

Important Information Regarding the New Residential Property Disclosure Form

The Division has just completed the necessary process to adopt into law a new Residential Property Disclosure Form. This marks the first time the form has been updated since the form's inception in June of 1993. The new form – reflecting more stringent disclosure – is the result of collaboration between the Division and the Ohio Association of REALTORS, which presented the findings of an OAR Task Force that studied the form and made recommendations for improvements.

Per Rule 1301:1-4-10 of the Ohio Administrative Code, the form goes from a two-page legal-size document to a four-page letter size document. The new form contains an effective date of **1/1/04** in the upper right hand corner of the first page. Questions have been added to require disclosure of whether a property has been inspected for mold, whether there is any smoke damage to the property, whether the property is located in a flood plain or the Lake Erie Coastal Erosion Area and whether the property is located in a historical area or an area subject to fees and assessments. Additionally, sellers will be required to provide more meaningful disclosure of problems and defects with mechanical systems, water quality and intrusion and nonconforming uses of the property. Finally the form includes a notification to the purchaser of how to obtain information with respect to Ohio's Sex Offender Registration and Notification Law. The new form with heightened levels of disclosure will assist both sellers and buyers in averting legal action by ensuring that many of the issues that result in litigation are known up front. Licensees will likewise benefit, because the new form is consistent with industry standard in other jurisdictions.

The new form will become law **January 1, 2004**. This means:

1. The OLD form must be utilized through December 31, 2003, and
2. The NEW form must be utilized on and after January 1, 2004

In other words, the NEW form *may not* be utilized prior to the effective date of January 1, 2004 and the OLD form *may not* be utilized after January 1, 2004. OLD forms executed prior to January 1, 2004 do not need to be re-executed after January 1, 2004 on the NEW form.



STATE OF OHIO
DEPARTMENT OF COMMERCE

RESIDENTIAL PROPERTY DISCLOSURE FORM

Pursuant to section 5302.30 of the Revised Code and rule 1301:1-4-10 of the Administrative Code.

TO BE COMPLETED BY OWNER (Please Print)

Property Address:

Owners Name(s):

Date: _____, 20____

Owner is is not occupying the property. If owner is occupying the property, since what date: _____

Purpose of Disclosure Form: This is a statement of the condition of the property and of information concerning the property actually known by the owner as required by Ohio Revised Code Section 5302.30. Unless otherwise advised in writing by the owner, the owner, other than having lived at or owning the property, possesses no greater knowledge than that which could be obtained by a careful inspection of the property by a potential purchaser. Unless otherwise advised, owner has not conducted any inspection of generally inaccessible areas of the property. THIS STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE OWNER OR BY ANY AGENT OR SUBAGENT REPRESENTING THE OWNER OF THE PROPERTY. THIS STATEMENT IS NOT A SUBSTITUTE FOR ANY INSPECTIONS. POTENTIAL PURCHASERS ARE ENCOURAGED TO OBTAIN THEIR OWN PROFESSIONAL INSPECTION.

Owner's Statement: The representations contained on this form are made by the owner and are not the representations of the owner's agent or subagent. This form and the representations contained in it are provided by the owner exclusively to potential purchasers in a transfer made by the owner, and are not made to purchasers in any subsequent transfers. The information contained in this disclosure form does not limit the obligation of the owner to disclose an item of information that is required by any other statute or law to be disclosed in the transfer of residential real estate. For example, although some questions are limited to the past five years material problems or defects that occurred over five years ago that have not been fully corrected are required to be disclosed.

Instructions to Owner: (1) Answer ALL questions. (2) Identify any material matters in the property that are actually known. (3) Attach additional pages with your signature if additional space is needed. (4) Complete this form yourself. (5) If some items do not apply to your property, write NA (not applicable). If the item to be disclosed is not within your actual knowledge, indicate Unknown.

THE FOLLOWING STATEMENTS OF THE OWNER ARE BASED ON OWNER'S ACTUAL KNOWLEDGE

A) WATER SUPPLY: The source of water supply to the property is (check appropriate boxes):

- Public Water Service Holding Tank Unknown
Private Water Service Cistern Other
Private Well Spring
Shared Well Pond

Do you know of any current leaks, backups or other material problems with the water supply system or quality of the water?

Yes No If "Yes", please describe: _____

Is the quantity of water sufficient for your household use? (NOTE: water usage will vary from household to household) Yes No

If owner knows of any leaks, backups or other material problems with the water supply system or quality or quantity of the water since owning the property (but not longer than the past 5 years), please describe and indicate any repairs completed: _____

Owner's Initials ____/____ Date ____/____

Purchaser's Initials ____/____ Date ____/____

Property Address _____

B) SEWER SYSTEM: The nature of the sanitary sewer system servicing the property is (check appropriate boxes):

- | | | |
|--------------|---------------|----------------|
| Public Sewer | Private Sewer | Septic Tank |
| Leach Field | Aeration Tank | Filtration Bed |
| Unknown | Other _____ | |

If not a public or private sewer, date of last inspection: _____

Do you know of any current leaks, backups or other material problems with the sewer system servicing the property? Yes No

If "Yes", please describe: _____

If owner knows of any leaks, backups or other material problems with the sewer system since owning the property (but not longer than the past 5 years), please describe and indicate any repairs completed: _____

