

13100558D

HOUSE BILL NO. 1615

Offered January 9, 2013

Prefiled January 6, 2013

A BILL to amend and reenact §§ 32.1-11.7 and 55-519 of the Code of Virginia, relating to landlord and tenant laws; Virginia Residential Property Disclosure Act; disclosure of methamphetamine laboratory.

Patrons—Gilbert and Bulova

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-11.7 and 55-519 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-11.7. Guidelines for cleanup of residential property used as clandestine drug lab; declaration of cleanup.

The Board, in consultation with the Department of Environmental Quality and other relevant entities, shall establish guidelines for the cleanup of residential property formerly used as a clandestine methamphetamine laboratory.

If residential property formerly used as a clandestine methamphetamine laboratory has been cleaned up in accordance with the guidelines established pursuant to this section, the person or entity performing the cleanup shall file a declaration of the cleanup in the public land records of the locality in which the property is located.

§ 55-519. Required disclosures.

A. With regard to transfers described in § 55-517, the owner of the residential real property shall furnish to a purchaser a residential property disclosure statement in a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:

1. The owner makes no representations with respect to the matters set forth and described at a website maintained by the Real Estate Board and that the purchaser is advised to consult this website for important information about the real property; and

2. The owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) that affect the safe, decent, sanitary living conditions of the property of which the owner has been notified in writing by the locality, except as disclosed on the disclosure statement, nor any pending violation of the local zoning ordinance that the violator has not abated or remedied under the zoning ordinance, within a time period set out in the written notice of violation from the locality or established by a court of competent jurisdiction, except as disclosed on the disclosure statement.

3. *The owner makes no representations with respect to the presence of a clandestine methamphetamine laboratory, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any clandestine methamphetamine laboratory on the property, in accordance with the terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to the purchase contract. However, if the owner has actual knowledge that the residential property was previously used as a clandestine methamphetamine laboratory or that the property previously used as a clandestine methamphetamine laboratory has been cleaned up in accordance with the Department of Health guidelines established pursuant to § 32.1-11.7, the owner shall so state on a form provided by the Real Estate Board.*

B. At the website referenced in subdivision A 1, the Real Estate Board shall include language providing notice to the purchaser that by delivering the residential property disclosure statement:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary including obtaining a certified home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement on a parcel of residential real property;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement on a parcel of residential real property;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due

INTRODUCED

HB1615

59 diligence a particular purchaser deems necessary with respect to any historic district designated by the
60 locality pursuant to § 15.2-2306, including review of any local ordinance creating such district or any
61 official map adopted by the locality depicting historic districts, in accordance with terms and conditions
62 as may be contained in the real estate purchase contract, but in any event, prior to settlement on a parcel
63 of residential real property;

64 4. The owner makes no representations with respect to whether the property contains any resource
65 protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act
66 (§ 10.1-2100 et seq.) adopted by the locality where the property is located pursuant to § 10.1-2109 and
67 that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to
68 determine whether the provisions of any such ordinance affect the property, including review of any
69 official map adopted by the locality depicting resource protection areas, in accordance with terms and
70 conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement
71 on a parcel of residential real property;

72 5. The owner makes no representations with respect to information on any sexual offenders registered
73 under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever
74 due diligence they deem necessary with respect to such information, in accordance with terms and
75 conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement
76 pursuant to that contract;

77 6. The owner makes no representations with respect to whether the property is within a dam break
78 inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence
79 they deem necessary with respect to whether the property resides within a dam break inundation zone,
80 including a review of any map adopted by the locality depicting dam break inundation zones;

81 7. The owner makes no representations with respect to the presence of any stormwater detention
82 facilities located on the property and purchasers are advised to exercise whatever due diligence they
83 deem necessary to determine the presence of any stormwater detention facilities on the property, in
84 accordance with terms and conditions as may be contained in the real estate purchase contract, but in
85 any event, prior to settlement pursuant to that contract; and

86 8. The owner makes no representations with respect to the presence of any wastewater system,
87 including the type or size thereof or associated maintenance responsibilities related thereto, located on
88 the property and purchasers are advised to exercise whatever due diligence they deem necessary to
89 determine the presence of any wastewater system on the property, in accordance with terms and
90 conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement
91 pursuant to that contract.

92 C. Any buyer who is a party to a real estate purchase contract subject to this section may provide in
93 such contract that the disclosures provided on the Real Estate Board website be printed off and provided
94 to such buyer.