



**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njestatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA



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 <sup>1</sup>of  
11 punitive damages, attorney fees, or both, under section 7 of P.L.1971,  
12 c.247 (C.56:8-19),<sup>1</sup> 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<sub>2</sub> or deceptive information  
15 provided to the real estate broker, broker-salesperson<sub>2</sub> or salesperson,  
16 <sup>1</sup>by or on behalf of the seller of regarding<sup>1</sup> real estate located in  
17 New Jersey, if the real estate broker, broker-salesperson<sub>2</sub> or  
18 salesperson demonstrates that <sup>1</sup>he they<sup>1</sup>:

19 a. Had no actual knowledge of the false, misleading or deceptive  
20 character of the information; <sup>1</sup>and<sup>1</sup>

21 b. Made a reasonable and diligent inquiry to ascertain whether the  
22 information is of a false, misleading<sub>2</sub> or deceptive character. For  
23 purposes of this section, communications by a real estate broker,  
24 broker-salesperson<sub>2</sub> 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<sub>2</sub> 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:

<sup>1</sup>Assembly 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. <sup>1</sup>**【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. If<sup>1</sup> a property condition disclosure statement <sup>1</sup>**【contains】**  
14 contained<sup>1</sup> 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 <sup>1</sup>**【shall refer】** referred<sup>1</sup> 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 <sup>1</sup>**【.**  
22 **If】** and, if<sup>1</sup> requested by the buyer, <sup>1</sup>**【the real estate broker, broker-**  
23 **salesperson, or salesperson shall provide】** provided<sup>1</sup> 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 <sup>1</sup>**【(cf: P.L.2004, c.18, s.2)】** (cf: P.L.2021, c.268)<sup>1</sup>

31

32 2. This act shall take effect on the first day of the third month  
33 next following enactment.

34

35

36

37

38 Concerns information on property condition disclosure  
39 statement.

# ASSEMBLY, No. 2685

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

**Sponsored by:**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

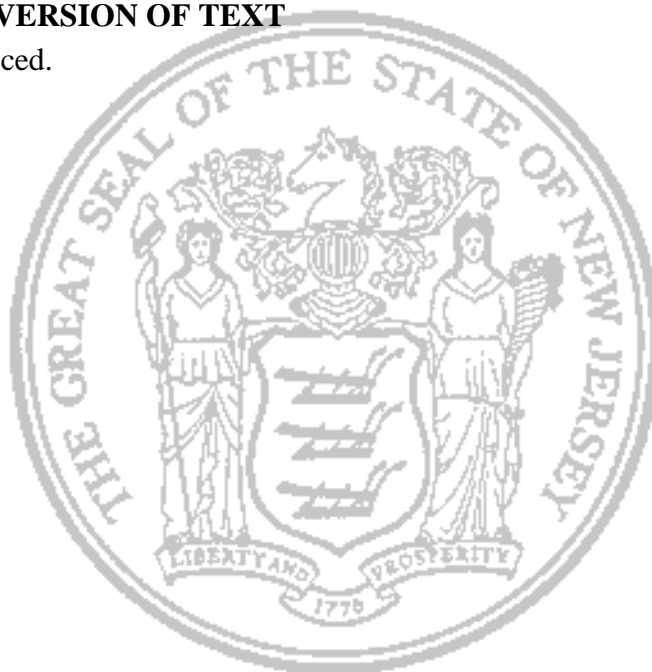
**Assemblyman Houghtaling**

**SYNOPSIS**

Concerns information on property condition disclosure statement.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/20/2021)**

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  
8 read 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 of  
11 punitive damages, attorney fees, or both, under section 7 of  
12 P.L.1971, c.247 (C.56:8-19), against a real estate broker, broker-  
13 salesperson, or salesperson licensed under R.S.45:15-1 et seq. for  
14 the communication of any false, misleading, or deceptive  
15 information provided to the real estate broker, broker-salesperson,  
16 or salesperson, by or on behalf of the seller of real estate located in  
17 New Jersey, if the real estate broker, broker-salesperson, or  
18 salesperson demonstrates that he:

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

21 b. Made a reasonable and diligent inquiry to ascertain whether  
22 the information is of a false, misleading, or deceptive character.  
23 For purposes of this section, communications by a real estate  
24 broker, broker-salesperson, or salesperson which shall be deemed to  
25 satisfy the requirements of a "reasonable and diligent inquiry"  
26 include, but shall not be limited to, communications which disclose  
27 information:

