



General Assembly

Substitute Bill No. 1010

January Session, 2019



AN ACT CONCERNING THE DISCLOSURE OF DAMS AND SIMILAR STRUCTURES BY OWNERS OF REAL PROPERTY.

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) Not later than fifteen
2 days prior to the signing of any purchase and sale agreement, the seller
3 of any real property on which a dam or similar structure is located
4 shall notify the prospective buyer of such real property (1) of the
5 existence of such dam or structure; (2) whether such dam or similar
6 structure is categorized as a high hazard or significant hazard
7 pursuant to subsection (a) of section 22a-409 of the general statutes;
8 and (3) of the results of the most recent inspection of such dam or
9 similar structure, if any, conducted pursuant to subsection (c) of
10 section 22a-409 of the general statutes.

11 (b) Not later than thirty days after the sale of any real property
12 described in subsection (a) of this section on which is located a (1) high
13 hazard or significant hazard dam required to be recorded on the land
14 records in the municipality where such real property is located
15 pursuant to subsection (a) of section 22a-409 of the general statutes,
16 that has not been so recorded, or (2) dam or structure required to be
17 registered with the Commissioner of Energy and Environmental
18 Protection pursuant to subsection (b) of section 22a-409 of the general
19 statutes, that has not been so registered, the buyer of such real

20 property shall register such dam or structure or cause such dam or
21 structure to be recorded in accordance with the provisions of said
22 section 22a-409 of the general statutes.

23 Sec. 2. Subsection (d) of section 20-327b of the general statutes is
24 repealed and the following is substituted in lieu thereof (*Effective July*
25 *1, 2019*):

26 (d) The Commissioner of Consumer Protection shall prescribe the
27 written residential disclosure report required by this section and
28 sections 20-327c to 20-327e, inclusive. The written residential
29 disclosure report shall be based upon a template that the commissioner
30 shall prescribe. Such template shall: Fit on pages being not more than
31 eight and one-half inches in height and eleven inches in width, with
32 type size no smaller than nine-point type, other than checkboxes or
33 section headers, which may be in a smaller size; include the address of
34 the subject property on each page; include page numbers on each page;
35 include section headings in bold type and include space for the buyer
36 and the seller's initials on each page, except the signature page. The
37 report shall contain the following, in the order indicated:

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

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

40 Identify/Disclose any problems regarding the subject property.

41 YOUR REAL ESTATE LICENSEE CANNOT COMPLETE THIS
42 FORM ON YOUR BEHALF.

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

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

47 (2) Pursuant to the Uniform Property Condition Disclosure Act, the

48 seller is obligated to answer the following questions and to disclose
49 herein any knowledge of any problem regarding the following:

50 (A) A subsection entitled "Subject Property"

51 (i) Name of seller(s)

52 (ii) Street address, municipality, zip code

53 (B) A subsection entitled "General Information"

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

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

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

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

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

64 (vi) Is a dam or similar structure that is capable of impounding or
65 controlling the flow of water, including, but not limited to, a
66 stormwater retention or detention dam, flood control structure, dike or
67 incompletely breached dam located on the property? If YES, is the
68 hazard classification of the dam or similar structure known? If YES,
69 what is the classification? If required, has the dam or structure been
70 inspected or has an emergency action plan been prepared? Do you
71 have any obligations relating to the dam or structure that would pass
72 to the buyer?

73 [(vi)] (vii) Do you have any reason to believe that the municipality
74 in which the subject property is located may impose any assessment

75 for purposes such as sewer installation, sewer improvements, water
76 main installation, water main improvements, sidewalks or other
77 improvements? If YES, explain:

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

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

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

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

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

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

97 (C) A subsection entitled "Leased Equipment"

98 Does the property include any Leased or Rented Equipment that
99 would necessitate or obligate either of the following: The assignment
100 or transfer of the lease or rental agreement(s) to the buyer or the
101 replacement or substitution of the equipment by the buyer? If YES,
102 indicate by checking ALL items that apply: PROPANE FUEL TANK;
103 WATER HEATER; SECURITY ALARM SYSTEM; FIRE ALARM

104 SYSTEM; SATELLITE DISH ANTENNA; WATER TREATMENT
105 SYSTEM; SOLAR DEVICES; MAJOR APPLIANCES; OTHER

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

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

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

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

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

114 (v) During the time you have owned the property, has there ever
115 been an underground storage tank located on the property? If YES, has
116 it been removed? If YES, what was the date of removal and what was
117 the name and address of the person or business who removed such
118 underground storage tank? Provide any and all written documentation
119 of such removal within your control or possession by attaching a copy
120 of such documentation to this form.

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

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

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

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

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

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

130 (E) A subsection entitled "Water System"

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

132 (ii) If Public Water:

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

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

138 (iii) If Private Well:

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

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

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

145 (i) Sewage Disposal System Type: Public; Septic; Cesspool; Other

146 (ii) If Public Sewer:

147 (I) Is there a separate charge made for sewer use? If YES, is it Flat or
148 Metered?

