

SENATE, No. 1801

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

Requires disclosure of cellular telephone transmitters upon sale or lease of certain residential property.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the disclosure of cellular telephone transmitters
2 and supplementing Title 46 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in sections 1 through 3 of P.L. , c. (C.)
8 (pending before the Legislature as this bill):

9 “Cellular telephone transmitter” means any device, including the
10 building or structure on which the device is located, that transmits
11 and receives radiofrequency signals to create a cell in a cellular
12 telephone network.

13 “Commissioner” means the Commissioner of the Department of
14 Community Affairs.

15 “Purchaser” means a buyer of residential real property.

16 “Seller” means a real estate broker, salesperson, and broker-
17 salesperson as defined in R.S.45:15-3 or a builder as defined in
18 section 2 of P.L.1977, c.467 (C.46:3B-2) who is engaged in the sale
19 of residential real property.

20

21 2. a. (1) Any person who owns, leases, or maintains a cellular
22 telephone transmitter shall disclose the location of the cellular
23 telephone transmitter, in a form and manner specified by the
24 commissioner, to the municipal clerk of the municipality in which
25 the cellular telephone transmitter is located.

26 (2) Any person subject to the provisions of paragraph (1) of this
27 subsection shall submit the required disclosure within one year of
28 the effective date of P.L. , c. (C.) (pending before the
29 Legislature as this bill) and shall update the disclosure, as
30 necessary, no later than of August 31 of every year thereafter.

31 (3) Any person who violates the provisions of this subsection
32 shall be subject to a fine of not more than \$500 for each violation,
33 which shall be collected and enforced by summary proceedings
34 pursuant to the provisions of the "Penalty Enforcement Law of
35 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

36 b. (1) The municipal clerk of each municipality shall maintain
37 and make available a list, in a form and manner specified by the
38 commissioner, identifying the location of each cellular telephone
39 transmitter existing within the boundaries of the municipality.

40 (2) A municipality may charge and collect a reasonable fee, as
41 established by the governing body of the municipality, for
42 acquisition of the list maintained and made available pursuant to
43 this section.

44

45 3. a. At the time of entering into a contract for the sale of any
46 residential real property that is located within 100 feet of a cellular
47 telephone transmitter, the seller shall provide a written statement to

1 the purchaser that discloses the location of the cellular telephone
2 transmitter.

3 b. The purchaser may cancel the contract by sending a written
4 notice of cancellation, by certified mail, to the seller within five
5 business days from the date the contract is executed.

6 c. (1) A seller who violates the provisions of this section shall
7 be subject to a fine of not more than \$500 for each violation, which
8 shall be collected and enforced by summary proceedings pursuant
9 to the provisions of the "Penalty Enforcement Law of 1999,"
10 P.L.1999, c.274 (C.2A:58-10 et seq.).

11 (2) A seller shall not be deemed to violate the provisions of this
12 section if the cellular telephone transmitter was not included in the
13 list made available by the municipal clerk pursuant to section 2 of
14 P.L. , c. (C.) (pending before the Legislature as this bill).

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16 4. a. When a person offers for rent a residential dwelling unit
17 that is located within 100 feet of a cellular telephone transmitter,
18 the person shall include a prominently displayed provision in the
19 lease or renewal agreement that discloses the location of the cellular
20 telephone transmitter.

21 b. (1) A person who violates the provisions of this section
22 shall be subject to a fine of not more than \$500 for each violation,
23 which shall be collected and enforced by summary proceedings
24 pursuant to the provisions of the "Penalty Enforcement Law of
25 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

26 (2) A person shall not be deemed to violate the provisions of
27 this section if the cellular telephone transmitter was not included in
28 the list made available by the municipal clerk pursuant to section 2
29 of P.L. , c. (C.) (pending before the Legislature as this
30 bill).

31 c. As used in this section:

32 "Cellular telephone transmitter" means any device, including the
33 building or structure on which the device is located, that transmits
34 and receives radiofrequency signals to create a cell in a cellular
35 telephone network.

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37 5. The Department of Community Affairs may adopt rules and
38 regulations, pursuant to the "Administrative Procedure Act,"
39 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
40 this act.

41

42 6. This act shall take effect immediately.

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45 STATEMENT

46

47 This bill requires the disclosure of cellular telephone transmitters
48 upon the lease or sale of certain residential property.

1 Under the bill, the municipal clerk of each municipality would be
2 required to maintain and make available a list identifying the
3 location of each cellular telephone transmitter within the
4 municipality. Any person who owns, leases, or maintains a cellular
5 telephone transmitter would be required to annually disclose the
6 location of each transmitter to the municipality in which it is
7 located. The bill provides that the Commissioner of the Department
8 of Community Affairs would be responsible for specifying how
9 municipalities maintain and make available these lists.

10 Most notably, upon entering into a contract for the sale of any
11 residential real property that is located within 100 feet of a cellular
12 telephone transmitter, the seller would be required to provide a
13 written statement to the buyer that discloses the location of a
14 cellular telephone transmitter. Thereafter, the purchaser may cancel
15 the contract by sending a written notice of cancellation, by certified
16 mail, to the seller within five business days from the date the
17 contract is executed.

18 Similarly, when a person offers for rent a residential dwelling
19 unit that is located within 100 feet of a cellular telephone
20 transmitter, the person would be required to include a prominently
21 displayed provision in the lease or renewal agreement that discloses
22 the location of the cellular telephone transmitter.

23 Any person who fails to disclose the presence of a cellular
24 telephone transmitter would be subject to a fine of up to \$500 for
25 each violation. However, a person would not be subject to a
26 penalty if the location of a cellular telephone transmitter was not
27 included in the list made available by the municipal clerk.

28 The bill defines a “cellular telephone transmitter” as any device,
29 including the building or structure on which the device is located,
30 that transmits and receives radiofrequency signals to create a cell in
31 a cellular telephone network.