



Summary Disclosure Chart

Member Legal Services
 Tel (213) 739-8282
 Fax (213) 480-7724
 July 28, 2011 (revised)

The Summary Disclosure Chart is designed to provide REALTORS® and their clients with an easy-to-use reference guide for determining the applicability of the state and federal laws to real estate transactions most commonly handled by real estate licensees.

The Summary Disclosure Chart provides a disclosure "trigger" as well as a brief summary of the disclosure requirement, but does not cover all disclosures required by law. More detailed information regarding disclosure and other legal topics is available to C.A.R. members on car.org.

For a quick answer to required disclosures based on the type of property (residential one-to-four units, residential five or more units, commercial property or vacant land, and manufactured or mobile homes, see the **Sales Disclosure Chart**. For information on lease and rental transactions, please refer to the legal chart, **Lease/Rental Disclosure Chart**. For the disclosure requirements involving homes in a new subdivision, please refer to legal chart, **New Home Disclosure Chart**. For the disclosure requirements for foreclosure sales or sales of REO property, see the legal chart, **REO Disclosure Chart**.

For additional disclosure requirements when selling a property in a common interest development, please refer to legal article, **Condominium or Other Common Interest Development Disclosures**.

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
Advisability of Title Insurance	An escrow transaction for the purchase or simultaneous exchange of real property where a policy of title insurance will <u>not</u> be issued to the buyer.	The buyer must receive the statutory notice. The law does not specify who is responsible for providing this notice. Typically handled by escrow agent.	Cal. Civ. Code § 1057.6.

