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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE SALES
DISCLOSURES

Introduced By: Representatives McGaw, Carson, Boylan, Speakman, Kislak, Tanzi,
Handy, Cotter, Cortvriend, and Spears

Date Introduced: February 26, 2025

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-20.8-2 of the General Laws in Chapter 5-20.8 entitled "Real Estate
2 Sales Disclosures" is hereby amended to read as follows:

3 **5-20.8-2. Disclosure requirements.**

4 (a) As soon as practicable, but in any event no later than prior to signing any agreement to
5 transfer real estate, the seller of the real estate shall deliver a written disclosure to the buyer and to
6 each agent with whom the seller knows he or she or the buyer has dealt in connection with the real
7 estate. The written disclosure shall comply with the requirements set forth in subsection (b) and
8 shall state all deficient conditions of which the seller has actual knowledge. The agent shall not
9 communicate the offer of the buyer until the buyer has received a copy of the written disclosure
10 and signed a written receipt of the disclosure. If the buyer refuses to sign a receipt pursuant to this
11 section, the seller or agent shall immediately sign and date a written account of the refusal. The
12 agent is not liable for the accuracy or thoroughness of representations made by the seller in the
13 written disclosure or for deficient conditions not disclosed to the agent by the seller.

14 (b)(1) The Rhode Island real estate commission shall approve a form of written disclosure
15 for vacant land and a form of written disclosure for the sale of real property and improvements
16 consisting of a house or building containing one to four (4) dwelling units as required under this
17 chapter or the seller may use a disclosure form substantially conforming to the requirements of this
18 section. The following provisions shall appear conspicuously at the top of any written disclosure

1 form: “Prior to the signing of an agreement to transfer real estate (vacant land or real property and
2 improvements consisting of a house or building containing one to four (4) dwelling units), the seller
3 is providing the buyer with this written disclosure of all deficient conditions of which the seller has
4 knowledge. This is not a warranty by the seller that no other defective conditions exist, which there
5 may or may not be. The buyer should estimate the cost of repair or replacement of deficient
6 conditions prior to submitting an offer on this real estate. The buyer is advised not to rely solely
7 upon the representation of the seller made in this disclosure, but to conduct any inspections or
8 investigations the buyer deems to be necessary to protect his or her best interest.” Nothing
9 contained in this section shall be construed to impose an affirmative duty on the seller to conduct
10 inspections as to the condition of this real estate.

11 (2) The disclosure form for vacant land shall include the following information:

12 (i) Sewage System — (Assessment, Annual Fees, Type, Cesspool/Septic Location, Last
13 Pumped, Maintenance History, Defects)

14 “Potential purchasers of real estate in the State of Rhode Island are hereby notified that
15 many properties in the state are still serviced by cesspools as defined in chapter 19.15 of title 23
16 (the “Rhode Island Cesspool Act of 2007”). Cesspools are a substandard and inadequate means of
17 sewage treatment and disposal, and cesspools often contribute to groundwater and surface water
18 contamination. Requirements for abandonment and replacement of high-risk cesspools as
19 established in chapter 19.15 of title 23 are primarily based upon a cesspool’s nontreatment of
20 wastewater and the inherent risks to public health and the environment due to a cesspool’s distance
21 from a tidal water area, or a public drinking water resource. Purchasers should consult chapter
22 19.15 of title 23 for specific cesspool abandonment or replacement requirements. An inspection of
23 property served by an on-site sewage system by a qualified professional is recommended prior to
24 purchase. Pursuant to § 5-20.8-13, potential purchasers shall be permitted a ten-day (10) period to
25 conduct an inspection of a property’s sewage system to determine if a cesspool exists, and if so,
26 whether it will be subject to the phase-out requirements as established in chapter 19.15 of title 23.”

27 (ii) Water System — (Imp. & Repairs, Type, Defects) Private water supply (well). “The
28 buyer understands that this property is, or will be served, by a private water supply (well) that may
29 be susceptible to contamination and potentially harmful to health. If a public water supply is not
30 available, the private water supply must be tested in accordance with regulations established by the
31 Rhode Island department of health pursuant to § 23-1-5.3. The seller of that property is required to
32 provide the buyer with a copy of any previous private water supply (well) testing results in the
33 seller’s possession and notify the buyer of any known problems with the private water supply
34 (well).”

1 (iii) Property Tax

2 (iv) Easements and Encroachments — The seller of the real estate is required to provide
3 the buyer with a copy of any previous surveys of the real estate that are in the seller’s possession
4 and notify the buyer of any known easements, encroachments, covenants, or restrictions of the
5 seller’s real estate. If the seller knows that the real estate has a conservation easement or other
6 conservation or preservation restriction as defined in § 34-39-2, the seller is required to disclose
7 that information and provide the buyer with a copy of any documentation in the seller’s possession
8 regarding the conservation and preservation restrictions. A buyer may wish to have a boundary or
9 other survey independently performed at the buyer’s own expense.

