



Sales Disclosure Chart

Member Legal Services

Tel (213) 739-8282

January 1, 2023 (revised)

REALTORS® know very well the importance, and the complexity, of the various state and federal disclosure laws governing real estate transactions in California. This Sales Disclosure Chart is designed to provide REALTORS® and their clients with an easy-to-use reference guide for determining the applicability of these laws to the sales transactions most commonly handled by real estate licensees.

This chart describes legally required disclosures. It does not include disclosures which are only required by terms of any real estate purchase agreement. Nor does it include "advisories," which are typically optional disclosures based on risk management assessments.

Be sure to check the detailed disclosure information in the **Summary Disclosure Chart** since there may be exceptions or special exemptions to a disclosure requirement.

The Sales Disclosure Chart addresses the general applicability of common disclosure requirements in particular types of transactions, but does not cover all disclosures required by law such as additional local requirements.

Certain transactions, including new home, subdivision, and common interest development sales, are subject to separate disclosure requirements.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Advisability of Title Insurance (When No Title Insurance Issued)	Yes*	Yes*	Yes*	Yes*	Yes*	No		Cal. Civ. Code §1057.6. *Typically handled by escrow agent
Agency Disclosure Agency Confirmation	Yes	Yes	Yes	Yes	Yes*	Yes	Disclosure Form: AD Confirmation Form: "Agency" section of C.A.R. purchase agreements or AC-6	Cal. Civ. Code §§ 2079.13 <i>et seq.</i>
Airport in Vicinity¹	Yes	Yes	Yes	No	No	Yes	NHD expert's report	Cal. Civ. Code § 1103.4.
Appraisal Discrimination Addendum	Yes	No*	No*	No*	No*	No*	Fair Appraisal Act Addendum (C.A.R. Form FAAA)	Cal. Civ. Code § 1102.6g. Beginning after July 1, 2022 * See Footnote 19
Area of Potential Flooding¹	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Gov't. Code §§ 8589.4, 8589.5; Cal. Civ. Code §§ 1103 <i>et seq.</i>

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Broker's Statutory Duty to Inspect Property	Yes*	Yes*	Yes*	No	No	Yes	TDS (for real property) MHTDS (for personal property manufactured or mobile homes) AVID may be used (if TDS and MHTDS not required)	Cal. Civ. Code §§ 2079 <i>et seq.</i> *See Summary Disclosure Chart for Exemptions
Carbon Monoxide Detector Disclosure	Yes	No	No	No	No	Yes	TDS (for real property) MHTDS (for personal property manufactured or mobile homes) Form WCMD is optional	Cal. Civ. Code §§1102.6, 1102.6d.
Carbon Monoxide Detector Compliance	Yes*	Yes*	Yes*	Yes*	No	Yes*	No compliance certification required Form WCMD is optional	Cal. Health & Safety Code § 17926. *Installation is not a precondition of sale or transfer of the dwelling. See Summary Disclosure Chart for additional details.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Commercial Property Owner's Guide to Earthquake Safety (Booklet)	Yes ²	No	No	Yes*	Yes*/No	No	<i>The Commercial Property Owner's Guide to Earthquake Safety</i>	Cal. Bus. & Prof. Code §10147; Cal. Gov't Code §§ 8875.6, 8875.9, 8893.2, 8893.3; Cal. Civ. Code § 2079.9. *See Summary Disclosure Chart for Exemptions

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Common Interest Development Documents	Yes	Yes	Yes	Yes	No	No (unless the owner has an ownership interest in a subdivision, cooperative or condominium for mobilehomes)	Forms HOA-IR, HOA-RS and HOA-RN may be used to comply with statutory and contractual disclosure obligations	Cal. Civ. Code §§ 4525, 4528, 4530 and 4202
CC&Rs, Articles of Incorporation, Bylaws, Rules & Policies, Current Financial Information (Operating Budget), Assessments, Association Insurance, Civil Code Section 1133 Notice (if applicable. For subdividers), Enforceable Policies/Fine Structure; A copy of the minutes of the meetings if requested; estimated fee for required HOA disclosures as distinguished from other fees, fines or assessments on specified form if requested; actual charges on specified form at time documents are delivered; statement describing leasing prohibitions, if any								

