

# STATE OF NEW YORK

1529

2025-2026 Regular Sessions

## IN ASSEMBLY

January 10, 2025

Introduced by M. of A. RIVERA, BENEDETTO, BRONSON, CLARK, COLTON, CONRAD, DE LOS SANTOS, DINOWITZ, GLICK, GONZALEZ-ROJAS, HEVESI, JACKSON, JACOBSON, LUNSFORD, McDONOUGH, MEEKS, PEOPLES-STOKES, REYES, ROSENTHAL, SEAWRIGHT, SEPTIMO, SIMON, STECK, TAYLOR, STIRPE, STERN, WALKER, KELLES, BURDICK, SANTABARBARA, SHIMSKY, ZINERMAN, CUNNINGHAM  
-- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to requiring the disclosure of lead-based paint test reports in real estate transactions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. a. The legislature hereby finds and  
2 declares that lead poisoning of children persists as one of the most  
3 prevalent and preventable environmental diseases in New York state.  
4 Nearly 100,000 children were newly identified with levels of lead in  
5 their blood at five micrograms per deciliter (mcg/dL) in New York state  
6 between 2011 and 2015.  
7 b. Medical research indicates that children can suffer permanent brain  
8 damage at blood levels even lower than 5 mcg/dL, and that there is no  
9 level of lead ingestion that is without adverse impact; indeed, in 2021  
10 the federal Centers for Disease Control and Prevention revised the blood  
11 lead reference level downward to 3.5 mcg/dL.  
12 c. Black children and children from low-income households are consist-  
13 ently found to have higher levels of lead in their blood than their  
14 white peers or their peers from higher income households.  
15 d. The predominant cause of lead poisoning in young children is the  
16 ingestion of lead particles from deteriorating or abraded lead-based  
17 paint from older and poorly maintained residences. Although New York  
18 state banned the sale of lead-based paint in 1970, (l.1970, ch. 338) 74%  
19 of New York's housing stock was constructed prior to 1970 and lead-based  
20 paint was available outside of the state until 1978. New York state has

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 both the nation's greatest number (over 4 million units), the highest  
2 percentage (55.08%) of pre-1960 and pre-1950 (41.0%) housing, and the  
3 oldest housing inventory among the fifty states. At least ninety percent  
4 of lead-based paint still exists in occupied housing built before 1960.  
5 New York state's older housing stock places residents at great risk of  
6 exposure to lead hazards, with low-income children living in older hous-  
7 ing having the highest risk of lead poisoning.

8 e. Knowledge of lead-based paint hazards, their control, mitigation,  
9 abatement, and risk avoidance is not sufficiently widespread. In addi-  
10 tion, while federal law requires the disclosure by sellers of real prop-  
11 erty of knowledge of the existence of lead-based paint and lead-based  
12 paint hazards, and encourages potential buyers to conduct inspections  
13 for lead-based paint, these mechanisms neither mandate that such  
14 inspections take place either by sellers or buyers. This gap in disclo-  
15 sure requirements results in residential property being transferred  
16 without any knowledge of the potential for such property to cause lead  
17 poisoning and the attendant liabilities.

18 f. Local county health departments lack sufficient information as to  
19 which housing contains lead-based paint and the locations of such lead-  
20 based paint, resulting in less cost-effective prevention of lead poison-  
21 ing, avoidable harm to children's health, and wasted public resources.

22 g. The purposes of this act are to assure that properties that have  
23 not been previously tested for lead-based paint are not simply trans-  
24 ferred to new owners without knowledge of whether there is lead-based  
25 paint present, and to better utilize the existing federal laws that  
26 mandate disclosure of lead-based paint and lead-based paint hazards and  
27 to aid in the prevention of lead poisoning. This act is not intended to  
28 and does not diminish the responsibility of buyers to carefully examine  
29 the property which they intend to purchase and public records pertaining  
30 to the property. This act is not intended to and does not limit existing  
31 responsibilities by a seller, buyer or agent concerning the condition of  
32 the property or potential liabilities or remedies at law, statute or in  
33 equity.

34 This act will significantly improve the transfer process and better  
35 serve the interests of all parties to a home purchase. It will increase  
36 clarity regarding the nature of the property and will provide greater  
37 certainty to contracts entered into by better informed buyers and sell-  
38 ers. As well, it will provide incentive to owners to voluntarily test  
39 their property prior to sale.

40 h. This act will complement existing state and local laws on lead  
41 poisoning prevention. Section 1377 of the public health law, enacted in  
42 2023, requires the department of health to develop a registry of all  
43 rental residential dwellings with two or more units built before 1980  
44 within communities of concern outside the city of New York, which will  
45 also require such dwellings be inspected for lead hazards at least every  
46 three years. This act will ensure equity of information for purchasers  
47 of all residential property built prior to 1978 regardless of location  
48 or number of units by ensuring that they receive information about the  
49 presence of lead-based paint in dwellings they purchase.

50 i. This act will require inspection reports that are developed to  
51 comply with this act to be included on the registry of lead inspections  
52 that the department of health is creating pursuant to section 1377 of  
53 the public health law so that future renters and purchasers can learn  
54 about lead-based paint in homes they are considering renting or purchas-  
55 ing.

1 j. New York city has already added a requirement, subdivision a-1 of  
2 section 27-2056.4 of the administrative code of the city of New York,  
3 that all rental residential properties be tested one time for lead-based  
4 paint by August 2025. This act will not require re-testing of these  
5 residences when rental properties are sold; but will ensure equity and  
6 protect purchasers of residential properties across the state (including  
7 New York city) by requiring one-time testing for lead-based paint before  
8 any residential property is sold.

