



General Assembly

January Session, 2021

Raised Bill No. 6600

LCO No. 4370



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT CONCERNING THE DISCLOSURE OF SMOKE AND CARBON MONOXIDE DETECTORS OF SELLERS OF REAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 20-327b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (d) The Commissioner of Consumer Protection shall, within available
5 appropriations, prescribe the written residential condition reports
6 required by this section and sections 20-327c to 20-327e, inclusive. The
7 written residential condition reports shall be based upon templates that
8 the commissioner shall prescribe. Such templates shall: Fit on pages
9 being not more than eight and one-half inches in height and eleven
10 inches in width, with type size no smaller than nine-point type, other
11 than checkboxes or section headers, which may be in a smaller size;
12 include the address of the subject property on each page; include page
13 numbers on each page; include section headings in bold type and
14 include space for the buyer and the seller's initials on each page, except
15 the signature page. Each written residential condition report, other than

16 the written residential condition report required pursuant to
17 subsections (g) and (h) of this section, shall contain the following, in the
18 order indicated:

19 (1) A section entitled "Instructions to Sellers"

20 You MUST answer ALL questions to the best of your knowledge.

21 Identify/Disclose any problems regarding the subject property.

22 YOUR REAL ESTATE LICENSEE CANNOT COMPLETE THIS
23 FORM ON YOUR BEHALF.

24 UNK means Unknown, N/A means Not Applicable.

25 If you need additional space to complete any answer or explanation,
26 attach additional page(s) to this form. Include subject property address,
27 seller's name and the date.

28 (2) Pursuant to the Uniform Property Condition Disclosure Act, the
29 seller is obligated to answer the following questions and to disclose
30 herein any knowledge of any problem regarding the following:

31 (A) A subsection entitled "Subject Property"

32 (i) Name of seller(s)

33 (ii) Street address, municipality, zip code

34 (B) A subsection entitled "Smoke and Carbon Monoxide Detectors"

35 (i) Are there smoke or carbon monoxide detectors located in a
36 dwelling on the property? If YES, state the NUMBER of such detectors
37 and whether there have been problems with such detectors:

38 (ii) Special statement: If you are required to present an affidavit
39 certifying that this residential building is equipped with smoke and
40 carbon monoxide detectors but fail to do so, you shall credit the buyer
41 two hundred fifty dollars at the time of closing.

42 [(B)] (C) A subsection entitled "General Information"

43 (i) Indicate the YEAR the structure was built:

44 (ii) Indicate HOW LONG you have occupied the property: If not
45 applicable, indicate with N/A.

46 (iii) Does anyone else claim to own any part of your property,
47 including, but not limited to, any encroachment(s)? If YES, explain:

48 (iv) Does anyone other than you have or claim to have any right to
49 use any part of your property, including, but not limited to, any
50 easement or right-of-way? If YES, explain:

51 (v) Is the property in a flood hazard area or an inland wetlands area?
52 If YES, explain:

53 (vi) Do you have any reason to believe that the municipality in which
54 the subject property is located may impose any assessment for purposes
55 such as sewer installation, sewer improvements, water main
56 installation, water main improvements, sidewalks or other
57 improvements? If YES, explain:

58 (vii) Is the property located in a municipally designated village
59 district, municipally designated historic district or listed on the National
60 Register of Historic Places? If YES, explain:

61 (viii) Special Statement: Information concerning village districts and
62 historic districts may be obtained from the municipality's village or
63 historic district commission, if applicable.

64 (ix) Is the property located in a special tax district? If YES, [please]
65 explain:

66 (x) Is the property subject to any type of land use restrictions, other
67 than those contained within the property's chain of title or that are
68 necessary to comply with state laws or municipal zoning? If YES,
69 explain:

70 (xi) Is the property located in a common interest community? If YES,
71 is it subject to any community or association dues or fees? Please
72 explain:

73 (xii) Do you have any knowledge of prior or pending litigation,
74 government agency or administrative actions, orders or liens on the
75 property related to the release of any hazardous substance? If YES,
76 [please] explain:

77 ~~[(C)]~~ (D) A subsection entitled "Leased Equipment"

78 Does the property include any Leased or Rented Equipment that
79 would necessitate or obligate either of the following: The assignment or
80 transfer of the lease or rental agreement(s) to the buyer or the
81 replacement or substitution of the equipment by the buyer? If YES,
82 indicate by checking ALL items that apply: PROPANE FUEL TANK;
83 WATER HEATER; SECURITY ALARM SYSTEM; FIRE ALARM
84 SYSTEM; SATELLITE DISH ANTENNA; WATER TREATMENT
85 SYSTEM; SOLAR DEVICES; MAJOR APPLIANCES; OTHER

86 ~~[(D)]~~ (E) A subsection entitled "Mechanical/Utility Systems"

87 (i) Heating system problems? If YES, explain: [.] List Fuel Types.

