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HOUSE BILL NO. 17

Offered January 13, 2016

Prefiled November 16, 2015

A BILL to amend the Code of Virginia by adding in Title 55 a chapter numbered 26.1, consisting of sections numbered 55-516.3 and 55-516.4, relating to disclosure of storage or land application of industrial waste or sewage sludge on property.

Patrons—Ware, Kory and Peace

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 55 a chapter numbered 26.1, consisting of sections numbered 55-516.3 and 55-516.4, as follows:

CHAPTER 26.1.**AGRICULTURAL PROPERTY DISCLOSURE.****§ 55-516.3. Required disclosure; storage or land application of industrial waste or sewage sludge.**

The owner of land upon which (i) industrial waste has been stored or to which industrial waste has been applied pursuant to § 62.1-44.16 or (ii) sewage sludge has been stored or to which sewage sludge has been applied pursuant to a permit issued pursuant to § 62.1-44.19:3 shall disclose to any prospective purchaser or lessee of the subject land that industrial waste or sewage sludge has been stored upon or applied to the subject land. The owner shall make such disclosure in writing on a form developed by the Real Estate Board in consultation with the Department of Environmental Quality.

§ 55-516.4. Time for disclosure; remedies.

A. The owner of real property subject to this chapter shall deliver to the prospective purchaser or lessee the written disclosure required by § 55-516.3 prior to the acceptance of a real estate purchase or lease contract. For the purposes of this chapter, "acceptance" means the full execution of a real estate purchase contract by all parties. Such disclosure may be included in the real estate purchase or lease contract, in an addendum thereto, or in a separate document.

B. In the event that the owner fails to provide the disclosure required by § 55-516.3, or the owner misrepresents, willfully or otherwise, the information required in such disclosure, the purchaser may maintain an action to recover his actual damages suffered as the result of such violation. Any action brought under this subsection shall be commenced within one year of the date the purchaser or lessee received such disclosure. If no written disclosure was delivered to the purchaser, an action shall be commenced within one year of the date of acceptance of the contract.

C. Nothing contained herein shall prevent a purchaser or lessee from pursuing any remedies at law or equity otherwise available against an owner in the event of an owner's intentional or willful misrepresentation of the condition of the subject property.

INTRODUCED

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