9 § 2. The real property law is amended by adding a new article 16 to  
10 read as follows:

11 ARTICLE 16

12 LEAD-BASED PAINT RIGHT TO KNOW ACT

13 Section 520. Short title.

14 521. Definitions.

15 522. Inspection of residential real property for lead-based  
16 paint prior to transfer of title.

17 523. Duty of agent.

18 524. Liability.

19 § 520. Short title. This article shall be known and may be cited as  
20 the "lead-based paint right to know act".

21 § 521. Definitions. As used in this article, the following terms shall  
22 have the following meanings:

23 1. "Agent" shall mean a person who is licensed as a real estate broker  
24 or a real estate salesperson pursuant to section four hundred forty-a of  
25 this chapter and acting in a fiduciary capacity.

26 2. "Binding contract of sale" shall mean a real estate purchase  
27 contract or offer that would, upon signing by the seller and subject to  
28 satisfaction of any contingencies, require the buyer to accept a trans-  
29 fer of title.

30 3. "Broker" shall have the same meaning as "real estate broker"  
31 defined by section four hundred forty of this chapter.

32 4. "Buyer" shall mean any entity that enters into a real estate  
33 purchase contract, including but not limited to individuals, partner-  
34 ships, corporations, trusts, government agencies, housing agencies,  
35 Indian tribes, and nonprofit organizations.

36 5. "Lead-based paint" shall mean paint or other similar surface coat-  
37 ing material containing .50 milligrams of lead per square centimeter or  
38 greater, as determined by laboratory analysis of paint samples with all  
39 layers of paint present, or by an x-ray fluorescence analyzer. If an  
40 x-ray fluorescence analyzer is used, readings shall be corrected for  
41 substrate bias when necessary as specified by the performance character-  
42 istic sheets released by the United States environmental protection  
43 agency and the United States department of housing and urban development  
44 for the specific x-ray fluorescence analyzer used. X-ray fluorescence  
45 readings shall be classified as positive, negative or inconclusive in  
46 accordance with the United States department of housing and urban devel-  
47 opment guidelines for the evaluation and control of lead-based paint  
48 hazards in housing (July 2012) or successor guidelines, and the perform-  
49 ance characteristic sheets released by the United States environmental  
50 protection agency and the United States department of housing and urban  
51 development for the specific x-ray fluorescence analyzer used. X-ray  
52 fluorescence readings that fall within the inconclusive zone, as deter-  
53 mined by the performance characteristic sheets, shall be confirmed by  
54 laboratory analysis of paint chips, the measure of such laboratory anal-  
55 ysis shall be definitive. Where a laboratory analysis of paint chips is  
56 performed (including because an x-ray fluorescence reading is inconclu-

1 sive), the results shall be reported in percent by weight. In such  
2 case, lead-based paint shall mean any paint or other similar surface-  
3 coating material containing more than 0.009 percent (or 90 parts per  
4 million) of metallic lead, based on the non-volatile content of the  
5 paint or other similar surface-coating material. In the event that the  
6 United States environmental protection agency or a successor agency, or  
7 the United States department of housing and urban development or a  
8 successor agency, or the United States consumer product safety commis-  
9 sion or a successor agency, or a department or agency of the state of  
10 New York that has obtained applicable authorization pursuant to 40  
11 C.F.R. part 745 subpart Q or successor regulation, adopts more stringent  
12 definitions of lead-based paint, such more stringent definitions shall  
13 apply for the purposes of this article.

14 6. "Real estate purchase contract" shall mean any of the following:

15 (a) a contract which provides for the purchase and sale or exchange of  
16 residential real property;

17 (b) a lease with an option to purchase residential real property;

18 (c) a lease-with-obligation-to-purchase agreement for residential real  
19 property; or

20 (d) an installment land sale contract for residential real property.

21 7. "Residential real property" shall mean real property improved by a  
22 residential dwelling erected prior to the year nineteen hundred seven-  
23 ty-eight.

24 8. "Residential dwelling" shall mean a single-family dwelling, includ-  
25 ing attached structures such as porches and stoops, or a single-family  
26 dwelling unit within a structure that contains more than one separate  
27 residential dwelling unit, used or occupied, or designed to be used or  
28 occupied, wholly or partly, as the home or residence of one or more  
29 persons whether or not it was or will be occupied.

30 9. "Seller" shall mean any entity that intends to engage in the trans-  
31 fer of title to a buyer of residential real property, in whole or in  
32 part, including but not limited to individuals, partnerships, corpo-  
33 rations, trusts, government agencies, housing agencies, Indian tribes,  
34 mortgage banker, lender, and nonprofit organizations. The term "seller"  
35 also shall mean an entity that transfers shares in a cooperatively owned  
36 project.