88 (ii) Hot water heater Type: Age: Hot water problems? If YES, explain:

89 (iii) Is there an underground storage tank? If YES, give AGE of tank
90 and LOCATION: [.]

91 (iv) Are you aware of any problems with the underground storage
92 tank? If YES, explain:

93 (v) During the time you have owned the property, has there ever been
94 an underground storage tank located on the property? If YES, has it been
95 removed? If YES, what was the date of removal and what was the name
96 and address of the person or business who removed such underground
97 storage tank? Provide any and all written documentation of such
98 removal within your control or possession by attaching a copy of such

99 documentation to this form.

100 (vi) Air conditioning problems? If YES, explain: Air conditioning
101 Type: Central; Window; Other

102 (vii) Plumbing system problems? If YES, explain:

103 (viii) Electrical System problems? If YES, explain:

104 (ix) Electronic security system problems? If YES, explain:

105 [(x) Are there carbon monoxide or smoke detectors located in a
106 dwelling on the property? If YES, state the NUMBER of such detectors
107 and whether there have been problems with such detectors;]

108 [(xi)] (x) Fire sprinkler system problems? If YES, explain:

109 [(E)] (F) A subsection entitled "Water System"

110 (i) Domestic Water System Type: Public; Private Well; Other

111 (ii) If Public Water:

112 (I) Is there a separate expense/fee for water usage? If YES, is the
113 expense/fee for water usage flat or metered? Give the AMOUNT and
114 explain:

115 (II) Are there any UNPAID water charges? If YES, state the amount
116 unpaid:

117 (iii) If Private Well:

118 Has the well water been tested for contaminants/volatile organic
119 compounds? If YES, attach a copy of the report.

120 (iv) If Public Water or Private Well: Are you aware of any problems
121 with the well, or with the water quality, quantity, recovery, or pressure?
122 If YES, explain:

123 [(F)] (G) A subsection entitled "Sewage Disposal System"

- 124 (i) Sewage Disposal System Type: Public; Septic; Cesspool; Other
- 125 (ii) If Public Sewer:
- 126 (I) Is there a separate charge made for sewer use? If YES, is it Flat or
127 Metered?
- 128 (II) If it is a Flat amount, state amount and due dates:
- 129 (III) Are there any UNPAID sewer charges? If any unpaid sewer
130 charges, state the amount:
- 131 (iii) If Private:
- 132 (I) Name of service company
- 133 (II) Date last pumped: AND frequency:
- 134 (III) For any sewage system, are there problems? If YES, explain:
- 135 [(G)] (H) A subsection entitled "Asbestos/Lead"
- 136 (i) Are asbestos containing insulation or building materials present?
137 If YES, location:
- 138 (ii) Is lead paint present? If YES, location:
- 139 (iii) Is lead plumbing present? If YES, location:
- 140 [(H)] (I) A subsection entitled "Building/Structure/Improvements"
- 141 (i) Is the foundation made of concrete? If NO, explain:
- 142 (ii) Foundation/Slab problems or settling? If YES, explain:
- 143 (iii) Basement Water Seepage/Dampness? If YES, explain Amount,
144 Frequency and Location:
- 145 (iv) Sump pump problems? If YES, explain:
- 146 (v) Do you have any knowledge of any testing or inspection done by

147 a licensed professional related to a foundation on the property? If YES,
148 disclose the testing or inspection method, the areas or locations that
149 were tested or inspected, the results of such testing or inspection and
150 attach a copy of the report concerning such testing or inspection.

151 (vi) Do you have any knowledge of any repairs related to a
152 foundation on the property? If YES, describe such repairs, disclose the
153 areas repaired and attach a copy of the report concerning such repairs;
154 [.]

155 (vii) Do you have any knowledge related to the presence of pyrrhotite
156 in a foundation on the property? If YES, explain:

157 (viii) Roof type; Age?

