

P.L. 2026, CHAPTER 69, *approved August 6, 2026*
Assembly, No. 4007 (*First Reprint*)

1 AN ACT concerning disclosure of dams on real property and
2 supplementing P.L.1960, c.39 (C.56:8-1 et seq.).
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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
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7 1. a. A seller of real property located in this State shall
8 disclose, on the property condition disclosure statement, whether a
9 dam is located within the boundaries of the property and any actual
10 knowledge of the seller concerning the dam, as required pursuant to
11 this section, to the purchaser before the purchaser becomes
12 obligated under any contract for the purchase of the property.

13 b. The Division of Consumer Affairs, in consultation with the
14 Department of Environmental Protection, Department of
15 Community Affairs and New Jersey Real Estate Commission, in
16 addition to any other question as the director deems necessary, shall
17 add the following specific questions and information to the property
18 condition disclosure statement concerning dams on a property being
19 sold. ¹The division shall revise the regulations promulgated
20 pursuant to subsection c. of section 1 of P.L.1999, c.76 (C.56:8-
21 19.1) with which the property condition disclosure statement is
22 required to comply to incorporate the requirements of this section,
23 but in advance of that rulemaking the division shall make the
24 disclosure statement revised pursuant to this section available for
25 use by publishing the revised disclosure statement on the division's
26 website.¹ The additions to the property condition disclosure

27 statement shall contain the heading "Disclosure of Dam Ownership"
28 and contain questions, and space for sellers to answer yes, no, or
29 unknown. If a seller answers yes to any question, the disclosure
30 statement shall require the seller to explain the answer. The
31 disclosure statement shall contain the following questions:

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

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

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

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:

¹Assembly AHO committee amendments adopted June 8, 2026.

1 c. The Division of Consumer Affairs, in consultation with the
2 Department of Environmental Protection, shall include in the
3 disclosure requirements and form to be distributed to 'sellers and'
4 purchasers of real property before the purchaser becomes obligated
5 under any contract for the purchase of the property, that the 'seller
6 or' purchaser may obtain information relating to the ownership
7 responsibilities, removal, and hazard classification of dams by
8 contacting the Bureau of Dam Safety in the Department of
9 Environmental Protection or by going to the website that the
10 Department of Environmental Protection shall maintain and ensure
11 is managed with current and scientifically supported information '[,
12 including any information about dams in the State gathered through
13 the property condition disclosure statement,']' and linked to and
14 published on the website of the Department of Community Affairs.
15 The Department of Environmental Protection's website shall, at a
16 minimum, include information that helps '[property owners]
17 sellers' provide the disclosures enumerated in this statute ',
18 including notice that a seller or purchaser may contact the Bureau
19 of Dam Safety in the Department of Environmental Protection to
20 help determine whether a dam is subject to the provisions of the
21 "Safe Dam Act," P.L.1981, c.249 (C.58:4-8.1 et seq.) or regulations
22 adopted under chapter 20 of Title 7 of the New Jersey
23 Administrative Code.

24 d. As used in this section, "dam" means an artificial dike, levee
25 or other barrier, together with appurtenant works, which is
26 constructed for the purpose of impounding water, on a permanent or
27 temporary basis, that raises the water level five feet or more above
28 the usual, mean, low water height when measured from the
29 downstream toe-of-dam to the emergency spillway crest or, in the
30 absence of an emergency spillway, the top-of-dam. The term shall
31 not include a dam in the pinelands area, as designated by subsection
32 a. of section 10 of P.L.1979, c.111 (C.13:18A-11), that raises the
33 waters of any river or stream less than eight feet above the surface
34 of the ground where the drainage area above the same is less than
35 one square mile in extent and where the water surface created by
36 the dam is less than 100 acres in extent'.
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38 2. The Department of Community Affairs, the Department of
39 Environmental Protection, and the Division of Consumer Affairs
40 may adopt, pursuant to the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as
42 may be necessary to implement this act.
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44 3. This act shall take effect immediately and shall apply to
45 sales and exchanges of real property occurring on or after the 90th
46 day next following the '[promulgation of regulations implementing
47 the requirements] publication of the revised property condition

1 disclosure statement by the Division of Consumer Affairs pursuant
2 to section 1¹ of this act.

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Requires sellers of real property to disclose presence of dams.