



General Assembly

Substitute Bill No. 5180

February Session, 2016

* _____HB05180PD_____032116_____*

AN ACT CONCERNING CONCRETE FOUNDATIONS AND SEPTIC TANKS.

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2016*):

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

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.

26 (2) Such form of the written residential disclosure report shall
27 contain the following:

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

29 "To the extent of the seller's knowledge as a property owner, the
30 seller acknowledges that the information contained above is true and
31 accurate for those areas of the property listed. In the event a real estate
32 broker or salesperson is utilized, the seller authorizes the brokers or
33 salespersons to provide the above information to prospective buyers,
34 selling agents or buyers' agents.

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

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

36 "The buyer is urged to carefully inspect the property and, if desired,
37 to have the property inspected by an expert. The buyer understands
38 that there are areas of the property for which the seller has no
39 knowledge and that this disclosure statement does not encompass
40 those areas. The buyer also acknowledges that the buyer has read and
41 received a signed copy of this statement from the seller or seller's
42 agent.

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

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

45 "This report in no way relieves a real estate broker of the broker's
46 obligation under the provisions of section 20-328-5a of the Regulations
47 of Connecticut State Agencies to disclose any material facts. Failure to
48 do so could result in punitive action taken against the broker, such as
49 fines, suspension or revocation of license."

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

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

56 (F) Information concerning environmental matters such as lead,
57 radon, subsurface sewage disposal, flood hazards and, if the residence
58 is or will be served by well water, as defined in section 21a-150, the
59 results of any water test performed for volatile organic compounds
60 and such other topics as the Commissioner of Consumer Protection
61 may determine would be of interest to a buyer.

62 (G) A statement that information concerning the residence address
63 of a person convicted of a crime may be available from law
64 enforcement agencies or the Department of Emergency Services and
65 Public Protection and that the Department of Emergency Services and
66 Public Protection maintains a site on the Internet listing information
67 about the residence address of persons required to register under
68 section 54-251, 54-252, 54-253 or 54-254, who have so registered.

69 (H) If the property is located in a common interest community,
70 whether the property is subject to any community or association dues
71 or fees.

72 (I) Whether, during the seller's period of ownership, there is or has

73 ever been an underground storage tank located on the property, and, if
74 there is or was, if it has been removed. If such underground storage
75 tank has been removed, such seller shall state when it was removed,
76 who removed it and shall provide any and all written documentation
77 of such removal within the seller's possession and control.

78 (J) A statement that the prospective purchaser should consult with
79 the municipal building official in the municipality in which the
80 property is located to confirm that building permits and certificates of
81 occupancy have been issued for work on the property, where
82 applicable.

83 (K) A statement that the prospective purchaser should have the
84 property inspected by a licensed home inspector, and that such
85 inspection should include an evaluation of any concrete foundation or
86 concrete septic tank on the premises for the presence of oxidizing
87 minerals and damage to such concrete foundation or concrete septic
88 tank caused by oxidizing minerals.

89 (L) A question as to whether the seller is aware of any prior or
90 pending litigation, government agency or administrative action, order
91 or lien on the premises related to the release of any hazardous
92 substance.

93 (M) Whether there are smoke detectors and carbon monoxide
94 detectors located in a dwelling on the premises, the number of such
95 detectors, whether there have been any problems with such detectors
96 and an explanation of any such problems.

97 Sec. 2. (NEW) (*Effective October 1, 2016*) Prior to the issuance of a
98 certificate of occupancy for a new residential or commercial building
99 for which a concrete foundation or concrete septic tank was installed
100 on or after October 1, 2016, the applicant shall (1) provide the building
101 official with written documentation of the name of the individual or
102 entity that supplied the concrete, the name of the individual or entity
103 that installed the concrete and the date or dates on which the concrete

104 was installed, and (2) file the results of an analysis of the contents of
105 the aggregate used in such concrete with the State Building Inspector.
106 Such analysis shall comply with standards adopted by the State
107 Building Inspector, in a form prescribed by the State Building
108 Inspector, and shall include, but not be limited to, an examination for
109 the presence of any oxidizing minerals. On and after October 1, 2016,
110 no certificate of occupancy may be issued for a new residential or
111 commercial building for which a concrete foundation or concrete
112 septic tank was installed unless such documentation has been
113 provided in accordance with this section. Copies of such
114 documentation shall be maintained in the records of the office of the
115 State Building Inspector for not less than fifty years.

116 Sec. 3. (NEW) (*Effective October 1, 2016, and applicable to assessment*
117 *years commencing on or after said date*) (a) Any owner of a residential
118 building who has obtained a written evaluation from a professional
119 engineer licensed pursuant to chapter 391 of the general statutes
120 indicating that the concrete foundation of such residential building has
121 been damaged by oxidizing minerals may provide a copy of such
122 evaluation to the assessor and request a revaluation of the residential
123 building by the assessor. Upon receipt of a copy of such evaluation, the
124 assessor, member of the assessor's staff or person designated by the
125 assessor shall inspect and revalue the residential building accordingly.
126 Such revaluation shall apply for five assessment years,
127 notwithstanding the provisions of section 12-62 of the general statutes.

128 (b) An owner of a residential building that has obtained a
129 revaluation pursuant to this section shall notify the assessor, in
130 writing, if the concrete foundation is repaired or replaced during the
131 five assessment years for which the revaluation is effective. The
132 assessor, member of the assessor's staff or person designated by the
133 assessor shall inspect the residential building and adjust the
134 revaluation accordingly.

135 Sec. 4. (*Effective July 1, 2016*) The State Building Inspector shall
136 investigate methods available to remediate failing concrete

137 foundations in residential buildings, and failing residential concrete
 138 septic tanks, other than removal of such foundations and septic tanks,
 139 and report all findings, in accordance with the provisions of section 11-
 140 4a of the general statutes, to the joint standing committee of the
 141 General Assembly having cognizance of matters relating to planning
 142 and zoning not later than January 1, 2017. If no such methods exist, the
 143 State Building Inspector shall so indicate.

144 Sec. 5. (*Effective July 1, 2016*) Not later than January 1, 2017, the
 145 Commissioner of Consumer Protection, after consulting with the
 146 Attorney General, shall submit a report, in accordance with the
 147 provisions of section 11-4a of the general statutes, to the joint standing
 148 committee of the General Assembly having cognizance of matters
 149 relating to planning and zoning, on the rights and obligations of unit
 150 owners and unit owners' associations in condominiums, common
 151 interest communities and planned communities with respect to failing
 152 concrete foundations and failing concrete septic tanks. Not later than
 153 January 1, 2017, the Commissioner of Consumer Protection shall post
 154 such report on the Department of Consumer Protection's Internet web
 155 site.

156 Sec. 6. (NEW) (*Effective from passage*) Any documentation provided
 157 to or obtained by the Department of Consumer Protection relating to
 158 claims of faulty or failing concrete foundations in residential buildings
 159 by owners of such residential buildings shall be maintained as
 160 confidential by the department for not less than three years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	20-327b(d)
Sec. 2	<i>October 1, 2016</i>	New section
Sec. 3	<i>October 1, 2016, and applicable to assessment years commencing on or after said date</i>	New section
Sec. 4	<i>July 1, 2016</i>	New section

Sec. 5	<i>July 1, 2016</i>	New section
Sec. 6	<i>from passage</i>	New section

PD *Joint Favorable Subst.*