

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2135

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2021

The Assembly Budget Committee reports favorably Assembly Bill No. 2135, with committee amendments.

As amended, this bill requires property condition disclosure statements to include a question concerning the presence of lead plumbing in residential properties.

Under current law, a real estate broker, broker-salesperson, or salesperson is exempt from punitive damages and other penalties under the New Jersey Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.) when communicating the condition of a residential property if the broker, broker-salesperson, or salesperson relied on information provided in a property condition disclosure statement. The property condition disclosure statement is the form provided by the seller of residential property to the real estate broker, broker-salesperson, or salesperson in order to disclose certain information prior to the sale of the property.

The bill provides that in addition to any other question that the Director of the Division of Consumer Affairs in the Department of Law and Public Safety may require to be included, the property condition disclosure statement is required to include a question that specifically concerns whether the seller is aware of the presence of lead plumbing, including but not limited to any service line, piping materials, fixtures, and solder, in the residential property. A real estate broker, broker-salesperson, or salesperson who communicates the condition of a residential property to a prospective buyer without obtaining this information from the seller could be liable for providing false, misleading, or deceptive information.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 2135 is identical to Senate Bill No. 829 (1R) also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to provide that, with respect to the new lead plumbing question, the property condition disclosure

statement specify that lead plumbing includes, but is not limited to, any service line, piping materials, fixtures, and solder.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.