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
<p>Agency Disclosure (Education Form) and Agency Confirmation (Who Represents Each Party)</p>	<p>Sale² of residential real property of 1-4 units and mobile homes; lease for a term of over one year of residential real property of 1-4 units.</p>	<p>The buyer must receive the agency disclosure form (AD) from the buyer's agent prior to signing the offer.</p> <p>The seller must receive the agency disclosure form (AD) from the seller's agent prior to signing the listing contract and must receive another agency disclosure form (AD) from the buyer's agent prior to accepting the buyer's offer.</p> <p>The agency confirmation form must be given to the buyer and seller "as soon as practicable." This can be accomplished either by having the language in the purchase agreement or by using a separate form (AC-6).</p> <p>C.A.R. forms AD (disclosure) and AC-6 (confirmation).</p>	<p>Legal Q&As, Agency Disclosure and Confirmation, and Agency Laws Summary Chart</p> <p>Cal. Civ. Code §§ 2079.13 <i>et seq.</i></p>
<p>Airport in Vicinity</p>	<p>NHD report is completed by third-party disclosure company</p>	<p>The NHD expert must determine if the property is located within an "airport influence area" as defined in Business & Professions Code § 1010(b). If so, the report must contain a statutory statement, <i>Notice of Airport in Vicinity</i>.</p>	<p>Cal. Civ. Code § 1103.4(c)(1).</p>
<p>Area of Potential Flooding (in the event of dam or reservoir failure)</p>	<p>Sale of all real property if the seller or the seller's agent has actual knowledge <u>or</u> a list has been compiled <u>by parcel</u> and the notice posted at a local county recorder, assessor and planning agency.</p> <p>Also applies to manufactured homes and personal property mobile homes.</p>	<p>The seller's <u>agent</u> or the seller without an agent must disclose to the buyer <u>if the property is in</u> this Area of Potential Flooding as designated on an inundation map, if a parcel list has been prepared by the county and a notice identifying the location of the list is available at the county assessor, county recorder or county planning</p>	<p>Legal Q&A, Natural Hazard Disclosure Statement</p> <p>Cal. Gov't Code §§ 8589.4, 8589.5; Cal. Civ. Code § 1103.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
		<p>commission office, or if the seller or seller's agent has actual knowledge that the property is in an area.</p> <p>If a TDS is required in the transaction, either C.A.R. Form NHD, <i>Natural Hazard Disclosure Statement</i> or an updated Local Option disclosure form must be used to make this disclosure.</p>	
<p>Broker's Statutory Duty to Inspect Property</p>	<p>Sale ³ of all residential real property of 1-4 units (No exemptions except for never-occupied properties where a public report is required or properties exempt from a public report pursuant to Business & Professions Code § 11010.4)</p> <p>Also applies to manufactured and personal property mobile homes.</p>	<p>A real estate licensee must conduct a reasonably competent and diligent visual inspection of the property; this inspection duty does not include areas which are reasonably and normally inaccessible, off the site, or public records or permits concerning the title or use of the property; this inspection duty includes only the unit for sale and not the common areas of a condo or other common interest development.</p> <p>There is no requirement that the inspection report be in writing; however, it is recommended that all licensees put it in writing.</p> <p>C.A.R. Form TDS (or for mobile homes and manufactured housing, C.A.R. Form MHTDS) may be used. If the seller is exempt from the TDS, then C.A.R. Form AVID may be used by the agent.</p>	<p>Legal Q&A, Real Estate Licensee's Duty to Inspect Residential Property</p> <p>Cal. Civ. Code §§ 2079 <i>et seq.</i></p>
<p>Carbon Monoxide Detector Disclosure & Compliance</p>	<p>The Carbon Monoxide Poisoning Prevention Act of 2010 requires a carbon monoxide detector device (battery or hard-wired) to be</p>	<p>The C.A.R. Forms TDS and MHTDS add a disclosure regarding these devices. No separate disclosure form is required.</p>	<p>Cal. Civ. Code §§ 1102.6, 1102.6d.</p> <p>Note: Installation is not a precondition</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
	installed in all dwelling units. Existing single-family units must have the device installed on or before July 1, 2011 and all other existing dwelling units must have the device installed by Jan. 1, 2013 . See manufacturer instructions for the number of devices and location of installation.		of sale or transfer of the dwelling.
Commercial Property Owner's Guide to Earthquake Safety	<p><u>Mandatory delivery:</u> Sale, transfer, or exchange of <u>any</u> real property or manufactured home or mobile home if built of precast concrete or reinforced/unreinforced masonry with wood frame floors or roofs and built before Jan. 1, 1975, located within a county or city, if not exempt. Almost same exemptions as from Transfer Disclosure Statement.¹¹ Additional exemption if the buyer agrees, in writing, to demolish the property within one year from date of transfer.</p> <p><u>Voluntary delivery:</u> Transfer of ⁴ <u>any</u> real property.</p>	<p><u>Mandatory delivery:</u> The transferor/transferor's agent must give the transferee a copy of <i>The Commercial Property Owner's Guide to Earthquake Safety</i>.⁵</p> <p><u>Voluntary delivery:</u> If the <i>Guide</i> is delivered to the transferee, then the transferor or broker is not required to provide additional information concerning general earthquake hazards.</p> <p>Known earthquake hazards must be disclosed whether delivery is mandatory or voluntary.</p>	Cal. Bus. & Prof. Code § 10147; Cal. Gov't Code §§ 8875.6, 8875.9, 8893.2, 8893.3; Cal. Civ. Code § 2079.9.
Death (in last 3 years)	Sale, lease, or rental of <u>all</u> real property.	<p>The transferor/agent has no liability for not disclosing the fact of any death which occurred more than 3 years prior to the date the transferee offers to buy, lease, or rent the property. Any death which has occurred within a 3-year period should be disclosed if deemed to be "material."</p> <p>Affliction with AIDS or death from AIDS, no matter when it occurred, need not be voluntarily disclosed. However, neither a seller nor</p>	<p>Legal Q&A, Disclosure of Death and AIDS and the Prohibition Against Discrimination on the Basis of AIDS</p> <p>Cal. Civ. Code § 1710.2.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
		seller's agent may make an intentional misrepresentation in response to a direct question concerning AIDS/death from AIDS on the property. An agent may simply respond that discussing such information is an invasion of privacy.	
Earthquake Fault Zone ⁷	<p>Sale of <u>all</u> real property which does contain or will eventually contain a structure for human occupancy and which is located in an earthquake fault zone (special studies zone) as indicated on maps created by the California Geological Survey.⁸</p> <p>Also applies to manufactured and personal property mobile homes.</p>	<p>The seller's <u>agent</u> or the seller without an agent must disclose to the buyer the fact that the property is in an earthquake fault zone (special studies zone), if maps are available at the county assessor, county recorder, or county planning commission office, or if the seller or seller's agent has actual knowledge that the property is in the zone. If the map is not of sufficient accuracy or scale to determine whether the property is in the zone, then either the agent indicates "yes" that the property is in the zone or the agent may write "no" that the property is <u>not</u> in this zone, but then a report prepared by an expert verifying that fact must be attached to C.A.R. Form NHD.</p> <p>If a TDS is required in the transaction, either C.A.R. Form NHD, <i>Natural Hazard Disclosure Statement</i>, or an updated local option disclosure form must be used to make this disclosure.</p>	<p>Legal Q&A, Natural Hazard Disclosure Statement</p> <p>Cal. Pub. Res. Code §§ 2621 <i>et seq.</i>; Cal. Civ. Code § 1103.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
Farm or Ranch Proximity	NHD report is completed by third-party disclosure company	The NHD expert must determine if the property is located within one mile of real property designated as farm or ranch land on a GIS map. If so, the report must contain a statutory statement, <i>Notice of Right to Farm</i> .	Cal. Civ. Code § 1103.4(c)(3).
FHA/HUD Inspection Notice	Sale of HUD-owned residential real property of 1-4 units, including mobile homes on a permanent foundation, or properties which involve FHA loans.	For all properties regardless of when they were built, the borrower must sign the notice entitled, "The Importance of a Home Inspection." C.A.R. Form HID.	Legal Q&A, FHA Inspection Disclosure Form HUD Mortgagee Letter 06-24
Federal Withholding (FIRPTA) and California Withholding Tax	Federal withholding: All sales, including installment sales, exchanges, foreclosures, deeds in lieu of foreclosure and other transactions by a "foreign person." CA withholding: Any "disposition of a California real property interest" (includes sales, exchanges, foreclosures, installment sales, and other types of transfers). See the Legal Q&As for the exemptions.	Federal: Buyers must withhold 10% of the gross sales price and send it to the IRS. If the seller is not a "foreign person," he or she may complete the affidavit of non-foreign status. CA: Buyers must withhold 3 1/3 percent of the gross sales price on any sale of California real property interests, unless an exemption applies, and send it to the FTB. C.A.R. form AS may be used, if applicable, to avoid withholding at time of transfer.	Legal Q&As, Federal Withholding: The Foreign Investment in Real Property Tax Act (FIRPTA) , and California Withholding on the Sale of Real Property 42 U.S.C. § 5154a. Cal. Rev. & Tax Code §§ 18662(e)(f).
Flood Disaster Insurance Requirements (Applicable for any flood disaster ¹⁰ declared after Sep. 23, 1994)	Any transfer ⁶ of personal (e.g., mobile homes), residential, or commercial property where the owner received federal flood disaster assistance conditioned on the owner subsequently obtaining and maintaining flood insurance.	The transferor must notify the transferee in writing on a document "evidencing the transfer of ownership of the property" about the requirement to obtain and maintain flood insurance in accordance with applicable Federal law.	Legal Q&A, Federal Flood Insurance Disclosure 42 U.S.C. § 5154a.

