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Year-Old New Jersey Law Reveals Off-Site Conditions

Construction and real estate industry people are well aware that issues often arise regarding the impact of off-site conditions on a construction project. Fortunately, the New Residential Construction Off-Site Disclosure Act was enacted on September 12, 1995.

Legislators determined that it was in the public's best interest to require sellers to disclose off-site conditions regarding newly constructed residential properties and to create a way to make important information about off-site conditions available to purchasers of real estate and others. Enclosed are some of the more important points of the new law which you will need to know.

Brokers, Builders and Salespeople

First, you will need to know who must comply with this new Act. The answer is all sellers of newly constructed real estate property. According to the act, "Seller" means "a real estate broker, real estate salesperson, and real estate broker salesperson ... or a builder ... who is engaged in the sale of newly constructed real estate".

Second, to take the guess work out of what are

considered "off-site conditions", the legislators have specifically defined that phrase. Off-site conditions are those "conditions which may materially affect the value of the residential real estate property". The following items must always be disclosed to buyers of newly constructed residential property:

Conditions To Be Disclosed

1. The latest Department of Environmental Protection listing of sites included on the National Priority List pursuant to the Comprehensive Environmental Response Compensation Liability Act of 1980;
2. The latest sites known to and confirmed by the Department of Environmental Protection and to include the New Jersey master list of known hazardous discharge sites;
3. Overhead electrical utility transmission lines conducting 240,000 volts or more;
4. Electrical transformer substations;
5. Underground gas lines;

Continued on reverse page...

6. Sewage pumps station with the capacity equal to or in excess of 0.5 million gallons per day in sewage trunk lines in excess of 15 inches in diameter;
7. Sanitary land fill facilities;
8. Public waste water treatment facilities; and
9. Air safety zones;

How To Get Off-Site Information

Finally, you might ask yourself, "where do I obtain a list of these off-site conditions?" According to the new law, each municipal clerk of each municipality should maintain a list identifying the location of the above types of off-site conditions existing within the boundaries of its municipality.

The authors conducted a non-scientific survey of several New Jersey communities regarding their compliance with the act. The following is what was learned.

8 Municipalities in 8 Counties Reviewed

1. Paramus (Bergen County): Call (201)265-2100 and ask for the City Clerk. Paramus is aware of the law and you can obtain a list at cost for reproduction of \$.75 per page.
2. Manalapan (Monmouth County): Call (908)446-8315 and ask for the City Clerk, Roseann Weeden. Manalapan is aware of the law. They rely on a list obtained from the State of New Jersey. You can obtain a list by visiting the City Clerk's office and information regarding cost of reproduction is available in person.
3. Parsippany-Troy Hills (Morris County): Call (201)263-4356 and ask for the City Clerk. Parsippany-Troy Hills is aware of the law and you can obtain a list from the clerk for \$5.70.

4. Jersey City (Hudson County): Call (201)547-5000 and ask for the City Clerk. Jersey City is aware of the law and you can obtain a list from the clerk's office. Cost of reproduction available on request.

5. Toms River (Ocean County): Call (908)341-1000 and ask for the City Clerk. Toms River is aware of the law however no information is available by phone except that a list is available and the cost of reproduction is \$.75 per page.

6. City of Burlington (Burlington County): Call (609)386-0316 and ask for the City Clerk, Al Schultz. The City is aware of the law they have a partial list. More information is expected to become available. Cost of reproduction is \$1.00 per page.

7. Cherry Hill (Camden County): Call (609)488-7800 and ask for the City Clerk. Cherry Hill is aware of the law. You can obtain a list from the clerk and he/she will tell you the cost of reproduction.

8. Elizabeth (Union County): Call (908)820-4000 and ask for the City Clerk, Anthony Pillo. They are aware of the law and you can obtain a list from the clerk for \$.75 per page.

The information available under The New Residential Construction Off-Site Disclosure Act is a valuable resource which should not be overlooked.



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