



<b>Advisability of Title Insurance</b> (When No Title Insurance Issued)	Yes*	Yes*	Yes*	Yes*	Yes*	No		Cal. Civ. Code §1057.6.  *Typically handled by escrow agent
<b>Agency Disclosure</b> (education form) and <b>Agency Confirmation</b> (who represents each party)	Yes	Yes	Yes	No	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>  Effective Jan. 1, 2015*
<b>Airport in Vicinity<sup>1</sup></b>	Yes	No	No	No	No	Yes	NHD expert's report	Cal. Civ. Code § 1103.4.
<b>Area of Potential Flooding<sup>1</sup></b>	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>
<b>Broker's Statutory Duty to Inspect Property</b>	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
<b>Carbon Monoxide Detector Disclosure</b>	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.

<b>Carbon Monoxide Detector Compliance</b>	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.
<b>Commercial Property Owner's Guide to Earthquake Safety (Booklet)</b>	Yes <sup>2</sup>	No	No	Yes*	No/Yes*	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
<b>Death (in last 3 years)</b>	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.

<b>Earthquake Fault Zone<sup>1</sup></b>	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>

<p><b>Energy Use Report</b></p> <p>This law has been repealed effective January 1, 2016. Cal.Pub.Res. Code § 25402.10 .</p>	No	No	No	No	No/Yes	No	EPA's Portfolio Manager Energy Star Report <sup>15</sup> .	<p>Public Resources Code 25402.10</p> <p>20 California Code of Regulations §§ 1680-1684</p> <p>This law has been repealed effective January 1, 2016. Cal.Pub.Res. Code § 25402.10.</p>
<p><b>Farm or Ranch Proximity<sup>1</sup></b></p>	Yes	No	No	No	No	Yes	NHD expert's report	Cal. Civ. Code § 1103.4.

<b>FHA/HUD Inspection Notice</b>	Yes*	Yes*	Yes*	No	No	No	HID	HUD Mortgagee Letter 06-24  *Required only for FHA loans or HUD-owned property by lender.
<b>FIRPTA (Federal Tax Withholding) and California Tax Withholding</b>	Yes*	Yes*	Yes*	Yes*	Yes*	No	AS may be used (The AS form applies to both federal and California tax withholdin. But for California withholding, the AS form explains that the seller will provide the escrow with the necessary information).  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.
<b>Flood Disaster Insurance Requirements</b>	Yes	Yes	Yes	Yes	Yes <sup>5</sup>	Yes		42 U.S.C. § 5154a.
<b>Gas and Hazardous Liquid Transmission Pipeline Notice</b>	Yes	Yes	Yes	Yes	No	No	"Gas and Hazardous Transmission Pipeline" disclosure section of C.A.R. contracts	Cal. Civ. Code § 2079.10.5.

<b>Groundwater Basin Comprehensive Adjudication Notice</b> (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.
<b>Hazardous Substances, release of</b> <sup>17</sup>	No	No	No	No	Yes	No		Health & Saf. Code § 25359.7
<b>Home Energy Rating System (HERS) Booklet</b> (Optional Disclosure <sup>4</sup> -- Booklet Now Available)	No	No	No	No	No	No	<i>Home Energy Rating System (HERS) Booklet (part of Combined Hazards Booklet)</i>	Cal. Civ. Code § 2079.10; Cal. Pub. Res. Code §§ 25402.9, 25942.
<b>Homeowner's Guide to Earthquake Safety</b> (Booklet and Form)	Yes*	No	No	No	No	No <sup>6</sup>	<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.
<b>Industrial Use Zone Location</b>	Yes	No <sup>3</sup>	No	No	No	No	SPQ may be used (or ESD if TDS exempt)	Cal. Civ. Code § 1102.17; Cal. Code of Civ. Proc. § 731a.





<b>Material Facts<sup>8</sup></b>	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.	Case law; Cal. Civ. Code §§ 2079 <i>et seq.</i>
<b>Megan's Law Disclosure</b> (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.
<b>Mello-Roos, 1915 Bond Act Assessments<sup>9</sup>, and voluntary contractual assessment.</b>	Yes	No <sup>3</sup>	No	No	No	No		Cal. Civ. Code § 1102.6b; Cal. Gov't Code §§ 53340.2, 53754, Cal. Str. & H. Code § 5898.24.

