

46:3-24 et seq

LEGISLATIVE HISTORY CHECKLIST

NJSA 46:3-24 et seq. ("Solar Easements Act")

LAWS OF 1978 CHAPTER 152

Bill No. A561

Sponsor(s) DiFrancesco

Date Introduced Jan. 30, 1978

Committee: Assembly Energy & Natural Resources

Senate Energy & Environment

Amended during passage Yes No

Date of Passage: Assembly April 17, 1978

Senate June 5, 1978

Date of approval Nov. 22, 1978

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/> No
Committee Statement:	Assembly	Yes <input checked="" type="checkbox"/> No
	Senate	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fiscal Note	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Veto message	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Message on signing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Following were printed:

Reports	Yes	<input checked="" type="checkbox"/> No
Hearings	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Recommendations (general) for legislation:

974.90 NJ. Dept. of Energy.
F953 Solar energy in New Jersey:
1978 problems, potential and policies.
v.6 (Preliminary policy statement
prepared as part of the
Energy Master Plan). April, 1978.

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ASSEMBLY, No. 561

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1978

By Assemblyman DiFRANCESCO

Referred to Committee on Energy and Natural Resources

AN ACT providing for the creation of solar easements and determining the requirements thereof.

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

1 1. This act shall be known and may be cited as the "Solar Easements Act."
2

1 2. Any easement obtained for the purpose of exposure of a solar
2 energy device shall be created in writing and shall be subject to
3 the same conveyancing and instrument recording requirements as
4 other easements.

1 3. Any instrument creating a solar easement shall include, but
2 the contents shall not be limited to:

3 a. The vertical and horizontal angles, expressed in degrees, at
4 which the solar easement extend over the real property subject to
5 the solar easement.

6 b. Any terms or conditions or both under which the solar easement is granted or will be terminated.

8 c. Any provisions for compensation of the owner of the property
9 benefiting from the solar easement in the event of interference with
10 the enjoyment of the solar easement or compensation of the owner
11 of the property subject to the solar easement for maintaining the
12 solar easement.

1 4. This act shall take effect 30 days following its enactment.

STATEMENT

This bill creates solar easements for the purpose of guaranteeing the exposure of a solar energy device to incident sunlight during the entire year and gives solar easement agreements legal standing.

The bill requires that the solar easement be subject to the same conveyance and recording requirements as other easements. The

legal instrument granting the easement must specifically include: the vertical and horizontal angles which define the extent of the solar easement; any terms or conditions under which the easement is granted or can be terminated; and any provisions for compensating the property owner benefiting from the solar easement in the event of solar interference, or for compensating the owner of the property subject to the use limitations necessary to maintain the easement.

SOLAR EASEMENT

This bill creates solar easements for the purpose of encouraging the exercise of a solar energy system to maintain a solar energy system on the entire roof and gives solar energy system agreements legal standing. The bill requires that the solar easement be subject to the same consequences and remedies as other easements.

1 - 4. This act shall take effect 30 days following its enactment.

12 - solar easement.

11 - of the property subject to the solar easement for maintaining the

10 - the enjoyment of the solar easement or compensation of the owner

9 - benefiting from the solar easement in the event of interference with

8 - the exercise of the solar energy system for compensation of the owner of the property

7 - must be established or will be determined.

6 - b. Any terms or conditions or both under which the solar easement

5 - the solar easement.

4 - which the solar easement extends over the real property subject to

3 - a. The vertical and horizontal angles of the solar easement shall be

2 - the content shall not be limited to:

1 - 3. Any instrument creating a solar easement shall include, but

4 - other easements.

3 - the same consequences and remedies as other easements as

2 - energy system shall be created in which the solar energy system

1 - 2. An easement shall be created for the purpose of exercising a solar

2 - means to:

1 - 1. The easement shall be known and may be used as the solar easement

2 - of the owner.

1 - 1. The easement shall be known and may be used as the solar easement

2 - of the owner.

1 - 1. The easement shall be known and may be used as the solar easement

2 - of the owner.

ASSEMBLY ENERGY AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 561

STATE OF NEW JERSEY

DATED: MARCH 2, 1978

This bill grants formal legal standing to solar easements and sets out minimum contents of such easement-creating instruments. One of the disincentives to solar use, especially in urban areas, is the fear on the part of the prospective solar consumer, that his structure's access to sunlight may subsequently be impaired and render his solar collector less efficient. This measure is a first step in addressing this problem.