

P.L. 2021, CHAPTER 442, *approved January 18, 2022*
Assembly, No. 2685 (*First Reprint*)

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 ¹of
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 ¹by 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 ¹he they¹:

19 a. Had no actual knowledge of the false, misleading or deceptive
20 character of the information; ¹and¹

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

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 in consultation with the New Jersey Real Estate Commission, provided
2 that the real estate broker, broker-salesperson, or salesperson informed
3 the buyer that the seller is the source of the information and that, prior
4 to making that communication to the buyer, the real estate broker,
5 broker-salesperson, or salesperson visually inspected the property with
6 reasonable diligence to ascertain the accuracy of the information
7 disclosed by the seller. ¹["The director shall require that if"] In addition
8 to any other question as the director shall deem necessary, the property
9 condition disclosure statement shall include a question specifically
10 concerning the presence of lead plumbing, including but not limited to
11 any service line, piping materials, fixtures, and solder, in the
12 residential property; and

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

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

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

31
32 2. This act shall take effect on the first day of the third month
33 next following enactment.
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38 Concerns information on property condition disclosure
39 statement.