



General Assembly

February Session, 2020

Raised Bill No. 112

LCO No. 1032



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING THE DISCLOSURE OF DAMS AND SIMILAR STRUCTURES BY 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 2020 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2020*):

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 "General Information"

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

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

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

40 (iv) Does anyone other than you have or claim to have any right to

41 use any part of your property, including, but not limited to, any
42 easement or right-of-way? If YES, explain:

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

45 (vi) Is a dam or similar structure that is capable of impounding or
46 controlling the flow of water, including, but not limited to, a stormwater
47 retention or detention dam, flood control structure, dike or incompletely
48 breached dam located on the property? If YES, is the hazard
49 classification of the dam or similar structure known? If YES, what is the
50 classification? If required, has the dam or structure been inspected or
51 has an emergency action plan been prepared? Do you have any
52 obligations relating to the dam or structure that would pass to the
53 buyer? If YES, explain:

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

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

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

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

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

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

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

78 (C) A subsection entitled "Leased Equipment"

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

87 (D) A subsection entitled "Mechanical/Utility Systems"

88 (i) Heating system problems? If YES, explain. List Fuel Types.

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

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

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

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

100 documentation to this form.

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

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

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

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

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

109 (xi) Fire sprinkler system problems? If YES, explain:

110 (E) A subsection entitled "Water System"

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

112 (ii) If Public Water:

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

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

118 (iii) If Private Well:

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

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

124 (F) A subsection entitled "Sewage Disposal System"

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

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

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

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) The Seller should attach additional pages to further explain any
178 item(s) above. Indicate here the number of additional pages attached:

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

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

185 A certification by the seller in the following form:

186 SELLER'S CERTIFICATION

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

T1 (Date) (Seller)

T2 (Date) (Seller)"

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

196 IMPORTANT INFORMATION

197 (A) RESPONSIBILITIES OF REAL ESTATE BROKERS

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

203 (B) STATEMENTS NOT TO CONSTITUTE A WARRANTY

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

206 (C) NATURE OF REPORT

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

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

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

215 (E) BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

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

220 (F) HOME INSPECTION

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

223 (G) CONCRETE FOUNDATION

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

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

230 A certification by the buyer in the following form:

231 BUYER'S CERTIFICATION

232 "The buyer is urged to carefully inspect the property and, if desired,
 233 to have the property inspected by an expert. The buyer understands that
 234 there are areas of the property for which the seller has no knowledge
 235 and that this report does not encompass those areas. The buyer also
 236 acknowledges that the buyer has read and received a signed copy of this
 237 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	<i>July 1, 2020</i>	20-327b(d)

Statement of Purpose:

To require the seller of real property on which a dam or similar structure is located to disclose the existence of such dam or similar structure on a residential condition 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.]