[First Reprint]

ASSEMBLY, No. 4007

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 5, 2026

Sponsored by:
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District 3 (Cumberland, Gloucester and Salem)

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Assemblymen Moen and Sampson

SYNOPSIS

Requires sellers of real property to disclose presence of dams.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing Committee on June 8, 2026, with amendments.

(Sponsorship Updated As Of: 6/30/2026)

AN ACT concerning disclosure of dams on real property and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. A seller of real property located in this State shall disclose, on the property condition disclosure statement, whether a dam is located within the boundaries of the property and any actual knowledge of the seller concerning the dam, as required pursuant to this section, to the purchaser before the purchaser becomes obligated under any contract for the purchase of the property.

b. The Division of Consumer Affairs, in consultation with the Department of Environmental Protection, Department of Community Affairs and New Jersey Real Estate Commission, in addition to any other question as the director deems necessary, shall add the following specific questions and information to the property condition disclosure statement concerning dams on a property being sold. [1]The division shall revise the regulations promulgated pursuant to subsection c. of section 1 of P.L.1999, c.76 (C.56:8-19.1) with which the property condition disclosure statement is required to comply to incorporate the requirements of this section, but in advance of that rulemaking the division shall make the disclosure statement revised pursuant to this section available for use by publishing the revised disclosure statement on the division's website.[1] The additions to the property condition disclosure statement shall contain the heading "Disclosure of Dam Ownership" and contain questions, and space for sellers to answer yes, no, or unknown. If a seller answers yes to any question, the disclosure statement shall require the seller to explain the answer. The disclosure statement shall contain the following questions:

(1) Is there a dam located wholly or partially on the property? If so, what is the hazard classification for the dam?

(2) If current law requires the inspection of the dam, what are the results of the most recent inspection?

(3) If there are any obligations associated with the dam under State law for which a purchaser would assume responsibility for, what are the obligations?

c. The Division of Consumer Affairs, in consultation with the Department of Environmental Protection, shall include in the disclosure requirements and form to be distributed to [1]sellers and[1] purchasers of real property before the purchaser becomes obligated under any contract for the purchase of the property, that the [1]seller or[1] purchaser may obtain information relating to the ownership responsibilities, removal, and hazard classification of dams by

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:
[1]Assembly AHO committee amendments adopted June 8, 2026.

contacting the Bureau of Dam Safety in the Department of Environmental Protection or by going to the website that the Department of Environmental Protection shall maintain and ensure is managed with current and scientifically supported information [1]**[**, including any information about dams in the State gathered through the property condition disclosure statement,**]**[1] and linked to and published on the website of the Department of Community Affairs. The Department of Environmental Protection's website shall, at a minimum, include information that helps [1]**[**property owners**]** sellers[1] provide the disclosures enumerated in this statute [1], including notice that a seller or purchaser may contact the Bureau of Dam Safety in the Department of Environmental Protection to help determine whether a dam is subject to the provisions of the "Safe Dam Act," P.L.1981, c.249 (C.58:4-8.1 et seq.) or regulations adopted under chapter 20 of Title 7 of the New Jersey Administrative Code.

d. As used in this section, "dam" means an artificial dike, levee or other barrier, together with appurtenant works, which is constructed for the purpose of impounding water, on a permanent or temporary basis, that raises the water level five feet or more above the usual, mean, low water height when measured from the downstream toe-of-dam to the emergency spillway crest or, in the absence of an emergency spillway, the top-of-dam. The term shall not include a dam in the pinelands area, as designated by subsection a. of section 10 of P.L.1979, c.111 (C.13:18A-11), that raises the waters of any river or stream less than eight feet above the surface of the ground where the drainage area above the same is less than one square mile in extent and where the water surface created by the dam is less than 100 acres in extent[1].

2. The Department of Community Affairs, the Department of Environmental Protection, and the Division of Consumer Affairs may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this act.

3. This act shall take effect immediately and shall apply to sales and exchanges of real property occurring on or after the 90th day next following the [1]**[**promulgation of regulations implementing the requirements**]** publication of the revised property condition disclosure statement by the Division of Consumer Affairs pursuant to section 1[1] of this act.