

Stigmatized Property Law



Berkshire County Board of REALTORS®, Inc. (413) 442-8049

Released 2006

Chapter 294 of the Acts of 1998

AN ACT FURTHER REGULATING THE DISCLOSURE OF CERTAIN 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:

SECTION 1. Chapter 93 of the General Laws is hereby amended by adding the following section:

Section 108. The fact or suspicion that real property may be or is psychologically impacted shall not be deemed to be a material fact required to be disclosed in a real estate transaction, except as provided in this section. "Psychologically impacted" shall mean an impact being the result of facts or suspicions including, but not limited to, the following:

- (a) that an occupant of real property is now or has been suspected to be infected with Human Immunodeficiency Virus or with Acquired Immune Deficiency Syndrome (AIDS) or any other disease which reasonable medical evidence suggests to be highly unlikely to be transmitted through the occupying of a dwelling;
- (b) that the real property was the site of a felony, suicide or homicide; and
- (c) that the real property has been the site of an alleged parapsychological or supernatural phenomenon.

No cause of action shall arise or be maintained against a seller or lessor of real property or a real estate broker or salesman, by statute or at common law, for failure to disclose to a buyer or tenant that the real property is or was psychologically impacted.

Notwithstanding the foregoing, the provisions of this section shall not authorize a seller, lessor or real estate broker or salesman to make any misrepresentation of fact or false statement.

SECTION 2. The provisions of this act shall apply only to transactions entered into after the effective date of this act.

This Fact Sheet is for informational use only. We suggest you contact the local police department for specific information.

