

To the Environmental Committee  
John Cummings  
Waterbury Ct  
Certified Residential Real Estate Appraiser  
RCR.0000147

Regarding House Bill 5122

Dear Committee Members,

I am writing to you in support of House Bill 5122.

I am a Certified Real Estate Appraiser in the State of Connecticut. I began my practice in 1991. I have also served as a Home Inspector for residential real estate transactions. Nearly my entire adult life has been in the residential real estate industry from building homes to the valuation process.

The current proposed law HB5122 has two parts.

One part addresses the planting of golden or running bamboo known as *Phyllostachys aurea*. A) No person who plants golden bamboo (*Phyllostachys aurea*) on his or her property shall permit such bamboo to grow beyond the boundaries of such property. Any person who violated this subsection shall be fined not more than \_\_\_\_\_ dollars.

Although the dollar amount is not specified I believe linking a responsibility to contain the bamboo supports the home owner in protecting the value of their property from the invasion of golden bamboo from beyond the property line.

Running or golden bamboo has already caused purchasers to back out of purchase contracts when this strain of bamboo is discovered on the property or invading the property from another property. Without a clear link to responsibility for uncontained golden bamboo, the method for recovery from or being made whole from the damages of uncontained golden bamboo, is unclear.

The appraiser should be developing a loss of value consideration in the appraisal report. Knowing there is a link of responsibility for containment implies this is now a curable condition and there is a party responsible for the cure. The owner of the golden bamboo, who has not contained their golden bamboo, holds the responsibility for curing the invasion from their golden bamboo.

The value loss from uncontained yellow bamboo will reflect actual costs to remediate the damages. The purchaser of property with golden bamboo is purchasing the responsibility for containment and for damages if they fail to manage or contain the golden bamboo. This added responsibility is now clear and will impact the value of the golden bamboo property being sold. This must also be considered in the appraisal. Responsibility is stated and runs with the property. The lender who may foreclose a mortgage needs to know this in advance of securing the mortgage.

Golden bamboo can no longer be ignored.

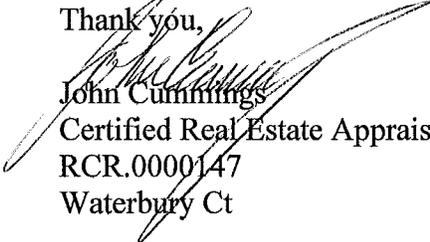
As a consumer I'd like to address the other part of the HB5122. B) Any retailer shall provide to any purchaser of golden bamboo a disclosure stating that the golden bamboo is a fast growing plant that may spread if not contained and that it is unlawful for a person who plants golden bamboo to permit such golden bamboo to grow beyond the boundaries of his or her property.

Not everyone is aware of golden bamboo and what can happen if it is allowed to grow uncontained. It is assumed a property owner is not likely to willingly subject their property to any danger to the peaceful use and enjoyment of their property or to its value.

This past Sunday I was talking with a friend who lives in Southbury. I mentioned I was testifying here today. He asked about what and I said golden bamboo. He looked at me and said I'm considering purchasing some for a privacy shield around my pool. I told him about the dark side of golden bamboo and he abandoned his plan. This man is a well informed man and civic leader in his community. His not knowing the dangers that comes with the planting of golden is not unusual. Golden bamboo is like a Trojan Horse in that there is a surprise waiting for the unsuspecting. The internet advertising of golden bamboo doesn't want to discourage the potential purchaser. Therefore, requiring that the purchaser be informed is a very important aspect of HB5122.

I urge the passing of HB5122 for the reasons stated above.

Thank you,



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