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Death (in last 3 years)	Yes*	Yes*	Yes*	Yes*	Yes*	No**	TDS (if required) SPQ may be used (or ESD if TDS exempt)	Cal.Civ. Code §1710.2. *if deemed a "material fact" **Statute applies only to real estate but may be required under "material fact" analysis.
Discriminatory Covenants	Yes	Yes	Yes	Yes	Yes	No	Sample Letter "Disclosure to Buyer (or Owner) of Discriminatory Covenants" (available prior to July 1, 2022).	Gov. Code § 12956.2. Beginning July 1, 2022. Required when agent has actual knowledge of discriminatory covenants
Earthquake Fault Zone¹	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Pub. Res. Code §§ 2621 <i>et seq.</i> ; Cal. Civ. Code §§ 1103 <i>et seq.</i>

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
								Public Resources Code 25402.10
Energy Use Report								20 California Code of Regulations §§ 1680- 1684
This law has been repealed effective January 1, 2016. Cal.Pub.Res. Code § 25402.10	No	No	No	No	Yes/No	No	EPA's Portfolio Manager Energy Star Report ¹⁵ .	This law has been repealed effective January 1, 2016. Cal.Pub.Res. Code § 25402.10.
Farm or Ranch Proximity¹	Yes	No	No	No	No	Yes	NHD expert's report	Cal. Civ. Code § 1103.4.
FHA/HUD Inspection Notice	Yes*	Yes*	Yes*	No	No	No	HID	HUD Mortgagee Letter 92564-CN
								*Required only for FHA loans or HUD- owned property by lender.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Final inspection report including defensible space compliance If obtained, final inspection report for construction or rebuilding demonstrating compliance with building codes to be provided to buyer.	Yes*	No	No	No	No	Yes*	Upon completion of construction or rebuilding, and if report was obtained, seller shall provide to buyer a final inspection report from local building official that property complies with all applicable building standards including defensible space laws. (C.A.R. form Fire Hardening and Defensible Space Advisory, Disclosure and Addendum (FHDS))	Cal. Civil Code § 1102.6f. (b) *Applies to property located in a Very High Fire Hazard Severity Zone.
Fire Home Hardening Effective January 1, 2021 (and July 1, 2025.)	Yes*	No	No	No	No	Yes*	Statutory notice and questionnaire C.A.R. form Fire Hardening and Defensible Space Advisory, Disclosure and Addendum (FHDS). (On or after July 1, 2025, a seller shall disclose low-cost retrofits, from a list of such, that have been completed during the time that the seller has owned the property)	Cal. Civil Code § 1102.6f. *Applies to property built before 2010 located in a High or Very High Fire Hazard Severity Zone. Effective January 1, 2021 (and July 1, 2025.)

