

STATE OF NEW YORK

4820--B

Cal. No. 135

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

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, L. ROSENTHAL, SEAWRIGHT, SEPTIMO, SILLITTI, SIMON, STECK, TAYLOR, THIELE, STIRPE, STERN, ARDILA, WALKER, KELLES, BURDICK, SANTABARBARA, SHIMSKY, CUNNINGHAM, ZINERMAN -- read once and referred to the Committee on Judiciary -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

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

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

LBD02406-06-4

1 paint from older and poorly maintained residences. Although New York
2 state banned the sale of lead-based paint in 1970, (1.1970, ch. 338) 74%
3 of New York's housing stock was constructed prior to 1970 and lead-based
4 paint was available outside of the state until 1978. New York state has
5 both the nation's greatest number (over 4 million units), the highest
6 percentage (55.08%) of pre-1960 and pre-1950 (41.0%) housing, and the
7 oldest housing inventory among the fifty states. At least ninety percent
8 of lead-based paint still exists in occupied housing built before 1960.
9 New York state's older housing stock places residents at great risk of
10 exposure to lead hazards, with low-income children living in older hous-
11 ing having the highest risk of lead poisoning.

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

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

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

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

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

54 i. This act will require inspection reports that are developed to
55 comply with this act to be included on the registry of lead inspections
56 that the department of health is creating pursuant to section 1377 of

1 the public health law so that future renters and purchasers can learn
2 about lead-based paint in homes they are considering renting or purchas-
3 ing.

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

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

14 ARTICLE 16

15 LEAD-BASED PAINT RIGHT TO KNOW ACT

16 Section 520. Short title.

17 521. Definitions.

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

20 523. Duty of agent.

21 524. Liability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the total taxes imposed by sections fourteen hundred two and fourteen
2 hundred two-a of the tax law.

3 2. Any provision in a real estate purchase contract or any other docu-
4 ment related to the transfer of title in residential real property that
5 purports to waive any right created under state or federal law for the
6 buyer to conduct a risk assessment or inspection of the property to
7 determine the presence of lead-based paint and/or lead-based paint
8 hazards, or any oral agreement that purports to waive such right, is
9 null and void as against public policy, notwithstanding that such waiv-
10 ers might otherwise be permitted by federal law.

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

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

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

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

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

20 (e) A transfer between spouses or former spouses as a result of a
21 decree of divorce, dissolution of marriage, annulment, or legal sepa-
22 ration or as a result of property settlement, agreement incidental to a
23 decree of divorce, dissolution of marriage, annulment or legal sepa-
24 ration;

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

27 (g) A transfer by a sheriff;

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

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

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

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

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

§ 3. The real property law is amended by adding a new section 235-aa 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 484 of the laws of 2023, 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.

1 INSTRUCTIONS TO THE SELLER:

- 2 (a) ANSWER ALL QUESTIONS BASED UPON YOUR ACTUAL KNOWLEDGE.
3 (b) ATTACH ADDITIONAL PAGES WITH YOUR SIGNATURE IF ADDITIONAL SPACE IS
4 REQUIRED.
5 (c) COMPLETE THIS FORM YOURSELF.
6 (d) IF SOME ITEMS DO NOT APPLY TO YOUR PROPERTY, CHECK "NA" (NON-AP-
7 PPLICABLE). IF YOU DO NOT KNOW THE ANSWER CHECK "UNKN" (UNKNOWN).

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

14 GENERAL INFORMATION

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

40 ENVIRONMENTAL

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

1 CLEANERS, POOL CHEMICALS, PRODUCTS CONTAINING MERCURY AND LEAD AND
2 INDOOR MOLD.

3 NOTE TO BUYER - IF CONTAMINATION OF THIS PROPERTY FROM PETROLEUM
4 PRODUCTS AND/OR HAZARDOUS OR TOXIC SUBSTANCES IS A CONCERN TO YOU, YOU
5 ARE URGED TO CONSIDER SOIL AND GROUNDWATER TESTING OF THIS PROPERTY. IF
6 LEAD IN DRINKING WATER IS A CONCERN TO YOU, YOU ARE URGED TO HAVE THE
7 PLUMBING EXAMINED, INCLUDING THE SERVICE LINE.

