

**HOUSE . . . . . No. 00121**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Theodore C. Speliotis*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing information to real estate buyers..

\_\_\_\_\_  
PETITION OF:

NAME:

*Theodore C. Speliotis*

DISTRICT/ADDRESS:

*13th Essex*

# HOUSE . . . . . No. 00121

By Mr. Theodore C. Speliotis of Danvers, petition (accompanied by bill, House, No. 00121) of Theodore C. Speliotis relative to providing information to real estate buyers. Joint Committee on Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 310 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act providing information to real estate buyers..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 184 of the General Laws is hereby amended by inserting after section 17D  
2 the following new section:

3 Section 17E (a) Neither the transferor nor any listing or selling agent shall be liable for any  
4 error, inaccuracy, or omission of any information delivered pursuant to this section if the error,  
5 inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or  
6 selling agent, and was based on information timely provided by public agencies or by other  
7 persons providing information as specified in subsection (c) that is required to be disclosed  
8 pursuant to this section, and ordinary care was exercised in obtaining and transmitting the  
9 information.

10 (b) The delivery of any information required to be disclosed by this section to a prospective  
11 transferee by a public agency or other person providing information required to be disclosed  
12 pursuant to this section shall be deemed to comply with the requirements of this section and shall  
13 relieve the transferor or any listing or selling agent of any further duty under this section with  
14 respect to that item of information.

15 (c) The delivery of a report or opinion prepared by an environmental reporting expert dealing  
16 with matters within the scope of the professional's expertise shall be sufficient compliance for  
17 application of the exemption provided by subsection (a) if the information is provided to the  
18 prospective transferee pursuant to a request therefore, whether written or oral. In responding to  
19 that request, an expert may indicate, in writing, an understanding that the information provided  
20 will be used in fulfilling the requirements of this section and, if so, shall indicate the required  
21 disclosures, or parts thereof, to which the information being furnished is applicable. Where that  
22 statement is furnished, the expert shall not be responsible for any items of information, or parts  
23 thereof, other than those expressly set forth in the statement.

24 In responding to the request, the expert shall determine whether the property is located within a  
25 one-half mile radius of any of the following environmental hazard sites:

26 (A) A Leaking Underground Storage Tank, as listed on the database of the Massachusetts  
27 Department of Environmental Protection.

28 (B) A Leaking Aboveground Tank, as listed on the database of the Massachusetts Department of  
29 Environmental Protection.

30 (C) A Landfill, as listed on the database of the Massachusetts Department of Environmental  
31 Protection.

32 (D) An EPA Final Superfund Site (NPL), as listed on the database of the United States  
33 Environmental Protection Agency.

34 (E) An EPA Proposed Superfund Site (CERCLIS), as listed on the database of the United States  
35 Environmental Protection Agency.

36 (F) A Hazardous Waste Treatment, Storage and Disposal Site (RCRA Info), as listed on the  
37 database of the United States Environmental Protection Agency.

38 (G) A State Hazardous Waste Site (SHWS), as listed on the database of the Massachusetts  
39 Department of Environmental Protection.

40 (H) An Emergency Response Notification System (ERNS) site, as listed on the database of the  
41 National Response Center, United States Coast Guard.

42 (I) A Center for Disease Control Environmental Health Assessment, as listed on the database of  
43 the Center for Disease Control.

44 (J) An Active Department of Defense site, as listed on the database of the United States  
45 Department of Defense.

46 (K) A Former Department of Defense Site, as listed on the database of the United States  
47 Department of Defense.

48 (L) An Historic Commercial or Industrial site that whose past activities were likely to have  
49 caused significant contamination.

50 (4) If the property is within a one-half mile radius of any of the sites listed in paragraph (3), the  
51 report shall contain the following notice:

52 “NOTICE OF ENVIRONMENTAL HAZARD SITE

53 This property is presently located within a one-half mile radius of an environmental hazard site.

54 For that reason, you may wish to investigate the information about the site further by contacting

55 the agency responsible for the maintenance and cleanup of this site, consider what factors, if any,

56 are associated with the property’s proximity to an environmental hazard site, and determine

57 whether the information you receive is acceptable to you before you purchase.”