

New Course as of July 29, 2010>

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RE63RC10: Environmental Issues

Objective:

To increase Real Estate licensees knowledge and understanding of Environmental Issues relative to the Real Estate industry. A number of these topics will have a more detailed two hour CEU dedicated to them and are so noted.

Topics of Discussion:

1. Lead Paint
2. Title V
3. Asbestos
4. Radon
5. Hazardous Waste, Brownfields and M.G.L. 21E
6. Drinking Water
7. Mold
8. Electromagnetic Waves (EMFs)
9. Wetland Protection Act
10. Smoke Detectors
11. Carbon Monoxide Detectors
12. Underground Storage Tanks (UST)
13. Urea Formaldehyde Foam Insulation (UFFI)

1. Lead Paint (15 minutes) see RE20RC01 – 2 hour CEU on Lead Paint

- A. Discuss the dangers and history of Lead Paint in residential housing
- B. Discuss & hand out the required Lead Paint disclosure forms for sales, rentals & short term rentals
- C. Explain the April 2010 lead paint renovator's law, Section 406(b) of Title IV of the toxic substance control act (TSCA) M.G.L.c.111
- D. Encapsulation Option

2. Title V (15 minutes) see RE22RC01 – 2 hour CEU on Title V

- A. Discuss the role of Title V in inspecting Septic Systems, Cesspools and Alternative Systems
- B. Title V effective March 31, 1995
- C. Explain Title V timing – inspection good for two years and if professionally pumped – three years
- D. Explain Septic System, Cesspools and Alternative Systems
- E. Property can close with a "Failed" system – buyer or bank may object
- F. Closing allowed if inspection not possible due to weather i.e. winter
- G. Shared System require inspection every three years – cx. condominium (310 CMR 15.00 and 314 CMR 5.00)

3. Asbestos (10 minutes)

- A. Explain the nature and use of asbestos as a building material such as ceiling and floor tile, insulation, pipe covering and outdoor shingles
- B. Explain the relationship of asbestos to lung cancer and asbestos
- C. Discuss the regulations regarding removal and disposal of asbestos 453 CMR 6.00
- D. Special Licenses for removal and testing
- E. Friable vs. Non-Friable
- F. Encapsulation Option

4. Radon (10 minutes)

- A. Explain that Radon is a naturally occurring radioactive gas that comes from the breakdown of Uranium and enters the home through cracks in the foundation or basement floor and can cause lung damage
- B. Second only to smoking as cause for lung cancer
- C. Discuss role of radon inspection in the Purchase and Sale and closing cycle

5. Hazardous Waste, Brownfields and M.G.L. c. 21E (10 minutes)

(See RE24RC08 – 2 hour CEU on Brownfields)

- A. M.G.L. c. 21E known as the state Superfund Law enacted in 1983 and updated in 1993 to expand the private sector's role in cleanup activities.
- B. Licensed Site Professional (LSP) is an environmental expert licensed by an independent Board of Registration, trained in hazardous material contamination and cleanup and is utilized to manage cleanup operations.
- C. 21E Report – site investigation by qualified environmental (LSP) includes samples of soil, ground water and other relevant items.

6. Drinking Water (10 minutes)

- A. Well water testing – role of arsenic, lead, VOC's, oils, PCB's, petroleum, gas, radon, gross alpha, septic system contamination, agricultural runoff, etc.

B. Municipal Water Supply – additional concern of lead pipes in municipal system and/or private pipes from street to house.

C. Water testing should be considered as part of the inspection process in the Purchase and Sale Agreement.

7. Mold (10 minutes)

- A. Mold is a naturally occurring fungus that can be found anywhere
- B. Tends to thrive in homes with high humidity – more than 60%
- C. Mold can cause respiratory disease, chronic disease and liver cancer.
- D. If you can see or smell mold, call a mold testing company
- E. Massachusetts does not currently have a mold disclosure law
- F. May be actionable under M.G.L. c. 93A

8. Electromagnetic Waves (10 minutes)

- A. Also known as electromagnetic fields
- B. EMF's are electric current from high power electric lines
- C. EMF's are known to cause cancer
- D. For houses near Utility Lines – contact Utility or testing company for EMF testing
- E. A milli gauss reading of more than 2 is considered a potential problem.

9. Wetlands Protection Act (10 minutes) see RE23RC01 - 2 hour CEU on Wetlands Protection Act

- A. Massachusetts Wetlands Protection Act (WPA) M.G.L. c. 131, s40, implemented by 310 CMR 10.00
- B. Sets forth a public review and decision making process, by which certain designated environmentally sensitive areas are to be regulated by local conservation commissions and the Massachusetts Department of Environmental Protection (DEP)
- C. Areas include: bank, freshwater wetland, coastal wetland, beach dune, flat, marsh or swamp that borders on the ocean, any estuary, creek, river, stream, pond or lake
- D. May include an additional 100 feet from protected area (Buffer Zone)
- E. Requires Notice of Intent (NOI)
- F. Rivers Protection Act expanded the Wetlands Protection Act to include rivers

10. Smoke Detector Law (5 minutes)

- A. Sale of residential property requires Smoke Detector inspection
- B. New requirement for both ionization and photoelectric detectors
- C. Certificate of Compliance required from local Fire Department

11. Carbon Monoxide Law (5 minutes)

- A. Sale of residential property with any fossil fuel burning equipment requirement
- B. Certificate of Compliance required from local Fire Department

12. Underground Storage Tanks (5 minutes)

- A. Regulations control the design, construction, installation, testing and maintenance of UST's
- B. Oversight by the Massachusetts Department of Environmental Protection (DEP)
- C. Notification and permitting by the local Fire Department
- D. Removal of any UST not in use

13. Urea Formaldehyde Foam Insulation - UFFI (5 minutes)

- A. History and use of UFFI and its dangers
- B. Current Status
- C. Use of obsolete UFFI forms at closing