37 10. "Test for lead-based paint" shall mean a test for the presence of  
38 lead-based paint that has been conducted through a lead-based paint  
39 inspection as defined in 40 C.F.R. 745.103, 24 C.F.R. 35.86, and the  
40 United States department of housing and urban development guidelines for  
41 the evaluation and control of lead-based paint hazards in housing (July  
42 2012), or successor regulations and guidelines, and a report prepared  
43 indicating the results of such test, including the locations where tests  
44 were performed for lead-based paint and the readings of all such tests.  
45 Such test shall not be valid unless performed by a person accredited  
46 pursuant to: (a) certification to conduct lead hazard risk assessment or  
47 inspections by the United States environmental protection agency pursu-  
48 ant to 40 C.F.R. 745.226(b) or successor regulation; or (b) certifi-  
49 cation by a state or tribal program authorized by the United States  
50 environmental protection agency to certify individuals engaged in lead-  
51 based paint activities pursuant to 40 C.F.R. 745.325 or successor regu-  
52 lation or eligible to conduct the inspections required by this article.  
53 For multifamily housing, the test must be conducted in accordance with  
54 the United States department of housing and urban development guidelines  
55 for the evaluation and control of lead-based paint hazards in housing  
56 (July 2012), or successor guidelines. Such inspection shall consist of

1 the use of an x-ray fluorescence analyzer on all types of surfaces in  
2 accordance with the procedures described in chapter 7 of the United  
3 States department of housing and urban development guidelines for the  
4 evaluation and control of lead-based paint hazards in housing (July  
5 2012), or successor regulations, including on chewable surfaces, fric-  
6 tion surfaces, and impact surfaces, to determine whether lead-based  
7 paint is present, and where such paint is located, in such dwelling  
8 unit.

9 11. "Transfer of title" shall mean delivery of a properly executed  
10 instrument conveying title to residential real property and shall  
11 include delivery of a real estate purchase contract that is a lease or  
12 installment land sale contract.

13 § 522. Inspection of residential real property for lead-based paint  
14 prior to transfer of title. 1. (a) Effective August first, two thousand  
15 twenty-five, every seller of residential real property pursuant to a  
16 real estate purchase contract shall deliver to a buyer or buyer's agent  
17 prior to the signing by the buyer of a binding contract of sale a  
18 certificate that such property has been tested for lead-based paint, and  
19 provide the report of such test. The seller shall attach a copy of the  
20 certificate containing the signature of the seller and any report of a  
21 test for lead-based paint to the real estate purchase contract. The  
22 seller shall submit a copy of such certificate and report of such test  
23 and any subsequent reports of such tests to the office authorized under  
24 section three hundred seventy-two of this chapter to be registrar of  
25 title in the county where such real property is located, and such office  
26 shall not accept for filing an instrument of transfer of title unless  
27 accompanied by such certificate where applicable. The seller shall also  
28 file such certificate and report with the registry established by the  
29 department of health pursuant to subdivision one of section thirteen  
30 hundred seventy-seven of the public health law. The registry shall be  
31 publicly accessible online, translated consistent with section two  
32 hundred two-a of the executive law, and easy to navigate and read by  
33 people with an eighth grade education or less. The department of health  
34 shall notify the county department of health in the location of the  
35 property sale about new entries in the registry coming from property  
36 sales.

37 (b) The presentation of a certificate of such test by a prior owner of  
38 such property and evidence of filing such certificate and report with  
39 the department of health in the county where such residential real prop-  
40 erty is located, and with the registry established by the department of  
41 health pursuant to subdivision one of section thirteen hundred seventy-  
42 seven of the public health law, shall be deemed to be in compliance with  
43 the provisions of this subdivision.

44 (c) In the event the seller has not received from a prior owner a  
45 certification and report of such tests as set forth in this subdivision,  
46 the costs of testing for lead-based paint and the preparation of a  
47 certificate and report thereof as provided in this subdivision shall be  
48 deductible by the transferor or grantor, up to the amount of five  
49 hundred dollars, or in a building with more than one dwelling unit up to  
50 four hundred dollars per dwelling unit tested, from the taxes imposed by  
51 sections fourteen hundred two and fourteen hundred two-a of the tax law.  
52 The transferor or grantor shall not be reimbursed for costs in excess of  
53 the total taxes imposed by sections fourteen hundred two and fourteen  
54 hundred two-a of the tax law.

55 2. Any provision in a real estate purchase contract or any other docu-  
56 ment related to the transfer of title in residential real property that

1 purports to waive any right created under state or federal law for the  
2 buyer to conduct a risk assessment or inspection of the property to  
3 determine the presence of lead-based paint and/or lead-based paint  
4 hazards, or any oral agreement that purports to waive such right, is  
5 null and void as against public policy, notwithstanding that such waiv-  
6 ers might otherwise be permitted by federal law.

7 3. A certificate that such property has been tested for lead-based  
8 paint shall not be required in connection with any of the following  
9 transfers of residential real property:

10 (a) A transfer to a beneficiary of a deed of trust;

11 (b) A transfer by a fiduciary in the course of the administration of a  
12 decedent's estate, a guardianship, a conservatorship, or a trust;

13 (c) A transfer from one co-owner to one or more other co-owners;

14 (d) A transfer made to the transferor's spouse or to one or more  
15 persons in the lineal consanguinity of one or more of the transferors;

16 (e) A transfer between spouses or former spouses as a result of a  
17 decree of divorce, dissolution of marriage, annulment, or legal sepa-  
18 ration or as a result of property settlement, agreement incidental to a  
19 decree of divorce, dissolution of marriage, annulment or legal sepa-  
20 ration;

21 (f) A transfer to or from the state, a political subdivision of the  
22 state, or another governmental entity;

23 (g) A transfer by a sheriff;

24 (h) A transfer pursuant to a partition action; or

25 (i) A transfer of an unoccupied dwelling unit or residential property  
26 that is to be demolished, provided the dwelling unit or property will  
27 remain unoccupied until demolition and lead-safe work practices enumer-  
28 ated in 40 C.F.R. 745 and successor regulations, or more protective  
29 state law are followed during the demolition.

30 4. Nothing contained in this article is intended to prevent the  
31 parties to a contract of sale from entering into agreements of any kind  
32 or nature with respect to the physical condition of the property to be  
33 sold, including, but not limited to, agreements for the sale of real  
34 property "as is".