28 (1) provided in a report or upon a representation by a person,  
29 licensed or certified by the State of New Jersey, including, but not  
30 limited to, an appraiser, home inspector, plumber or electrical  
31 contractor, or an unlicensed home inspector until December 30,  
32 2005, of a particular physical condition pertaining to the real estate  
33 derived from inspection of the real estate by that person;

34 (2) provided in a report or upon a representation by any  
35 governmental official or employee, if the particular information of a  
36 physical condition is likely to be within the knowledge of that  
37 governmental official or employee; or

38 (3) that the real estate broker, broker-salesperson, or salesperson  
39 obtained from the seller in a property condition disclosure  
40 statement, which form shall comply with regulations promulgated  
41 by the director in consultation with the New Jersey Real Estate  
42 Commission, provided that the real estate broker, broker-  
43 salesperson, or salesperson informed the buyer that the seller is the  
44 source of the information and that, prior to making that  
45 communication to the buyer, the real estate broker, broker-  
46 salesperson, or salesperson visually inspected the property with

**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.

1 reasonable diligence to ascertain the accuracy of the information  
2 disclosed by the seller. The director shall require that if a property  
3 condition disclosure statement contains information indicating the  
4 seller's awareness of water leakage, accumulation or dampness, the  
5 presence of mold or other similar natural substance, or repairs or  
6 other attempts to control any water or dampness problem on the real  
7 property, the real estate broker, broker-salesperson, or salesperson  
8 shall refer the buyer of the real property to the "Mold Guidelines  
9 for New Jersey Residents" pamphlet on the Department of Health  
10 Internet website, or other pamphlet or guidelines deemed  
11 appropriate by the director. If requested by the buyer, the real estate  
12 broker, broker-salesperson, or salesperson shall provide the buyer  
13 with a physical copy of the pamphlet.

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

19 (cf: P.L.2004, c.18, s.2)

20

21 2. This act shall take effect on the first day of the third month  
22 next following enactment.

23

24

25

#### STATEMENT

26

27 This bill requires that if a property condition disclosure  
28 statement contains information indicating the seller's awareness of  
29 water leakage, accumulation or dampness, the presence of mold or  
30 other similar natural substance, or repairs or other attempts to  
31 control any water or dampness problem on the real property, the  
32 real estate broker, broker-salesperson, or salesperson is to refer the  
33 buyer of the real property to the "Mold Guidelines for New Jersey  
34 Residents" pamphlet on the Department of Health Internet website,  
35 or other pamphlet or guidelines deemed appropriate by the director.  
36 However, under the amended bill, the real estate broker, broker-  
37 salesperson, or salesperson is required to provide the buyer with a  
38 physical copy of the pamphlet if requested by the buyer.

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2685**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 24, 2021

The Assembly Housing Committee reports favorably Assembly Bill No. 2685.

This bill requires certain actions to be taken by real estate professionals during home sales in order to protect new homeowners from unanticipated mold-related conditions on purchased properties. Specifically, if a property condition disclosure statement provided to the buyer during the sales process contains information indicating the seller's awareness of water leakage, accumulation or dampness, the presence of mold or other similar natural substance, or repairs or other attempts to control any water or dampness problem on the real property, then this bill would require the real estate broker, broker-salesperson, or salesperson to refer the home buyer to the "Mold Guidelines for New Jersey Residents" pamphlet on the Department of Health website, or other pamphlet or guidelines deemed appropriate by the Director of the Division of Consumer Affairs. Under the bill, the real estate broker, broker-salesperson, or salesperson is also required to provide the buyer with a physical copy of the pamphlet if requested by the buyer.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2685**

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 2021

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 2685.

This bill requires that if a property condition disclosure statement contains information indicating the seller's awareness of water leakage, accumulation or dampness, the presence of mold or other similar natural substance, or repairs or other attempts to control any water or dampness problem on the real property, the real estate broker, broker-salesperson, or salesperson is to refer the buyer of the real property to the "Mold Guidelines for New Jersey Residents" pamphlet on the Department of Health's Internet website, or other pamphlet or guidelines deemed appropriate by the director. However, under the amended bill, the real estate broker, broker-salesperson, or salesperson is required to provide the buyer with a physical copy of the pamphlet if requested by the buyer.

As reported by the committee, this bill is identical to Senate Bill No. 4209, which was also reported by the committee on this date.