10 (v) Deed — (Type, Number of Parcels)

11 (vi) Zoning — (Permitted use, Classification). “Buyers of real estate in the State of Rhode
12 Island are legally obligated to comply with all local real estate ordinances; including, but not limited
13 to, ordinances on the number of unrelated persons who may legally reside in a dwelling, as well as
14 ordinances on the number of dwelling units permitted under the local zoning ordinances.” If the
15 subject property is located in a historic district, that fact must be disclosed to the buyer, together
16 with the notification that “property located in a historic district may be subject to construction,
17 expansion, or renovation limitations. Contact the local building inspection official for details.”

18 (vii) Restrictions — (Plat or Other)

19 (viii) Building Permits

20 (ix) Flood Plain — (Flood Insurance)

21 (x) Wetlands — The location of coastal wetlands, bay, freshwater wetlands, pond, marsh,
22 river bank, or swamp, as those terms are defined in chapter 1 of title 2, and the associated buffer
23 areas may impact future property development. The seller must disclose to the buyer any such
24 determination on all or part of the land made by the department of environmental management.

25 (xi) Hazardous Waste — (Asbestos and Other Contaminants)

26 (xii) Miscellaneous

27 (xiii) Farms — The disclosure shall inform the buyer that any farm(s) that may be in the
28 municipality are protected by the right to farm law.

29 (3) The disclosure form for the sale of real property and improvements consisting of a
30 house or building containing one to four (4) dwelling units shall include the following information:

31 (i) Seller Occupancy — (Length of Occupancy)

32 (ii) Year Built

33 (iii) Basement — (Seepage, Leaks, Cracks, etc. Defects)

34 (iv) Sump Pump — (Operational, Location, and Defects)

- 1 (v) Roof (Layers, Age, and Defects)
- 2 (vi) Fireplaces — (Number, Working and Maintenance, Defects)
- 3 (vii) Chimney — (Maintenance History, Defects)
- 4 (viii) Woodburning Stove — (Installation Date, Permit Received, Defects)
- 5 (ix) Structural Conditions — (Defects)
- 6 (x) Insulation — (Wall, Ceiling, Floor, UFFI)
- 7 (xi) Termites or other Pests — (Treatment Company)
- 8 (xii) Radon — (Test, Company). “Radon has been determined to exist in the State of Rhode
9 Island. Testing for the presence of radon in residential real estate prior to purchase is advisable.”
- 10 (xiii) Electrical Service — (Imp. & Repairs, Electrical Service, Amps, Defects,
11 Modifications)
- 12 (xiv) Heating System — (Type, Imp. & Repairs, Underground Tanks, Zones, Supplemental
13 Heating, Defects, Modifications)
- 14 (xv) Air Conditioning — (Imp. & Repairs, Type, Defects)
- 15 (xvi) Plumbing — (Imp. & Repairs, Defects, Modifications)
- 16 (xvii) Sewage System — (Assessment, Annual Fees, Type, Cesspool/Septic Location, Last
17 Pumped, Maintenance History, Defects)
- 18 “Potential purchasers of real estate in the state of Rhode Island are hereby notified that
19 many properties in the state are still serviced by cesspools as defined in Rhode Island general law
20 chapter 19.15 of title 23 (the Rhode Island Cesspool Act of 2007). Cesspools are a substandard and
21 inadequate means of sewage treatment and disposal, and cesspools often contribute to groundwater
22 and surface water contamination. Requirements for abandonment and replacement of high-risk
23 cesspools as established in chapter 19.15 of title 23 are primarily based upon a cesspool’s
24 nontreatment of wastewater and the inherent risks to public health and the environment due to a
25 cesspool’s distance from a tidal water area, or a public drinking water resource. Purchasers should
26 consult chapter 19.15 of title 23 for specific cesspool abandonment or replacement requirements.
27 An inspection of property served by an on-site sewage system by a qualified professional is
28 recommended prior to purchase. Pursuant to § 5-20.8-13, potential purchasers shall be permitted a
29 ten-day (10) period to conduct an inspection of a property’s sewage system to determine if a
30 cesspool exists, and if so, whether it will be subject to the phase-out requirements as established in
31 chapter 19.15 of title 23.”
- 32 (xviii) Water System — (Imp. & Repairs, Type, Defects) Private water supply (well). “The
33 buyer understands that this property is, or will be served, by a private water supply (well) that may
34 be susceptible to contamination and potentially harmful to health. If a public water supply is not

1 available, the private water supply must be tested in accordance with regulations established by the
2 Rhode Island department of health pursuant to § 23-1-5.3. The seller of that property is required to
3 provide the buyer with a copy of any previous private water supply (well) testing results in the
4 seller’s possession and notify the buyer of any known problems with the private water supply
5 (well).”

6 (xix) Domestic Hot Water — (Imp. & Repairs, Type, Defects, Capacity of Tank)

7 (xx) Property Tax

8 (xxi) Easements and Encroachments — The seller of the real estate is required to provide
9 the buyer with a copy of any previous surveys of the real estate that are in the seller’s possession
10 and notify the buyer of any known easements, encroachments, covenants, or restrictions of the
11 seller’s real estate. If the seller knows that the real estate has a conservation easement or other
12 conservation or preservation restriction as defined in § 34-39-1, the seller is required to disclose
13 that information and provide the buyer with a copy of any documentation in the seller’s possession
14 regarding the conservation and preservation restrictions. A buyer may wish to have a boundary or
15 other survey independently performed at his or her own expense.

