial property shall be retrofitted with an operational automatic rain sensor or smart sprinkler.

7. This act shall take effect immediately.

Approved January 16, 2024.