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Fire Defensible Space Compliance	Yes*	No	No	No	No	Yes*	The Fire Hardening and Defensible Space Advisory, Disclosure and Addendum (FHDS) will be needed for any transaction that requires a TDS and is located in a High or Very High Fire Hazard Severity where the property will close on or after July 1, 2021. Under the revised RPA (12/21), it is no longer necessary to include the FHDS as an addendum with the original offer or counter-offer. Instead, the FHDS may be delivered during the first seven days after the purchase agreement is entered into as a typical disclosure. However, the buyer would still be required to agree to its terms, failing which, the seller may cancel the agreement after delivering a Notice to Buyer to Perform. See footnote 18.	Cal. Civil Code § 1102.19. *Applies to property located in a High or Very High Fire Hazard Severity Zone. "See the Q&A Defensible Space Law. "
FIRPTA (Federal Tax Withholding) and California Tax Withholding	Yes*	Yes*	Yes*	Yes*	Yes*	No	AS may be used (applies to both federal and California Tax Withholding). AB may be used (applies only to federal withholding).	Cal. Rev. & Tax Code §§ 18662, 18668; 26 U.S.C. §1445. *If seller eligible, AS or other form required to avoid withholding by escrow.
Flood Disaster Insurance Requirements	Yes	Yes	Yes	Yes	Yes ⁵	Yes		42 U.S.C. § 5154a.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Gas and Hazardous Liquid Transmission Pipeline Notice	Yes*	Yes*	Yes*	No	No	No	"Gas and Hazardous Transmission Pipeline" already included in disclosure section of C.A.R. contracts (e.g. RPA)	Cal. Civ. Code § 2079.10.5. * Applies only to single-family properties
Groundwater Basin Comprehensive Notice (if received)	Yes	Yes*	Yes*	Yes*	Yes*	No	Attach notice to TDS or if TDS- exempt, provide notice separately	Cal. Code of Civil Procedure § 836(f). General duty to disclose. See Material Facts.
Hazardous Substances, release of, ¹⁷	No	No	No	No	Yes	No		Health & Saf. Code §25359.7
Home Energy Rating System (HERS)Booklet								
(Optional Disclosure ⁴ -- Booklet Now Available)	No	No	No	No	No	No	<i>Home Energy Rating System (HERS) Booklet(part ofCombined Hazards Booklet)</i>	Cal. Civ. Code § 2079.10; Cal. Pub. Res. Code §§ 25402.9, 25942.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Homeowner's Guide to Earthquake Safety (Booklet and Form)	Yes*	No	No	No	No	No ⁶	<i>The Homeowner's Guide to Earthquake Safety</i> "Residential Earthquake Hazards Report" Form in Booklet	Cal. Bus. & Prof. Code § 10149; Cal. Gov't Code §§ 8897.1, 8897.5; Cal. Civ. Code § 2079.8. *See Summary Disclosure Chart for Exemptions.
Industrial Use Zone Location	Yes	No ³	No	No	No	No	SPQ may be used (or ESD if TDS exempt)	Cal. Civ. Code § 1102.17; Cal. Code of Civ. Proc. § 731a.
Lead-Based Paint Pamphlet and Form	Yes*	Yes*	Yes*/No	Yes*	No	Yes (Probably) ⁷	Pamphlet: <i>Protect Your Family From Lead In Your Home</i> (incorporated in <i>Residential Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants</i>) Form: LPD	42 U.S.C.S. § 4852d; 40 CFR Part 745. *Applies only to residential property built before 1978. See the Summary Disclosure Chart for exemptions.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Material Facts⁸	Yes	Yes	Yes	Yes	Yes	Yes	TDS or MHTDS (if required) The ESD or SPQ is required contractually by the RPA-CA depending on whether the transaction is TDS exempt. If a TDS is required, then an SPQ is also required. IF the transaction is TDS exempt, then the ESD is required. For commercial property under the CPA, use of the CSPQ is contractually required. For vacant land under the VLPA, use of the VLQ is contractually required. For agricultural properties with improvements, the SALSQ is contractually required under the terms of the Agricultural Addendum.	Case law; Cal. Civ. Code §§ 2079 <i>et seq.</i>
Megan's Law Disclosure (Registered Sex Offender Database)	Yes	Yes	Yes	No	No	No	"Database Disclosure" section of C.A.R. contracts REO and REOL may be used for REO transactions	Cal. Civ. Code § 2079.10a.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Mello-Roos, 1915 Bond Act Assessments⁹, and voluntary contractual assessment.	Yes	No ³	No	No	No	No		Cal. Civ. Code § 1102.6b; Cal. Gov't Code §§ 53340.2, 53754, Cal. Str. & H. Code § 5898.24.
MethLabClean-Up Order (Release of Illegal Controlled Substance Remediation Order)	Yes	Yes	Yes	Yes	Yes	Yes*	TDS (if required) (question II.C.1) SPQ or MCN may be used (or ESD if TDS exempt)	Cal. Health & Safety Code § 25400.28 (disclosure); §§ 25400.11(q) and (r) (definitions). *Exempt if located in a mobilehome park or manufactured home park.
Military Ordnance Location	Yes	No ³	No	No	No	No	SPQ may be used (or ESD if TDS exempt)	Cal. Civ. Code § 1102.15.
Mining Operations¹	Yes	No	No	No	No	Yes	NHD expert's report	Cal. Civ. Code § 1103.4

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Mold (Disclosure of Excessive Mold or Health Threat)¹⁰	No	No	No	No	No/No	No	RGM may be used (optional).	Cal. Health & Safety Code §§ 26140, 26141, 26147. CDHS has not yet established limits.
Natural Hazard Disclosure Statement	Yes	No	No	No	No	Yes	The form NHD has been discontinued in the C.A.R. forms library. The statutory Natural Hazard Disclosure Statement which is provided as part of the third party NHD private report fulfills the statutory requirement.	Cal. Civ. Code §§ 1103 <i>et seq.</i>

