



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.

2 **Be it enacted by the People of the State of Illinois,**
3 **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 EXPOSURE TO RADON, TESTING FOR RADON, AND RADON REMEDIATION;
16 THE WRITTEN INFORMATION WAS PREPARED BY THE ILLINOIS EMERGENCY
17 MANAGEMENT AGENCY PURSUANT TO STATE STATUTE. 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
22 THE CONDITION OF THE RESIDENTIAL REAL PROPERTY EVEN AFTER THE
23 REPORT IS DELIVERED TO THE PROSPECTIVE BUYER. COMPLETION OF

1 THIS REPORT BY THE SELLER CREATES LEGAL OBLIGATIONS ON THE
2 SELLER; THEREFORE THE SELLER MAY WISH TO CONSULT AN ATTORNEY
3 PRIOR TO COMPLETION OF THIS REPORT.

4 Property Address:
5 City, State & Zip Code:
6 Seller's Name:

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

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

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

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
26 chimney.

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 Seller: Date:

2 Seller: Date:

3 THE PROSPECTIVE BUYER IS AWARE THAT THE PARTIES MAY CHOOSE
4 TO NEGOTIATE AN AGREEMENT FOR THE SALE OF THE PROPERTY SUBJECT
5 TO ANY OR ALL MATERIAL DEFECTS DISCLOSED IN THIS REPORT ("AS
6 IS"). THIS DISCLOSURE IS NOT A SUBSTITUTE FOR ANY INSPECTIONS
7 OR WARRANTIES THAT THE PROSPECTIVE BUYER OR SELLER MAY WISH TO
8 OBTAIN OR NEGOTIATE. THE FACT THAT THE SELLER IS NOT AWARE OF A
9 PARTICULAR CONDITION OR PROBLEM IS NO GUARANTEE THAT IT DOES
10 NOT EXIST. THE PROSPECTIVE BUYER IS AWARE THAT HE MAY REQUEST
11 AN INSPECTION OF THE PREMISES PERFORMED BY A QUALIFIED
12 PROFESSIONAL.

13 Prospective Buyer: Date: Time:

14 Prospective Buyer: Date: Time:

15 (Source: P.A. 90-383, eff. 1-1-98; 91-357, eff. 7-29-99.)

16 (765 ILCS 77/36 new)

17 Sec. 36. Information about radon hazards, testing, and
18 remediation. The Illinois Emergency Management Agency shall
19 develop and make available written materials about radon for
20 sellors 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.