



General Assembly

February Session, 2002

**Raised Bill No. 5456**

LCO No. 1496

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

**AN ACT CONCERNING THE IDENTIFICATION OF OFF-SITE  
CONDITIONS THAT AFFECT THE VALUE OF RESIDENTIAL REAL  
PROPERTY.**

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

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this  
2 section:

3 (1) "Residential real property" or "residence" means a building or  
4 structure containing up to four separate dwellings or accommodations.

5 (2) "Off-site conditions" means those conditions that may materially  
6 affect the value of residential real property and shall be limited to:

7 (A) The sites included on the National Priorities List pursuant to the  
8 Comprehensive Environmental Response, Compensation, and Liability  
9 Act of 1980, (42 USC 9601, et seq.) as amended from time to time;

10 (B) The latest hazardous waste disposal sites known to and  
11 confirmed by the Commissioner of Environmental Protection and  
12 included on the hazardous waste disposal site inventory prepared  
13 pursuant to section 22a-133c of the general statutes;

14 (3) "Person" means an individual, firm, corporation, limited liability  
15 corporation, partnership, association, trust or other legal entity or any  
16 combination thereof.

17 (4) "Property" means a lot or plat upon which a residence has been,  
18 or may be, constructed.

19 (5) "Purchaser" means a buyer of residential real property.

20 (6) "Seller" means the record owner of residential real property, a  
21 real estate broker, as defined in section 20-311 of the general statutes, a  
22 real estate salesperson, as defined in section 20-311 of the general  
23 statutes, or a new home construction contractor, as defined in section  
24 20-417a of the general statutes, as amended, who is engaged in the sale  
25 of residential real property.

26 (b) (1) The Commissioner of Environmental Protection shall provide  
27 the Secretary of the State with lists of the locations of all off-site  
28 conditions described in subparagraphs (A) and (B) of subdivision (2) of  
29 subsection (a) of this section indexed or grouped by the municipality  
30 in which the off-site condition is located.

31 (2) The Commissioner of Environmental Protection shall initially  
32 submit the lists by January 1, 2003, and shall update the lists, as  
33 necessary, by January first of each year thereafter. The commissioner  
34 shall include with the list a statement that reads "This list identifies  
35 (insert type) off-site conditions, as defined in the "Act Concerning The  
36 Identification Of Off-Site Conditions That Affect The Value Of  
37 Residential Real Property", that as of (date) have been identified and  
38 listed by the Department of Environmental Protection as existing  
39 within the state of Connecticut."

40 (c) Notwithstanding any other provision of the general statutes, the  
41 lists maintained by the Secretary of the State pursuant to this section  
42 shall be public records and shall be accessible to the public during  
43 normal business hours. The Secretary of the State shall also make the

44 list information available to the public through the Internet.

45 (d) At any time prior to, but not later than, the time of entering into  
46 a contract for the sale of residential real property, the seller shall  
47 provide the purchaser with written notice of the availability of the lists  
48 of the off-site conditions that exist pursuant to subsection (b) of this  
49 section.

50 (e) If the seller provides written notice to the purchaser in  
51 accordance with subsection (d) of this section, the seller shall be  
52 deemed to have fully disclosed the off-site conditions that are required  
53 to be reported pursuant to subsection (b) of this section relating to the  
54 residential real property and shall be deemed to have satisfied any  
55 duty to disclose said conditions pursuant to the laws of this state even  
56 if (1) the lists required to be submitted pursuant to subsection (b) of  
57 this section have not been submitted or are not yet required to be  
58 submitted, (2) the lists have not been received or made available as  
59 required by subsection (b) of this section, or (3) there is an error,  
60 omission or inaccuracy in the lists. The seller's provision of notice in  
61 accordance with subsection (d) of this section shall be a defense to any  
62 claim that the seller failed to disclose any such off-site condition.

63 (f) Any responsibility of the seller to disclose such off-site conditions  
64 shall be fully met when notice is provided in accordance with  
65 subsection (d) of this section. The seller's provision of the notice in  
66 accordance with subsection (d) of this section shall be a defense to any  
67 claim that the seller failed to disclose such off-site condition that is not  
68 part of the residential real property.

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| This act shall take effect as follows: |                 |
| Section 1                              | October 1, 2002 |

**Statement of Purpose:**

To exempt sellers of residential real property from liability related to certain off-site conditions resulting from the seller's failure to disclose

the existence of those off-site conditions if the seller complies with the disclosure requirements of this act.

*[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.]*