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Pest Control Inspection Report and Certification (wood destroying pests or organisms)	Yes*	Yes*	Yes*	Yes*	Yes*/No	No		Cal. Civ. Code § 1099. *Seller or Seller's agent must deliver inspection report and subsequent certification (of work completed) to Buyer only if required by contract or the Buyer's lender.
Private Transfer Fee	Yes	No ³	No	No	No	No	NTF may be used	Cal. Civ. Code § 1102.6e.
Residential Environmental Hazards Booklet (Optional Disclosure ¹¹)	No	No	No	No	No	No	<i>Residential Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants</i> (also in <i>Combined Hazards Booklet</i>)	Cal. Civ. Code § 2079.7.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Seismic Hazard Zone¹	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Pub. Res. Code § 2694; Cal. Civ. Code §§ 1103 <i>et seq.</i>
Smoke Detectors Must Be In Compliance	Yes	Yes ¹⁶	Yes/Yes ¹⁶	Yes	No ^{**} /No	Yes		Cal. Health & Safety Code §§ 13113.7, 13113.8, 18029.6. ^{**} Yes, if there is a "dwelling unit" on the commercial or industrial property

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Smoke Detector Written Statement of Compliance	Yes*	No	Yes*/No	No	No	Yes***	TDS (now contains statement of compliance) WHSD may be used for real property when no TDS *** HCD Declaration for mobilehomes and manufactured homes (MHTDS also contains statement of compliance)	Cal. Health & Safety Code §§ 13113.8, 18029.6; 25 Cal. Code Regs. § 5545. *Required for single-family or two-unit dwellings and factory-built real property only.
Special Flood Hazard Area¹	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Gov't Code § 8589.3; Cal. Civ. Code §§ 1103 <i>et seq.</i>
State Responsibility Area (Fire Hazard Area)¹	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Pub. Res. Code §§ 4125, 4136; Cal. Civ. Code §§ 1103 <i>et seq.</i>

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Supplemental Property Tax Notice	Yes	No ³	No	No	No	No	SPT (or SBSA may be used)	Cal. Civ. Code § 1102.6c.
Transfer Disclosure Statement	Yes	No ³	No	No	No	Yes*	TDS (for real property) MHTDS (for personal property manufactured or mobile homes)	Cal. Civ. Code §§ 1102 <i>et seq.</i> * Probate, Bankruptcy, REO, and Trusts exempt
Very High Fire Hazard Severity Zone¹	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Gov't. Code § 51183.5; Cal. Civ. Code §§ 1103 <i>et seq.</i>

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Water Conserving Fixtures Compliance	Yes*	Yes*	Yes*	Yes*	No/Yes*	No		
Required by virtue of ownership, but not a point of sale requirement								Cal. Civ. Code §§ 1101.4(b), 1101.5(a) (d).
								* Not a point of sale requirement
								*Applies only to real property built on or before Jan. 1, 1994;
								See the Summary Disclosure Chart for exemptions.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Water Conserving Fixtures Disclosure	Yes*	Yes*	Yes*	Yes*	No/Yes*	No	C.A.R. Forms TDS and SPQ should be used, or the ESD if the property is TDS-exempt. C.A.R. Form WCMD is optional.	Cal. Civ. Code §§ 1101.4(c), 1101.5(e), 1102.155. *Applies only to real property built on or before Jan. 1, 1994 See the Summary Disclosure Chart for exemptions.
Water Heater Bracing Requirement	Yes	Yes	Yes	Yes	No/Maybe ¹²	Yes ¹³		Cal. Health & Safety Code §§ 19211, 18031.7.

Disclosure	Res. 1-4 Units Standard	Res. 1-4 Units Probate/ Trust/ Bankruptcy	Res. 1-4 Units REO/Forecl.	Res. 5+ Units	Commercial & Industrial/ Vacant Land	Personal Property Mobile Homes	C.A.R. Form ¹⁴ / Publication	Law
Water Heater Bracing Statement of Compliance	Yes	Yes	Yes	Yes	No/Maybe ¹²	Yes***	TDS (now contains statement of compliance) WHSD may be used for real property if no TDS *** HCD Declaration for mobilehomes and manufactured homes	Cal. Health & Safety Code §§ 19211, 18031.7; 25 Cal. Code Regs. §4102.
Window Security Bars	Yes	No	No	No	No	Yes	TDS (for real property) MHTDS (for personal property manufactured or mobilehomes)	Cal. Civ. Code §1102.16.