<b>Meth Lab Clean-Up Order</b> (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.
<b>Military Ordnance Location</b>	Yes	No <sup>3</sup>	No	No	No	No	SPQ may be used (or ESD if TDS exempt)	Cal. Civ. Code § 1102.15.
<b>Mining Operations</b> <small>1</small>	Yes	No	No	No	No	Yes	NHD expert's report	Cal. Civ. Code § 1103.4
<b>Mold</b> (Disclosure of Excessive Mold or Health Threat) <sup>10</sup>	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.
<b>Natural Hazard Disclosure Statement</b>	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>

<b>Pest Control Inspection Report and Certification</b> (wood destroying pests or organisms)	Yes*	Yes*	Yes*	Yes*	No/Yes*	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.
<b>Private Transfer Fee</b>	Yes	No <sup>3</sup>	No	No	No	No	NTF may be used	Cal. Civ. Code § 1102.6e.
<b>Residential Environmental Hazards Booklet</b>  (Optional Disclosure <sup>11</sup> )	No	No	No	No	No	No	<i>Residential Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants (also in Combined Hazards Booklet)</i>	Cal. Civ. Code § 2079.7.
<b>Seismic Hazard Zone<sup>1</sup></b>	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Pub. Res. Code § 2694; Cal. Civ. Code §§ 1103 <i>et seq.</i>
<b>Smoke Detectors Must Be In Compliance</b>	Yes	Yes <sup>16</sup>	Yes <sup>16</sup> /Yes	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

<b>Smoke Detector Written Statement of Compliance</b>	Yes*	No	No/Yes*	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.
<b>Special Flood Hazard Area<sup>1</sup></b>	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Gov't Code § 8589.3; Cal. Civ. Code §§ 1103 <i>et seq.</i>
<b>State Responsibility Area (Fire Hazard Area)<sup>1</sup></b>	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Pub. Res. Code §§ 4125, 4136; Cal. Civ. Code §§ 1103 <i>et seq.</i>
<b>Supplemental Property Tax Notice</b>	Yes	No <sup>3</sup>	No	No	No	No	SPT (or SBSA may be used)	Cal. Civ. Code § 1102.6c.
<b>Transfer Disclosure Statement</b>	Yes	No <sup>3</sup>	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
<b>Very High Fire Hazard Severity Zone<sup>1</sup></b>	Yes	Yes	Yes	Yes	Yes	Yes	NHD (if form required)	Cal. Gov't. Code § 51183.5; Cal. Civ. Code §§ 1103 <i>et seq.</i>

<b>Water Conserving Fixtures Compliance ( SB 407 )</b>  Required by virtue of ownership, but not a point of sale requirement	Yes*	Yes*	Yes*	Yes*	No/Yes*	No		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;  Effective date of law for single- family residential real property is Jan. 1, 2017;  Effective date for two or more unit resid. real prop. and commercial real prop. is Jan. 1, 2019 (all prop.).  Effective date of law where some types of permitted improvements are made is Jan. 1, 2014.  See the Summary Disclosure Chart for exemptions.

<b>Water Conserving Fixtures Disclosure ( SB 407 )</b>	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;  Effective date of law for single-family residential real property is Jan. 1, 2017;  Effective date for two or more unit resid. real prop. and commercial real prop. is Jan. 1, 2019.  See the Summary Disclosure Chart for exemptions.
<b>Water Heater Bracing Requirement</b>	Yes	Yes	Yes	Yes	No/ Maybe <sup>12</sup>	Yes <sup>13</sup>		Cal. Health & Safety Code §§ 19211, 18031.7.

<b>Water Heater Bracing Statement of Compliance</b>	Yes	Yes	Yes	Yes	No/ Maybe <sup>12</sup>	Yes***	TDS (now contains statement of compliance)  WHSD may be used for real property if no TDS  ***HCD Declaration for mobile homes and manufactured homes	Cal. Health & Safety Code §§ 19211, 18031.7; 25 Cal. Code Regs. § 4102.
<b>Window Security Bars</b>	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 sole 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

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