

SALES DISCLOSURE CHECKLIST

for Sales of Residential Real Property, 1-4 Units

Statutory or Contractually Required Disclosures			
	C.A.R. Form Code or Document Name	Disclosure	ADDITIONAL INFORMATION
<input type="checkbox"/>	TDS + SPQ <i>(unless exempt, see ESD + WHS below)</i>	Transfer Disclosure Statement and Seller Property Questionnaire	Although the TDS is required in residential 1 to 4 transactions, there are a number of exemptions. Common exemptions include probate, REOs, bankruptcy and some trusts. For exemptions see: C.A.R. "Transfer Disclosure Statement Law – Exemptions" Quick Guide at https://www.car.org/-/media/CAR/Documents/Your-CAR/PDF/Quick-Guide--Transfer-Disclosure-Statement-Law--Exemptions-121818.pdf?la=en&hash=AF37A993CBBFC216120B3E4E1B1AE16574072E48 ; and C.A.R. "Transfer Disclosure Statement Exemptions" Q&A article at: https://www.car.org/en/riskmanagement/qa/disclosure-folder/tds-exemptions . See also Cal. Civ. Code § 1102, <i>et seq</i> ; C.A.R. "Transfer Disclosure Statement Law" at https://www.car.org/en/riskmanagement/qa/disclosure-folder/transfer-disclosure-statement ; The SPQ is required by contract under the C.A.R residential purchase agreements whenever the TDS is required.
<input type="checkbox"/>	AVID	Agent Visual Inspection Disclosure	A visual inspection is required in nearly all residential 1 to 4 transactions. The AVID is a recommended C.A.R. form, but agents may also use the third page of the Transfer Disclosure Statement (TDS) to provide the results of their visual inspection. See Cal. Civ. Code § 2079 <i>et seq</i> ; and C.A.R. Q&A Article "Real Estate Licensee's Duty to Inspect Residential Property" at: https://www.car.org/riskmanagement/qa/disclosure-folder/re-licensee-duty-to-inspect
<input type="checkbox"/>	AS, QS or AB	Seller's Affidavit of Non-Foreign Status, Qualified Substitute, or Buyer's Affidavit	Most transactions comply with FIRPTA through provision of a QS ("Qualified Substitute"). In practice, the AS is usually used to notify the buyer that escrow will provide a QS. In certain circumstances, the "Buyer's Affidavit" (form AB) may be used in lieu of both the AS and QS. See C.A.R. Q&A Article, "Federal Withholding: Foreign Investment in Real Property Tax Act" at https://www.car.org/en/riskmanagement/qa/taxfolder/federal-withhold-foreign-invest . FIRPTA allows other means to obtain an exemption. However, the use of the AB, QS or AB forms is the least burdensome and is within industry practice. If no exemption is obtained, then the buyer may be required to withhold. See Cal. Rev. & Tax Code § 18662, 18668; 26 U.S.C. §1445; and C.A.R. Q&A Article "Federal Withholding: Foreign Investment in Real Property Tax Act" at: https://www.car.org/en/riskmanagement/qa/taxfolder/federal-withhold-foreign-invest
<input type="checkbox"/>	Natural hazard disclosure expert's report	Natural hazard disclosure expert's report	See Cal. Civ. Code § 1103 <i>et seq</i> ; and C.A.R. Q&A Article "Natural Hazard Disclosure Statement" at https://www.car.org/riskmanagement/qa/disclosure-folder/natural-hazard-disclosure The C.A.R. contracts require a natural hazard zone disclosure report including tax. See paragraph 7(A)(1). It also enables the sellers to comply with their obligation to disclose whether the property is within any hazard zones.
<input type="checkbox"/>	Natural Hazard Disclosure Statement	Natural Hazard Disclosure Statement	The NHD Disclosure Statement is contained within the NHD expert's report and is otherwise required on most residential 1 to 4 sales.
<input checked="" type="checkbox"/>	Notice Regarding Gas & Hazardous Liquid Transmission Pipelines	Gas & Hazardous Liquid Pipelines	Pre-printed in C.A.R. contracts. See paragraph 10(E) in the RPA, and 11(E) in the RIPA.
<input checked="" type="checkbox"/>	Megan's Law Database Disclosure	Megan's Law Database Disclosure	Pre-printed in C.A.R. contracts. See paragraph 10(D) in the RPA, and 11(C) in the RIPA. A separate form DBD is typically not required.