**SENATE, No. 4209**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED DECEMBER 2, 2021

**Sponsored by:**  
**Senator BRIAN P. STACK**  
**District 33 (Hudson)**

**SYNOPSIS**

Concerns information on property condition disclosure statement.

**CURRENT VERSION OF TEXT**

As introduced.



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2 the sale of real estate and amending P.L.1999, c.76.

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13 salesperson, or salesperson licensed under R.S.45:15-1 et seq. for  
14 the communication of any false, misleading, or deceptive  
15 information provided to the real estate broker, broker-salesperson,  
16 or salesperson, by or on behalf of the seller of real estate located in  
17 New Jersey, if the real estate broker, broker-salesperson, or  
18 salesperson demonstrates that he:

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

21 b. Made a reasonable and diligent inquiry to ascertain whether  
22 the information is of a false, misleading, or deceptive character.  
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44 source of the information and that, prior to making that  
45 communication to the buyer, the real estate broker, broker-

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1 salesperson, or salesperson visually inspected the property with  
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3 disclosed by the seller. The director shall require that if a property  
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19 any other law or regulation.

20 (cf: P.L.2004, c.18, s.2)

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22 2. This act shall take effect on the first day of the third month  
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#### STATEMENT

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37 However, under the amended bill, the real estate broker, broker-  
38 salesperson, or salesperson is required to provide the buyer with a  
39 physical copy of the pamphlet if requested by the buyer.

# SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

## STATEMENT TO

### SENATE, No. 4209

# STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 4209.

This bill requires that if a property condition disclosure statement contains information indicating the seller's awareness of water leakage, accumulation or dampness, the presence of mold or other similar natural substance, or repairs or other attempts to control any water or dampness problem on the real property, the real estate broker, broker-salesperson, or salesperson is to refer the buyer of the real property to the "Mold Guidelines for New Jersey Residents" pamphlet on the Department of Health's Internet website, or other pamphlet or guidelines deemed appropriate by the director. However, under the amended bill, the real estate broker, broker-salesperson, or salesperson is required to provide the buyer with a physical copy of the pamphlet if requested by the buyer.

As reported by the committee, this bill is identical to Assembly Bill No. 2685, which was also reported by the committee on this date.

# Governor Murphy Takes Action on Legislation

01/18/2022

**TRENTON** – Governor Murphy today signed the following bills:

**S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttle, Wimberly, Mosquera, Downey, Chiaravalloti)** – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

**S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttle, Downey, Mosquera, Lampitt, Benson)** - Establishes mandatory domestic violence training for municipal prosecutors

**S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji)** – Adjusts statute of limitations on damage claim for construction defect in common interest communities

**S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttle, Downey)** – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

**SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez)** – Revises reporting requirements for charitable organizations and non-profit corporations

**S-867/A-2316 (Pou/Jimenez, Giblin, Johnson)** – Permits physical therapists to perform dry needling under certain circumstances

**S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy)** – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

**S-969WGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen)** – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

**S-994/A-6248 (Sweeney, Singleton/Lopez)** – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

**SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson)** – Restricts use of neonicotinoid pesticides

**S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo)** – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

**S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer)** – “New Jersey Insurance Fair Conduct Act”

**S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttle)** – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

**S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey)** – Creates special education unit within the Office of Administrative Law; requires annual report

**SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon)** – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

**S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake)** – “21st Century Integrated Digital Experience Act”

**S-2830/A-5291 (Ruiz, Singleton/Quijano)** – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

**S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey)** – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

**S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji)** – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

**S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli)** – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

**S-3081/A-5219 (Singleton/McKeon, Dunn)** – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

**S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttle, Giblin)** – Creates NJ Legislative Youth Council

**S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji)** – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

**S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake)** – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

**S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space)** – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

**S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman)** – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

**S-3493/A-5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight)** – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

**S-3539/A5409 (T. Kean, Gopal/Houghtaling)** – Directs DEP to establish grant program for local governments to support development of community gardens

**S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli)** – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

**S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight)** – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

**S-3673/A-6219 (Gopal, Greenstein/Burzichelli)** – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

**S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji)** – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

**S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker)** – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

**S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak)** – Establishes Commission on Asian American Heritage in DOE

**S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano)** – "Responsible Collective Negotiations Act"

**S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak)** – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

**S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo)** – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

**S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson)** – Establishes database of certain appointed positions and elected offices

