

[First Reprint]

ASSEMBLY, No. 2685

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

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District 2 (Atlantic)

Assemblyman VINCENT MAZZEO

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District 33 (Hudson)

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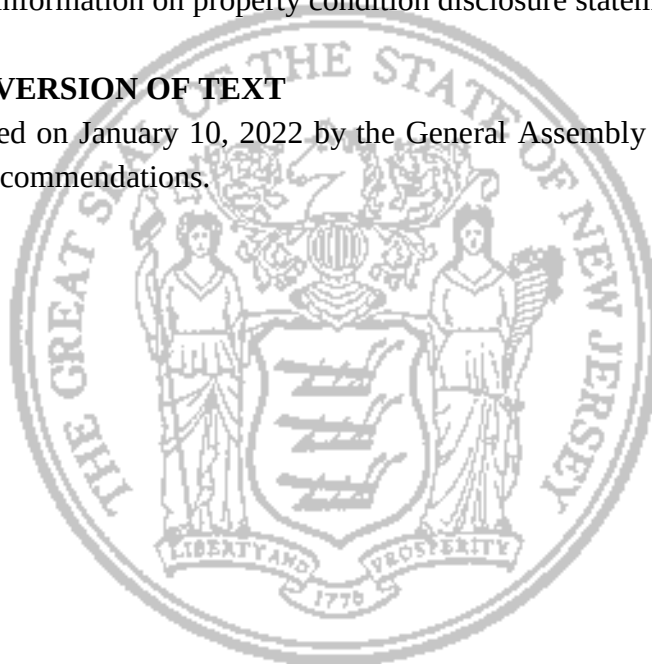
Assemblyman Houghtaling

SYNOPSIS

Concerns information on property condition disclosure statement.

CURRENT VERSION OF TEXT

As amended on January 10, 2022 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 12/20/2021)

1 **AN ACT** concerning the disclosure of certain information prior to
 2 the sale of real estate 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-
 10 1 et seq.) to the contrary, there shall be no right of recovery ¹**[of**
 11 punitive damages, attorney fees, or both, under section 7 of P.L.1971,
 12 c.247 (C.56:8-19),]¹ against a real estate broker, broker-salesperson,
 13 or salesperson licensed under R.S.45:15-1 et seq. for the
 14 communication of any false, misleading, or deceptive information
 15 provided to the real estate broker, broker-salesperson, or salesperson,
 16 ¹**[by or on behalf of the seller of]** regarding¹ real estate located in
 17 New Jersey, if the real estate broker, broker-salesperson, or
 18 salesperson demonstrates that ¹**[he]** they¹:

19 a. Had no actual knowledge of the false, misleading or deceptive
 20 character of the information; ¹**[and]**¹

21 b. Made a reasonable and diligent inquiry to ascertain whether the
 22 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 the
 25 requirements of a "reasonable and diligent inquiry" include, but shall
 26 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, 2005,
 31 of a particular physical condition pertaining to the real estate derived
 32 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 statement,
 39 which form shall comply with regulations promulgated by the director
 40 in consultation with the New Jersey Real Estate Commission, provided
 41 that the real estate broker, broker-salesperson, or salesperson informed
 42 the buyer that the seller is the source of the information and that, prior
 43 to making that communication to the buyer, the real estate broker,
 44 broker-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 amendments adopted in accordance with Governor's
 recommendations January 10, 2022.

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

8 c. If¹ a property condition disclosure statement ¹**["contains"]**
9 contained¹ information indicating the seller's awareness of water
10 leakage, accumulation or dampness, the presence of mold or other
11 similar natural substance, or repairs or other attempts to control any
12 water or dampness problem on the real property, the real estate broker,
13 broker-salesperson, or salesperson ¹**["shall refer"]** referred¹ the buyer
14 of the real property to the "Mold Guidelines for New Jersey
15 Residents" pamphlet on the Department of Health Internet website, or
16 other pamphlet or guidelines deemed appropriate by the director ¹**[".**
17 **If"]** and, if¹ requested by the buyer, ¹**["the real estate broker, broker-**
18 **salesperson, or salesperson shall provide"]** provided¹ the buyer with a
19 physical copy of the pamphlet.

20 Nothing in this section shall be interpreted to affect the obligations
21 of a real estate broker, broker-salesperson, or salesperson pursuant to
22 the "New Residential Construction Off-Site Conditions Disclosure
23 Act," P.L.1995, c.253 (C.46:3C-1 et seq.), or any other law or
24 regulation.

25 ¹**["(cf: P.L.2004, c.18, s.2)"]** (cf: P.L.2021, c.268)¹

26
27 2. This act shall take effect on the first day of the third month
28 next following enactment.