<input type="checkbox"/>	AD	Disclosure Regarding Real Estate Agency Relationships	This form is a prechecked attachment in the C.A.R. residential purchase agreements. It is required in nearly all real property transactions. See Cal. Civ. Code § 2079.13 <i>et seq</i> ; and C.A.R. “Agency Law Summary Chart” at https://www.car.org/riskmanagement/qa/agency-folder/agency-law-chart ; and C.A.R. Q&A Article “Agency Disclosure and Confirmation” at https://www.car.org/riskmanagement/qa/agency-folder/agency-disclosure-confirmation . The confirmation of agency relationships is part of the same law that requires delivery of the AD. The agency confirmation is completed by filling in the information on the first page of the RPA, paragraph 2(B). A separate form AC is typically not required.
<input type="checkbox"/>	BIA	Buyer’s Inspection Advisory	This form is a prechecked attachment in the C.A.R. residential purchase agreements.
<input type="checkbox"/>	PRBS	Possible Representation of More Than One Buyer and Seller	This form is a prechecked attachment in the C.A.R. residential purchase agreements. See Cal. Civ. Code §§ 2079.14; 2079.16, & 2079.17; & C.A.R. Agency law Summary Chart at https://www.car.org/riskmanagement/qa/agency-folder/agency-law-chart

Statutory and Contractually Required Disclosures in Applicable Cases

IF ... THEN add ...	C.A.R. Form Code or Document Name	Disclosure	ADDITIONAL INFORMATION
If seller is EXEMPT from TDS, THEN ADD ...	<input type="checkbox"/> <input type="checkbox"/> ESD + WHS (these replace the TDS + SPQ)	Exempt Seller Disclosure and Water Heater Statement of Compliance	For TDS exempt transactions, neither the TDS nor the SPQ is required to be delivered. Instead, the seller will provide the Exempt Seller Disclosure (Form ESD). Even if the transaction is TDS exempt, the seller may still be required to certify water heater bracing depending upon the type of water heater. Seller may use the WHS or the WHSD for this certification. For exemptions, see C.A.R. “Transfer Disclosure Statement Law – Exemptions” Quick Guide at https://www.car.org/-/media/CAR/Documents/Your-CAR/PDF/Quick-Guide--Transfer-Disclosure-Statement-Law--Exemptions-121818.pdf?la=en&hash=AF37A993CBBFC216120B3E4E1B1AE16574072E48 ; Cal. Civ. Code § 1102, <i>et seq</i> ; C.A.R. Q&A Article “Transfer Disclosure Statement Law” at https://www.car.org/en/riskmanagement/qa/disclosure-folder/transfer-disclosure-statement ; and C.A.R. Q&A article “Transfer Disclosure Statement Exemptions” at: https://www.car.org/en/riskmanagement/qa/disclosure-folder/tds-exemptions
If the Agency Disclosure is provided , THEN C.A.R. recommends that this form be provided	<input type="checkbox"/> CCPA	California Consumer Privacy Act Advisory	This form is bundled with the Agency Disclosure. The California Consumer Privacy Act (“CCPA”), which went into effect on January 1, 2020, imposes certain obligations on “3 rd party” companies to provide a consumer with explicit notice of their right to “opt-out” of the sale of their data that was received from the CCPA covered business before that data is sold or shared again by the 3 rd party company. Most MLSs would qualify as 3 rd parties. Accordingly, the MLS Model Rules now require that all MLS participants or subscribers comply with the 3 rd party CCPA notice requirements. Use of this form will satisfy the MLS rule.
If built before 1960 , THEN ADD ...	<input type="checkbox"/> “The Homeowner’s Guide to Earthquake Safety” booklet & Questionnaire ¹	Residential Earthquake disclosure	The residential earthquake booklet is required to be delivered for certain properties built before 1960. Exemptions are generally the same as those for the TDS. If required to be given, then the questionnaire at the end of the booklet must also be completed. But even if not required, delivery of the booklet provides a limited liability protection to the seller and agent. See C.A.R. “Summary Disclosure Chart” for exemptions at https://www.car.org/en/riskmanagement/disclosure-charts/summary-disclosure-chart Available in zipForm® E-Pubs library or at: https://ssc.ca.gov/forms_pubs/cssc_2005-01_hog.pdf See footnote 1 below.
If built before 1975 , THEN ADD ...	<input type="checkbox"/> “The Commercial Property Owner’s Guide to Earthquake Safety” booklet & Questionnaire	Commercial earthquake disclosure	Owners of some types of property built before 1975 may be obligated to provide this. If so, the questionnaire must be completed. Available in zipForm® E-Pubs library or at: https://ssc.ca.gov/forms_pubs/cssc_2006-02_cog.pdf

¹ This is one part of a six-part disclosure packet available in the zipForm E-Pubs library. See “6-part disclosure packet” below.

