

H.106

Introduced by Representative Stevens of Waterbury

Referred to Committee on

Date:

Subject: Property; conveyance of real estate; floodplain disclosure

Statement of purpose of bill as introduced: This bill proposes to repeal the requirement that a seller of real property notify a purchaser whether the property is located in a Federal Emergency Management Agency mapped flood hazard area.

An act relating to selling real property within a FEMA mapped flood hazard area

It is hereby enacted by the General Assembly of the State of Vermont:

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

~~§ 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL
ESTATE~~

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

~~(1) whether the real property is located in a Federal Emergency Management Agency mapped special flood hazard area, [Repealed.]~~

1 ~~(2) whether the real property is located in a Federal Emergency~~
2 ~~Management Agency mapped moderate flood hazard area; [Repealed.]~~

3 (3) whether the real property was subject to flooding or flood damage
4 while the seller possessed the property, including flood damage from
5 inundation or from flood-related erosion or landslide damage; and

6 (4) whether the seller maintains flood insurance on the real property.

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

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

16 (d) A seller shall not be liable for damages under this section for any error,
17 inaccuracy, or omission of any information required to be disclosed to the
18 buyer under subsection (a) of this section when the error, inaccuracy, or
19 omission was based on information provided by a public body or by another
20 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. FAILURE TO DISCLOSE; CONVEYANCE OF REAL ESTATE;
6 REPEAL

7 A claim arising from the failure of a seller of real estate to provide
8 information required by 27 V.S.A. § 380(a)(1) or (2) shall not be eligible for
9 damages, including punitive damages, or reasonable attorney's fees under
10 27 V.S.A. § 380(c).

11 Sec. 3. EFFECTIVE DATES

12 This act shall take effect on passage, except that, notwithstanding 1 V.S.A.
13 § 214, Sec. 2 shall apply retroactively to June 17, 2024 and shall apply to any
14 claim filed on or after June 17, 2024.

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

*§ 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL
ESTATE*

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

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

(2) whether the real property is located in a Federal Emergency Management Agency mapped moderate flood hazard area;

(3) whether the real property was subject to flooding or flood damage while the seller possessed the property, including flood damage from inundation or from flood-related erosion or landslide damage; and

(4) whether the seller maintains flood insurance on the real property.

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

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

(d) A seller shall not be liable for damages under this section for any error, inaccuracy, or omission of any information required to be disclosed to the buyer under subsection (a) of this section:

(1) when the error, inaccuracy, or omission was based on information provided by a public body or by another person with a professional license or

special knowledge who provided a written report that the seller reasonably believed to be correct and that was provided by the seller to the buyer; or

(2) if the seller, after reasonable attempt to identify whether the location of the real property is within a Federal Emergency Management Agency mapped special or moderate flood hazard area, notifies the buyer that the seller cannot reasonably determine if the real property is located within a special or moderate flood hazard area and the seller notifies the buyer of the requirements of subsection (a) of this section.

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

Sec. 2. EFFECTIVE DATES

This act shall take effect on passage.