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
		<p>Failure to notify the transferee means that in the event the transferee fails to maintain the required flood insurance and the property is damaged by a flood disaster requiring Federal disaster relief, the transferor will be required to reimburse the Federal government.</p> <p>The law is unclear as to what document(s) should contain this notice. C.A.R. Forms RPA-CA and NHD may be acceptable, but technically are not documents that "evidence the transfer of ownership." Clearly, a grant deed is such a document.</p>	
<p>Home Energy Ratings System (HERS) Booklet</p> <p>(Optional Disclosure)</p> <p>(Booklet Now Available)</p>	<p>Transfer ⁹ or exchange of <u>all</u> real property.</p> <p>Also applies to manufactured and personal property mobile homes.</p>	<p>If an energy ratings booklet is delivered to the transferee, then a seller or broker is not required to provide additional information concerning the existence of a statewide energy rating program.</p> <p><i>Home Energy Rating System (HERS) Booklet (part of Combined Hazards booklet)</i></p>	<p>Cal. Civ. Code § 2079.10; Cal. Pub. Res. Code §§ 25402.9, 25942.</p>
<p>Homeowner's Guide to Earthquake Safety Booklet and Residential Earthquake Hazards Report (form in booklet)</p>	<p><u>Mandatory delivery:</u></p> <p>Transfer of residential real property of 1-4 units, manufactured homes, and mobile homes, of conventional light frame construction, and built prior to Jan. 1, 1960, if not exempt (almost same exemptions as for the Transfer Disclosure Statement¹¹). Additional exemption if the buyer agrees, in writing, to demolish the property within one year from date of transfer.</p>	<p><u>Mandatory delivery:</u></p> <p>The licensee must give the transferor the booklet <i>The Homeowner's Guide to Earthquake Safety</i>¹² and the transferor must give this booklet to the transferee.</p> <p>Known structural deficiencies must be disclosed by the transferor to the transferee and the form in the booklet entitled <i>Residential Earthquake Hazards Report</i> may be used to make this</p>	<p>Cal. Bus. & Prof. Code § 10149; Cal. Gov't Code §§ 8897.1, 8897.2, 8897.5; Cal. Civ. Code § 2079.8.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
	<p><u>Voluntary delivery:</u></p> <p>Transfe⁶ of <u>any</u> real property.</p>	<p>disclosure.</p> <p><u>Voluntary delivery:</u></p> <p>If the <i>Guide</i> is delivered to the transferee, then the transferor or broker is not required to provide additional information concerning general earthquake hazards.</p> <p>Known earthquake hazards must be disclosed whether delivery is mandatory or voluntary.</p>	
Industrial Use Zone Location	Transfer ⁶ or exchange of residential real property of 1-4 units.	<p>The seller of real property subject to the TDS law must disclose "actual knowledge" that the property is affected by or zoned to allow an industrial use of property (manufacturing, commercial, or airport use) as soon as possible before transfer of title.</p> <p>C.A.R. Form SSD or SPQ may be used.</p>	Cal. Civ. Code § 1102.17; Cal. Code Civ. Proc. § 731a.
Lead-Based Paint Pamphlet and Form	<p>Sale or lease of <u>all</u> residential property, built before Jan. 1, 1978, except as indicated below.</p> <p>Also applies to manufactured homes and personal property mobile homes.</p> <p><u>Exemptions:</u></p> <ul style="list-style-type: none"> • foreclosure or trustee's sale transfer (REO properties and deed-in-lieu of foreclosure are NOT exempt!) • zero-bedroom dwelling (loft, efficiency unit, 	<p>The seller/lessor must provide the buyer/lessee with a lead hazard information pamphlet, disclose the presence of any known lead-based paint and provide a statement signed by the buyer that the buyer has read the warning statement, has received the pamphlet, and has a 10-day opportunity to inspect before becoming obligated under the contract.</p> <p>The purchaser (not lessee) is permitted a 10-day period to conduct an inspection unless the parties mutually agree</p>	<p>Legal Q&As, Federal Lead-Based Paint Hazard Disclosures, and Federal Lead-Based Paint Renovation Rule</p> <p>Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. § 4852d.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
	<p>dorm, or studio)</p> <ul style="list-style-type: none"> • short-term rental (100 or fewer days) • housing for elderly or handicapped (unless children live there) • rental housing certified free of lead paint 	<p>upon a different time period.</p> <p>The agent, on behalf of the seller/lessor, must ensure compliance with the requirements of this law.</p> <p>C.A.R. pamphlet, <i>Protect Your Family From Lead in Your Home</i>, and C.A.R. form FLD satisfy these requirements (except for sales of HUD properties—then HUD forms required).</p> <p>The C.A.R. Combined Hazards booklet may be used in lieu of the pamphlet mentioned above.</p>	
Material Facts	<p>Any transfer of real property or manufactured homes or mobile homes.</p> <p>No exemptions.</p>	<p>A seller (transferor) or real estate agent involved in the transaction must disclose any <u>known material facts</u> that affect the value or desirability of the property. Whether or not something is deemed material is determined by case law.</p> <p>C.A.R. Form SSD or SPQ may be used.</p>	<p>Case law: <i>Nussbaum v. Weeks</i> (1990) 214 Cal. App. 3d 1589 (seller's duty); <i>Easton v. Strassburger</i> (1984) 152 Cal. App. 3d 90 (agent's duty); Cal. Civ. Code § 2079 <i>et seq.</i></p>
Megan's Law Disclosure (Registered Sex Offender Database)	<p>Sale¹³ or lease/rental of all residential real property of 1-4 units (No exemptions except for never-occupied properties where a public report is required or properties exempted from a public report pursuant to Bus. & Prof. Code § 11010.4)</p>	<p>Every lease or rental agreement and every sales contract is required to include a statutorily-defined notice regarding the existence of public access to database information regarding sex offenders.</p> <p>The following C.A.R. forms contain this statutory notice: RPA-CA, RIPA, PPA, NCPA, NODPA, MHPA, LR, IOA, RLAS</p>	<p>Legal Q&A, Megan's Law: Disclosure of Registered Sex Offenders</p> <p>Cal. Civ. Code § 2079.10a.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