35 § 523. Duty of agent. An agent representing a seller of residential  
36 real property as a listing broker, or, if the seller is not represented  
37 by an agent, the agent representing the buyer of residential real prop-  
38 erty and dealing with a prospective seller, shall have the duty to time-  
39 ly (in any event, before the buyer signs a binding contract of sale)  
40 inform each seller of the seller's obligations under this article. An  
41 agent representing a buyer of residential real property, or, if the  
42 buyer is not represented by an agent, the agent representing a seller of  
43 residential real property and dealing with a prospective buyer, shall  
44 have the duty to timely (in any event, before the buyer signs a binding  
45 contract of sale) inform such buyer of the buyer's rights and obli-  
46 gations under this article. If an agent performs the duties and obli-  
47 gations imposed upon such agent pursuant to this section, the agent  
48 shall have no further duties under this article and shall not be liable  
49 to any party for a violation of this article. The department of state  
50 may, pursuant to section four hundred forty-one-c of this chapter,  
51 revoke or suspend the license of an agent who violates this article.

52 § 524. Liability. Nothing contained in this article shall be construed  
53 as limiting any existing legal cause of action or remedy at law, in  
54 statute or in equity.

55 § 3. The real property law is amended by adding a new section 235-aa  
56 to read as follows:

§ 235-aa. Disclosure of lead-based paint and lead-based paint hazards.  
1. Prior to executing a residential lease or rental agreement with a tenant, the owner of real property shall provide the tenant a copy of all reports of a test for lead-based paint issued or prepared pursuant to section five hundred twenty-two of this chapter, and any other report, within the possession or control of the owner, pertaining to lead-based paint or lead-based paint hazards within the meaning of section 4852d of title 42 of the United States Code and the regulations thereunder. Owners who deliver a disclosure form with all required documents under the provisions of section 4852d of title 42 of the United States Code and the regulations thereunder shall be deemed to have complied with the requirements of this subdivision.

2. Any agreement by a lessee or tenant of premises for dwelling purposes waiving or modifying such lessee or tenant's rights as set forth in this section shall be void as contrary to public policy.

3. An owner who violates this section shall be liable for a civil penalty not to exceed ten thousand dollars, and in addition, a penalty to the tenant not to exceed the equivalent of the amount of rental payments for three months plus any attorney's fees. The powers and remedies set forth in this section shall be in addition to all other existing legal cause of action or remedy at law, in statute or in equity.

§ 4. Subdivision 2 of section 462 of the real property law, as amended by chapter 353 of the laws of 2024, is amended to read as follows:

2. The following shall be the disclosure form:

PROPERTY CONDITION DISCLOSURE STATEMENT

NAME OF SELLER OR SELLERS:

PROPERTY ADDRESS:

THE PROPERTY CONDITION DISCLOSURE ACT REQUIRES THE SELLER OF RESIDENTIAL REAL PROPERTY TO CAUSE THIS DISCLOSURE STATEMENT OR A COPY THEREOF TO BE DELIVERED TO A BUYER OR BUYER'S AGENT PRIOR TO THE SIGNING BY THE BUYER OF A BINDING CONTRACT OF SALE.

PURPOSE OF STATEMENT: THIS IS A STATEMENT OF CERTAIN CONDITIONS AND INFORMATION CONCERNING THE PROPERTY KNOWN TO THE SELLER. THIS DISCLOSURE STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR BY ANY AGENT REPRESENTING THE SELLER IN THIS TRANSACTION. IT IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR TESTS AND THE BUYER IS ENCOURAGED TO OBTAIN [~~HIS OR HER~~] **THEIR** OWN INDEPENDENT PROFESSIONAL INSPECTIONS AND ENVIRONMENTAL TESTS AND ALSO IS ENCOURAGED TO CHECK PUBLIC RECORDS PERTAINING TO THE PROPERTY.

A KNOWINGLY FALSE OR INCOMPLETE STATEMENT BY THE SELLER ON THIS FORM MAY SUBJECT THE SELLER TO CLAIMS BY THE BUYER PRIOR TO OR AFTER THE TRANSFER OF TITLE.

"RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY IMPROVED BY A ONE TO FOUR FAMILY DWELLING USED OR OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED, WHOLLY OR PARTLY, AS THE HOME OR RESIDENCE OF ONE OR MORE PERSONS, BUT SHALL NOT REFER TO (A) UNIMPROVED REAL PROPERTY UPON WHICH SUCH DWELLINGS ARE TO BE CONSTRUCTED OR (B) CONDOMINIUM UNITS OR COOPERATIVE APARTMENTS OR (C) PROPERTY ON A HOMEOWNERS' ASSOCIATION THAT IS NOT OWNED IN FEE SIMPLE BY THE SELLER.

INSTRUCTIONS TO THE SELLER:

(a) ANSWER ALL QUESTIONS BASED UPON YOUR ACTUAL KNOWLEDGE.

(b) ATTACH ADDITIONAL PAGES WITH YOUR SIGNATURE IF ADDITIONAL SPACE IS REQUIRED.

(c) COMPLETE THIS FORM YOURSELF.

1 (d) IF SOME ITEMS DO NOT APPLY TO YOUR PROPERTY, CHECK "NA" (NON-AP-  
2 PLICABLE). IF YOU DO NOT KNOW THE ANSWER CHECK "UNKN" (UNKNOWN).

