

1 Sec. 1. 27 V.S.A. § 380 is added to read:

2 § 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL

3 ESTATE

4 (a) Prior to or as part of a contract for the conveyance of real property, the
5 seller shall provide the buyer with the following information:

6 (1) whether the real property is located in a Federal Emergency
7 Management Agency mapped flood hazard area; and

8 (2) whether the real property was subject to flooding while the seller
9 possessed the property.

10 (b) The failure of the seller to provide the buyer with the information
11 required under subsection (a) of this section is grounds for the buyer to
12 terminate the contract prior to transfer of title or occupancy, whichever occurs
13 earlier.

14 (c) A buyer of real estate who fails to receive the information required to be
15 disclosed by a seller under subsection (a) of this section may bring an action to
16 recover from the seller the amount of the buyer's damages and reasonable
17 attorney's fees. The buyer may also seek punitive damages when the seller
18 knowingly failed to provide the required information.

19 (d) A seller shall not be liable for damages under this section for any error,
20 inaccuracy, or omission of any information required to be disclosed to the
21 buyer under subsection (a) of this section when the error, inaccuracy, or
22 omission was based on information provided by a public body or a by another
23 person with a professional license or special knowledge who provided a

1 written report that the seller reasonably believed to be correct and that was
2 provided by the seller to the buyer.

3 (e) Noncompliance with the requirements of this section shall not affect the
4 marketability of title of a real property.

5 Sec. 2. 9 V.S.A. § 4466 is added to read:

6 § 4466. REQUIRED DISCLOSURE

7 A landlord shall disclose in advance of entering a rental agreement with a
8 tenant whether any portion of the premises offered for rent is located in a
9 Federal Emergency Management Agency mapped flood hazard area. This
10 notice shall be provided in a separate written document given to the tenant at
11 or before execution of the lease.

12 Sec. 3. 10 V.S.A. § 6236(e) is amended to read:

13 (e) All mobile home lot leases shall contain the following:

14 * * *

15 (8) Notice that the mobile home park is in a flood hazard area if any lot
16 within the mobile home park is wholly or partially located in a flood hazard
17 area according to the flood insurance rate map effective for the mobile home
18 park at the time the proposed lease is furnished to a prospective leaseholder.
19 This notice shall be provided in a clear and conspicuous manner in a separate
20 written document attached as an addendum to the proposed lease.

21 Sec. 4. 10 V.S.A. § 6201 is amended to read:

22 § 6201. DEFINITIONS

23 As used in this chapter, ~~unless the context requires otherwise:~~

1 (1) “Mobile home” means:

2 (A) a structure or type of manufactured home, including the
3 plumbing, heating, air-conditioning, and electrical systems contained in the
4 structure, that is:

5 (i) built on a permanent chassis;

6 (ii) designed to be used as a dwelling with or without a permanent
7 foundation when connected to the required utilities;

8 (iii) transportable in one or more sections; and

9 (iv)(I) at least eight feet wide, 40 feet long, or when erected has at
10 least 320 square feet; or

11 (II) if the structure was constructed prior to June 15, 1976, at
12 least eight feet wide or 32 feet long; or

13 (B) any structure that meets all the requirements of this
14 subdivision (1) except the size requirements, and for which the manufacturer
15 voluntarily files a certification required by the U.S. Department of Housing
16 and Urban Development and complies with the construction and safety
17 standards established under Title 42 of the U.S. Code.

18 (C) [Repealed.]

19 (2) “Mobile home park” means any parcel of land under single or
20 common ownership or control that contains, or is designed, laid out, or adapted
21 to accommodate, more than two mobile homes. “Mobile home park” does not
22 mean premises used solely for storage or display of mobile homes. Mobile
23 home park does not mean any parcel of land under the ownership of an

1 agricultural employer who may provide up to four mobile homes used by full-
2 time workers or employees of the agricultural employer as a benefit or
3 condition of employment or any parcel of land used solely on a seasonal basis
4 for vacation or recreational mobile homes.

5 * * *

6 (13) “Flood hazard area” has the same meaning as in section 752 of this
7 title.

8 (14) “Flood insurance rate map” means, for any mobile home park, the
9 official flood insurance rate map describing that park published by the Federal
10 Emergency Management Agency on its website.

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