

By Mr. Golden, a petition (accompanied by bill, Senate, No. 1630) of William B. Golden, Joseph B. McIntyre, Thomas S. Cahir, Frank M. Hynes, Robert A. Durand and Patricia G. Fiero for legislation to require notice by sellers of real estate concerning frequency of flooding and rate of erosion. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT REQUIRING NOTICE BY SELLERS OF REAL ESTATE CONCERNING
FREQUENCY OF FLOODING AND RATE OF EROSION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 183 of the General Laws is hereby amended by inserting
2 after section 66 the following section: —

3 Section 67. Prospective purchasers of residential real estate,
4 located in the designated coastal zone as defined in the
5 Massachusetts coastal zone management program, of four or less
6 units which is occupied or to be occupied in whole or in part by
7 the prospective purchaser shall be notified about the risk of
8 flooding and erosion, where applicable, as follows: —

9 (a) The director of the coastal zone management office of the
10 executive office of environmental affairs shall, by May first,
11 nineteen hundred and ninety, prepare a standard notification form
12 as is necessary to inform prospective purchasers of said real estate
13 (1) that said real estate, or any portion thereof, is located within
14 Zone A of Zone V on the current flood insurance rate map issued
15 by the federal emergency management agency or its successor, or,
16 if none has been issued, within a special flood hazard area on the
17 current flood hazard boundary map issued by said agency or its
18 successor, and (2) of the average annual rate of erosion of the
19 shoreline in the vicinity of such real estate.

20 (b) Such form shall be accompanied by copies of the relevant
21 sheets of the flood insurance rate map, flood hazard boundary
22 map, and shoreline change map which is available at the

23 Massachusetts coastal zone management office. Such form and
24 maps shall not be required if no portion of such real estate is
25 located within Zone A or Zone V of a special flood hazard area,
26 as shown on the current flood insurance rate map or flood hazard
27 boundary map, and no portion of such real estate is located within
28 one hundred feet of the line of mean high water of the ocean,
29 a tidal watercourse or a tidal body of water. Such form and maps
30 may be revised from time to time as appropriate. Such form, and
31 any revision thereof, shall be published in the Massachusetts
32 Register and shall take effect sixty days after such publication,
33 but not before July first, nineteen hundred and ninety.

34 (c) Effective with respect to purchase and sale agreements signed
35 after July first, nineteen hundred and ninety, all persons selling
36 such real estate shall, prior to the signing of the purchase and sale
37 agreement, provide a copy of the form and maps prepared
38 pursuant to subsections (a) and (b) to the prospective purchaser.
39 Any real estate agent involved in the sale shall also be responsible
40 for assuring that the prospective purchaser receives such form and
41 maps prior to the signing of the purchase and sale agreement. If
42 such form and maps are provided less than ten days before the
43 signing of the purchase and sale agreement, the prospective
44 purchaser shall be entitled to rescind the purchase and sale
45 agreement without penalty, and recover any deposit paid
46 thereunder, by written notice given to the prospective seller at any
47 time before or within ten days after such form and maps are
48 provided, provided that such right of rescission shall be extin-
49 guished upon the recording of the deed.

50 (d) Any person who fails to comply with the provision of this
51 section shall be liable for all damage caused by his or her failure
52 to comply. A violation of this section by a person engaged in the
53 conduct of trade or commerce shall also be considered an unfair
54 or deceptive act or practice within the meaning of section two of
55 chapter ninety-three A.