ENDNOTES

1. This information is included in disclosure reports obtainable from third-party disclosure reporting companies. In transactions requiring a Natural Hazard Disclosure Statement (NHD), this information must be disclosed on the NHD form (which also may be prepared by a third-party company on behalf of a seller or real estate agent). Note that the "Airport in Vicinity", "Farm and Ranch

Proximity" and "Notice of Mining Operations" disclosures are required to be included, when applicable, on NHD reports by experts. The statute doesn't otherwise make this a disclosure requirement. (Cal. Civ. Code § 1103.4.)

2. This disclosure requirement applies to transfers of precast concrete or reinforced/unreinforced masonry buildings with wood-frame floors or roofs. Though this requirement is most relevant to commercial properties, the law does not specifically exempt masonry buildings used for residential purposes.
3. Transfers by fiduciaries (e.g., trustees) administering trusts generally are exempt from this disclosure requirement. However, if the trustee is a natural person who is the trustee of a revocable trust and he or she is a former owner of the property or an occupant in possession of the property within the preceding year, then compliance *is* required.
4. The delivery of this booklet is not mandatory (unless required by contract), but provides important legal protections to a seller or real estate agent who elects to provide the booklet.
5. This disclosure requirement applies to transferors of "personal, commercial, or residential property" for which flood-related disaster assistance has been provided. Vacant land is not specifically addressed by this law. As a practical matter, however, a seller generally can determine, at the time federal disaster assistance is received, whether flood insurance is required by federal agencies for the property in question.
6. California law requires delivery of *The Homeowner's Guide to Earthquake Safety* in connection with transfers of real property. However, it may be prudent to provide this booklet to purchasers of personal property manufactured or mobile homes.
7. Federal law does not specifically require these disclosures in sales of personal property mobilehomes. However, federal regulators have taken the position that mobilehomes built before 1978 are covered by this law.
8. A seller or real estate agent involved in the transfer of real property or a mobilehome may be liable for failing to disclose material facts affecting the value or desirability of the property. Whether or not a particular fact is "material" depends on a variety of factors. A seller or real estate agent who is unsure as to the materiality of a particular fact should consult an attorney. Alternatively, many sellers and real estate agents resolve such doubts in favor of disclosure to minimize exposure to liability. While the disclosure of certain material facts sometimes must be made in a particular format (e.g., the Transfer Disclosure Statement, or the Manufactured Home or Mobile home Transfer Disclosure Statement), the law generally does not regulate how material facts must be disclosed (though *written* disclosure is almost always recommended). However, the RPA-CA requires that the seller complete an SPQ in transactions where a TDS is required, or if a TDS is not required, that the seller complete an ESD.
9. This information, as it pertains to Mello-Roos Community Facilities Districts, generally applies to resale transactions. Subdividers and their agents may have to comply with separate Mello-Roos district disclosure obligations under California Government Code § 53341.5.
10. California's Toxic Mold Protection Act requires that in residential and commercial/industrial lease transactions, and in commercial/industrial sales transactions, landlords/sellers disclose to tenants/buyers mold that either exceeds permissible limits set by California's Department of Health Services (CDHS) or poses a health threat. This disclosure need not be made until the CDHS establishes permissible mold exposure limits. The CDHS has not yet taken this action, and the Act does not specifically require any alternative disclosure in the interim.

