

Regulation of the
Department of Consumer Protection

Concerning
**The Real Estate Property Condition
Disclosure Form**

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on
March 16, 2015

Effective Date
March 16, 2015

Approved by the Attorney General on
November 12, 2014

Approved by the Legislative Regulation Review
Committee on
February 3, 2015

Received and filed in the Office of the
Secretary of the State on
March 9, 2015

Electronic copy with agency head certification statement
submitted to the Office of the
Secretary of the State on
March 10, 2015

Published in the Connecticut Law Journal on

Form ERS_ECC (NEW 9/2014)
State of Connecticut
Office of the Secretary of the State
Legislation and Elections Administration Division

Purpose and Legal Disclaimer: This form was designed to facilitate submission of the "statement from the department head" required by CGS 4-172(a) as amended by PA 12-92, Section 6. This form does not constitute legal advice. The Office of the Secretary of the State (SOTS) is not authorized to provide legal advice to state agencies. Consult with your agency's legal counsel before completing and submitting this form for filing

Instructions: (1) Save a copy of this document to your computer; (2) To enter data, use the Tab key to move between fields, or click-and-highlight an entire <text field>; (3) When complete, submit to your agency's legal counsel for review and approval; (4) After approval by counsel, PRINT and submit to your agency head for his/her original signature; (5) Scan the originally-signed form and submit it with the electronic copy of the regulation the statement certifies to the eRegulations System for processing and public website posting by the Office of the Secretary of the State; (6) retain the originally-signed copy for your agency's regulation-making record.

Electronic Copy Certification Statement

I, **Jonathan A. Harris**, Commissioner of the **Department of Consumer Protection**, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, **do hereby certify:**

That the electronic copy of a regulation concerning **Real Estate Property Condition Disclosure Form**, which was approved by the Legislative Regulation Review Committee on **February 3, 2015**, and which shall be submitted electronically for filing to the Secretary of the State by **Tanya A. Washington** of this agency on **March 10, 2015**, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on **March 10, 2015**.



(Signature of agency head)

R-39 Rev. 03/2012
(Title page)

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

**The Department of Consumer Protection
Concerning**

SUBJECT MATTER OF REGULATION

The Real Estate Property Condition Disclosure Form

Section 1. Section 20-327b-1 of the Regulations of Connecticut State Agencies is hereby amended as follows:

Residential Property Condition Disclosure Report

Sec. 20-327b-1. Residential property condition disclosure report

The following form shall be used by sellers who are required by Section 20-327b of the Connecticut General Statutes to provide a written residential property condition disclosure report to prospective purchasers.

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
165 Capitol Avenue ♦ Hartford, CT 06106



RESIDENTIAL PROPERTY CONDITION DISCLOSURE REPORT

Name of Seller(s):

Property Street Address:

Property Municipality:

Zip Code:

The Uniform Property Condition Disclosure Act (Connecticut General Statutes Section 20-327b) requires the seller of residential property to provide this disclosure to the prospective purchaser prior to the prospective purchaser's execution of any binder, contract to purchase, option or lease containing a purchase option. These provisions apply to the transfer of residential real property of four dwelling units or less made with or without the assistance of a licensed broker or salesperson. The seller will be required to credit the purchaser with the sum of [\$300.00] \$500 or the amount set forth in section 20-327c of the Connecticut General Statutes if said section prescribes a different amount, at closing if the seller fails to furnish this report as required by said act.

Connecticut law requires the owner of any dwelling in which children under the age of 6 reside to abate or manage materials containing toxic levels of lead.

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:

YES	NO	UNKN		I. GENERAL INFORMATION	
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1. How long have you occupied the property? _____ Age of Structure: _____
2. Does anyone other than yourself have any right to use any part of your property, or does anyone else claim to own any part of your property? If yes, explain: _____

3. Is the property in a flood hazard area or an inland wetlands area? If yes, explain: _____

4. 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: _____

5. Is the property located in a municipally designated village district, municipally designated historic district, or special tax district, or listed on the National Register of Historic Places? If yes, explain: _____

Special statement: Information concerning village districts and historic districts may be obtained from the municipality's village or historic district commission, if applicable.

YES	NO	UNKN		II. SYSTEM/UTILITIES	
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6. Heating system problems? If yes, explain and list fuel types. _____

- a. Is there an underground fuel tank? If yes, give age of tank and location. _____

- b. Are you aware of any problems with the fuel tank? If yes explain: _____
- c. (1) During the time you have owned the property, has there ever been an underground storage located on the property? (2) If yes, has it been removed? Yes No (3) If yes, what was the date of such 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. _____

7. Hot water problems? If yes, explain: _____
Type of hot water heater _____ Age _____
8. Plumbing system problems? If yes, explain: _____

- 9. Sewage system problems? If yes, explain: _____

 Type of sewage disposal system (central sewer, septic, cesspool, etc.) _____
 a. If private: (a) Name of service company _____
 (b) Date last pumped _____ Frequency _____
 b. If public:
 (1) Is there a separate charge made for sewer use? Yes _____ No _____
 (2) If separate charge, is it a flat amount or metered? _____
 (3) If flat amount, please state amount and due dates: _____
 (4) Are there any unpaid sewer charges? Yes _____ No _____
 If yes, state the amount: _____
- 10. Air conditioning problems? If yes, explain: _____

 Air Conditioning type: Central _____ Window _____ Other _____
- 11. Electrical System problems? If yes, explain: _____