<p>Mello-Roos, 1915 Bond Act Assessments, and voluntary contractual assessment.</p>	<p>Transfer⁶ or exchange of residential real property of 1-4 units subject to a continuing lien securing the levy of special taxes pursuant to the Mello-Roos Community Facilities Act or the 1915 Bond Act.</p> <p>Same exemptions as for the Transfer Disclosure Statement except that new subdivisions are not exempt.</p>	<p>The transferor must make a good faith effort to obtain a disclosure notice concerning the special tax or assessment from each local agency that levies a special tax or assessment and deliver the notice(s) to the prospective transferee.</p> <p>Transferors may comply with this law by using a third-party disclosure company.</p> <p>The transferee has a 3 or 5-day right of rescission.</p> <p>There is no affirmative duty by an agent to discover a special tax or district or assessment not actually known to the agent.</p>	<p>Legal Q&A, Mello-Roos District Disclosure Requirements</p> <p>Cal. Civ. Code § 1102.6b; Cal. Gov't Code § 53340.2 (Mello-Roos Form), § 53341.5 (new subdivisions), § 53754 (bond), Cal. Str. & H. Code § 5898.24.</p>
<p>Meth Lab Clean-Up Order</p> <p>(Release of Illegal Controlled Substance Remediation Order)</p>	<p>Transfer by "purchase, exchange, gift, lease, inheritance, or legal action" of any "parcel of land, structure, or part of a structure" where the manufacture of methamphetamine or storage of methamphetamine or a prohibited hazardous chemical occurred.</p>	<p>In the event that toxic contamination by an illegal controlled substance has occurred on a property and upon receipt of a clean-up order from the Dept. of Toxic Substances Control (DTSC) or a Local Health Officer, the transferor must provide a copy of this order to the transferee.</p> <p>In the case of rental property, the landlord must give a prospective tenant a copy of this order which must be attached to the rental agreement. Non-compliance with this law permits the tenant to void the rental agreement.</p> <p>C.A.R. Form SSD, SPQ or MCN may be used.</p>	<p>Cal. Health & Safety Code § 25400.28 (disclosure), § 25400.36 (definitions).</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
<p>Military Ordnance Location (former military munitions site)</p>	<p>Transfer ⁶ or exchange of residential real property of 1-4 units and lease of any residential dwelling unit. Same exemptions as for the Transfer Disclosure Statement.</p>	<p>Disclosure is required when the transferor/lessor has actual knowledge that a former military ordnance location (military training grounds which may contain explosives) is within one mile of the property.</p> <p>The transferor/lessor must disclose in writing to the transferee/lessee, that these former federal or state military ordnance locations may contain potentially explosive munitions.</p> <p>The transferee has a 3 or 5-day right of rescission.</p> <p>C.A.R. Form SSD or SPQ may be used.</p>	<p>Cal. Civ. Code §§ 1102.15, 1940.7.</p>
<p>Mining Operation</p>	<p>NHD report is completed by third-party disclosure company</p>	<p>The NHD expert must determine if the property is located within one mile of a mine operation as reported by the Office of Mine Reclamation map. If so, the report must contain a statutory statement, Notice of Mining Operation.</p>	<p>Cal. Civ. Code § 1103.4 (c)(3). (Effective date of law is Jan. 1, 2012)</p>
<p>Mold (Disclosure of Excessive Mold or Health Threat)</p>	<p>Sale, lease, rental, or other transfer of any commercial, industrial or residential property</p>	<p>There are <u>no current disclosure requirements</u> until after the Dept. of Health Services (DHS) develops permissible exposure limits for mold and a consumer booklet.</p> <p>The TDS has been modified to include the word "mold" in paragraph II.C.1.</p> <p>As always, any transferor must disclose <u>actual knowledge</u> of toxic mold on</p>	<p>Legal Q&A, Mold and Its Impact on Real Estate Transactions</p> <p>Cal. Health & Safety Code §§ 26100 <i>et seq.</i> , §§ 26140, 26141, 26147, 26148.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
		the property. C.A.R. Form RGM may be used (optional).	
Natural Hazard Disclosure Statement (Form)	Transfer ¹⁴ of residential real property of 1-4 units if the property is located in one or more of the following hazard zones: Special Flood Hazard Area, Area of Potential Flooding, Very High Fire Severity Zone, Earthquake Fault Zone, Seismic Hazard Zone, or State Responsibility Area Also applies to manufactured homes and personal property mobile homes. See the Legal Q&A for the list of exemptions.	The seller and the listing agent must sign the statutory form or a substantially equivalent form (provided by a disclosure company or other) to be provided to the buyer. C.A.R. Form NHD (statutory form).	Legal Q&A, Natural Hazard Disclosure Statement Cal. Civ. Code §§ 1103 <i>et seq.</i>
Pest Control Inspection Report and Certification (wood destroying pests or organisms)	Transfer of title of any real property or the execution of a real property sales contract, as defined in Civil Code Section 2985, <u>only if</u> required by contract or the transferee's lender.	The transferor, fee owner, or his/her agent, must deliver to the transferee a copy of a structural pest control inspection report and certification if any remediation work is required, as soon as practical, before close of escrow or execution of a real property sales contract (land sale contract). Delivery to a transferee means delivery in person or by mail to the transferee him/herself or any person authorized to act for him/her in the transaction or to such additional transferees who have requested such delivery from the transferor or his/her agent in writing. Delivery to either husband or wife will be deemed delivery to a	Cal. Civ. Code § 1099.

