

## Side-by-Side Comparison

H.106

H.106 as passed House	H.106 proposal of amendment
	<p>Sec. 1.</p> <p>FINDINGS</p> <p><u>The General Assembly finds:</u></p> <p>(1) <u>After recent catastrophic floods across the State of Vermont in calendar year 2023, the General Assembly enacted certain disclosure requirements on sellers of real property to notify buyers whether the real property was located in a Federal Emergency Management Agency (FEMA) mapped special or moderate flood hazard area.</u></p> <p>(2) <u>For portions of the State, no FEMA published flood insurance rate map exists and for portions of the State, the published flood insurance rate map is not digitized, leaving certain sellers of real property at significant risk of failing to comply with the disclosure requirements of Vermont law.</u></p> <p>(3) <u>A buyer is equally capable of identifying whether the real property is within a FEMA mapped special or moderate flood hazard area.</u></p> <p>(4) <u>Requiring the seller to provide the buyer with a copy of the official flood insurance rate map as opposed to requiring the seller to make a determination of whether the property is within a flood insurance rate map is equally as effective at putting the buyer on notice regarding the flood risks associated with the purchased of the real property.</u></p>

## Sec. 1.

## § 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

## Sec. 2.

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(2) ~~whether the real property is located in a Federal Emergency Management Agency mapped moderate flood hazard area; [Repealed.]~~

(3) a physical or electronic copy of the official flood insurance rate map, as published by the Federal Emergency Management Agency, or notice that a flood insurance rate map is unavailable effective for the community in which the real property is located;

(4) 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)~~(5) 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

<p>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.</p> <p>(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:</p> <p>(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; <u>or</u></p> <p>(2) <u>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.</u></p> <p>(e) Noncompliance with the requirements of this section shall not affect the marketability of title of a real property.</p>	<p>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.</p> <p>(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 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.</p> <p>(e) Noncompliance with the requirements of this section shall not affect the marketability of title of a real property.</p>
<p>Sec. 2. EFFECTIVE DATES</p> <p><u>This act shall take effect on passage.</u></p>	<p>Sec. 3. EFFECTIVE DATE</p> <p><u>This act shall take effect October 1, 2025.</u></p>