CHAPTER 98
HB 398 - FINAL VERSION

3Jan2024... 2296h
05/02/2024 1608s

2024 SESSION

23-0682
08/05

HOUSE BILL ***398***

AN ACT relative to notice of PFAS contamination prior to the sale of real property.

SPONSORS: Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires certain notice of PFAS and other groundwater contamination prior to the sale of real property.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 notice of PFAS contamination prior to the sale of real property.

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

98:1 Notification Required; PFAS. Amend the section heading of RSA 477:4-a and RSA 477:4-a, I to read as follows:

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

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."

"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."

98:2 Effective Date. This act shall take effect January 1, 2025.

Approved: July 03, 2024
Effective Date: January 01, 2025