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
		transferee, unless the contract affecting the transfer states otherwise.	
Private Transfer Fee	Transfer ⁶ or exchange of residential real property of 1-4 units. Same exemptions as for the Transfer Disclosure Statement.	If the property being transferred is subject to a transfer fee, as defined in Section 1098, the transferor must provide, at the same time as the TDS, a transfer tax disclosure statement. C.A.R. Form NTF may be used.	Cal. Civ. Code §§ 1102.6e, 1098, 1098.5.
Residential Environmental Hazards Booklet (Optional Disclosure)	Transfer ¹⁵ or exchange of <u>all</u> real property. Also applies to manufactured homes and personal property mobile homes.	If a consumer information booklet ¹⁶ is delivered to the transferee, then a seller or broker is not required to provide additional information concerning common environmental hazards. Although highly recommended, delivery is voluntary. However, <u>known</u> hazards on the property must be disclosed to the transferee. C.A.R. <i>Combined Hazards</i> booklet may be used.	Cal. Civ. Code § 2079.7.
Seismic Hazard Zones	Sale of <u>all</u> real property which does contain or will eventually contain a structure for human habitation and which is located in a seismic hazard zone as indicated on maps created by the California Division of Mines and Geology. Also applies to manufactured homes and personal property mobile homes.	The seller's <u>agent</u> or the seller without an agent must disclose to the buyer the fact that the property is in a seismic hazard zone if maps are available at the county assessor, county recorder, or county planning commission office, or if the seller or seller's agent has actual knowledge that the property is in the zone. If the map is not of sufficient accuracy or scale to determine whether the property is in the zone,	Legal Q&A, Natural Hazard Disclosure Statement Cal. Pub. Res. Code § 2690 <i>et seq.</i> , § 2694; Cal. Civ. Code § 1103.