16 (xxii) Deed — (Type, Number of Parcels)

17 (xxiii) Zoning — (Permitted use, Classification). “Buyers of real estate in the state of
18 Rhode Island are legally obligated to comply with all local real estate ordinances; including, but
19 not limited to, ordinances on the number of unrelated persons who may legally reside in a dwelling,
20 as well as ordinances on the number of dwelling units permitted under the local zoning ordinances.”
21 If the subject property is located in a historic district, that fact must be disclosed to the buyer,
22 together with the notification that “property located in a historic district may be subject to
23 construction, expansion, or renovation limitations. Contact the local building inspection official for
24 details.”

25 (xxiv) Restrictions — (Plat or Other)

26 (xxv) Building Permits

27 (xxvi) Minimum Housing — (Violations)

28 (xxvii) Flood Plain — (Flood Insurance)

29 (xxviii) Wetlands — The location of coastal wetlands, bay, freshwater wetlands, pond,
30 marsh, river bank, or swamp, as those terms are defined in chapter 1 of title 2, and the associated
31 buffer areas may impact future property development. The seller must disclose to the buyer any
32 such determination on all or part of the land made by the department of environmental management.

33 (xxix) Multi-family or other Rental Property — (Rental Income)

34 (xxx) Pools & Equipment — (Type, Defects)

1 (xxxix) Lead Paint — (Inspection) Every buyer of residential real estate built prior to 1978
2 is hereby notified that those properties may have lead exposures that may place young children at
3 risk of developing lead poisoning. Lead poisoning in young children may produce permanent
4 neurological damage, including learning disabilities, reduced IQ behavioral problems, and
5 impaired memory. The seller of that property is required to provide the buyer with a copy of any
6 lead inspection report in the seller’s possession and notify the buyer of any known lead poisoning
7 problem. Environmental lead inspection is recommended prior to purchase.

8 (xxxii) Fire

9 (xxxiii) Hazardous Waste — (Asbestos and Other Contaminants)

10 (xxxiv) Miscellaneous

11 (xxxv) Farms — The disclosure shall inform the buyer that any farm(s) that may be in the
12 municipality are protected by the right to farm law.

13 (xxxvi) Mold — (Type, repairs, alterations, modifications).

14 (xxxvii) Ventilation system modifications.

15 (xxxviii) Moisture penetration and damage.

16 [\(xxxix\) Blower door diagnostic air leakage testing – home energy audit results – \(test,](#)
17 [company\). Air leakage testing and home energy audits are advisable for residential real estate prior](#)
18 [to purchase in order to assess the energy efficiency of the property. Real estate buyers shall be](#)
19 [provided with information related to availability of energy efficiency audits and energy efficiency](#)
20 [programs as identified by the Rhode Island office of energy resources to reduce utility bills, reduce](#)
21 [energy consumption, improve financial security, reduce carbon emissions, and increase comfort,](#)
22 [safety and health for building occupants and owners.](#)

23 (c) Any agreement to transfer real estate shall contain an acknowledgement that a
24 completed real estate disclosure form has been provided to the buyer by the seller in accordance
25 with the provisions of this section.

26 (d) The Rhode Island real estate commission has the right to amend the seller disclosure
27 requirements by adding or deleting requirements when there is a determination that health, safety,
28 or legal needs require a change. Any change to requirements shall be a rule change, subject to the
29 administrative procedures act, chapter 35 of title 42. The power of the commission to amend the
30 written disclosure requirements shall be liberally construed so as to allow additional information to
31 be provided as to the structural components, housing systems, and other property information as
32 required by this chapter.

33 (e) The disclosure form for the sale of vacant land or real property and improvements in
34 subsections (b)(2) and (b)(3) of this section shall also include the following information:

1 “Shoreline Access — Members of the public shall have the right to access shoreline
2 property as defined in § 5-20.8-1. The public’s rights and privileges of the shore may be exercised,
3 where shore exists, on wet sand or dry sand or rocky beach, up to ten feet (10’) landward of the
4 ‘recognizable high tide line’ subject to the restrictions governed by § 46-23-26 and any general
5 laws to the contrary.

6 The seller of the real estate is required to notify the buyer of any public rights of way on
7 the real estate that are known to the seller. The seller shall provide the buyer with a copy of any
8 documentation evidencing such rights of way or conditions of public access that is in the seller’s
9 possession.

10 The buyer is advised to contact the coastal resources management council, the
11 municipality, or applicable nonprofit organizations to determine whether any public rights of way
12 exist.

13 The seller shall provide the buyer with a copy of any permits relating to the real estate that
14 were issued by the coastal resources management council and that are in the seller’s possession.”

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE SALES
DISCLOSURES

1 This act would modify the real estate sales disclosure form to include the disclosure of
2 “blower door diagnostic air leakage testing” and advise that air leakage testing is recommended
3 prior to purchasing a residential unit.

4 This act would take effect upon passage.

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