

# Planning and Development Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-700

AN ACT CONCERNING THE DISCLOSURE OF DAMS AND SIMILAR

**Title:** STRUCTURES BY SELLERS OF REAL PROPERTY.

**Vote Date:** 3/2/2021

**Vote Action:** Joint Favorable

**PH Date:** 2/3/2021

**File No.:** 76

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### SPONSORS OF BILL:

Rep. Kenneth M Gucker, 138<sup>th</sup> Dist.

Rep. David Michel, 146<sup>th</sup> Dist.

### REASONS FOR BILL:

SB-700 seeks to require sellers to disclose dams or similar structures on real property. According to testimony, new buyers of property are often unaware dams exist on their land, are unaware of the associated costs and liabilities, or mistakenly believe the dams are state property. According to the Nature Conservancy, there are well over 4,000 dams in Connecticut, and about 300 are owned by the state. All dams must be registered with the DEEP and assigned a hazard rating (AA being the lowest risk, up to A, BB, B and C, the highest). Based on hazard rating, the DEEP requires dams be inspected every 2-10 years. The DEEP classifies Failure of a Class C High Hazard dam as resulting in probable loss of life, major damage to habitable structures, damage to infrastructure and great economic loss. Emergency Action Plan (EAP) from professional engineers must be filed with the DEEP for class B and C dams, and cost \$15,000 on average. Once filed, EAPs must be updated every 2 years.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**In Support: Commissioner Katie S. Dykes of CT Dep of Energy & Environmental Protection:** Explained that all dams must be registered with DEEP, assigned a hazard rating, and periodically inspected based on rating. Properly maintaining a dam is an owner's obligation to the public, and owners must be made aware of this before purchasing.

## **NATURE AND SOURCES OF SUPPORT:**

**Connecticut Chapter of the American Planning Association:** Expressed support, claiming, 'Dam ownership is a significant regulatory and financial responsibility that any buyer of property absolutely has a right to be aware of and prepared for before closing on the sale.'

**Connecticut Realtors:** Expressed support, claiming the bill would ensure disclosure of dams is included in Residential Property Condition Report.

**Nathan Frohling, Director of External Affairs at The Nature Conservancy:** Expressed support that buyers are often unaware of costs associate with maintaining dams and that not all dams are owned by the state. Supports the bill for requiring that dams be included in Real Estate Disclosure Forms when properties are sold.

**Sen. Cathy Osten, 19<sup>th</sup> District:** Expressed support that buyers are often ill-informed as to the responsibility associated with properties including dams.

Rivers Alliance: Expressed support, with a testimony that read in whole: Rivers Alliance strongly supports the inclusion of dam disclosure in residential disclosure reports in Connecticut and specifically support the language drafted jointly by CFE/Save the Sound, The Nature Conservancy, and the Connecticut Association of Realtors. Connecticut has more than 4,000 dams squeezed into 5,543 square miles. When considering the purchase of a property, buyers have the right to know if one of these dams is on the property.

## **NATURE AND SOURCES OF OPPOSITION:**

No opposition to SB-700

**Reported by: Colin Savino**

**Date: 3/10/2021**