3 SELLER'S STATEMENT: THE SELLER MAKES THE FOLLOWING REPRESENTATIONS TO  
4 THE BUYER BASED UPON THE SELLER'S ACTUAL KNOWLEDGE AT THE TIME OF SIGN-  
5 ING THIS DOCUMENT. THE SELLER AUTHORIZES [~~HIS OR HER~~] **THEIR** AGENT, IF  
6 ANY, TO PROVIDE A COPY OF THIS STATEMENT TO A PROSPECTIVE BUYER OF THE  
7 RESIDENTIAL REAL PROPERTY. THE FOLLOWING ARE REPRESENTATIONS MADE BY THE  
8 SELLER AND ARE NOT THE REPRESENTATIONS OF THE SELLER'S AGENT.

9 GENERAL INFORMATION

- 10 1. HOW LONG HAVE YOU OWNED THE PROPERTY?
- 11 2. HOW LONG HAVE YOU OCCUPIED THE PROPERTY?
- 12 3. WHAT IS THE AGE OF THE STRUCTURE OR STRUCTURES? NOTE TO BUYER--IF  
13 THE STRUCTURE WAS BUILT BEFORE 1978 YOU ARE ENCOURAGED TO INVESTI-  
14 GATE FOR THE PRESENCE OF LEAD BASED PAINT **HAZARDS. IN ADDITION, NEW**  
15 **YORK REAL PROPERTY LAW REQUIRES THE SELLER TO PRODUCE THE RESULTS**  
16 **OF A TEST OF ALL THE PAINTED SURFACES FOR LEAD, OR TO CONDUCT SUCH**  
17 **TEST IF NOT PREVIOUSLY PERFORMED.**
- 18 4. DOES ANYBODY OTHER THAN YOURSELF HAVE A LEASE, EASEMENT OR ANY  
19 OTHER RIGHT TO USE OR OCCUPY ANY PART OF YOUR PROPERTY OTHER THAN  
20 THOSE STATED IN DOCUMENTS AVAILABLE IN THE PUBLIC RECORD, SUCH AS  
21 RIGHTS TO USE A ROAD OR PATH OR CUT TREES OR CROPS. YES NO UNKN NA
- 22 5. DOES ANYBODY ELSE CLAIM TO OWN ANY PART OF YOUR PROPERTY? YES NO  
23 UNKN NA (IF YES, EXPLAIN BELOW)
- 24 6. HAS ANYONE DENIED YOU ACCESS TO THE PROPERTY OR MADE A FORMAL LEGAL  
25 CLAIM CHALLENGING YOUR TITLE TO THE PROPERTY? YES NO UNKN NA (IF  
26 YES, EXPLAIN BELOW)
- 27 7. ARE THERE ANY FEATURES OF THE PROPERTY SHARED IN COMMON WITH  
28 ADJOINING LAND OWNERS OR A HOMEOWNERS ASSOCIATION, SUCH AS WALLS,  
29 FENCES OR DRIVEWAYS? YES NO UNKN NA (IF YES DESCRIBE BELOW)
- 30 8. ARE THERE ANY ELECTRIC OR GAS UTILITY SURCHARGES FOR LINE EXTEN-  
31 SIONS, SPECIAL ASSESSMENTS OR HOMEOWNER OR OTHER ASSOCIATION FEES  
32 THAT APPLY TO THE PROPERTY? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 33 9. ARE THERE CERTIFICATES OF OCCUPANCY RELATED TO THE PROPERTY? YES  
34 NO UNKN NA (IF NO, EXPLAIN BELOW)

35 ENVIRONMENTAL

36 NOTE TO SELLER - IN THIS SECTION, YOU WILL BE ASKED QUESTIONS REGARD-  
37 ING PETROLEUM PRODUCTS AND HAZARDOUS OR TOXIC SUBSTANCES THAT YOU KNOW  
38 TO HAVE BEEN SPILLED, LEAKED OR OTHERWISE BEEN RELEASED ON THE PROPERTY  
39 OR FROM THE PROPERTY ONTO ANY OTHER PROPERTY. PETROLEUM PRODUCTS MAY  
40 INCLUDE, BUT ARE NOT LIMITED TO, GASOLINE, DIESEL FUEL, HOME HEATING  
41 FUEL, AND LUBRICANTS. HAZARDOUS OR TOXIC SUBSTANCES ARE PRODUCTS OR  
42 OTHER MATERIAL THAT COULD POSE SHORT- OR LONG-TERM DANGER TO PERSONAL  
43 HEALTH OR THE ENVIRONMENT IF THEY ARE NOT PROPERLY DISPOSED OF, APPLIED  
44 OR STORED. THESE INCLUDE, BUT ARE NOT LIMITED TO, FERTILIZERS, PESTI-  
45 CIDES AND INSECTICIDES, PAINT INCLUDING PAINT THINNER, VARNISH REMOVER  
46 AND WOOD PRESERVATIVES, TREATED WOOD, CONSTRUCTION MATERIALS SUCH AS  
47 ASPHALT AND ROOFING MATERIALS, ANTIFREEZE AND OTHER AUTOMOTIVE PRODUCTS,  
48 BATTERIES, CLEANING SOLVENTS INCLUDING SEPTIC TANK CLEANERS, HOUSEHOLD  
49 CLEANERS, POOL CHEMICALS, PRODUCTS CONTAINING MERCURY AND LEAD AND  
50 INDOOR MOLD.