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

- 1 PROPERTY. A BUYER MAY BE ABLE TO USE THE ELEVATION CERTIFICATE
 2 FROM A PREVIOUS OWNER FOR THEIR FLOOD INSURANCE POLICY.
- 3 17. HAVE YOU EVER FILED A CLAIM FOR FLOOD DAMAGE TO THE PROPERTY WITH
 4 ANY INSURANCE PROVIDER, INCLUDING THE NATIONAL FLOOD INSURANCE
 5 PROGRAM (NFIP)? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 6 18. IS ANY OR ALL OF THE PROPERTY LOCATED IN A DESIGNATED WETLAND?
 7 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 8 19. IS THE PROPERTY LOCATED IN AN AGRICULTURAL DISTRICT?
 9 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 10 20. WAS THE PROPERTY EVER THE SITE OF A LANDFILL?
 11 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 12 21. ARE THERE OR HAVE THERE EVER BEEN FUEL STORAGE TANKS ABOVE OR
 13 BELOW THE GROUND ON THE PROPERTY? YES NO UNKN NA IF YES, ARE
 14 THEY CURRENTLY IN USE? YES NO UNKN NA LOCATION(S) ARE THEY LEAKING
 15 OR HAVE THEY EVER LEAKED? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 16 22. IS THERE ASBESTOS IN THE STRUCTURE? YES NO UNKN NA (IF YES, STATE
 17 LOCATION OR LOCATIONS BELOW)
- 18 23. IS LEAD PLUMBING PRESENT? YES NO UNKN NA (IF YES, STATE LOCATION
 19 OR LOCATIONS BELOW)
- 20 24. HAS A RADON TEST BEEN DONE? YES NO UNKN NA (IF YES, ATTACH A COPY
 21 OF THE REPORT)
- 22 25. HAS MOTOR FUEL, MOTOR OIL, HOME HEATING FUEL, LUBRICATING OIL OR
 23 ANY OTHER PETROLEUM PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR
 24 TOXIC SUBSTANCE SPILLED, LEAKED OR OTHERWISE BEEN RELEASED ON THE
 25 PROPERTY OR FROM THE PROPERTY ONTO ANY OTHER PROPERTY? YES NO
 26 UNKN NA (IF YES, DESCRIBE BELOW)
- 27 26. HAS THE PROPERTY BEEN TESTED FOR THE PRESENCE OF MOTOR FUEL, MOTOR
 28 OIL, HOME HEATING FUEL, LUBRICATING OIL, OR ANY OTHER PETROLEUM
 29 PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR TOXIC SUBSTANCE? YES NO
 30 UNKN NA (IF YES, ATTACH REPORT(S))
- 31 27. HAS THE PROPERTY BEEN TESTED FOR INDOOR MOLD? YES NO UNKN (IF YES,
 32 ATTACH A COPY OF THE REPORT)
- 33 STRUCTURAL
- 34 28. IS THERE ANY ROT OR WATER DAMAGE TO THE STRUCTURE OR STRUCTURES?
 35 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 36 29. IS THERE ANY FIRE OR SMOKE DAMAGE TO THE STRUCTURE OR STRUCTURES?
 37 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 38 30. IS THERE ANY TERMITE, INSECT, RODENT OR PEST INFESTATION OR
 39 DAMAGE? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 40 31. HAS THE PROPERTY BEEN TESTED FOR TERMITE, INSECT, RODENT OR PEST
 41 INFESTATION OR DAMAGE? YES NO UNKN NA (IF YES, PLEASE ATTACH
 42 REPORT(S))
- 43 32. WHAT IS THE TYPE OF ROOF/ROOF COVERING (SLATE, ASPHALT, OTHER.)?
 44 ANY KNOWN MATERIAL DEFECTS? HOW OLD IS THE ROOF? IS THERE A TRANS-
 45 FERABLE WARRANTY ON THE ROOF IN EFFECT NOW? YES NO UNKN NA (IF
 46 YES, EXPLAIN BELOW)
- 47 33. ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING
 48 STRUCTURAL SYSTEMS: FOOTINGS, BEAMS, GIRDERS, LINTELS, COLUMNS OR
 49 PARTITIONS? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 50 MECHANICAL SYSTEMS & SERVICES
- 51 34. WHAT IS THE WATER SOURCE (CIRCLE ALL THAT APPLY - WELL, PRIVATE,
 52 MUNICIPAL, OTHER)? IF MUNICIPAL, IS IT METERED? YES NO UNKN NA
- 53 35. HAS THE WATER QUALITY AND/OR FLOW RATE BEEN TESTED? YES NO UNKN NA
 54 (IF YES, DESCRIBE BELOW)

