

HOUSE No. 5087

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 17, 1993.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to the further disclosure of information in real estate transactions (House, No. 2788), reports recommending that the same be amended by the substitution of the accompanying bill (House, No. 5087).

For the committee,

JOHN F. COX.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE FURTHER DISCLOSURE OF INFORMATION IN
REAL ESTATE TRANSACTIONS.

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 184 of the General Laws is hereby amended by adding
2 the following section: —

3 Section 35. (1) The fact or suspicion that real property might
4 be or is psychologically impacted, as a result of the fact or
5 suspicion that an occupant of such real property is, or was at any
6 time suspected to be, infected with Human Immunodeficiency
7 Virus or diagnosed with Acquired Immune Deficiency Syndrome,
8 or any other disease which has been determined by medical
9 evidence to be highly unlikely to be transmitted through the
10 occupancy of a dwelling place, is not a material fact that must
11 be disclosed in a real estate transaction.

12 (2) The fact or suspicion that real property might be or is
13 psychologically impacted as a result of the fact or suspicion that
14 such real property was, or was at any time suspected to have been,
15 the site of a homicide or other felony or of a suicide shall not be
16 required to be disclosed, except:

17 (a) to the extent that a transferee, prospective transferee,
18 occupant or prospective occupant makes a specific inquiry
19 concerning the information; and

20 (b) to the extent that the person to whom such inquiry is made
21 has actual knowledge of the information.

22 (3) No cause of action shall arise against an owner or landlord
23 of real estate or his agent for the failure to disclose to the transferee
24 or occupant that the property has been or is psychologically
25 impacted, except for failure to disclose the matters required in this
26 section.