C) ROOF: Do you know of any current leaks or other material problems with the roof or rain gutters? Yes No

If "Yes", please describe: _____

If owner knows of any leaks or other material problems with the roof or rain gutters since owning the property (but not longer than the past 5 years), please describe and indicate any repairs completed: _____

D) WATER INTRUSION: Do you know of any previous or current water leakage, water accumulation, excess moisture or other defects to the property, including but not limited to any area below grade, basement or crawl space? Yes No

If "Yes", please describe and indicate any repairs completed: _____

Do you know of any water or moisture related damage to floors, walls or ceilings as a result of flooding; moisture seepage; moisture condensation; ice damming; sewer overflow/backup; or leaking pipes, plumbing fixtures, or appliances? Yes No

If "Yes", please describe and indicate any repairs completed: _____

Purchaser is advised that every home contains mold. Some people are more sensitive to mold than others. If concerned about this issue, purchaser is encouraged to have a mold inspection done by a qualified inspector. Have you ever had the property inspected for mold by a qualified inspector?

Yes No If "Yes", please describe and indicate whether you have an inspection report and any remediation undertaken: _____

E) STRUCTURAL COMPONENTS (FOUNDATION, BASEMENT/CRAWL SPACE, FLOORS, INTERIOR AND EXTERIOR WALLS):

Do you know of any movement, shifting, deterioration, material cracks/settling (other than visible minor cracks or blemishes) or other material problems with the foundation, basement/crawl space, floors, or interior/exterior walls?

Yes No If "Yes", please describe: _____

If owner knows of any repairs, alterations or modifications to control the cause or effect of any problem identified above, since owning the property (but not longer than the past 5 years), please describe: _____

Do you know of any previous or current fire or smoke damage to the property? Yes No

If "Yes", please describe and indicate any repairs completed: _____

F) MECHANICAL SYSTEMS: Do you know of any current problems or defects with the following mechanical systems? If your property does not have the mechanical system, mark N/A (Not Applicable).

- | | YES | NO | N/A | | YES | NO | N/A |
|-----------------------------|-----|----|-----|-------------------------------|-----|----|-----|
| 1) Electrical | | | | 8) Water softener | | | |
| 2) Plumbing (pipes) | | | | a. Is water softener leased? | | | |
| 3) Central heating | | | | 9) Security System | | | |
| 4) Central Air conditioning | | | | a. Is security system leased? | | | |
| 5) Sump pump | | | | 10) Central vacuum | | | |
| 6) Fireplace/chimney | | | | 11) Built in appliances | | | |
| 7) Lawn sprinkler | | | | 12) Other mechanical systems | | | |

If the answer to any of the above questions is "Yes", please describe and indicate any repairs to the mechanical system since owning the property (but not longer than the past 5 years). _____

Owner's Initials _____ / _____ Date _____ / _____

Purchaser's Initials _____ / _____ Date _____ / _____

Property Address _____

G) WOOD BORING INSECTS/TERMITES: Do you know of the presence of any wood boring insects/termites in or on the property or any existing damage to the property caused by wood boring insects/termites? Yes No

If "Yes", please describe: _____

If owner knows of any inspection or treatment for wood boring insects/termites, since owning the property (but not longer than the past 5 years), please describe: _____

H) PRESENCE OF HAZARDOUS MATERIALS: Do you know of the previous or current presence of any of the below identified hazardous materials on the property?

Yes No Unknown

- 1) Lead-Based Paint
- 2) Asbestos
- 3) Urea-Formaldehyde Foam Insulation
- 4) Radon Gas
 - a. If "Yes", indicate level of gas if known _____
- 5) Other toxic or hazardous substances

If the answer to any of the above questions is "Yes", please describe and indicate any repairs, remediation or mitigation to the property: _____

I) FLOOD PLAIN/LAKE ERIE COASTAL EROSION AREA: Yes No Unknown

Is the property located in a designated flood plain?
Is the property or any portion of the property included in a Lake Erie Coastal Erosion Area?

J) DRAINAGE/EROSION: Do you know of any current flooding, drainage, settling or grading or erosion problems affecting the property? Yes No

If "Yes", please describe: _____

If owner knows of any repairs, modifications or alterations to the property or other attempts to control any flooding, drainage, settling, grading or erosion problems since owning the property (but not longer than the past 5 years), please describe: _____

K) ZONING/CODE VIOLATIONS/ASSESSMENTS/HOME OWNERS ASSOCIATION: Do you know of any violations of building or housing codes, zoning ordinances affecting the property or any nonconforming uses of the property? Yes No

If "Yes", please describe: _____

Is the structure on the property designated by any governmental authority as a historic building or as being located in an historic district? (NOTE: such designation may limit changes or improvements that may be made to the property). Yes No

If "Yes", please describe: _____

Do you know of any recent or proposed assessments, which could affect the property? Yes No

If "Yes", please describe: _____

Is the property subject to any rules or regulations of, or the payment of any fees or charges to, a Homeowners Association, Condominium Association or any other Community Association? Yes No

If "Yes", please describe: _____

Owner's Initials ____/____/____ Date ____/____/____

Purchaser's Initials ____/____/____ Date ____/____/____

