

Statutory Disclosures

Statutory Disclosures include the TDS, SPQ, FLD, NHD and more.

1. **TDS [Transfer Disclosure Statement]** is perhaps the most important document beside the Purchase Agreement in a transaction.

- **Page 1**

1. As-of Date needs to be filled in.
2. Occupancy needs to be checked.
3. II.A. Seller to check what applies – go across each line horizontally.
4. At bottom of Page 1
 1. Seller to answer all questions [roof, type, age, 220-Volt, etc.]
 2. Seller to answer Yes or No [any of above that are not in operating condition?]

REMEMBER – Any “Yes” answer needs written explanation.

- **Page 2**

1. II.B Yes or No [aware of any significant defects/malfunctions in any of the following?]
2. II.C 1-16
 1. Seller to check appropriate boxes
 2. C.2 – usually Yes [fences or common walls]
 3. C.12, C.13, C.14 – Yes if there is a Homeowners Association.
 4. C.16 – regarding any litigation against property [or association]

- **Page 3**

1. Seller needs to sign and date at top of page.
2. Agents both need to complete “visual” section, preferably checking box for AVID
3. Bottom – should be signed AFTER all of pages 1-3 are completed.

NOTE: The TDS is not complete unless it includes the LA AVID.

2. SPQ [Seller Property Questionnaire] is an Additional Statutory Disclosure

1. This form contains 4 pages of additional disclosures that the Seller must provide to the Buyer.
2. Note that this form asks: “Are You (Seller) Aware of . . . Yes or No. There is no reason for a Seller to put: “I don’t know” or “Unknown.” If Seller is “not aware of . . .” then they should check – No.
3. Page 1 is especially important for two of the questions:
 1. **Within the last 3 years, the death of an occupant** of the Property upon the Property?
 2. **Insurance claims** affecting the Property **within the past 5 years**
4. As with all disclosures, any question answered “Yes” needs a written explanation.

If a **Seller is Exempt from completing the TDS and SPQ**, they must complete the **ESD [Exempt Seller Disclosure]**.

3. FLD [Lead-Based Paint Disclosure]. If home was build before 1978, then the FLD is required.

4. Earthquake & Environmental Hazard Report is required for homes build before 1960. This form is part of the Earthquake & Environmental Hazard Booklet.

5. NHD [Natural Hazard Disclosure] is also a Statutory Disclosure

1. The Disclosures that are included in the 3rd-Party **NHD Report, including tax data and environmental disclosures are part of the Statutory Disclosures** that Seller must provide to the Buyer.

6. RPA Paragraph 10.A(3) – Note to Buyer and Seller: Waiver of Statutory and Lead Disclosures is prohibited by Law.