51 NOTE TO BUYER - IF CONTAMINATION OF THIS PROPERTY FROM PETROLEUM  
52 PRODUCTS AND/OR HAZARDOUS OR TOXIC SUBSTANCES IS A CONCERN TO YOU, YOU  
53 ARE URGED TO CONSIDER SOIL AND GROUNDWATER TESTING OF THIS PROPERTY. **IF**

1 LEAD IN DRINKING WATER IS A CONCERN TO YOU, YOU ARE URGED TO HAVE THE  
2 PLUMBING EXAMINED, INCLUDING THE SERVICE LINE.

- 3 10. IS ANY OR ALL OF THE PROPERTY LOCATED IN A FEDERAL EMERGENCY  
 4 MANAGEMENT AGENCY (FEMA) DESIGNATED FLOODPLAIN? YES NO UNKN NA  
 5 (IF YES, EXPLAIN BELOW)
- 6 11. IS ANY OR ALL OF THE PROPERTY LOCATED WHOLLY OR PARTIALLY IN THE  
 7 SPECIAL FLOOD HAZARD AREA ("SFHA"; "100-YEAR FLOODPLAIN") ACCORD-  
 8 ING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA'S) CURRENT  
 9 FLOOD INSURANCE RATE MAPS FOR YOUR AREA? YES NO UNKN NA (IF YES,  
 10 EXPLAIN BELOW)
- 11 12. IS ANY OR ALL OF THE PROPERTY LOCATED WHOLLY OR PARTIALLY IN A  
 12 MODERATE RISK FLOOD HAZARD AREA ("500-YEAR FLOODPLAIN") ACCORDING  
 13 TO FEMA'S CURRENT FLOOD INSURANCE RATE MAPS FOR YOUR AREA? YES NO  
 14 UNKN NA (IF YES, EXPLAIN BELOW)
- 15 13. IS THE PROPERTY SUBJECT TO ANY REQUIREMENT UNDER FEDERAL LAW TO  
 16 OBTAIN AND MAINTAIN FLOOD INSURANCE ON THE PROPERTY? YES NO UNKN  
 17 NA (IF YES, EXPLAIN BELOW)  
 18 HOMES IN THE SPECIAL FLOOD HAZARD AREA, ALSO KNOWN AS HIGH RISK  
 19 FLOOD ZONES, ON FEMA'S FLOOD INSURANCE RATE MAPS WITH MORTGAGES  
 20 FROM FEDERALLY REGULATED OR INSURED LENDERS ARE REQUIRED TO OBTAIN  
 21 AND MAINTAIN FLOOD INSURANCE. EVEN WHEN NOT REQUIRED, FEMA ENCOUR-  
 22 AGES HOMEOWNERS IN HIGH RISK, MODERATE RISK, AND LOW RISK FLOOD  
 23 ZONES TO PURCHASE FLOOD INSURANCE THAT COVERS THE STRUCTURE(S) AND  
 24 THE PERSONAL PROPERTY WITHIN THE STRUCTURE(S). ALSO NOTE THAT  
 25 HOMES IN COASTAL AREAS MAY BE SUBJECT TO INCREASED RISK OF FLOOD-  
 26 ING OVER TIME DUE TO PROJECTED SEA LEVEL RISE AND INCREASED  
 27 EXTREME STORMS CAUSED BY CLIMATE CHANGE WHICH MAY NOT BE REFLECTED  
 28 IN CURRENT FLOOD INSURANCE RATE MAPS.
- 29 14. HAVE YOU EVER RECEIVED ASSISTANCE, OR ARE YOU AWARE OF ANY PREVI-  
 30 OUS OWNERS RECEIVING ASSISTANCE, FROM THE FEDERAL EMERGENCY  
 31 MANAGEMENT AGENCY (FEMA), THE U.S. SMALL BUSINESS ADMINISTRATION  
 32 (SBA), OR ANY OTHER FEDERAL DISASTER ASSISTANCE FOR FLOOD  
 33 DAMAGE TO THE PROPERTY? YES NO UNKN NA (IF YES, EXPLAIN BELOW) FOR  
 34 PROPERTIES THAT HAVE RECEIVED FEDERAL DISASTER ASSISTANCE, THE  
 35 REQUIREMENT TO OBTAIN FLOOD INSURANCE PASSES DOWN TO ALL FUTURE  
 36 OWNERS. FAILURE TO OBTAIN AND MAINTAIN FLOOD INSURANCE CAN RESULT  
 37 IN AN INDIVIDUAL BEING INELIGIBLE FOR FUTURE ASSISTANCE.
- 38 15. IS THERE FLOOD INSURANCE ON THE PROPERTY? YES NO UNKN NA (IF YES,  
 39 ATTACH A COPY OF THE POLICY)  
 40 A STANDARD HOMEOWNER'S INSURANCE POLICY TYPICALLY DOES NOT COVER  
 41 FLOOD DAMAGE. YOU ARE ENCOURAGED TO EXAMINE YOUR POLICY TO DETER-  
 42 MINE WHETHER YOU ARE COVERED.
- 43 16. IS THERE A FEMA ELEVATION CERTIFICATE AVAILABLE FOR THE PROPERTY?  
 44 YES NO UNKN NA (IF YES, ATTACH A COPY OF THE CERTIFICATE)  
 45 AN ELEVATION CERTIFICATE IS A FEMA FORM, COMPLETED BY A LICENSED  
 46 SURVEYOR OR ENGINEER. THE FORM PROVIDES CRITICAL INFORMATION ABOUT  
 47 THE FLOOD RISK OF THE PROPERTY AND IS USED BY FLOOD INSURANCE  
 48 PROVIDERS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) TO  
 49 HELP DETERMINE THE APPROPRIATE FLOOD INSURANCE RATING FOR THE  
 50 PROPERTY. A BUYER MAY BE ABLE TO USE THE ELEVATION CERTIFICATE  
 51 FROM A PREVIOUS OWNER FOR THEIR FLOOD INSURANCE POLICY.
- 52 17. HAVE YOU EVER FILED A CLAIM FOR FLOOD DAMAGE TO THE PROPERTY WITH  
 53 ANY INSURANCE PROVIDER, INCLUDING THE NATIONAL FLOOD INSURANCE  
 54 PROGRAM (NFIP)? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

