

## 95TH GENERAL ASSEMBLY State of Illinois 2007 and 2008 HB1426

Introduced 2/21/2007, by Rep. Dan Reitz

## SYNOPSIS AS INTRODUCED:

765 ILCS 77/35 765 ILCS 77/36 new

Amends the Residential Real Property Disclosure Act. Provides that the residential real property disclosure report shall include the disclosure of the seller's awareness of radon hazards (at present, unsafe concentrations of radon). Provides that a seller shall provide to a prospective buyer, along with the disclosure report, written materials prepared by the Illinois Emergency Management Agency about radon hazards, testing, and remediation. Provides that the Illinois Emergency Management Agency shall develop written information about radon hazards, testing, and remediation that a seller shall provide to a residential property purchaser. Effective immediately.

LRB095 08969 AJO 29160 b

1 AN ACT concerning civil law.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- 4 Section 5. The Residential Real Property Disclosure Act is
- 5 amended by changing Section 35 and by adding Section 36 as
- 6 follows:
- 7 (765 ILCS 77/35)
- 8 Sec. 35. Disclosure report form. The disclosures required
- 9 of a seller by this Act shall be made in the following form:
- 10 RESIDENTIAL REAL PROPERTY DISCLOSURE REPORT
- 11 NOTICE: THE PURPOSE OF THIS REPORT IS TO PROVIDE
- 12 PROSPECTIVE BUYERS WITH INFORMATION ABOUT MATERIAL DEFECTS IN
- 13 THE RESIDENTIAL REAL PROPERTY. ACCOMPANYING THIS REPORT IS
- 14 WRITTEN INFORMATION THAT DESCRIBES THE POTENTIAL HAZARDS OF
- 15 <u>EXPOSURE TO RADON, TESTING FOR RADON, AND RADON REMEDIATION;</u>
- 16 THE WRITTEN INFORMATION WAS PREPARED BY THE ILLINOIS EMERGENCY
- 17 <u>MANAGEMENT AGENCY PURSUANT TO STATE STATUTE.</u> THIS REPORT DOES
- 18 NOT LIMIT THE PARTIES' RIGHT TO CONTRACT FOR THE SALE OF
- 19 RESIDENTIAL REAL PROPERTY IN "AS IS" CONDITION. UNDER COMMON
- 20 LAW, SELLERS WHO DISCLOSE MATERIAL DEFECTS MAY BE UNDER A
- 21 CONTINUING OBLIGATION TO ADVISE THE PROSPECTIVE BUYERS ABOUT
- THE CONDITION OF THE RESIDENTIAL REAL PROPERTY EVEN AFTER THE
- 23 REPORT IS DELIVERED TO THE PROSPECTIVE BUYER. COMPLETION OF

- THIS REPORT BY THE SELLER CREATES LEGAL OBLIGATIONS ON THE

  SELLER; THEREFORE THE SELLER MAY WISH TO CONSULT AN ATTORNEY

  PRIOR TO COMPLETION OF THIS REPORT.

  Property Address:

  City, State & Zip Code:

  Seller's Name:

  This Report is a disclosure of certain conditions of the

  residential real property listed above in compliance with the
  - This Report is a disclosure of certain conditions of the residential real property listed above in compliance with the Residential Real Property Disclosure Act. This information is provided as of ...(month) ...(day) ...(year), and does not reflect any changes made or occurring after that date or information that becomes known to the seller after that date. The disclosures herein shall not be deemed warranties of any kind by the seller or any person representing any party in this transaction.

In this form, "am aware" means to have actual notice or actual knowledge without any specific investigation or inquiry. In this form, "material defect" means a condition that would have a substantial adverse effect on the value of the residential real property or that would significantly impair the health or safety of future occupants of the residential real property unless the seller reasonably believes that the condition has been corrected.

The seller discloses the following information with the knowledge that even though the statements herein are not deemed to be warranties, prospective buyers may choose to rely on this

26

1	information in deciding whether or not and on what terms to										
2	purchase the residential real property.										
3	The seller represents that to the best of his or her actual										
4	knowledge, the following statements have been accurately noted										
5	as "yes" (correct), "no" (incorrect), or "not applicable" to										
6	the property being sold. If the seller indicates that the										
7	response to any statement, except number 1, is yes or not										
8	applicable, the seller shall provide an explanation, in the										
9	additional information area of this form.										
10	YES NO N/A										
11	1 Seller has occupied the property										
12	within the last 12 months.										
13	(No explanation is needed.)										
14	2 I am aware of flooding or recurring										
15	leakage problems in the crawl										
16	space or basement.										
17	3 I am aware that the property is										
18	located in a flood plain or that I										
19	currently have flood hazard										
20	insurance on the property.										
21	4 I am aware of material defects in										
22	the basement or foundation										
23	(including cracks and bulges).										
24	5 I am aware of leaks or material										
25	defects in the roof, ceilings, or										

chimney.