- 1 36. WHAT IS THE TYPE OF SEWAGE SYSTEM (CIRCLE ALL THAT APPLY - PUBLIC
- 2 SEWER, PRIVATE SEWER, SEPTIC OR CESSPOOL)? IF SEPTIC OR CESSPOOL,
- 3 AGE? _____ DATE LAST PUMPED? _____ FREQUENCY OF PUMPING?
- 4 _____ ANY KNOWN MATERIAL DEFECTS? YES NO UNKN NA (IF YES,
- 5 EXPLAIN BELOW)
- 6 37. WHO IS YOUR ELECTRIC SERVICE PROVIDER? _____ WHAT IS THE AMPER-
- 7 AGE? _____ DOES IT HAVE CIRCUIT BREAKERS OR FUSES? _____
- 8 PRIVATE OR PUBLIC POLES? _____ ANY KNOWN MATERIAL DEFECTS? YES
- 9 NO UNKN NA (IF YES, EXPLAIN BELOW)
- 10 38. ARE THERE ANY FLOODING, DRAINAGE OR GRADING PROBLEMS THAT RESULTED
- 11 IN STANDING WATER ON ANY PORTION OF THE PROPERTY? YES NO UNKN NA
- 12 (IF YES, STATE LOCATIONS AND EXPLAIN BELOW)
- 13 39. HAS THE STRUCTURE(S) EXPERIENCED ANY WATER PENETRATION OR DAMAGE
- 14 DUE TO SEEPAGE OR A NATURAL FLOOD EVENT, SUCH AS FROM HEAVY RAIN-
- 15 FALL, COASTAL STORM SURGE, TIDAL INUNDATION OR RIVER OVERFLOW?
- 16 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 17 ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING (IF YES,
- 18 EXPLAIN BELOW. USE ADDITIONAL SHEETS IF NECESSARY.):
- 19 40. PLUMBING SYSTEM? YES NO UNKN NA
- 20 41. SECURITY SYSTEM? YES NO UNKN NA
- 21 42. CARBON MONOXIDE DETECTOR? YES NO UNKN NA
- 22 43. SMOKE DETECTOR? YES NO UNKN NA
- 23 44. FIRE SPRINKLER SYSTEM? YES NO UNKN NA
- 24 45. SUMP PUMP? YES NO UNKN NA
- 25 46. FOUNDATION/SLAB? YES NO UNKN NA
- 26 47. INTERIOR WALLS/CEILINGS? YES NO UNKN NA
- 27 48. EXTERIOR WALLS OR SIDING? YES NO UNKN NA
- 28 49. FLOORS? YES NO UNKN NA
- 29 50. CHIMNEY/FIREPLACE OR STOVE? YES NO UNKN NA
- 30 51. PATIO/DECK? YES NO UNKN NA
- 31 52. DRIVEWAY? YES NO UNKN NA
- 32 53. AIR CONDITIONER? YES NO UNKN NA
- 33 54. HEATING SYSTEM? YES NO UNKN NA
- 34 55. HOT WATER HEATER? YES NO UNKN NA
- 35 56. THE PROPERTY IS LOCATED IN THE FOLLOWING SCHOOL DISTRICT UNKN
- 36 NOTE: BUYER IS ENCOURAGED TO CHECK PUBLIC RECORDS CONCERNING THE
- 37 PROPERTY (E.G. TAX RECORDS AND WETLAND AND FEMA'S CURRENT FLOOD
- 38 INSURANCE RATE MAPS AND ELEVATION CERTIFICATES)
- 39 THE SELLER SHOULD USE THIS AREA TO FURTHER EXPLAIN ANY ITEM ABOVE. IF
- 40 NECESSARY, ATTACH ADDITIONAL PAGES AND INDICATE HERE THE NUMBER OF ADDI-
- 41 TIONAL PAGES ATTACHED.
- 42 _____
- 43 _____
- 44 _____
- 45 _____
- 46 SELLER'S CERTIFICATION: SELLER CERTIFIES THAT THE INFORMATION IN THIS
- 47 PROPERTY CONDITION DISCLOSURE STATEMENT IS TRUE AND COMPLETE TO THE
- 48 SELLER'S ACTUAL KNOWLEDGE AS OF THE DATE SIGNED BY THE SELLER. IF A
- 49 SELLER OF RESIDENTIAL REAL PROPERTY ACQUIRES KNOWLEDGE WHICH RENDERS
- 50 MATERIALLY INACCURATE A PROPERTY CONDITION DISCLOSURE STATEMENT PROVIDED
- 51 PREVIOUSLY, THE SELLER SHALL DELIVER A REVISED PROPERTY CONDITION
- 52 DISCLOSURE STATEMENT TO THE BUYER AS SOON AS PRACTICABLE. IN NO EVENT,
- 53 HOWEVER, SHALL A SELLER BE REQUIRED TO PROVIDE A REVISED PROPERTY CONDI-
- 54 TION DISCLOSURE STATEMENT AFTER THE TRANSFER OF TITLE FROM THE SELLER TO
- 55 THE BUYER OR OCCUPANCY BY THE BUYER, WHICHEVER IS EARLIER.
- 56 SELLER _____ DATE _____

1 SELLER _____ DATE _____

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

8 BUYER _____ DATE _____

9 BUYER _____ DATE _____

10 § 5. This act shall take effect August 1, 2025. Effective imme-
11 diately, the addition, amendment, and/or repeal of any rule or regu-
12 lation necessary for the implementation of this act on its effective
13 date are authorized to be made and completed on or before such effective
14 date.