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
		<p>then either the agent indicates "yes" that the property is in the zone or the agent may write "no" that the property is <u>not</u> in this zone, but then a report prepared by an expert verifying that fact must be attached to C.A.R. Form NHD.</p> <p>If a TDS is required in the transaction, either C.A.R. Form NHD, "Natural Hazard Disclosure Statement" or an updated local option disclosure form must be used to make this disclosure.</p>	
<p>Smoke Detectors Must Be In Compliance</p>	<p>All existing real property dwelling units must have a smoke detector centrally located outside each sleeping area (bedroom or group of bedrooms).</p> <p>All used manufactured homes, used mobile homes, and used multi-family manufactured housing must have a smoke detector in each room designed for sleeping.</p> <p>In addition, new real property construction with a permit after Aug. 14, 1992 must have a hard-wired smoke detector in each bedroom.</p> <p>Any additions, modifications, or repairs to real property (after Aug. 14, 1992) exceeding \$1,000 for which a permit is required or the addition of any bedroom will also trigger the requirement of a smoke detector in each bedroom. (These may be battery operated.)</p>	<p>Same exemptions from the Transfer Disclosure Statement but only for single family homes and factory-built housing, not other types of dwellings.</p> <p>However, transfers to or from any governmental entity, and transfers by a beneficiary or mortgagee after foreclosure sale or trustee's sale or transfers by deed in lieu of foreclosure, which are exempt under the TDS law, are <u>not</u> exempt from this law.</p> <p>LOCAL LAW MAY BE MORE RESTRICTIVE! Check with the local City or County Department of Building and Safety.</p>	<p>Legal Q&A, Smoke Detector Requirements</p> <p>Cal. Health & Safety Code §§ 13113.7, 13113.8, 18029.6.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
Smoke Detector Written Statement of Compliance	<p>The seller of a single family home, factory-built housing, a used manufactured home, used mobile home or used multi-unit manufactured housing must provide the buyer with a written statement indicating that the property is in compliance with current California law.</p> <p>Same exemptions for real property as from the TDS law. However, transfers to or from any governmental entity, and transfers by a beneficiary or mortgagee after foreclosure sale or trustee's sale or transfers by deed in lieu of foreclosure, which are exempt under the TDS law, are <u>not</u> exempt from this law.</p>	<p>C.A.R. Forms TDS and MHTDS now include a statement of compliance.</p> <p>C.A.R. Form WHSD may be used when no TDS is used in the transaction.</p> <p>HCD Declaration must be used for used mobile homes, used manufactured homes, and used multi-unit manufactured housing, and be given to the buyer within 45 days prior to the transfer of title.</p>	<p>Legal Q&A, Smoke Detector Requirements</p> <p>Cal. Health & Safety Code §§ 13113.8, 18029.6; 25 Cal. Code Regs. § 5545.</p>
Special Flood Hazard Area	<p>Sale of real property located in Zone "A" or " V" as designated by FEMA and if the seller or the seller's agent has actual knowledge <u>or</u> a list has been compiled <u>by parcel</u> and the notice posted at a local county recorder, assessor and planning agency.</p> <p>Also applies to manufactured homes and personal property mobile homes.</p>	<p>The seller's <u>agent</u> or the seller without an agent must disclose to the buyer if the property is in this Special Flood Hazard Area, if a parcel list has been prepared by the county and a notice identifying the location of the list is available at the county assessor, county recorder or county planning commission office, or if the seller or seller's agent has actual knowledge that the property is in an area.</p> <p>If a TDS is required in the transaction, either C.A.R. Form NHD, "Natural Hazard Disclosure Statement" or an updated Local Option disclosure form must be used to make this disclosure.</p>	<p>Legal Q&A, Natural Hazard Disclosure Statement</p> <p>Cal. Civ. Code § 1103; Cal. Gov't Code § 8589.3.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
<p>State Responsibility Area (Fire Hazard Area)</p>	<p>Sale of <u>any</u> real property located in a designated state responsibility area (generally a "wildland area") where the state not local or federal govt. has the primary financial responsibility for fire prevention. The California Department of Forestry provides maps to the county assessor of each affected county.²²</p> <p>Also applies to manufactured homes and personal property mobile homes.</p>	<p>The seller must disclose to the buyer the fact that the property is located in this zone, the risk of fire, state-imposed additional duties such as maintaining fire breaks, and the fact that the state may not provide fire protection services. The disclosure must be made if maps are available at the county assessor, county recorder or county planning commission office, or if the seller has actual knowledge that the property is in the zone. If the map is not of sufficient accuracy or scale to determine whether the property is in this Area, then either the agent indicates "yes" that the property is in this Area or the agent may write "no" that the property is <u>not</u> in this Area, but then a report prepared by an expert verifying that fact must be attached to C.A.R. Form NHD.</p> <p>If a TDS is required in the transaction, either C.A.R. Form NHD, "Natural Hazard Disclosure Statement" or an updated local option disclosure form must be used to make this disclosure.</p>	<p>Legal Q&A, Natural Hazard Disclosure Statement</p> <p>Cal. Pub. Res. Code §§ 4125, 4136; Cal. Civ. Code § 1103.</p>
<p>Supplemental Property Tax Notice</p>	<p>Transfer⁶ of residential real property of 1-4 units.</p> <p>Same exemptions as for the Transfer Disclosure Statement.</p>	<p>The seller or seller's agent must deliver to the buyer the statutory notice.</p> <p>C.A.R. Form SPT may be used.</p>	<p>Cal. Civ. Code § 1102.6c.</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
Subdivided Lands Law	Sale, leasing, or financing of new developments (condos, PUDs) or conversions consisting of 5 or more lots, parcels, or interests. However, a transfer of a single property to 5 or more unrelated people (unless exempt) may also trigger this law. There are exemptions too numerous to discuss in this chart.	<p>The owner, subdivider, or agent, prior to the execution of the purchase contract or lease, must give the buyer/lessee a copy of the final public report (FPR), preliminary public report (PPR), or the conditional public report (CPR) issued by the DRE.</p> <p>No offers may be solicited until the DRE has issued one of these three reports. If the DRE has issued a CPR or PPR, then offers may be solicited, but close of escrow is contingent upon issuance of the FPR.</p> <p>Contracts entered into pursuant to a PPR may be rescinded by either party; contracts entered into pursuant to a CPR are contingent upon satisfaction of certain specified conditions.</p>	<p>Legal Q&As, Subdivided Lands Law, and</p> <p>Subdivision Applicability Chart</p> <p>Cal. Bus. & Prof. Code §§ 11018.1, 11018.12; 10 Cal. Code Regs. § 2795.</p> <p>See generally, Cal. Bus. & Prof. Code §§ 11000 <i>et seq.</i>; 10 Cal. Code Regs. §§ 2790 <i>et seq.</i></p>
Subdivision Map Act	Any division of real property into 2 or more lots or parcels for the purpose of sale, lease, or financing. There are exemptions too numerous to discuss in this chart.	The owner/subdivider must record either a tentative and final map, or a parcel map (depending on the type of subdivision). Escrow on the transfer cannot close until the appropriate map has been recorded.	<p>Legal Q&A, Subdivision Applicability Chart</p> <p>Cal. Gov't Code §§ 66426, 66428.</p> <p><i>See generally,</i> Cal. Gov't Code §§ 66410 <i>et seq.</i></p>
Transfer Disclosure Statement	<p>Transfer⁶ of residential real property of 1-4 units.</p> <p>Also applies to manufactured homes and personal property mobile homes.</p>	<p>Sellers and real estate agents must complete a statutory disclosure form.</p> <p>C.A.R. Form TDS (statutory form for real property); C.A.R. Form MHTDS (statutory form for personal property mobile homes)</p>	<p>Legal Q&As, Transfer Disclosure Statement Law, and</p> <p>Transfer Disclosure Statement</p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
			Exemptions Cal. Civ. Code §§ 1102 <i>et seq.</i>
Very High Fire Hazard Severity Zone	Sale of any real property. Also applies to manufactured homes and personal property mobile homes.	The seller must disclose the fact that the property is located within this zone and whether it is subject to the requirements of Gov't Code Section 51182 (e.g., clear brush, maintain fire breaks). The disclosure must be made if maps are available at the county assessor, county recorder or county planning commission office, or if the seller has actual knowledge that the property is in the zone. If the map is not of sufficient accuracy or scale to determine whether the property is in this zone, then either the agent indicates "yes" that the property is in this zone or the agent may write "no" that the property is <u>not</u> in this zone, but then a report prepared by an expert verifying that fact must be attached to C.A.R. Form NHD. If a TDS is required in the transaction, either C.A.R. Form NHD, "Natural Hazard Disclosure Statement" or an updated local option disclosure form must be used to make this disclosure.	Legal Q&A, Natural Hazard Disclosure Statement Cal. Gov't Code §§ 51178, 51183.5; Cal. Civ. Code § 1103.
Water Conserving Fixtures Compliance	Applies only to real property built on or before Jan. 1, 1994 containing water fixtures. Effective date of law for single-family residential real property is Jan. 1, 2017 . Effective date for two or more	Noncompliant plumbing fixtures (defined in Section 1101.3(c)) must be replaced by water conserving plumbing fixtures.	Cal. Civ. Code § 1101.1 <i>et seq.</i>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
	<p>unit residential real prop. and commercial real prop. is Jan. 1, 2014 (some additions and alterations) and Jan. 1, 2019 (all).</p> <p><u>Exemptions:</u></p> <ul style="list-style-type: none"> • Registered historical sites. • Certified not technically feasible by licensed plumber. • Water service disconnected. 		
<p>Water Conserving Fixtures Disclosure</p>	<p>Applies only to real property built on or before Jan. 1, 1994 containing water fixtures.</p> <p>Effective date of law for single-family residential real property is Jan. 1, 2017.</p> <p>Effective date for two or more unit residential real prop. and commercial real prop. is Jan. 1, 2019.</p> <p><u>Exemptions:</u></p> <ul style="list-style-type: none"> • Registered historical sites. • Certified not technically feasible by licensed plumber. • Water service disconnected. 	<p>The seller or transferor must disclose in writing to the prospective transferee that the law requires that noncompliant plumbing fixtures must be replaced with water-conserving plumbing fixtures and the required date, and also whether the real property includes any noncompliant plumbing fixtures (Cal. Civ. Code § 1101.4(c) single family and Cal. Civ. Code § 1101.5(a) multi-family and commercial).</p>	<p>Cal. Civ. Code § 1101.1 <i>et seq.</i></p>

