

By Mr. Angelo of Saugus, petition of Steven Angelo, Robert A. Durand, Kevin O'Sullivan, Thomas P. Walsh and David P. Magnani relative to exempting innocent homeowners from liability for releases of oil or hazardous materials Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT EXEMPTING INNOCENT HOMEOWNERS FROM LIABILITY FOR RELEASES OF OIL OR HAZARDOUS MATERIALS.

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

1 Section five of Chapter twenty-one E of the General Laws is
2 hereby amended by adding after paragraph (f), the following
3 paragraph: —

4 (g) Any person who owns a one- to four-family residence that
5 is a site at which the department has incurred costs for response
6 actions shall not be liable to the department for those costs if he
7 can establish by a preponderance of the evidence that:

8 (1) he is not a person described in clauses (2), (3), and (4) or (5)
9 of paragraph (a); and

10 (2) the site was being used exclusively as a one- to four-family
11 residence throughout his ownership; and

12 (3) he immediately notified the department of the presence of
13 the oil or hazardous material upon the site as soon as he had
14 knowledge of it.

15 If the department can establish by a preponderance of the
16 evidence that said owner knew or had reason to know of the
17 presence of oil or hazardous material on the site when he became
18 owner of the residence, the defense established by this subsection
19 shall not apply.

