CHAPTER 236
HB 1320 - FINAL VERSION

28Mar2024... 1247h
05/22/2024 1954s
13Jun2024... 2329EBA

2024 SESSION

24-2374
12/10

HOUSE BILL ***1320***

AN ACT relative to real property and flood risk disclosure.

SPONSORS: Rep. Muns, Rock. 29; Rep. Vallone, Rock. 5; Rep. DiLorenzo, Rock. 10; Rep. Knab, Rock. 12; Sen. Altschiller, Dist 24

COMMITTEE: Commerce and Consumer Affairs

AMENDED ANALYSIS

This bill requires that prior to the execution of a purchase and sale agreement for real property that flood risks be disclosed to the buyer.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to real property and flood risk disclosure.

Be it Enacted by the Senate and House of Representatives in General Court convened:

236:1 Conveyances of Realty; Notification Required; Flood Risk. Amend RSA 477:4-a to read as follows:

477:4-a Notification Required; Radon, Arsenic, [~~and~~] Lead ***and Flood***.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon: Radon, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water."

"Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well."

"Lead: Before 1978, paint containing lead may have been used in structures. Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint or drinking water."

"Flood: Properties in coastal areas and along waterways may be subject to increased risk of flooding over time. A standard homeowners insurance policy typically does not cover flood damage. The buyer is encouraged to determine whether separate flood insurance is required and consult the Federal Emergency Management Agency's flood maps (FEMA.GOV) in order to determine if the property is in a designated flood zone."

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph I.

236:2 New Subparagraph; Conveyances of Realty; Notification Required. Amend RSA 477:4-d, I by inserting after subparagraph (c) the following new subparagraph:

(d) Information relative to the property being located in a federally designated flood hazard zone.

236:3 Amend RSA 198:15-c, III as inserted by section 4 of the bill by replacing it with the following:

477:4-a Notification Required; Radon, Arsenic, Lead [~~and~~] PFAS *and Flood*.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon: Radon, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water."

"Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well."

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"PFAS: Poly - and perfluoroalkyl substances (PFAS) are found in products that are used in domestic, commercial, institutional and industrial settings. These chemical compounds have been detected at levels that exceed federal and/or state advisories or standards in wells throughout New Hampshire, but are more frequently detected at elevated levels in southern New Hampshire. Testing of the water by an accredited laboratory can measure PFAS levels and inform a buyer's decision regarding the need to install water treatment systems."

"Flood: Properties in coastal areas and along waterways may be subject to increased risk of flooding over time. A standard homeowners insurance policy typically does not cover flood damage. The buyer is encouraged to determine whether separate flood insurance is required and consult the Federal Emergency Management Agency's flood maps (FEMA.GOV) in order to determine if the property is in a designated flood zone."

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph I.

236:4 Contingency. If HB 398 of the 2024 regular legislative session becomes law, section 1 of this act shall not take effect and section 3 of this act shall take effect on January 1, 2025 at 12:01 a.m. If HB 398 of the regular legislative session does not become law, section 1 of this bill shall take effect on January 1, 2025 and section 3 of this act shall not take effect.

236:5 Effective Date.

I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect upon its passage.

Approved: July 19, 2024
Effective Date:
I. Sections 1 and 3 effective as provided in section 4.
II. Remainder effective July 19, 2024