149 (II) If it is a Flat amount, state amount and due dates:

150 (III) Are there any UNPAID sewer charges? If any unpaid sewer
151 charges, state the amount:

152 (iii) If Private:

153 (I) Name of service company

- 154 (II) Date last pumped: AND frequency:
- 155 (III) For any sewage system, are there problems? If YES, explain:
- 156 (G) A subsection entitled "Asbestos/Lead"
- 157 (i) Are asbestos containing insulation or building materials present?
158 If YES, location:
- 159 (ii) Is lead paint present? If YES, location:
- 160 (iii) Is lead plumbing present? If YES, location:
- 161 (H) A subsection entitled "Building/Structure/Improvements"
- 162 (i) Is the foundation made of concrete? If NO, explain:
- 163 (ii) Foundation/Slab problems or settling? If YES, explain:
- 164 (iii) Basement Water Seepage/Dampness? If YES, explain Amount,
165 Frequency and Location:
- 166 (iv) Sump pump problems? If YES, explain:
- 167 (v) Do you have any knowledge of any testing or inspection done by
168 a licensed professional related to a foundation on the property? If YES,
169 attach a copy of the report.
- 170 (vi) Do you have any knowledge of any repairs related to a
171 foundation on the property? If YES, explain:
- 172 (vii) Roof type; Age?
- 173 (viii) Roof leaks? If YES, explain:
- 174 (ix) Exterior siding problems? If YES, explain:
- 175 (x) Chimney, Fireplace, Wood or Coal Stove problems? If YES,
176 explain:

- 177 (xi) Patio/deck problems? If YES, explain:
- 178 (xii) If constructed of Wood, is the Wood Treated or Untreated?
- 179 (xiii) Driveway problems? If YES, explain:
- 180 (xiv) Water drainage problems? If YES, explain:
- 181 (xv) Interior Floor, Wall and/or Ceiling problems? If YES, explain:
- 182 (xvi) Fire and/or Smoke damage? If YES, explain:
- 183 (xvii) Termite, Insect, Rodent or Pest Infestation problems? If YES,
184 explain:
- 185 (xviii) Rot or Water damage problems? If YES, explain:
- 186 (xix) Is house insulated? If YES, Type: Location:
- 187 (xx) Has a test for Radon been performed? If YES, attach a copy of
188 the report.
- 189 (xxi) Is there a Radon Control System in place? If YES, explain:
- 190 (xxii) Has a Radon control system been in place in the previous 12
191 months? If YES, explain:
- 192 (I) The Seller should attach additional pages to further explain any
193 item(s) above. Indicate here the number of additional pages attached:
- 194 (J) Questions contained in subparagraphs (A) to (I), inclusive, of this
195 subdivision shall contain checkboxes indicating "yes", "no", "not
196 applicable" or "unknown".
- 197 (3) The written residential disclosure report shall contain the
198 following immediately below the questions contained in
199 subparagraphs (A) to (I), inclusive, of subdivision (2) of this
200 subsection:

201 A certification by the seller in the following form:

202 SELLER'S CERTIFICATION

203 "To the extent of the seller's knowledge as a property owner, the
204 seller acknowledges that the information contained above is true and
205 accurate for those areas of the property listed. In the event a real estate
206 broker or salesperson is utilized, the seller authorizes the brokers or
207 salespersons to provide the above information to prospective buyers,
208 selling agents or buyers' agents.

T1 (Date) (Seller)

T2 (Date) (Seller)"

209 (4) The written residential disclosure report shall contain the
210 following in a separate section immediately below the seller's
211 certification:

212 IMPORTANT INFORMATION

213 (A) RESPONSIBILITIES OF REAL ESTATE BROKERS

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

219 (B) STATEMENTS NOT TO CONSTITUTE A WARRANTY

220 Any representations made by the seller on the written residential
221 disclosure report shall not constitute a warranty to the buyer.

222 (C) NATURE OF DISCLOSURE REPORT

223 This Residential Property Condition Disclosure Report is not a
224 substitute for inspections, tests and other methods of determining the
225 physical condition of property.

226 (D) INFORMATION ON THE RESIDENCE OF CONVICTED
227 FELONS

228 Information concerning the residence address of a person convicted
229 of a crime may be available from law enforcement agencies or the
230 Department of Public Safety.

231 (E) BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

232 Prospective buyers should consult with the municipal building
233 official in the municipality in which the property is located to confirm
234 that building permits and certificates of occupancy have been issued
235 for work on the property.

236 (F) HOME INSPECTION

237 Buyers should have the property inspected by a licensed home
238 inspector.

239 (G) CONCRETE FOUNDATION

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

243 (5) The written residential disclosure report shall contain the
244 following immediately below the statements contained in
245 subparagraphs (A) to (G), inclusive, of subdivision (4) of this
246 subsection:

247 A certification by the buyer in the following form:

248 BUYER'S CERTIFICATION

249 "The buyer is urged to carefully inspect the property and, if desired,
250 to have the property inspected by an expert. The buyer understands
251 that there are areas of the property for which the seller has no
252 knowledge and that this disclosure statement does not encompass

253 those areas. The buyer also acknowledges that the buyer has read and
254 received a signed copy of this statement from the seller or seller's
255 agent.

T3 (Date) (Seller)
T4 (Date) (Seller)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	20-327b(d)

PD *Joint Favorable Subst.*