

**SENATE . . . . . No.**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Morrissey, Michael (SEN)**

*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:	DISTRICT/ADDRESS:
Morrissey, Michael (SEN)	Norfolk and Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00201 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  
2 the following new section: -

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

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

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

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

26

27 (A) A Leaking Underground Storage Tank, as listed on the database of the Massachusetts Department of  
28 Environmental Protection.

29 (B) A Leaking Aboveground Tank, as listed on the database of the Massachusetts Department of  
30 Environmental Protection.

31

32 (C) A Landfill, as listed on the database of the Massachusetts Department of Environmental Protection.

33

34 (D) An EPA Final Superfund Site (NPL), as listed on the database of the United States Environmental  
35 Protection Agency.

36

37 (E) An EPA Proposed Superfund Site (CERCLIS), as listed on the database of the United States  
38 Environmental Protection Agency.

39

40 (F) A Hazardous Waste Treatment, Storage and Disposal Site (RCRA Info), as listed on the database of  
41 the United States Environmental Protection Agency.

42

43 (G) A State Hazardous Waste Site (SHWS), as listed on the database of the Massachusetts Department of  
44 Environmental Protection.

45

46 (H) An Emergency Response Notification System (ERNS) site, as listed on the database of the National  
47 Response Center, United States Coast Guard.

48

49 (I) A Center for Disease Control Environmental Health Assessment, as listed on the database of the  
50 Center for Disease Control.

51

52 (J) An Active Department of Defense site, as listed on the database of the United States Department of  
53 Defense.

54

55 (K) A Former Department of Defense Site, as listed on the database of the United States Department of  
56 Defense.

57

58 (L) An Historic Commercial or Industrial site that whose past activities were likely to have caused  
59 significant contamination.

60

61 (4) If the property is within a one-half mile radius of any of the sites listed in paragraph (3), the report  
62 shall contain the following notice:

63

64 “NOTICE OF ENVIRONMENTAL HAZARD SITE

65

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