AN ACT CONCERNING THE DISCLOSURE OF DAMS AND SIMILAR STRUCTURES BY OWNERS OF REAL PROPERTY.

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

Section 1. Section 22a-409 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(a) The commissioner shall cause a survey and maps to be made of each town showing the location of any dams or similar structures within such town, and shall file a copy of such map with the town clerk. On and after October 1, [2007] 2019, the owner of real property where a [high hazard or significant hazard] dam is located shall cause to be recorded on the land records in the municipality where the property is located a document that identifies the existence of the dam and whether the dam is categorized as a high hazard dam or a significant hazard dam. The commissioner shall publish a standardized form to be used for such purposes.

(b) The owner of any dam or similar structure that, by failing, may endanger life or property and that is not already registered shall
register on or before October 1, 2015, with the Commissioner of Energy
and Environmental Protection on a form prescribed by the
commissioner, the location and dimensions of such dam or structure
and such other information as the commissioner may require. Any
information reported on such form that the commissioner cannot
otherwise independently obtain shall not be used by the commissioner
to order the payment of a civil penalty pursuant to section 22a-6d or
22a-407 provided such form is submitted to the commissioner on or
before October 1, 2015. The fee for registration shall be as follows: (1)
Dams or similar structures five feet or more in height but less than
fifteen feet, fifty dollars; (2) dams or similar structures fifteen feet or
more in height but less than twenty-five feet, one hundred dollars; and
(3) dams or similar structures twenty-five feet or more in height, two
hundred dollars. Dams or similar structures less than five feet in
height shall be registered without fee. As used in this subsection,
"height" means the vertical distance from the crest of a dam or similar
structure to the downstream toe of such dam or similar structure. The
owner of any dam or similar structure shall notify the commissioner
by registered or certified mail, return receipt requested, of a transfer of
ownership of such dam or similar structure not later than ten days
after the date of such transfer.

(c) The commissioner shall notify the owner of any dam or similar
structure registered pursuant to subsection (b) of this section, in
writing, by certified mail, return receipt requested, not later than
January fifteenth of any year in which inspection of such dam is due.
Such notice shall identify the classification of such dam, as set forth in
the regulations adopted pursuant to this subsection, and include a
statement of the frequency for such inspection, as set forth in such
regulations. Upon receipt of such timely notification by the
commissioner, the owner of any such dam or similar structure shall
cause such structure to be inspected in accordance with the regulations
adopted pursuant to this subsection by a registered professional
engineer licensed in the state and shall, not later than March fifteenth
of the following year, submit the results of such inspection to the
commissioner on a form prescribed by the commissioner. The commissioner shall periodically inspect dams registered pursuant to subsection (b) of this section for quality assurance when an owner fails to undertake a regularly scheduled inspection and as necessary after a flood event. The fee for any such inspection shall be six hundred sixty dollars until such time as regulations are adopted concerning such inspection fees. Any dam which impounds less than three acre-feet of water or any dam which the commissioner finds has a potential for negligible damage in the event of a failure, after an initial inspection, shall be exempt from the provisions of this subsection except upon determination by the commissioner that such dam poses a unique hazard. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 establishing (1) a schedule for the frequency of and procedures for inspection of dams, (2) the inspection fees for inspections undertaken by the department, sufficient to cover the reasonable cost of such inspections, (3) procedures for registration and criteria for waiver of registration and inspection fees, and (4) criteria for determining whether a dam has a potential for negligible damage in the event of a failure.

(d) Not later than fifteen days prior to the signing of any purchase and sale agreement, the owner of any dam or similar structure shall notify a prospective buyer of the real property on which such dam or similar structure is located (1) of the existence of such dam or structure; (2) whether such dam or similar structure is categorized as a high hazard or significant hazard; and (3) of the results of the most recent inspection of such dam or similar structure conducted pursuant to subsection (c) of this section.

Sec. 2. Subsection (d) of section 20-327b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(d) The Commissioner of Consumer Protection shall prescribe the written residential disclosure report required by this section and sections 20-327c to 20-327e, inclusive. The written residential
Disclosure report shall be based upon a template that the commissioner shall prescribe. Such template shall: Fit on pages being not more than eight and one-half inches in height and eleven inches in width, with type size no smaller than nine-point type, other than checkboxes or section headers, which may be in a smaller size; include the address of the subject property on each page; include page numbers on each page; include section headings in bold type and include space for the buyer and the seller's initials on each page, except the signature page. The report shall contain the following, in the order indicated:

(1) A section entitled "Instructions to Sellers"

You MUST answer ALL questions to the best of your knowledge.

Identify/Disclose any problems regarding the subject property.

YOUR REAL ESTATE LICENSEE CANNOT COMPLETE THIS FORM ON YOUR BEHALF.

