

1 H.584

2 Introduced by Representative McCullough of Williston

3 Referred to Committee on

4 Date:

5 Subject: Property; public health; cyanobacteria; disclosure

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 seller of real property to disclose to the buyer prior to the conveyance whether
8 a water within a five mile radius of the property tested positive for
9 cyanobacteria in the five years prior to the conveyance.

10 An act relating to disclosure of cyanobacteria outbreak prior to conveyance
11 of real property

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 27 V.S.A. § 617 is added to read:

14 § 617. DISCLOSURE OF CYANOBACTERIA PRESENCE

15 (a) As used in this section:

16 (1) "Cyanobacteria" means photosynthetic bacteria that have two
17 photosystems, produce molecular oxygen, and use water as an electron-
18 donating substrate in photosynthesis, including microcystis, anabaena, and
19 aphanizomenon.

20 (2) "Waters" shall have the same meaning as used in 10 V.S.A. § 1251.

1 (b) Disclosure of cyanobacteria presence. For a contract for the
2 conveyance of real property, the seller prior to conveyance shall provide the
3 buyer with a disclosure form notifying the buyer if any water located within a
4 five mile radius of the real property tested positive for cyanobacteria in the
5 five years preceding the date of conveyance. The disclosure form shall include
6 the name of the water that tested positive for cyanobacteria and the date when
7 the water tested positive.

8 (c) Penalty; liability. Liability for failure to provide the disclosure form
9 required by this section shall be a civil penalty, imposed by the Department of
10 Health under 18 V.S.A. chapter 3, of not less than \$25.00 and not more than
11 \$250.00 for each violation.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2020.