- 1 18. IS ANY OR ALL OF THE PROPERTY LOCATED IN A DESIGNATED WETLAND?  
 2 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 3 19. IS THE PROPERTY LOCATED IN AN AGRICULTURAL DISTRICT? YES NO  
 4 UNKN NA (IF YES, EXPLAIN BELOW)
- 5 20. WAS THE PROPERTY EVER THE SITE OF A LANDFILL? YES NO UNKN NA  
 6 (IF YES, EXPLAIN BELOW)
- 7 21. ARE THERE OR HAVE THERE EVER BEEN FUEL STORAGE TANKS ABOVE OR  
 8 BELOW THE GROUND ON THE PROPERTY? YES NO UNKN NA IF YES,  
 9 ARE THEY CURRENTLY IN USE? YES NO UNKN NA LOCATION(S) ARE THEY  
 10 LEAKING OR HAVE THEY EVER LEAKED? YES NO UNKN NA (IF YES,  
 11 EXPLAIN BELOW)
- 12 22. IS THERE ASBESTOS IN THE STRUCTURE? YES NO UNKN NA (IF YES, STATE  
 13 LOCATION OR LOCATIONS BELOW)
- 14 23. IS LEAD PLUMBING PRESENT? YES NO UNKN NA (IF YES, STATE LOCATION  
 15 OR LOCATIONS BELOW)
- 16 24. HAS A RADON TEST BEEN DONE? YES NO UNKN NA (IF YES, ATTACH A COPY  
 17 OF THE REPORT)
- 18 25. HAS MOTOR FUEL, MOTOR OIL, HOME HEATING FUEL, LUBRICATING OIL OR  
 19 ANY OTHER PETROLEUM PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR  
 20 TOXIC SUBSTANCE SPILLED, LEAKED OR OTHERWISE BEEN RELEASED ON  
 21 THE PROPERTY OR FROM THE PROPERTY ONTO ANY OTHER PROPERTY? YES  
 22 NO UNKN NA (IF YES, DESCRIBE BELOW)
- 23 26. HAS THE PROPERTY BEEN TESTED FOR THE PRESENCE OF MOTOR FUEL, MOTOR  
 24 OIL, HOME HEATING FUEL, LUBRICATING OIL, OR ANY OTHER PETROLEUM  
 25 PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR TOXIC SUBSTANCE? YES  
 26 NO UNKN NA (IF YES, ATTACH REPORT(S))
- 27 27. HAS THE PROPERTY BEEN TESTED FOR INDOOR MOLD? YES NO UNKN (IF YES,  
 28 ATTACH A COPY OF THE REPORT)

## 29 STRUCTURAL

- 30 28. IS THERE ANY ROT OR WATER DAMAGE TO THE STRUCTURE OR STRUCTURES?  
 31 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 32 29. IS THERE ANY FIRE OR SMOKE DAMAGE TO THE STRUCTURE OR STRUCTURES?  
 33 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 34 30. IS THERE ANY TERMITE, INSECT, RODENT OR PEST INFESTATION OR  
 35 DAMAGE? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 36 31. HAS THE PROPERTY BEEN TESTED FOR TERMITE, INSECT, RODENT OR PEST  
 37 INFESTATION OR DAMAGE? YES NO UNKN NA (IF YES, PLEASE ATTACH  
 38 REPORT(S))
- 39 32. WHAT IS THE TYPE OF ROOF/ROOF COVERING (SLATE, ASPHALT, OTHER.)?  
 40 ANY KNOWN MATERIAL DEFECTS? HOW OLD IS THE ROOF? IS THERE A TRANS-  
 41 FERABLE WARRANTY ON THE ROOF IN EFFECT NOW? YES NO UNKN NA (IF  
 42 YES, EXPLAIN BELOW)
- 43 33. ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING  
 44 STRUCTURAL SYSTEMS: FOOTINGS, BEAMS, GIRDERS, LINTELS, COLUMNS OR  
 45 PARTITIONS? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

## 46 MECHANICAL SYSTEMS &amp; SERVICES

- 47 34. WHAT IS THE WATER SOURCE (CIRCLE ALL THAT APPLY - WELL, PRIVATE,  
 48 MUNICIPAL, OTHER)? IF MUNICIPAL, IS IT METERED? YES NO UNKN NA
- 49 35. HAS THE WATER QUALITY AND/OR FLOW RATE BEEN TESTED? YES NO UNKN NA  
 50 (IF YES, DESCRIBE BELOW)
- 51 36. WHAT IS THE TYPE OF SEWAGE SYSTEM (CIRCLE ALL THAT APPLY - PUBLIC  
 52 SEWER, PRIVATE SEWER, SEPTIC OR CESSPOOL)? IF SEPTIC OR CESSPOOL,  
 53 AGE? \_\_\_\_\_ DATE LAST PUMPED? \_\_\_\_\_ FREQUENCY OF PUMPING?