UNK means Unknown, N/A means Not Applicable.

If you need additional space to complete any answer or explanation, attach additional page(s) to this form. Include subject property address, seller's name and the date.

(2) Pursuant to the Uniform Property Condition Disclosure Act, the seller is obligated to answer the following questions and to disclose herein any knowledge of any problem regarding the following:

(A) A subsection entitled "Subject Property"

(i) Name of seller(s)

(ii) Street address, municipality, zip code

(B) A subsection entitled "General Information"

(i) Indicate the YEAR the structure was built:
(ii) Indicate HOW LONG you have occupied the property: If not applicable, indicate with N/A.

(iii) Does anyone else claim to own any part of your property, including, but not limited to, any encroachment(s)? If YES, explain:

(iv) Does anyone other than you have or claim to have any right to use any part of your property, including, but not limited to, any easement or right-of-way? If YES, explain:

(v) Is the property in a flood hazard area or an inland wetlands area? If YES, explain:

(vi) Is a dam or similar structure that is required to be recorded or registered pursuant to section 22a-409 of the general statutes located on the property? If YES, has the dam or structure been recorded or registered on town land records, has the dam or structure been categorized as a high hazard or significant hazard, and when was the dam or structure last inspected? Provide any and all written documentation concerning such inspection within your control or possession by attaching a copy of such documentation to this form.

[(vi)] (vii) Do you have any reason to believe that the municipality in which the subject property is located may impose any assessment for purposes such as sewer installation, sewer improvements, water main installation, water main improvements, sidewalks or other improvements? If YES, explain:

[(vii)] (viii) Is the property located in a municipally designated village district, municipally designated historic district or listed on the National Register of Historic Places? If YES, explain:

[(viii)] (ix) Special Statement: Information concerning village districts and historic districts may be obtained from the municipality’s village or historic district commission, if applicable.

[(ix)] (x) Is the property located in a special tax district? If YES, [please] explain:
[(x)] (xi) Is the property subject to any type of land use restrictions, other than those contained within the property's chain of title or that are necessary to comply with state laws or municipal zoning? If YES, explain:

[(xi)] (xii) Is the property located in a common interest community? If YES, is it subject to any community or association dues or fees? Please explain:

[(xii)] (xiii) Do you have any knowledge of prior or pending litigation, government agency or administrative actions, orders or liens on the property related to the release of any hazardous substance? If YES, [please] explain:

(C) A subsection entitled "Leased Equipment"

Does the property include any Leased or Rented Equipment that would necessitate or obligate either of the following: The assignment or transfer of the lease or rental agreement(s) to the buyer or the replacement or substitution of the equipment by the buyer? If YES, indicate by checking ALL items that apply: PROPANE FUEL TANK; WATER HEATER; SECURITY ALARM SYSTEM; FIRE ALARM SYSTEM; SATELLITE DISH ANTENNA; WATER TREATMENT SYSTEM; SOLAR DEVICES; MAJOR APPLIANCES; OTHER

(D) A subsection entitled "Mechanical/Utility Systems"

(i) Heating system problems? If YES, explain. List Fuel Types.

(ii) Hot water heater Type: Age: Hot water problems? If YES, explain:

(iii) Is there an underground storage tank? If YES, give AGE of tank and LOCATION.

(iv) Are you aware of any problems with the underground storage tank? If YES, explain:
(v) During the time you have owned the property, has there ever been an underground storage tank located on the property? If YES, has it been removed? If YES, what was the date of removal and what was the name and address of the person or business who removed such underground storage tank? Provide any and all written documentation of such removal within your control or possession by attaching a copy of such documentation to this form.

(vi) Air conditioning problems? If YES, explain: Air conditioning Type: Central; Window; Other

(vii) Plumbing system problems? If YES, explain:

(viii) Electrical System problems? If YES, explain:

(ix) Electronic security system problems? If YES, explain:

(x) Are there carbon monoxide or smoke detectors located in a dwelling on the property? If YES, state the NUMBER of such detectors and whether there have been problems with such detectors;

(xi) Fire sprinkler system problems? If YES, explain:

(E) A subsection entitled "Water System"

(i) Domestic Water System Type: Public; Private Well; Other

(ii) If Public Water:

(I) Is there a separate expense/fee for water usage? If YES, is the expense/fee for water usage flat or metered? Give the AMOUNT and explain:

(II) Are there any UNPAID water charges? If YES, state the amount unpaid:

(iii) If Private Well:

Has the well water been tested for contaminants/volatile organic
compounds? If YES, attach a copy of the report.

(iv) If Public Water or Private Well: Are you aware of any problems with the well, or with the water quality, quantity, recovery, or pressure? If YES, explain:

(F) A subsection entitled "Sewage Disposal System"

(i) Sewage Disposal System Type: Public; Septic; Cesspool; Other

(ii) If Public Sewer:

(I) Is there a separate charge made for sewer use? If YES, is it Flat or Metered?

