



CONNECTICUT REALTORS®

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Statement on

H.B. 5231, AN ACT CONCERNING THE RESIDENTIAL PROPERTY CONDITION DISCLOSURE REPORT

SUPPORT

Submitted to the Insurance and Real Estate
March 1, 2016

By Michael Barbaro
2017 State President
Connecticut REALTORS®

Good afternoon Senator Crisco, Representative Megna, Senator Kelly, Representative Sampson and members of the committee. My name is Michael Barbaro and I am a REALTOR® and builder from the New Haven area and the 2017 President of the Connecticut REALTORS® (“CTR”). I appreciate the opportunity to speak in support of **HB 5231, AN ACT CONCERNING THE RESIDENTIAL PROPERTY CONDITION DISCLOSURE REPORT.**

The proposal we are presenting deals with the Residential Property Condition Disclosure form. There are technical errors on the form and to change the form requires a change of state regulations, which is a long and cumbersome process as you are aware. Our members use the form on a daily basis to conduct business. The errors pose a consistent problem for the buyer and seller who may not understand the form and therefore may fill it out incorrectly because the technical errors and layout are confusing to them. Real estate professionals routinely must explain that state law prohibits their ability to make the form accurate or more understandable to complete.

For example, the form is required by the Connecticut General Statutes to contain a question related to the existence of an “underground storage tank”, but in the form itself, the word “tank” is not included in the question. It was an oversight in the regulations process, but the word cannot be added back into the form without the full regulation process being undertaken.

To correct this and other errors, CTR's proposal is to legislatively mandate the form be updated once a year with CLERICAL CORRECTIONS only. No substantive changes would be made to the form. No questions would be removed or added to amend the current requirements of the form and the form would not be removed from the regulations.

The bill as currently drafted removes the regulation of the form from the Connecticut General Statutes. This action may have been an oversight when CTR asked for the bill to be raised but the Association strongly opposes said language and requests you oppose that as well. We strongly believe that the legislature should continue to determine what is included or not included in the disclosure requirements and not shift authority to others. CTR would be willing to work with the committee to provide language addressing this issue.

The Association has been in talks with the Department of Consumer Protection on possible legislation to amend the form. The agency has been receptive to our proposal and has expressed support for the ability to make technical changes to regulations in the past. We respectfully request your consideration of passage of HB 5231 provided it is amended to remove the language that shifts authority to more than solely technical changes.

Thank you for allowing me to speak before you today and I will answer any questions you may have.