1	6 I am aware of material defects in
2	the walls or floors.
3	7 I am aware of material defects in
4	the electrical system.
5	8 I am aware of material defects in
6	the plumbing system (includes
7	such things as water heater, sump
8	pump, water treatment system,
9	sprinkler system, and swimming
10	pool).
11	9 I am aware of material defects in
12	the well or well equipment.
13	10 I am aware of unsafe conditions in
14	the drinking water.
15	11 I am aware of material defects in
16	the heating, air conditioning, or
17	ventilating systems.
18	12 I am aware of material defects in
19	the fireplace or woodburning
20	stove.
21	13 I am aware of material defects in
22	the septic, sanitary sewer, or
23	other disposal system.
24	14 I am aware of radon hazards or
25	unsafe concentrations of radon on the
26	premises.

1	15			I am aware of unsafe concentrations
2				of or unsafe conditions relating
3				to asbestos on the premises.
4	16			I am aware of unsafe concentrations
5				of or unsafe conditions relating
6				to lead paint, lead water pipes,
7				lead plumbing pipes or lead in
8				the soil on the premises.
9	17			I am aware of mine subsidence,
10				underground pits, settlement,
11				sliding, upheaval, or other earth
12				stability defects on the
13				premises.
14	18			I am aware of current infestations
15				of termites or other wood boring
16				insects.
17	19		• • • • •	I am aware of a structural defect
18				caused by previous infestations
19				of termites or other wood boring
20				insects.
21	20	• • • • •	• • • • •	I am aware of underground fuel
22				storage tanks on the property.
23	21	• • • • •	• • • • •	I am aware of boundary or lot line
24				disputes.
25	22	• • • • •	• • • • •	I have received notice of violation
26				of local, state or federal laws

1	or regulations relating to this
2	property, which violation has not
3	been corrected.
4	Note: These disclosures are not intended to cover the
5	common elements of a condominium, but only the actual
6	residential real property including limited common elements
7	allocated to the exclusive use thereof that form an integral
8	part of the condominium unit.
9	Note: These disclosures are intended to reflect the current
10	condition of the premises and do not include previous problems,
11	if any, that the seller reasonably believes have been
12	corrected.
13	If any of the above are marked "not applicable" or "yes",
14	please explain here or use additional pages, if necessary:
15	
16	
17	
18	Check here if additional pages used:
19	Seller certifies that seller has prepared this statement
20	and certifies that the information provided is based on the
21	actual notice or actual knowledge of the seller without any
22	specific investigation or inquiry on the part of the seller.
23	The seller hereby authorizes any person representing any
24	principal in this transaction to provide a copy of this report,
25	and to disclose any information in the report, to any person in
26	connection with any actual or anticipated sale of the property.

18

1	Seller:	• • • • • • •		• • • • • • • •	I	Date:	• • • • • • •	
2	Seller:				I	Date:		
3	THE	PROSPECT	TIVE BUYER	IS AWAR	E THAT :	THE PAR	RTIES MAY	CHOOSE
4	TO NEGOI	CIATE AN	AGREEMENT	FOR THE	SALE OF	F THE P	ROPERTY	SUBJECT

- 5 TO ANY OR ALL MATERIAL DEFECTS DISCLOSED IN THIS REPORT ("AS
- 6 IS"). THIS DISCLOSURE IS NOT A SUBSTITUTE FOR ANY INSPECTIONS
- OR WARRANTIES THAT THE PROSPECTIVE BUYER OR SELLER MAY WISH TO 7
- OBTAIN OR NEGOTIATE. THE FACT THAT THE SELLER IS NOT AWARE OF A 8
- PARTICULAR CONDITION OR PROBLEM IS NO GUARANTEE THAT IT DOES 9
- 10 NOT EXIST. THE PROSPECTIVE BUYER IS AWARE THAT HE MAY REQUEST
- 11 AN INSPECTION OF THE PREMISES PERFORMED BY A QUALIFIED
- 12 PROFESSIONAL.
- Prospective Buyer: ..... Date: ..... Time: .... 13
- 14 Prospective Buyer: ..... Date: ..... Time: ....
- (Source: P.A. 90-383, eff. 1-1-98; 91-357, eff. 7-29-99.) 15
- 16 (765 ILCS 77/36 new)
- 17 Sec. 36. Information about radon hazards, testing, and

remediation. The Illinois Emergency Management Agency shall

- develop and make available written materials about radon for 19
- 20 sellers to provide to prospective buyers of residential real
- 21 property on which a residential dwelling exists. The written
- 22 materials about radon shall describe potential hazards of
- 23 exposure to radon, testing for radon, and radon remediation.
- 24 Section 99. Effective date. This Act takes effect upon
- 25 becoming law.