

SENATE, No. 2912

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator MICHAEL J. DOHERTY

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Permits entry on adjoining property to make improvements or repairs in certain situations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning entry on adjoining property to make
2 improvements or repairs and supplementing Title 46 of the
3 Revised Statutes.

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

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8 1. a. Notwithstanding the provisions of N.J.S.2C:18-3 or any
9 other law to the contrary, an owner or lessee who enters an
10 adjoining property without permission from its owner to make
11 improvements or repairs to real property, a building, or structure so
12 situated that such improvements or repairs cannot be made without
13 entering the adjoining property shall not be deemed guilty of
14 trespass or liable civilly for damages, provided that:

15 (1) The entry is made expeditiously and with due care to prevent
16 damage to the land, buildings, or structures of the adjoining
17 property;

18 (2) The owner or lessee making improvements or repairs
19 requests permission to enter the adjoining property from its owner;

20 (3) The owner or lessee making improvements or repairs
21 notifies the chief law enforcement officer of the municipality, or of
22 the State Police station nearest to the municipality, in which the
23 adjoining property is located that he has requested permission to
24 enter the adjoining property from its owner, such permission has
25 been refused by the owner, and that he intends to enter the
26 adjoining property for a stated number of days to make
27 improvements or repairs pursuant to this section;

28 (4) Before entering the adjoining property, the owner or lessee
29 making improvements or repairs posts a bond with the chief law
30 enforcement officer of the municipality, or of the State Police
31 station nearest to the municipality, in which the adjoining property
32 is located in the amount of \$1,000 to protect the adjoining property
33 owner from any actual damage to property caused by the entry; and

34 (5) The owner or lessee making improvements or repairs
35 restores the adjoining property to the condition in which it was prior
36 to the entry.

37 b. An owner or lessee who enters an adjoining property to
38 make improvements or repairs pursuant to this section shall not
39 remain, or store materials or tools, on the adjoining property for
40 more than eight hours in any one day or continue to enter the
41 adjoining property for more than 30 days, in the aggregate, in any
42 calendar year.

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44 2. This act shall take effect immediately.

STATEMENT

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3 This bill would permit an owner attempting to make
4 improvements or repairs to his property to enter an adjoining
5 property without being deemed guilty of criminal trespass or
6 incurring liability for civil trespass. Before the owner can enter the
7 adjoining property, he must have requested and been denied
8 permission to enter the adjoining property from its owner. Under
9 the bill, the owner making improvements or repairs must notify the
10 chief law enforcement officer of the municipality in which the
11 adjoining property is located of his plans to enter the adjoining
12 property and demonstrate that he has requested and been denied
13 permission to enter the adjoining property. The owner must also
14 post a \$1,000 bond with the chief law enforcement officer of the
15 municipality in which the adjoining property is located to protect
16 the adjoining owner from potential actual property damage caused
17 by the entry. If the municipality does not have a local police force,
18 the owner would be required to notify and post a bond with the
19 chief law enforcement officer of the nearest State Police station.
20 Under this bill, work cannot continue on the adjoining property
21 for more than 30 days and material or tools cannot remain on the
22 adjoining property for more than eight hours in any one day. The
23 neighbor must make his entry expeditiously and with due care to
24 prevent damage to the land, buildings, or structures of the adjoining
25 property and restore the adjoining property to the condition it was
26 in prior to the entry.