



# House of Representatives

General Assembly

**File No. 20**

February Session, 2012

House Bill No. 5141

*House of Representatives, March 8, 2012*

The Committee on Insurance and Real Estate reported through REP. MEGNA of the 97th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING DISCLOSURE OF SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS ON THE RESIDENTIAL PROPERTY CONDITION DISCLOSURE REPORT.***

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

1 Section 1. Subdivision (1) of subsection (d) of section 20-327b of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2012*):

4 (d) (1) Not later than [April 1, 2010] January 1, 2013, the  
5 Commissioner of Consumer Protection shall, by regulations adopted in  
6 accordance with the provisions of chapter 54, prescribe the form of the  
7 written residential disclosure report required by this section and  
8 sections 20-327c to 20-327e, inclusive. The regulations shall provide  
9 that the form include information concerning:

10 (A) Municipal assessments, including, but not limited to, sewer or  
11 water charges applicable to the property. Such information shall  
12 include: (i) Whether such assessment is in effect and the amount of the

13 assessment; (ii) whether there is an assessment on the property that  
14 has not been paid, and if so, the amount of the unpaid assessment; and  
15 (iii) to the extent of the seller's knowledge, whether there is reason to  
16 believe that the municipality may impose an assessment in the future;

17 (B) Leased items on the premises, including, but not limited to,  
18 propane fuel tanks, water heaters, major appliances and alarm  
19 systems; [and]

20 (C) (i) Whether the real property is located in a municipally  
21 designated village district or municipally designated historic district or  
22 has been designated on the National Register of Historic Places, and  
23 (ii) a statement that information concerning village districts and  
24 historic districts may be obtained from the municipality's village or  
25 historic district commission, if applicable; and

26 (D) Whether there are smoke detectors and carbon monoxide  
27 detectors located in a dwelling on the premises, the number of each  
28 such detectors, whether there have been any problems with each such  
29 detectors and an explanation of any such problems.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	20-327b(d)(1)

**INS**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact to the Department of Consumer Protection as the bill prescribes requirements for transactions between private individuals with regard to residential property condition disclosure reports.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 5141*****AN ACT CONCERNING DISCLOSURE OF SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS ON THE RESIDENTIAL PROPERTY CONDITION DISCLOSURE REPORT.*****SUMMARY:**

This bill requires the consumer protection commissioner to update, by January 1, 2013, the regulations prescribing what must be disclosed on forms describing the condition of a residential property offered for sale. The bill requires disclosure of (1) whether there are smoke detectors and carbon monoxide detectors located in a dwelling on the premises, (2) the number of each type of detector, (3) whether there have been any problems with such detectors, and (4) an explanation of any such problems.

EFFECTIVE DATE: October 1, 2012

**BACKGROUND*****Property Condition Reports***

By law, a person who offers residential property with one to four units for sale, exchange, or lease with the option to buy must provide this report to a potential buyer before the transaction is executed. A copy of the report must be attached to any written offer, binder, or contract to purchase. By law, the report must include, among other things, information on municipal water or sewer assessments, the presence of leased equipment on the premises, and whether the property is located in a historic or village district or on the National Register of Historic Places.

The seller's representations are limited to his or her actual knowledge and the report does not create any new express or implied warranties. If a seller fails to provide the report, he or she must give the buyer a \$300 credit on the purchase price.

**COMMITTEE ACTION**

Insurance and Real Estate Committee

Joint Favorable

Yea 13 Nay 7 (02/28/2012)