158 (ix) Roof leaks? If YES, explain:

159 (x) Exterior siding problems? If YES, explain:

160 (xi) Chimney, Fireplace, Wood or Coal Stove problems? If YES,
161 explain:

162 (xii) Patio/deck problems? If YES, explain:

163 (xiii) If constructed of Wood, is the Wood Treated or Untreated?

164 (xiv) Driveway problems? If YES, explain:

165 (xv) Water drainage problems? If YES, explain:

166 (xvi) Interior Floor, Wall and/or Ceiling problems? If YES, explain:

167 (xvii) Fire and/or Smoke damage? If YES, explain:

168 (xviii) Termite, Insect, Rodent or Pest Infestation problems? If YES,
169 explain:

170 (xix) Rot or Water damage problems? If YES, explain:

171 (xx) Is house insulated? If YES, Type: Location:

172 (xxi) Has a test for Radon been performed? If YES, attach a copy of
173 the report.

174 (xxii) Is there a Radon Control System in place? If YES, explain:

175 (xxiii) Has a Radon control system been in place in the previous 12
176 months? If YES, explain:

177 [(I)] ~~(J)~~ The Seller should attach additional pages to further explain
178 any item(s) above. Indicate here the number of additional pages
179 attached:

180 [(J)] ~~(K)~~ Questions contained in subparagraphs (A) to [(I)] ~~(J)~~,
181 inclusive, of this subdivision shall contain checkboxes indicating "yes",
182 "no", "not applicable" or "unknown".

183 (3) The written residential condition report shall contain the
184 following immediately below the questions contained in subparagraphs
185 (A) to [(I)] ~~(J)~~, inclusive, of subdivision (2) of this subsection:

186 A certification by the seller in the following form:

187 SELLER'S CERTIFICATION

188 "To the extent of the seller's knowledge as a property owner, the seller
189 acknowledges that the information contained above is true and accurate
190 for those areas of the property listed. In the event a real estate broker or
191 salesperson is utilized, the seller authorizes the brokers or salespersons
192 to provide the above information to prospective buyers, selling agents
193 or buyers' agents.

T1 (Date) (Seller)

T2 (Date) (Seller)"

194 (4) The written residential condition report shall contain the
195 following in a separate section immediately below the seller's

196 certification:

197 IMPORTANT INFORMATION

198 (A) RESPONSIBILITIES OF REAL ESTATE BROKERS

199 This report in no way relieves a real estate broker of the broker's
200 obligation under the provisions of section 20-328-5a of the Regulations
201 of Connecticut State Agencies to disclose any material facts. Failure to
202 do so could result in punitive action taken against the broker, such as
203 fines, suspension or revocation of license.

204 (B) STATEMENTS NOT TO CONSTITUTE A WARRANTY

205 Any representations made by the seller on the written residential
206 condition report shall not constitute a warranty to the buyer.

207 (C) NATURE OF REPORT

208 This Residential Property Condition Report is not a substitute for
209 inspections, tests and other methods of determining the physical
210 condition of property.

211 (D) INFORMATION ON THE RESIDENCE OF CONVICTED
212 FELONS

213 Information concerning the residence address of a person convicted
214 of a crime may be available from law enforcement agencies or the
215 Department of Public Safety.

216 (E) BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

217 Prospective buyers should consult with the municipal building
218 official in the municipality in which the property is located to confirm
219 that building permits and certificates of occupancy have been issued for
220 work on the property.

221 (F) HOME INSPECTION

222 Buyers should have the property inspected by a licensed home
223 inspector.

224 (G) CONCRETE FOUNDATION

225 Prospective buyers may have a concrete foundation inspected by a
226 licensed professional engineer who is a structural engineer for
227 deterioration of the foundation due to the presence of pyrrhotite.

228 (5) The written residential condition report shall contain the
229 following immediately below the statements contained in
230 subparagraphs (A) to (G), inclusive, of subdivision (4) of this subsection:

231 A certification by the buyer in the following form:

232 BUYER'S CERTIFICATION

233 "The buyer is urged to carefully inspect the property and, if desired,
234 to have the property inspected by an expert. The buyer understands that
235 there are areas of the property for which the seller has no knowledge
236 and that this report does not encompass those areas. The buyer also
237 acknowledges that the buyer has read and received a signed copy of this
238 report from the seller or seller's agent.

T3 (Date) (Buyer)

T4 (Date) (Buyer)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	20-327b(d)

Statement of Purpose:

To require the owner of real property to disclose the existence of smoke and carbon monoxide detectors at the beginning of a residential disclosure report.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]