\_\_\_\_\_ ANY KNOWN MATERIAL DEFECTS? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

More information on "septic system operation and maintenance" can be found on the NYS Department of Health website in the informational health pamphlet made available by the Department of Health pursuant to section 396-s of NYS general business law.

37. WHO IS YOUR ELECTRIC SERVICE PROVIDER? \_\_\_\_\_ WHAT IS THE AMPER-AGE? \_\_\_\_\_ DOES IT HAVE CIRCUIT BREAKERS OR FUSES? \_\_\_\_\_ PRIVATE OR PUBLIC POLES? \_\_\_\_\_ ANY KNOWN MATERIAL DEFECTS? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

38. ARE THERE ANY FLOODING, DRAINAGE OR GRADING PROBLEMS THAT RESULTED IN STANDING WATER ON ANY PORTION OF THE PROPERTY? YES NO UNKN NA (IF YES, STATE LOCATIONS AND EXPLAIN BELOW)

39. HAS THE STRUCTURE(S) EXPERIENCED ANY WATER PENETRATION OR DAMAGE DUE TO SEEPAGE OR A NATURAL FLOOD EVENT, SUCH AS FROM HEAVY RAIN-FALL, COASTAL STORM SURGE, TIDAL INUNDATION OR RIVER OVERFLOW? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING (IF YES, EXPLAIN BELOW. USE ADDITIONAL SHEETS IF NECESSARY.):

- 40. PLUMBING SYSTEM? YES NO UNKN NA
- 41. SECURITY SYSTEM? YES NO UNKN NA
- 42. CARBON MONOXIDE DETECTOR? YES NO UNKN NA
- 43. SMOKE DETECTOR? YES NO UNKN NA
- 44. FIRE SPRINKLER SYSTEM? YES NO UNKN NA
- 45. SUMP PUMP? YES NO UNKN NA
- 46. FOUNDATION/SLAB? YES NO UNKN NA
- 47. INTERIOR WALLS/CEILINGS? YES NO UNKN NA
- 48. EXTERIOR WALLS OR SIDING? YES NO UNKN NA
- 49. FLOORS? YES NO UNKN NA
- 50. CHIMNEY/FIREPLACE OR STOVE? YES NO UNKN NA
- 51. PATIO/DECK? YES NO UNKN NA
- 52. DRIVEWAY? YES NO UNKN NA
- 53. AIR CONDITIONER? YES NO UNKN NA
- 54. HEATING SYSTEM? YES NO UNKN NA
- 55. HOT WATER HEATER? YES NO UNKN NA

56. THE PROPERTY IS LOCATED IN THE FOLLOWING SCHOOL DISTRICT UNKN  
NOTE: BUYER IS ENCOURAGED TO CHECK PUBLIC RECORDS CONCERNING THE PROPERTY (E.G. TAX RECORDS AND WETLAND AND FEMA'S CURRENT FLOOD INSURANCE RATE MAPS AND ELEVATION CERTIFICATES)

THE SELLER SHOULD USE THIS AREA TO FURTHER EXPLAIN ANY ITEM ABOVE. IF NECESSARY, ATTACH ADDITIONAL PAGES AND INDICATE HERE THE NUMBER OF ADDITIONAL PAGES ATTACHED.

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SELLER'S CERTIFICATION: SELLER CERTIFIES THAT THE INFORMATION IN THIS PROPERTY CONDITION DISCLOSURE STATEMENT IS TRUE AND COMPLETE TO THE SELLER'S ACTUAL KNOWLEDGE AS OF THE DATE SIGNED BY THE SELLER. IF A SELLER OF RESIDENTIAL REAL PROPERTY ACQUIRES KNOWLEDGE WHICH RENDERS MATERIALLY INACCURATE A PROPERTY CONDITION DISCLOSURE STATEMENT PROVIDED PREVIOUSLY, THE SELLER SHALL DELIVER A REVISED PROPERTY CONDITION DISCLOSURE STATEMENT TO THE BUYER AS SOON AS PRACTICABLE. IN NO EVENT, HOWEVER, SHALL A SELLER BE REQUIRED TO PROVIDE A REVISED PROPERTY CONDI-TION DISCLOSURE STATEMENT AFTER THE TRANSFER OF TITLE FROM THE SELLER TO THE BUYER OR OCCUPANCY BY THE BUYER, WHICHEVER IS EARLIER.

1 SELLER \_\_\_\_\_ DATE \_\_\_\_\_

2 SELLER \_\_\_\_\_ DATE \_\_\_\_\_

3 BUYER'S ACKNOWLEDGMENT: BUYER ACKNOWLEDGES RECEIPT OF A COPY OF THIS  
4 STATEMENT AND BUYER UNDERSTANDS THAT THIS INFORMATION IS A STATEMENT OF  
5 CERTAIN CONDITIONS AND INFORMATION CONCERNING THE PROPERTY KNOWN TO THE  
6 SELLER. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR SELLER'S AGENT  
7 AND IS NOT A SUBSTITUTE FOR ANY HOME, PEST, RADON OR OTHER INSPECTIONS  
8 OR TESTING OF THE PROPERTY OR INSPECTION OF THE PUBLIC RECORDS.

9 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

10 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

11 § 5. This act shall take effect August 1, 2026; provided, however,  
12 that if chapter 353 of the laws of 2024 shall not have taken effect on  
13 or before such date then section four of this act shall take effect on  
14 the same date and in the same manner as such chapter of the laws of 2024  
15 takes effect. Effective immediately, the addition, amendment, and/or  
16 repeal of any rule or regulation necessary for the implementation of  
17 this act on its effective date are authorized to be made and completed  
18 on or before such effective date.