SUBJECT	DISCLOSURE TRIGGER	DISCLOSURE REQUIREMENT (Brief Summary) FORM	C.A.R. INFORMATION SOURCE LAW CITATION
Water Heater Bracing Statement of Compliance	<p>All real property with any standard water heater with a capacity of not more than 120 gallons for which a pre-engineered strapping kit is readily available.</p> <p>Legislative intent suggests this law applies only to residential properties, but the language of the statute does not limit the requirement to residential properties.</p> <p>All used mobile homes, used manufactured homes, and used multi-family manufactured housing with a fuel gas-burning water heater.</p>	<p>All owners of new or replacement water heaters and all owners of existing residential water heaters must brace, anchor or strap water heaters to resist falling or horizontal displacement due to earthquake motion. Water heaters located in closets are also subject to this law.</p> <p>The seller of real property must certify in writing to a prospective purchaser that he has complied with this section and applicable local code requirements.</p> <p>C.A.R. Forms TDS and MHTDS now include a statement of compliance.</p> <p>C.A.R. Form WHSD may be used when no TDS is used in the transaction.</p> <p>HCD Declaration must be used for used mobile homes, used manufactured homes, and used multi-unit manufactured housing, and be given to the buyer within 45 days prior to the transfer of title.</p>	<p>Legal Q&A, Water Heater Bracing and Disclosure Requirements</p> <p>Cal. Health & Safety Code §§ 19211, 18031.7; 25 Cal. Code Regs. § 4102.</p>

