

[First Reprint]

ASSEMBLY, No. 2135

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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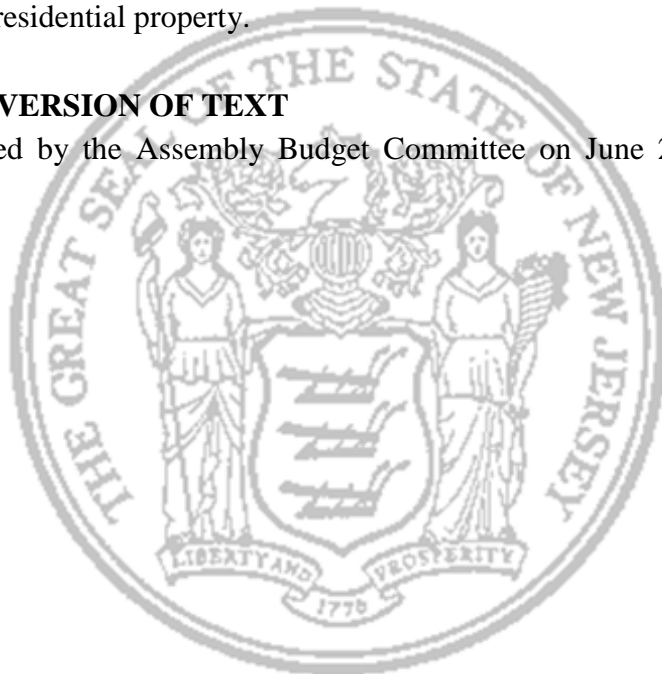
Assemblywomen Vainieri Huttler, Mosquera, Assemblymen Freiman and Karabinchak

SYNOPSIS

Requires property condition disclosure statement to indicate presence of lead plumbing in residential property.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 21, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning the disclosure of lead plumbing in residential
2 properties and amending P.L.1999, c.76.

3

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

6

7 1. Section 1 of P.L.1999, c.76 (C.56:8-19.1) is amended to read
8 as follows:

9 1. Notwithstanding any provision of P.L.1960, c.39 (C.56:8-1
10 et seq.) to the contrary, there shall be no right of recovery of
11 punitive damages, attorney fees, or both, under section 7 of
12 P.L.1971, c.247 (C.56:8-19), against a real estate broker, broker-
13 salesperson or salesperson licensed under R.S.45:15-1 et seq. for
14 the communication of any false, misleading or deceptive
15 information provided to the real estate broker, broker-salesperson or
16 salesperson, by or on behalf of the seller of real estate located in
17 New Jersey, if the real estate broker, broker-salesperson or
18 salesperson demonstrates that he:

19 a. Had no actual knowledge of the false, misleading or
20 deceptive character of the information; and

21 b. Made a reasonable and diligent inquiry to ascertain whether
22 the information is of a false, misleading or deceptive character. For
23 purposes of this section, communications by a real estate broker,
24 broker-salesperson or salesperson which shall be deemed to satisfy
25 the requirements of a "reasonable and diligent inquiry" include, but
26 shall not be limited to, communications which disclose information:

27 (1) provided in a report or upon a representation by a person,
28 licensed or certified by the State of New Jersey, including, but not
29 limited to, an appraiser, home inspector, plumber or electrical
30 contractor, or an unlicensed home inspector until December 30,
31 2005, of a particular physical condition pertaining to the real estate
32 derived from inspection of the real estate by that person;

33 (2) provided in a report or upon a representation by any
34 governmental official or employee, if the particular information of a
35 physical condition is likely to be within the knowledge of that
36 governmental official or employee; or

37 (3) that the real estate broker, broker-salesperson or salesperson
38 obtained from the seller in a property condition disclosure
39 statement, which form shall comply with regulations promulgated
40 by the director in consultation with the New Jersey Real Estate
41 Commission, provided that the real estate broker, broker-
42 salesperson or salesperson informed the buyer that the seller is the
43 source of the information and that, prior to making that
44 communication to the buyer, the real estate broker, broker-
45 salesperson or salesperson visually inspected the property with

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted June 21, 2021.

1 reasonable diligence to ascertain the accuracy of the information
2 disclosed by the seller. In addition to any other question as the
3 director shall deem necessary, the property condition disclosure
4 statement shall include a question specifically concerning the
5 presence of lead plumbing¹, including but not limited to any
6 service line, piping materials, fixtures, and solder,¹ in the
7 residential property.

8 Nothing in this section shall be interpreted to affect the
9 obligations of a real estate broker, broker-salesperson or
10 salesperson pursuant to the "New Residential Construction Off-Site
11 Conditions Disclosure Act," P.L.1995, c.253 (C.46:3C-1 et seq.), or
12 any other law or regulation.
13 (cf: P.L.2004, c.18, s.2)

14
15 2. This act shall take effect immediately.