



House of Representatives

General Assembly

File No. 389

February Session, 2006

Substitute House Bill No. 5440

House of Representatives, April 5, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS AND NOTICE OF POLLUTING EVENTS.

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 general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (d) (1) The Commissioner of Consumer Protection, shall, by
5 regulations adopted in accordance with the provisions of chapter 54,
6 prescribe the form of the written residential disclosure report required
7 by this section and sections 20-327c to 20-327e, inclusive. The
8 regulations shall provide that the form include information concerning
9 municipal assessments, including, but not limited to, sewer or water
10 charges applicable to the property. Such information shall include: (i)
11 Whether such assessment is in effect and the amount of the
12 assessment; (ii) whether there is an assessment on the property that
13 has not been paid, and if so, the amount of the unpaid assessment; and
14 (iii) to the extent of the seller's knowledge, whether there is reason to

15 believe that the municipality may impose an assessment in the future.

16 (2) Such form of the written residential disclosure report shall
17 contain the following:

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

19 "To the extent of the seller's knowledge as a property owner, the
20 seller acknowledges that the information contained above is true and
21 accurate for those areas of the property listed. In the event a real estate
22 broker or salesperson is utilized, the seller authorizes the brokers or
23 salespersons to provide the above information to prospective buyers,
24 selling agents or buyers' agents.

T1 (Date) (Seller)
T2 (Date) (Seller)"

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

26 "The buyer is urged to carefully inspect the property and, if desired,
27 to have the property inspected by an expert. The buyer understands
28 that there are areas of the property for which the seller has no
29 knowledge and that this disclosure statement does not encompass
30 those areas. The buyer also acknowledges that the buyer has read and
31 received a signed copy of this statement from the seller or seller's
32 agent.

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

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

35 "This report in no way relieves a real estate broker of the broker's
36 obligation under the provisions of section 20-328-5a of the Regulations
37 of Connecticut State Agencies to disclose any material facts. Failure to
38 do so could result in punitive action taken against the broker, such as

39 fines, suspension or revocation of license."

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

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

46 (F) Information concerning environmental matters such as lead,
47 radon, subsurface sewage disposal, flood hazards and such other
48 topics as the Commissioner of Consumer Protection may determine
49 would be of interest to a buyer and, if the residence is or will be served
50 by well water, as defined in section 21a-150, the results of a water test
51 for volatile organic compounds, by a laboratory licensed by the
52 Department of Public Health.

53 (G) A statement that information concerning the residence address
54 of a person convicted of a crime may be available from law
55 enforcement agencies or the Department of Public Safety and that the
56 Department of Public Safety maintains a site on the Internet listing
57 information about the residence address of persons required to register
58 under section 54-251, as amended, 54-252, 54-253 or 54-254, who have
59 so registered.

60 Sec. 2. Subsection (l) of section 22a-6u of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective*
62 *October 1, 2006*):

63 (l) Not later than ten days after receipt of any written notice
64 received under this section, the commissioner shall: (1) Forward a copy
65 of such notice to the chief elected official of the municipality in which
66 the subject pollution was discovered by the technical environmental
67 professional, (2) forward a copy of such notice to the state senator and
68 state representative representing the area in which the subject
69 pollution was discovered by the technical environmental professional,

70 (3) forward a copy of such notice to the Labor Commissioner where the
 71 Division of Occupational Safety and Health, within the Labor
 72 Department, has jurisdiction over the employers, employees and
 73 places of employment on the subject property, (4) forward a copy of
 74 such notice to the state labor federation and any other employer
 75 representative who requests such reports, (5) forward a copy of such
 76 notice to the federal Occupational Safety and Health Administration,
 77 and [(3)] (6) maintain a list on the department's Internet [website] web
 78 site of all the notices received under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	20-327b(d)
Sec. 2	October 1, 2006	22a-6u(l)

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

It is anticipated that the additional notification requirements in the bill will minimally increase costs to the Department of Environmental Protection, within budgetary resources.

The Out Years

The ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
sHB 5440

AN ACT CONCERNING THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS AND NOTICE OF POLLUTING EVENTS.

SUMMARY:

This bill tightens pollution notice requirements by requiring (1) sellers of homes that are or will be served by well water to notify prospective buyers of the water test results for volatile organic compounds and (2) the environmental protection commissioner to notify state, federal, labor, and employer representatives about contaminated sites.

EFFECTIVE DATE: October 1, 2006

NOTICE TO PROSPECTIVE HOME BUYER

By law, home sellers must disclose to prospective purchasers information concerning certain environmental matters, such as the presence of lead and radon. This bill requires sellers of homes that are or will be served by well water to also disclose the results of a water test for volatile organic compounds (organic solvents, dry cleaning products, fuels, and the like). A Department of Public Health-licensed laboratory must conduct the test.

NOTICE TO STATE AND UNION OFFICIALS

By law, the environmental protection commissioner must notify a municipality's chief elected official and its legislators within 10 days of receiving notice that land in the municipality is polluted. The bill requires that she also forward a copy of this notice to (1) the state labor commissioner, if the Labor Department's division of occupational safety and health has jurisdiction over employers, workers and work places on the polluted property; (2) the federal Occupational Safety

and Health Administration (OSHA); (3) the state labor federation; and (4) any other employer representative who requests it. The commissioner apparently must send such notice to the labor federation, OSHA, and employer representative when she receives notice of any polluted property, regardless of whether it is a work site. It is not clear to what entity "state labor federation" refers.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/16/2006)