(II) If it is a Flat amount, state amount and due dates:

(III) Are there any UNPAID sewer charges? If any unpaid sewer charges, state the amount:

(iii) If Private:

(I) Name of service company

(II) Date last pumped: AND frequency:

(III) For any sewage system, are there problems? If YES, explain:

(G) A subsection entitled "Asbestos/Lead"

(i) Are asbestos containing insulation or building materials present? If YES, location:

(ii) Is lead paint present? If YES, location:

(iii) Is lead plumbing present? If YES, location:

(H) A subsection entitled "Building/Structure/Improvements"

(i) Is the foundation made of concrete? If NO, explain:
(ii) Foundation/Slab problems or settling? If YES, explain:

(iii) Basement Water Seepage/Dampness? If YES, explain Amount, Frequency and Location:

(iv) Sump pump problems? If YES, explain:

(v) Do you have any knowledge of any testing or inspection done by a licensed professional related to a foundation on the property? If YES, attach a copy of the report.

(vi) Do you have any knowledge of any repairs related to a foundation on the property? If YES, explain:

(vii) Roof type; Age?

(viii) Roof leaks? If YES, explain:

(ix) Exterior siding problems? If YES, explain:

(x) Chimney, Fireplace, Wood or Coal Stove problems? If YES, explain:

(xi) Patio/deck problems? If YES, explain:

(xii) If constructed of Wood, is the Wood Treated or Untreated?

(xiii) Driveway problems? If YES, explain:

(xiv) Water drainage problems? If YES, explain:

(xv) Interior Floor, Wall and/or Ceiling problems? If YES, explain:

(xvi) Fire and/or Smoke damage? If YES, explain:

(xvii) Termite, Insect, Rodent or Pest Infestation problems? If YES, explain:

(xviii) Rot or Water damage problems? If YES, explain:

(xix) Is house insulated? If YES, Type: Location:
(xx) Has a test for Radon been performed? If YES, attach a copy of the report.

(xxi) Is there a Radon Control System in place? If YES, explain:

(xxii) Has a Radon control system been in place in the previous 12 months? If YES, explain:

(I) The Seller should attach additional pages to further explain any item(s) above. Indicate here the number of additional pages attached:

(J) Questions contained in subparagraphs (A) to (I), inclusive, of this subdivision shall contain checkboxes indicating "yes", "no", "not applicable" or "unknown".

(3) The written residential disclosure report shall contain the following immediately below the questions contained in subparagraphs (A) to (I), inclusive, of subdivision (2) of this subsection:

A certification by the seller in the following form:

SELLER'S CERTIFICATION

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

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

(4) The written residential disclosure report shall contain the following in a separate section immediately below the seller's certification:
IMPORTANT INFORMATION

(A) RESPONSIBILITIES OF REAL ESTATE BROKERS

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

(B) STATEMENTS NOT TO CONSTITUTE A WARRANTY

Any representations made by the seller on the written residential disclosure report shall not constitute a warranty to the buyer.

(C) NATURE OF DISCLOSURE REPORT

This Residential Property Condition Disclosure Report is not a substitute for inspections, tests and other methods of determining the physical condition of property.

(D) INFORMATION ON THE RESIDENCE OF CONVICTED FELONS

Information concerning the residence address of a person convicted of a crime may be available from law enforcement agencies or the Department of Public Safety.

(E) BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

Prospective buyers should consult with the municipal building official in the municipality in which the property is located to confirm that building permits and certificates of occupancy have been issued for work on the property.

(F) HOME INSPECTION

Buyers should have the property inspected by a licensed home inspector.
(G) CONCRETE FOUNDATION

Prospective buyers may have a concrete foundation inspected by a licensed professional engineer who is a structural engineer for deterioration of the foundation due to the presence of pyrrhotite.

(5) The written residential disclosure report shall contain the following immediately below the statements contained in subparagraphs (A) to (G), inclusive, of subdivision (4) of this subsection:

A certification by the buyer in the following form:

BUYER'S CERTIFICATION

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

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

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Effective Date</th>
<th>Amend Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>July 1, 2019</td>
<td>22a-409</td>
</tr>
<tr>
<td>2</td>
<td>July 1, 2019</td>
<td>20-327b(d)</td>
</tr>
</tbody>
</table>

Statement of Purpose:
To require the owner of real property on which a dam or similar structure is located to (1) record such dam or structure on the land records of the municipality in which such real property is located, (2) notify a potential buyer of such real property of the existence of such dam or structure, and (3) disclose the existence of such dam or structure on a residential disclosure report.
Raised Bill No. 1010

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]