



General Assembly

Amendment

February Session, 2000

LCO No. 3018

Offered by:

REP. RORABACK, 64th Dist.
REP. PRELLI, 63rd Dist.
REP. POWERS, 151st Dist.
REP. COLLINS, 117th Dist.
REP. SAWYER, 55th Dist.

To: House Bill No. 5857

File No. 173

Cal. No. 167

**"An Act Concerning Commercial Real Estate
Transactions And Brokers' Liens."**

1 After line 232, add the following:

2 "Sec. 3. (NEW) A real estate broker, real estate salesperson or seller
3 shall have no duty to investigate or disclose any information
4 concerning the residence address of a person convicted of a crime.

5 Sec. 4. Section 20-327b of the general statutes is repealed and the
6 following is substituted in lieu thereof:

7 (a) Except as otherwise provided in this section, each person who
8 offers residential property in the state for sale, exchange or for lease
9 with option to buy, shall provide a written residential condition report
10 to the prospective purchaser at any time prior to the prospective
11 purchaser's execution of any binder, contract to purchase, option, or
12 lease containing a purchase option. A photocopy, duplicate original,

13 facsimile transmission, or other exact reproduction or duplicate of the
14 written residential condition report containing the prospective
15 purchaser's written receipt shall be attached to any written offer,
16 binder or contract to purchase. A photocopy, duplicate original,
17 facsimile transmission or other exact reproduction or duplicate of the
18 written residential condition report containing the signatures of both
19 seller and purchaser, shall be attached to any agreement to purchase
20 the property.

21 (b) The following shall be exempt from the provisions of this
22 section: (1) Any transfer from one or more co-owners solely to one or
23 more of his co-owners; (2) transfers made to the spouse, mother, father,
24 brother, sister, child, grandparent or grandchild of the transferor
25 where no consideration is paid; (3) transfers pursuant to an order of
26 the court; (4) transfers of newly-constructed residential real property
27 for which an implied warranty is provided under chapter 827; (5)
28 transfers made by executors, administrators, trustees or conservators;
29 (6) transfers by the federal government, any political subdivision
30 thereof or any corporation, institution or quasi-governmental agency
31 chartered by the federal government; (7) transfers by deed in lieu of
32 foreclosure; (8) transfers by the state of Connecticut or any political
33 subdivision thereof; (9) transfers of property which was the subject of a
34 contract or option entered into prior to January 1, 1996; and (10) any
35 transfer of property acquired by a judgment of strict foreclosure or by
36 foreclosure by sale or by a deed in lieu of foreclosure.

37 (c) The provisions of this section shall apply only to transfers by
38 sale, exchange or lease with option to buy, of residential real property
39 consisting of not less than one nor more than four dwelling units
40 which shall include cooperatives and condominiums, and shall apply
41 to all transfers, with or without the assistance of a licensed real estate
42 broker or salesperson, as defined in section 20-311, as amended.

43 (d) (1) On or before January 1, 1996, the Commissioner of Consumer
44 Protection, shall, by regulations adopted in accordance with the
45 provisions of chapter 54, prescribe the form of the written residential

46 disclosure report required by this section and sections 20-327c to 20-
47 327e, inclusive.

48 (2) Such form of the written residential disclosure report shall
49 contain the following:

50 (A) A certification by the seller in the following form:

51 "To the extent of the seller's knowledge as a property owner, the
52 seller acknowledges that the information contained above is true and
53 accurate for those areas of the property listed. In the event a real estate
54 broker or salesperson is utilized, the seller authorizes the brokers or
55 salespersons to provide the above information to prospective buyers,
56 selling agents or buyers' agents.

57 (Date) (Seller)

58 (Date) (Seller)"

59

60 (B) A certification by the buyer in the following form:

61 "The buyer is urged to carefully inspect the property and, if desired,
62 to have the property inspected by an expert. The buyer understands
63 that there are areas of the property for which the seller has no
64 knowledge and that this disclosure statement does not encompass
65 those areas. The buyer also acknowledges that the buyer has read and
66 received a signed copy of this statement from the seller or seller's
67 agent.

68 (Date) (Buyer)

69 (Date) (Buyer)"

70

71 (C) A statement concerning the responsibility of real estate brokers
72 in the following form:

73 "This report in no way relieves a real estate broker of his or her
74 obligation under the provisions of section 20-328-5a of the Regulations
75 of Connecticut State Agencies to disclose any material facts. Failure to
76 do so could result in punitive action taken against the broker, such as

77 fines, suspension or revocation of license."

78 (D) A statement that any representations made by the seller on the
79 written residential disclosure report shall not constitute a warranty to
80 the buyer.

81 (E) A statement that the written residential disclosure report is not a
82 substitute for inspections, tests and other methods of determining the
83 physical condition of property.

84 (F) Information concerning environmental matters such as lead,
85 radon, subsurface sewage disposal and such other topics as the
86 Commissioner of Consumer Protection may determine would be of
87 interest to a buyer.

88 (G) A statement that the real estate licensee and seller have no duty
89 to investigate or disclose any information concerning the residence
90 address of a person convicted of a crime but that such information may
91 be available from law enforcement agencies or the Department of
92 Public Safety and that the Department of Public Safety maintains a site
93 on the Internet listing information about the residence address of
94 persons required to register under sections 54-251, as amended, 54-252,
95 as amended, 54-253, as amended, or 54-254, as amended, who have so
96 registered.

97 (e) [On or after January 1, 1996, the] The Commissioner of
98 Consumer Protection shall make available the residential disclosure
99 report prescribed in accordance with the provisions of this section and
100 sections 20-327c to 20-327e, inclusive, to the Division of Real Estate, all
101 municipal town clerks, the Connecticut Association of Realtors, Inc.,
102 and any other person or institution that the commissioner believes
103 would aid in the dissemination and distribution of such form. The
104 commissioner shall also cause information concerning such form and
105 the completion of such form to be disseminated in a manner best
106 calculated, in the commissioner's judgment, to reach members of the
107 public, attorneys and real estate licensees."