



SPONSOR: Rep. Shupe & Sen. Huxtable
Reps. Hilovsky, Jones Giltner

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 370

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE BUYER PROPERTY PROTECTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Subchapter VII, Chapter 25, Title 6 of the Delaware Code by making deletions as shown by
2 strike through and insertions as shown by underline as follows:

3 § 2572B. Water testing and disclosure.

4 (a) For purposes of this section:

5 (1) "Public water supplier" means as defined under § 122(3)c. of Title 16.

6 (2) "Public water system" means as defined under § 122(3)c. of Title 16.

7 (b) A seller of an interest in residential real property shall provide the following to a buyer of the property before
8 closing on the sale of the property:

9 (1) For residential real property that is supplied with potable water by a private well located on the property, a
10 report on the results of testing of the water supplied by the private well that is conducted under subsection (d) of this
11 section within 3 months of the signing of the form under subsection (h) of this section.

12 (2) For residential real property that is supplied with potable water from a public water system, the results of
13 testing of the water supplied by the public water system performed by the public water supplier that is conducted
14 within 1 year of the signing of the form under subsection (h) of this section.

15 (c) A seller of an interest in residential real property that is supplied with potable water by a private well located
16 on the property shall provide a copy of the report required under paragraph (b)(1) of this section to the Department of
17 Health and Social Services and the Department of Natural Resources and Environmental Control.

18 (d) A seller required to provide the report under paragraph (b)(1) of this section shall have the water supplied by
19 the private well tested for compliance with primary and secondary drinking water quality standards by a laboratory that is
20 certified by the federal Environmental Protection Agency.

21 (e) The Department of Health and Social Services and the Department of Natural Resources and Environmental
22 control shall develop the content of written information that is to be provided by the seller to the buyer.

23 (f) The Department of Health and Social Services and the Department of Natural Resources and Environmental
24 may adopt regulations to implement and enforce this section.

25 (g) The Real Estate Commission shall develop a form to document compliance with this section. The form must
26 include all of the following:

27 (1) The address of the residential real property to be tested.

28 (2) The seller's disclosure of the information required under subsection (b) of this section.

29 (3) The buyer's acknowledgement that information required under subsection (b) of this section was received.

30 (4) Signatures of the buyer and seller attesting to paragraphs (g)(1) through (3) of this section and the date the
31 form is signed.

32 (h) The form developed under subsection (g) of this section must be completed for each transfer of residential real
33 property.

SYNOPSIS

This Act requires the seller of an interest in residential real property to provide the following to a buyer of the property before closing on the sale of the property:

(1) For residential real property that is supplied with potable water by a private well located on the property, a report on the results of testing of the water supplied by the private well that is conducted within 3 months of the signing of a form documenting compliance with the water testing requirements of this Act.

(2) For residential real property that is supplied with potable water from a public water system, the results of testing of the water supplied by the public water system performed by the public water supplier that is conducted within 1 year of the signing of a form documenting compliance with the water testing requirements of this Act.