ENDNOTES

1. It is imperative to check local disclosure requirements. Local law may be more stringent than state law in certain areas or there may be additional disclosures required.
2. "Sale" includes exchanges of real property and installment land sale contracts (also called real property sales contracts) (Cal. Civ. Code 2079.13(l)).
3. This provision also applies to leases with an option to purchase, ground leases of land improved with 1-4 residential units, and real property installment sales contracts (Cal. Civ. Code § 2079.1).
4. Transfers which can be made without a public report pursuant to Section 11010.4 of the Business and

Professions Code are exempt from a TDS but not from the Homeowner's Guide.

5. This Guide is available from C.A.R. and/or local Boards/Associations.

6. "Transfer" for the purposes of this law means transfer by sale, exchange, lease with option to purchase, purchase option, ground lease coupled with improvements, installment land sale contract, or transfer of a residential stock cooperative (Cal. Civ. Code § 1102).

7. These zones were formerly called, "Special Studies Zones." Some maps may still refer to the old name.

8. The maps may be purchased from [BPS Reprographics](#) by calling (415) 512-6550 with the names of the required maps. Special Publication 42 indicates the names of the maps of the Earthquake Fault Zones. This publication is available from the [California Geological Survey](#) (formerly the California Division of Mines and Geology) by calling (916) 445-5716.

9. Transfers which can be made without a public report pursuant to Section 11010.4 of the Business and Professions Code are exempt from a TDS but not from the Homeowner's Guide.

10. "Flood disaster area" means an area so designated by the U.S. Secretary of Agriculture or an area the President has declared to be a disaster or emergency as a result of flood conditions.

11. Transfers which can be made without a public report pursuant to Section 11010.4 of the Business and Professions Code are exempt from a TDS but not from the Homeowner's Guide. 12. This Guide is available from C.A.R. and/or local Boards/Associations.

13. This provision also applies to leases with an option to purchase, ground leases of land improved with 1-4 residential units, and real property installment sales contracts (Cal. Civ. Code § 2079.1).

14. "Transfer" for the purposes of this law means transfer by sale, exchange, lease with option to purchase, purchase option, ground lease coupled with improvements, installment land sale contract, or transfer of a residential stock cooperative (Cal. Civ. Code § 1103).

15. Transfers which can be made without a public report pursuant to Section 11010.4 of the Business and Professions Code are exempt from a TDS but not from the Homeowner's Guide.

16. The consumer information booklet entitled *Environmental Hazards, A Guide for Homeowners and Buyers* is available from C.A.R. and/or local Boards/Associations.

17. The [Department of Forestry's](#) telephone number is (916) 653-5121.

California law sometimes requires that a specific form (or exact language) be used. Examples are the AD, FLD, TDS, MHTDS, and the NHD. Others 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, SSD, SPQ, AS, AB, WHSD, REO, and REOL.

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 car.org.

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 Ave.
Los Angeles, CA 90020

Copyright© 2011 CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.). Permission is granted to C.A.R. members only to reprint and use this material for non-commercial purposes provided credit is given to the C.A.R. Legal Department. Other reproduction or use is strictly prohibited without the express written permission of the C.A.R. Legal Department. All rights reserved. Revised by Sonia M. Younglove, Esq.

The information contained herein is believed accurate as of July 28, 2011. 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.