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Sellers of Certain Connecticut Real Estate Required to Attach Housing Disclosure Form To Purchase Agreements

On May 16, 2016, the Connecticut General Assembly enacted Public Act 16-16, which requires sellers of Connecticut real estate consisting of two or more units to attach to purchase agreements, options and leases which contain a purchase option, a one-page disclosure form setting forth information on housing discrimination and federal and state fair housing laws. The sale or exchange of multifamily residential homes, apartment buildings and mixed-use developments which contain two or more residential dwelling units would all fall within the scope of the Act. Not included within the scope of the Act are single-family homes (unless there is a second residential unit) or the lease of any residential dwelling units (unless the lease contains an option to purchase). The Act directed the Commission on Human Rights and Opportunities (CHRO) to create the disclosure form by July 1, 2016, and mandates its use in purchase agreements, options and leases which contain a purchase option beginning sixty days after the form's release by CHRO. The disclosure form must be signed by the prospective purchaser of such real estate at the time of closing.

A copy of the disclosure form can be found at http://www.ct.gov/chro/lib/chro/PA_16-16_with_signature_line_and_date.pdf. CHRO has recently revised the disclosure form to include a signature line for the prospective purchaser as required by the Act, so previous versions of the disclosure form should be disregarded. CHRO has the authority to review and update the disclosure form as necessary, so we advise that you periodically check the CHRO website (<http://www.ct.gov/chro/site/default.asp>) for the latest version of the form.

For now, the failure on the part of the seller to attach the disclosure form as required by the Act does not void or invalidate an otherwise valid purchase agreement, option or lease with option to purchase, and, unlike the Residential Property Condition Disclosure Report or the affidavit concerning smoke detectors and carbon monoxide detectors, no penalty is assessed against the seller in the event that the disclosure form is disregarded at closing.

Questions or Information:

For more information on the CHRO disclosure form, please contact Greg Muccilli at (203) 836-2806 or gmuccilli@goodwin.com.

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