

HOUSE No. 310

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing information to real estate buyers.

PETITION OF:

NAME:

Theodore C. Speliotis

DISTRICT/ADDRESS:

13th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 323 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING INFORMATION TO REAL ESTATE BUYERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 184 of the General Laws is hereby amended by inserting after section 17D the following new
2 section:

3 Section 17E (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy,
4 or omission of any information delivered pursuant to this section if the error, inaccuracy, or omission was not within
5 the personal knowledge of the transferor or the listing or selling agent, and was based on information timely
6 provided by public agencies or by other persons providing information as specified in subsection (c) that is required
7 to be disclosed pursuant to this section, and ordinary care was exercised in obtaining and transmitting the
8 information.

9 (b) The delivery of any information required to be disclosed by this section to a prospective transferee by a public
10 agency or other person providing information required to be disclosed pursuant to this section shall be deemed to
11 comply with the requirements of this section and shall relieve the transferor or any listing or selling agent of any
12 further duty under this section with respect to that item of information.

13 (c) The delivery of a report or opinion prepared by an environmental reporting expert dealing with matters within
14 the scope of the professional's expertise shall be sufficient compliance for application of the exemption provided by
15 subsection (a) if the information is provided to the prospective transferee pursuant to a request therefore, whether
16 written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the
17 information provided will be used in fulfilling the requirements of this section and, if so, shall indicate the required
18 disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is
19 furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those
20 expressly set forth in the statement.

21 In responding to the request, the expert shall determine whether the property is located within a one-half mile radius
22 of any of the following environmental hazard sites:

- 23 (A) A Leaking Underground Storage Tank, as listed on the database of the Massachusetts Department of
24 Environmental Protection.
- 25 (B) A Leaking Aboveground Tank, as listed on the database of the Massachusetts Department of Environmental
26 Protection.
- 27 (C) A Landfill, as listed on the database of the Massachusetts Department of Environmental Protection.
- 28 (D) An EPA Final Superfund Site (NPL), as listed on the database of the United States Environmental Protection
29 Agency.
- 30 (E) An EPA Proposed Superfund Site (CERCLIS), as listed on the database of the United States Environmental
31 Protection Agency.
- 32 (F) A Hazardous Waste Treatment, Storage and Disposal Site (RCRA Info), as listed on the database of the United
33 States Environmental Protection Agency.
- 34 (G) A State Hazardous Waste Site (SHWS), as listed on the database of the Massachusetts Department of
35 Environmental Protection.
- 36 (H) An Emergency Response Notification System (ERNS) site, as listed on the database of the National Response
37 Center, United States Coast Guard.
- 38 (I) A Center for Disease Control Environmental Health Assessment, as listed on the database of the Center for
39 Disease Control.
- 40 (J) An Active Department of Defense site, as listed on the database of the United States Department of Defense.
- 41 (K) A Former Department of Defense Site, as listed on the database of the United States Department of Defense.
- 42 (L) An Historic Commercial or Industrial site that whose past activities were likely to have caused significant
43 contamination.
- 44 (4) If the property is within a one-half mile radius of any of the sites listed in paragraph (3), the report shall contain
45 the following notice:

46 "NOTICE OF ENVIRONMENTAL HAZARD SITE

47 This property is presently located within a one-half mile radius of an environmental hazard site. For that reason, you
48 may wish to investigate the information about the site further by contacting the agency responsible for the
49 maintenance and cleanup of this site, consider what factors, if any, are associated with the property's proximity to an
50 environmental hazard site, and determine whether the information you receive is acceptable to you before you
51 purchase."