**S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter)** – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

**S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley)** – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

**S-4043/A-6005 (Cunningham/Jasey, Greenwald)** – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

**S-4063/A-6220 (Sweeney/Giblin, Egan)** – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

**S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick)** – Revises elective pass-through entity business alternative income tax

**S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter)** – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

**SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker)** – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

**S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer)** – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

**S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin)** – Concerns apprenticeship programs of public works contractors

**S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji)** – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

**S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker)** – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

**S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji)** – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

**S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez)** – Limits fees charged to patients and authorized third parties for copies of medical and billing records

**S-4252/A-6182 (Madden/Murphy, Chaparro)** – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

**A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio)** – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

**A-798/S-52 (Verrelli, Vainieri Huttel, Armato/Singer, Greenstein)** – Establishes local drug overdose fatality review teams

**A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou)** – Requires certain retailers to train employees on gift card fraud

**A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou)** – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

**A-953/S-4031 (Karabinchak, Houghtaling/Pou)** – Requires architects disclose insurance coverage

**ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttel/Ruiz, Beach, Singleton)** – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

**A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio)** – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

**A-1219wGR/S-1054 (Chaparro, McKnight/Stack)** – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

**A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton)** – Requires DCA to make information on homeless prevention programs and services available on its Internet website

**A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal)** – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

**A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari)** – Establishes “New Jersey Nonprofit Security Grant Program”

**A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou)** – Establishes Statewide database of beds in shelters for the homeless

**A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack)** – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

**A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack)** – Concerns information on property condition disclosure statement

**A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal)** – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

**A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz)** – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

**A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal)** – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

**A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach)** – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

**A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco)** – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

**A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou)** – “Defense Against Porch Pirates Act”; amends theft statute

**A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner)** – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

**A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo)** – Allows deduction of promotional gaming credit from gross revenue on sports wagering

**A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith)** – Creates program in Department of Agriculture for deer fencing on certain farmland

**A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer)** – Establishes minimum Medicaid reimbursement rate for adult medical day care services

**A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou)** – Requires DHS to conduct biennial survey of SNAP experience

**ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan)** – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

**A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein)** – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

**A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz)** – Establishes Student Wellness Grant Program in DOE

**A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden)** – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

**A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner)** – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

**ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner)** – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

**A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton)** – Expands offenses eligible for expungement upon successful discharge from drug court

**A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach)** – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

**A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal)** – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

**ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco)** – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

**A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman)** – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

**A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden)** – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

**A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi)** – Provides for employment by State of certain persons with disabilities

**A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean)** – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

**A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden)** – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

**A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach)** – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

**A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden)** – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

**A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan)** – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

**A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan)** – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

**A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon)** – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

**A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal)** – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

**A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey)** – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

**A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham)** – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

**A-6073/S-4140 (Verrelli/Vitale)** – Temporarily waives certain basic life support services crewmember requirements

**A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal)** – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

**A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden)** – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

**A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal)** – Permits volunteer paramedics to operate within mobile intensive care units

**A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari)** – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

**A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou)** – Revises penalties for transfer of certain professional and occupational licenses

**A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz)** – Revises and renames Office of Food Insecurity Advocate

**A-6162/S-4246 (Benson, Stanley/Gopal)** – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

**A-6205/S-4270 (Coughlin, McKeon/Pou)** – Amends certain requirements concerning insurance holding companies

**A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho)** – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

**A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney)** – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

**A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez)** – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

**A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho)** – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

**A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein)** – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

**A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein)** – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

**A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado)** – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

**A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith)** – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

**A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith)** – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

**A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein)** – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

**A-6246/S-4295 (Karabinchak/Sweeney)** – Concerns changes in control of hotels and disruptions of hotel services

**A-6257/S-4311 (McKnight/Sweeney, Singleton)** – Imposes surcharge on casino hotel occupancies to fund public safety services

**A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

**A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean)** – Appropriates \$2 million to Legislative Services Commission

**Governor Murphy pocket vetoed the following bills:**

**S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight)** – Establishes requirements for sale of cottage food products

**S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight)** – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

**S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy)** – Authorizes use of disability benefits for transportation provided by transportation network companies

**S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy)** – Requires paint producers to implement or participate in paint stewardship program

**S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter)** – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

**S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji)** – Revises out-of-network arbitration process

**S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn)** – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

**S-3715/A-5804 (Cryan/Quijano, Mukherji)** – Modifies certain definitions related to transient accommodation taxes and fees

