HOUSE DOCKET, NO. 1991 FILED ON: 1/19/2023

HOUSE . . . . . No. 301

The Commonwealth of Massachusetts

PRESENTED BY:

***Denise C. Garlick*, (BY REQUEST)**

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 adoption of the accompanying bill:

An Act providing safe homes for all.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Edward Sullivan		*1/19/2023*

HOUSE DOCKET, NO. 1991 FILED ON: 1/19/2023

HOUSE . . . . . No. 301

By Representative Garlick of Needham (by request), a petition (accompanied by bill, House, No. 301) of Edward Sullivan relative to providing for implied warranties of habitability to purchasers of certain renovated houses or condominiums. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act providing safe homes for all.

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

SECTION 1. Chapter 93A of the General Laws is hereby amended by adding the following section:

Section 12. (a) Every licensed building contractor who renovates or remodels a house or condominium that they own and later sell in the Commonwealth of Massachusetts shall be deemed to have made an Implied Warranty of Habitability to the purchaser of the property.

(b) The Implied Warranty of Habitability shall be deemed to be a part of every such contract and shall be enforceable by the purchaser of the property, regardless of whether the warranty is expressly set forth in the contract.

(c) The Implied Warranty of Habitability shall require the licensed building contractor to renovate or remodel the property in a manner that is fit for human habitation and complies with all applicable building codes and regulations, just as builder/vendors of new houses and condominiums and landlords are required to do.

(d) The Implied Warranty of Habitability shall apply for three years from date of sale of the renovated/remodeled house or condominium by the Commonwealth licensed contractor. No parties involved in the transaction have the power to void or overlook this warranty.

(e) Any licensed building contractor who breaches the Implied Warranty of Habitability shall be liable to the purchaser of the property for all damages arising from the breach, including, but not limited to, damages for personal injury, property damage, and consequential damages.

(f) The remedies provided for in this section shall be in addition to any other remedies available to the purchaser of the property under the law, including, but not limited to, the provisions of Chapter 93A.

(g) The Legislature 6-year "statute of repose" defense for Chapter 93A if licensed home improvement contractors who do not obtain the required inspections and permits on properties they renovate and later sell to 6-year from date of sale. Otherwise, there is no reasonable way to discover dangerous electrical, gas or structural that are hidden behind walls or ceilings nor to determine the actual date of the renovation/remodeling occurred since there is no record. A date of sale could easily be established from the Registry of Deeds.

There would be no change to the 6-year "statute of repose for contractors who properly obtained the required inspections and permits.

SECTION 2. This act shall take effect upon its passage.