

# WORKING DRAFT

## ***Proposed Substitute Bill No. 5180***

*February Session, 2016*

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LCO No. 3393

### ***AN ACT CONCERNING THE DOCUMENTATION OF CONCRETE FOUNDATION APPLICATIONS.***

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2 repealed and the following is substituted in lieu thereof (*Effective*  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

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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)"

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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.

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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 provide the building  
101 official with written documentation of (1) the name of the individual or  
102 entity that supplied the concrete, the name of the individual or entity

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

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

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

134       Sec. 4. (*Effective July 1, 2016*) The State Building Inspector shall

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

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

155       Sec. 6. (NEW) (*Effective from passage*) Any documentation provided  
156 to or obtained by the Department of Consumer Protection relating to  
157 claims of faulty or failing concrete foundations in residential buildings  
158 by owners of such residential buildings shall be maintained as  
159 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

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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