- 12. Are you aware of any problem with the well or domestic water quality, quantity, recovery, and/or pressure? If yes, explain: _____

- a. Was well water tested for contaminants/volatile organic compounds? If yes, attach a copy of the report.
- b. Are there any unpaid water charges? If yes, state the amount: _____
- c. Is there a separate expense for water usage? If yes, state if flat or metered, give the amount and explain: _____

- 13. Electronic security problems? If yes, explain: _____

- 14. Are there carbon [Carbon] monoxide or smoke detectors located in a dwelling on the property? [problems?] If yes, [explain:] state the number of such detectors and whether there have been any problems with such detectors. _____

- 15. Fire sprinkler system problems? If yes, explain: _____

YES	NO	UNKN		III. BUILDING/STRUCTURE/IMPROVEMENTS	
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- 16. Foundation/slab problems/settling? If yes, explain: _____

- 17. Basement Water/Seepage/Dampness? If yes, explain amount, frequency and location. _____

- 18. Sump pump problems? If yes, explain: _____

- 19. Roof leaks, [problems]? If yes, explain: _____

 Roof type: _____ Age: _____
- 20. Interior walls/ceiling problems? If yes, explain: _____

- 21. Exterior siding problems? If yes, explain: _____

- 22. Floor problems? If yes, explain: _____

- 23. Chimney/fireplace/wood or coal stove problems? If yes, explain: _____

- 24. Fire/smoke damage? If yes, explain: _____

- 25. Patio/deck problems? If yes, explain: _____

- If made of wood, is wood treated or untreated? _____
- 26. Driveway problems? If yes, explain: _____

- 27. Termite/insect/rodent/pest infestation problems? If yes, explain: _____

- 28. Is house insulated? If yes, type _____ Location _____
- 29. Rot and water damage problems? If yes, explain: _____

- 30. Water drainage problems? If yes, explain: _____

- 31. Are asbestos containing insulation or building materials present? If yes, location _____

- 32. Is lead paint present? If yes, location _____

- 33. Is lead plumbing present? If yes, location _____

- 34. Has test for radon been done? If yes, attach copy of report.
State whether a radon control system is in place, or whether a radon control system has been in place
in the previous twelve months. If yes, explain. _____

- 35. Does the property include any leased items? If yes, explain.
(Items to be listed include, but are not limited to: propane fuel tanks, water heaters, major appliances,
alarm systems and solar devices.) _____
- 36. Is the property subject to any types 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. _____

- 37. Is the property located in a common interest community? If yes, is it subject to any
community or association dues or fees? _____

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."

(A) Purpose: Connecticut General Statutes Section 20-327b requires the Commissioner of Consumer Protection to adopt regulations establishing the contents of the Real Estate Property Condition Disclosure Form. The purpose of these proposed regulations is to add additional disclosures and make other changes to the existing Real Estate Property Condition Disclosure Form, as set forth in Public Act 2012-122.

(B) Summary: These regulations modify the Real Estate Property Condition Disclosure Form.

(C) Legal Effects: Regulation Section 20-327b-1 contains the actual Real Estate Property Condition Disclosure Form, so this section must be formally amended each time a statutory, technical, aesthetic, or other change is made to this Form. These proposed regulations modify the Form by adding the following disclosures and by making the following changes:

1. Whether a property located in a common interest community is subject to any community or association dues or fees;
2. That the prospective purchaser should consult with the building official in the municipality where the property is located to confirm that applicable building permits and certificates of occupancy have been issued for work on the property;
3. That the prospective purchaser should have the property inspected by a licensed home inspector;
4. Whether the seller is aware of any prior or pending litigation or government agency or administrative action, order, or lien on the premises related to the release of any hazardous substance;
5. Whether there are smoke and carbon monoxide detectors located in a dwelling on the premises, (b) the number of detectors, and (c) if there have been any problems with the detectors, and explain the problem; and
6. Whether during the seller's ownership, there is or was an underground storage tank on the property and if so, whether it was removed. If the tank was removed and within the seller's possession and control, he or she must provide any and all documentation of removal with information on when and who removed it.

The proposed regulation also updates the credit, from \$300.00 to \$500.00, which the seller must give the purchaser at closing if he or she does not furnish the written Residential Property Condition Disclosure Report.

R-39 Rev. 03/2012
(Certification page—see Instructions on back)

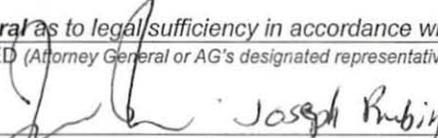
CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
 - a. Connecticut General Statutes section(s) 4-168 and 20-327b.
 - b. Public Act Number(s) 2012-122.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the ~~Connecticut Law Journal~~ on 4-25-2014 via the Secretary of State.
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on 5-28-2014.
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are EFFECTIVE (check one, and complete as applicable)
 - When filed with the Secretary of the State
 - OR on (insert date) _____

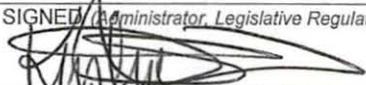
2015 MAR -9 PM 2:50
SECRETARY OF THE STATE
LEGISLATION & ELECTIONS
ADMINISTRATION DIVISION

DATE <u>10/3/14</u>	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED Commissioner Department of Consumer Protection
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<i>APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended</i>		
DATE <u>11/12/14</u>	SIGNED (Attorney General or AG's designated representative)  Joseph Rubin	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.
(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>2-3-15</u>	SIGNED (Administrator, Legislative Regulation Review Committee) 
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)