11. The delivery of this booklet is not mandatory (unless required by contract), but provides important legal protections to a seller or real estate agent who elects to provide the booklet. This booklet is often combined with *The Homeowner's Guide to Earthquake Safety* and the lead hazard disclosure pamphlet *Protect Your Family From Lead In Your Home* (which are mandatory in certain transactions).
12. California law requires the seller of any real property to certify that new and replacement water heaters have been braced, anchored, or strapped to resist movement during an earthquake. Though these statutory requirements are most relevant to water heaters located in residential properties, they do not specifically exempt commercial or industrial properties.
13. California law requires all new and replacement water heaters, and all existing residential water heaters, to be braced, anchored, or strapped to resist movement during an earthquake, including those in mobilehomes and manufactured homes.
14. California law sometimes requires that a specific form (or exact language) be used. Examples are the AD, FLD, TDS, MHTDS, and the NHD. Other times, the law requires a disclosure but doesn't mandate that particular language be used. However, C.A.R. provides forms for that purpose--indicated in this chart by the words "may be used." The law doesn't require the use of these forms. Examples are the AVID, MCN, NTF, SBSA, ESD, SPQ, AS, AB, WHSD, REO, and REOL.
15. The disclosure required by this law consists of four documents: the Disclosure Summary Sheet, the Statement of Energy Performance, the Data Checklist, and the Facility Summary, all of which must be generated through the US Environmental Protection Agency (EPA) Energy Star Portfolio Manager. This law has been repealed effective January 1, 2016. Cal.Pub.Res. Code § 25402.10 .
16. Smoke alarms are required under state law to be installed on all properties intended for human occupancy. However, as a point of sale requirement there are limited exceptions including bankruptcy, trust, probate and foreclosure sales, but not REO sales. It is prudent risk management to have the smoke alarms installed regardless of the type of property being sold. This is because it is often required by both locations and lenders, in addition to the state law requirement.
17. Under the Hazardous Substances Account Act, any owner of nonresidential property who knows, or has reasonable cause to believe, that any release of a "hazardous substance" as defined in the Act is location on or beneath his or her property must disclose this fact in writing to any prospective buyer or tenant before consummating the transaction. A residential seller discloses "environmental hazards" on the TDS in answer to question C.1., or if TDS exempt, on the Exempt Seller's Disclosures (form SSD) as a material fact
18. The Fire Hardening and Defensible Space Advisory, Disclosure and Addendum (FHDS) will be needed for any transaction that requires a TDS and is a High or Very High Fire Hazard Severity where the property will close on or after July 1, 2021. Under the revised RPA (12/21), it is no longer necessary to include the FHDS as an addendum with the original offer or counter-offer. Instead, the FHDS may be delivered during the first seven days after the purchase agreement is entered into as a typical disclosure. However, the buyer would still be required to agree to its terms, failing which, the seller may cancel the agreement after delivering a Notice to Buyer to Perform. This defensible space law requires that the buyer and seller shall agree in writing that the buyer will take on the obligations of any defensible space or vegetation management laws in most circumstances. Typically, the buyer must comply within one year after close.

It is only when a local jurisdiction has enacted a local vegetation management ordinance or a law that requires compliance as a condition of transfer that there would be a true point of sale requirement. If there is no such local law, the seller shall provide

documentation of compliance with state defensible space law, if the seller had indeed obtained such documentation within six months prior to entering into the transaction. But if neither of the above, the seller and the buyer must enter into a written agreement in which the buyer agrees to obtain documentation of compliance with defensible space laws or local vegetation management ordinance within one year after close or as required by the local ordinance

19. It is unclear whether the appraisal disclosure is required for properties not subject to the TDS law. Among other provisions of Assembly Bill 948, an appraisal disclosure will be required for "every contract for the sale of real property" as of July 1, 2022. However, AB 948 placed this disclosure requirement within TDS law which limits its application to residential one to four properties (among other exemptions), creating a conflict between the general and specific provisions of AB 948. As such, as part of a conservative risk management approach, it is likely that the C.A.R. appraisal disclosure form (which has yet to be drafted) will be incorporated as a prechecked attachment into *all* C.A.R. real property sales agreements including commercial, vacant land and residential 5+, subject to approval by the Standard Forms Advisory Committee.

This chart is just one of the many legal publications and services offered by C.A.R. to its members. For a complete listing of C.A.R.'s legal products and services, please visit **C.A.R. Member Legal Services**.

Readers who require specific advice should consult an attorney. C.A.R. members requiring legal assistance may contact C.A.R.'s Member Legal Hotline at (213) 739-8282, Monday through Friday, 9 a.m. to 6 p.m. and Saturday, 10 a.m. to 2 p.m.

C.A.R. members who are broker-owners, office managers, or Designated REALTORS® may contact the Member Legal Hotline at (213) 739-8350 to receive expedited service. Members may also submit online requests to speak with an attorney on the Member Legal Hotline by going to <http://www.car.org/legal/legal-hotline-access/>. Written correspondence should be addressed to:

CALIFORNIA ASSOCIATION OF REALTORS®

Member Legal Services

525 South Virgil Avenue

Los Angeles, CA 90020

Copyright© 2022 CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.). Permission is granted to C.A.R. members to reprint this material in hardcopy or PDF format only for personal use or with individual clients. This material may not be used or reproduced for commercial purposes. Other reproduction or use is strictly prohibited without the express written permission of the C.A.R Legal Department. All rights reserved. Revised by Robert Bloom, Esq.

The information contained herein is believed accurate as of the date above. It is intended to provide general answers to general questions and is not intended as a substitute for individual legal advice. Advice in specific situations may differ depending upon a wide variety of factors. Therefore, readers with specific legal questions should seek the advice of an attorney.

;