**S-4189/A-6112 (Vitale, Cruz-Perez/Lopez)** – Permits PERS retiree to return to elective public office after retirement under certain circumstances

**A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon)** – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

**A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach)** – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

**A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho)** – Provides temporary exemption under sales and use tax for winterizing certain small business operations

**A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean)** – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

**A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana)** – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

**A-6033/S-4194 (Bramnick/Sweeney, T. Kean)** – Classifies golf caddies as independent contractors for purposes of State employment laws

**A-6157/S-4202 (Speight, Moen/Ruiz, Beach)** – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances



**ASSEMBLY BILL NO. 2685**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am herewith returning Assembly Bill No. 2685 with my recommendations for reconsideration.

Assembly Bill No. 2685 amends a provision of the New Jersey Consumer Fraud Act (the "Act") that shields licensed real estate brokers, broker-salespersons, and salespersons ("real estate licensees") from possible civil liability under the Act for communicating false, misleading, or deceptive information that was provided by or on behalf of a property seller. See N.J.S. 56:8-19.1. For this immunity provision to apply, the real estate licensee must, among other things, have obtained a property condition disclosure statement from the seller and communicated the information in the statement to the buyer. N.J.S. 56:8-19.1(b)(3). Assembly Bill No. 2685 supplements this provision by adding language directing the Director of the Division of Consumer Affairs ("Director" and "Division") in the Department of Law and Public Safety to require real estate licensees to refer buyers to the "Mold Guidelines for New Jersey Residents" published by the Department of Health ("DOH") - or other guidelines deemed appropriate by the Director - when a property condition disclosure statement indicates a seller is aware of "water leakage, accumulation or dampness, the presence of mold or other similar natural substance, or repairs or other attempts to control any water or dampness problem on the real property."

I commend the sponsors of Assembly Bill No. 2685 for their efforts to ensure that buyers of property with known water-related issues are provided with the opportunity to learn about the dangers of mold and the steps that should be taken to identify and address them. But the approach taken in the bill - mandating the Director

to require real estate licensees to refer buyers to the appropriate informative materials - is unlikely to be an optimal means to ensure compliance. Significantly, the Division does not have regulatory authority over real estate licensees, and this legislation does not confer such authority. The protection from civil liability under the Act, however, does provide substantial incentive. Accordingly, this bill would be more effective if it were amended to condition the immunity provided to real estate licensees under N.J.S. 56:8-19.1 upon their compliance with the mold information referral requirement established under the bill, instead of imposing an affirmative requirement upon the Director that the Division lacks the authority to enforce. This alternate approach will meet the sponsors' goal of more effectively educating vulnerable property buyers about the dangers of mold by providing a robust, meaningful incentive to protect compliant real estate licensees from financial exposure where they might otherwise be held culpable under the Act.

The suggested amendments also incorporate recent changes made to the statute pursuant to laws that were enacted late last year.

Therefore, I herewith return Assembly Bill No. 2685 and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 10:</u>	After "recovery" delete "of"
<u>Page 2, Section 1, Line 11:</u>	Delete in its entirety
<u>Page 2, Section 1, Line 12:</u>	Delete "P.L.1971, c.247 (C.56:8-19),"
<u>Page 2, Section 1, Line 16:</u>	Delete "by or on behalf of the seller of" and insert "regarding"
<u>Page 2, Section 1, Line 18:</u>	Delete "he" and insert "they"
<u>Page 2, Section 1, Line 20:</u>	Delete "and"
<u>Page 3, Section 1, Line 2:</u>	Delete "The director shall require that if" and insert "In addition to any other question as the director shall deem necessary, the property condition disclosure statement shall include a question specifically concerning the"

presence of lead plumbing, including but not limited to any service line, piping materials, fixtures, and solder, in the residential property; and  
c. If"

Page 3, Section 1, Line 3:

Delete "contains" and insert "contained"

Page 3, Section 1, Line 8:

Delete "shall refer" and insert "referred"

Page 3, Section 1, Line 11:

Delete ". If" and insert "and, if"

Page 3, Section 1, Lines 11-12:

Delete "the real estate broker, broker-salesperson, or salesperson shall provide" and insert "provided"

Page 3, Section 1, Line 19:

Delete "(cf: P.L.2004, c.18, s.2)" and insert "(cf: P.L.2021, c.268)"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor