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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 45. HAZARDOUS SUBSTANCE RESPONSE [78000 - 81050]** ( Division 45 added by Stats. 2022, Ch. 257, Sec. 2. )

**PART 2. HAZARDOUS SUBSTANCE ACCOUNT [78000 - 81050]** ( Part 2 added by Stats. 2022, Ch. 257, Sec. 2. )

**CHAPTER 4. Releases of Hazardous Substances [78650 - 78795]** ( Chapter 4 added by Stats. 2022, Ch. 257, Sec. 2. )

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**ARTICLE 3. Disclosure Requirement [78700 - 78705]** ( Article 3 added by Stats. 2022, Ch. 257, Sec. 2. )

**78700.** Any owner of nonresidential real property who knows, or has reasonable cause to believe, that any release of hazardous substance has come to be located on or beneath that real property shall, prior to the sale, lease, or rental of the real property by that owner, give written notice of that condition to the buyer, lessee, or renter of the real property. Failure of the owner to provide written notice when required by this section to the buyer, lessee, or renter shall subject the owner to actual damages and any other remedies provided by law. In addition, where the owner has actual knowledge of the presence of any release of a material amount of a hazardous substance and knowingly and willfully fails to provide written notice to the buyer, lessee, or renter, as required by this section, the owner is liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)

**78705.** Any lessee or renter of real property who knows or has reasonable cause to believe that any release of a hazardous substance has come or will come to be located on or beneath that real property shall, within a reasonable period of time, either prior to the release or following the discovery by the lessee or renter of the presence or believed presence of the hazardous substance release, give written notice of that condition to the owner of the real property or to the lessor under the lessee's or renter's lease or rental agreement.

(a) A lessee or renter who fails to provide written notice when required by this section to the owner or lessor is subject to actual damages and any other remedy provided by law.

(b) If the lessee or renter has knowledge of the presence of a release of a material amount of a hazardous substance, or of a hazardous substance release that is required to be reported to a state or local agency pursuant to law, on or under the real property leased or rented by the lessee or renter and knowingly and willfully fails to provide written notice when required by this section to the owner or lessor, both of the following shall apply:

(1) The failure is deemed to constitute a default, upon the owner's or lessor's written notice to the lessee or renter, under the lessee's or renter's lease or rental agreement, except that this paragraph does not apply to lessees and renters of property used exclusively for residential purposes.

(2) The lessee or renter is liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation.

(c) A lessee or renter may cure a default under the lessee's or renter's lease or rental agreement that resulted from a violation of this section, by promptly commencing and completing the removal of, or taking other appropriate remedial action with respect to, the hazardous substance release. The removal or remedial action shall be conducted in accordance with all applicable laws and regulations and in a manner that is reasonably acceptable to, and that is approved in writing by, the owner or lessor. This subdivision does not relieve the lessee or renter of any liability for actual damages or for any civil penalty for a violation of this section.

(Added by Stats. 2022, Ch. 257, Sec. 2. (AB 2293) Effective January 1, 2023. Operative January 1, 2024, pursuant to Sec. 4 of Stats. 2022, Ch. 257.)