

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 1217**

Short Title: Real Estate Disclosure/Environmental Concerns. (Public)

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Sponsors: Representatives Allred; and Harrison.

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Referred to: Environment and Natural Resources, if favorable, Commerce, Small Business,  
and Entrepreneurship.

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April 8, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT REQUIRING THAT RESIDENTIAL PROPERTY DISCLOSURE STATEMENTS  
3 INCLUDE CONDITIONS OF THE PROPERTY RELATED TO TOXIC WATER AND  
4 OTHER ENVIRONMENTAL CONCERNS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 47E-4(b) reads as rewritten:

7 "(b) The North Carolina Real Estate Commission shall develop and require the use of a  
8 standard disclosure statement to comply with the requirements of this section. The disclosure  
9 statement shall specify that certain transfers of residential property are excluded from this  
10 requirement by G.S. 47E-2, including transfers of residential property made pursuant to a lease  
11 with an option to purchase where the lessee occupies or intends to occupy the dwelling, and  
12 shall include at least the following characteristics and conditions of the property:

- 13 (1) The water supply and sanitary sewage disposal system;  
14 (2) The roof, chimneys, floors, foundation, basement, and other structural  
15 components and any modifications of these structural components;  
16 (3) The plumbing, electrical, heating, cooling, and other mechanical systems;  
17 (4) Present infestation of wood-destroying insects or organisms or past  
18 infestation the damage for which has not been repaired;  
19 (5) The zoning laws, restrictive covenants, building codes, and other land-use  
20 restrictions affecting the real property, any encroachment of the real property  
21 from or to adjacent real property, and notice from any governmental agency  
22 affecting this real property; and  
23 (6) Presence of lead-based paint, asbestos, radon gas, methane gas, underground  
24 storage tank, hazardous material or toxic ~~material (whether buried or~~  
25 ~~covered),~~ material, whether buried or covered, including toxic water, and  
26 other environmental contamination or environmental  
27 concerns, including oversold sewage treatment capacity, building lots too  
28 high or too low to build on, subsidence, and heavy erosion.

29 The disclosure statement shall provide the owner with the option to indicate whether the  
30 owner has actual knowledge of the specified characteristics or conditions, or the owner is  
31 making no representations as to any characteristic or condition."

32 **SECTION 2.** This act becomes effective October 1, 2009.