If built before 1978 , THEN ADD ... (1 of 2)	<input type="checkbox"/>	"Protect Your Family from Lead in Your Home" booklet	Lead-based paint disclosure booklet	For transactions involving most types of residential properties built before 1978, the seller will be required to deliver this booklet. But even if not required, delivery of the booklet provides a limited liability protection to the seller and agent. See, C.A.R. "Summary Disclosure Chart" for exemptions at https://www.car.org/riskmanagement/disclosure-charts/summary-disclosure-chart
If built before 1978 , THEN ADD ... (2 of 2)	<input type="checkbox"/>	FLD	Lead-Based Paint and Lead-Based Paint Hazards Disclosure, Acknowledgment and Addendum for Pre-1978 Housing Sales, Leases, or Rentals	For transactions involving most types of residential property built before 1978, the seller will be required to provide disclosures as indicated on this form. See, C.A.R. "Summary Disclosure Chart" for exemptions at https://www.car.org/riskmanagement/disclosure-charts/summary-disclosure-chart
If built before 1994 , THEN ADD ...	<input type="checkbox"/>	Disclosure re water-conserving plumbing fixtures (contained within the TDS & SPQ or ESD)	Water conserving fixtures compliance and disclosure	The obligation to install water conserving plumbing fixtures is not a point of sale requirement. As an optional disclosure form WCMD "Water Conserving Plumbing Fixtures and Carbon Monoxide Detector Notice" is available. See Cal. Civ. Code § 1101.4(b), 1101.5(a) and (d). See also C.A.R. Q&A Article "Water Conserving Plumbing Fixtures" at https://www.car.org/riskmanagement/qa/disclosure-folder/water-conserving-plumbing-fixtures .
If HOA/common interest development , THEN ADD ...	<input type="checkbox"/>	Mandatory and contractual HOA disclosures	Mandatory and Contractual HOA disclosures	Forms HOA-IR, HOA-RS, and HOA-RN mayused to request the mandatory HOA disclosures (per Civil Code § 4525) and contractual disclosures (per the C.A.R. purchase agreements) from the HOA. However, these documents are commonly ordered through the title and escrow without an agent preparing the HOA-IR, HOA-RS or HOA-RN forms. See Cal. Civ. Code §§ 4525, 4528, 4530 and 4202; and C.A.R. Q&A Article "Condominium and Other Common Interest Development Disclosures" at https://www.car.org/riskmanagement/qa/hoa-folder/condominium-disclosures .
If "termite" clearance required by contract or lender , THEN ADD ...	<input type="checkbox"/>	Pest Report	Pest control inspection report and certification	Any report in possession of the seller must be delivered to the buyer per Section M of the SPQ. However, there is additionally a specific law that requires the delivery of a pest report and certification if a condition of the contract. See Cal. Civil Code § 1099
If seller financing , THEN ADD ...	<input type="checkbox"/>	SFA	Seller Financing Addendum	Designed to be used with CAR form RPA or RIPA, this document contains terms of seller financing and the legally required disclosures. It grants seller the right to obtain and review the buyer's credit report and requires the buyer to complete a loan application.
If a former meth lab , THEN ADD ...	<input type="checkbox"/>	Meth lab clean-up order (Form MCN and answer question in SPQ or in ESD)	Meth lab clean-up order	If the seller answers affirmatively in the SPQ or ESD to receiving an order of meth-lab contamination, then a copy of the order must be provided to the buyer. See Cal. Health & Safety Code §25400.28 and 25400.11.
If seller received a notice regarding groundwater , THEN ADD ...	<input type="checkbox"/>	Groundwater Basin Comprehensive Notice or Groundwater Adjudication Notice	Groundwater disclosure	Pursuant to groundwater adjudication litigation, a property owner that has received notice of the comprehensive adjudication and transfers property during the pendency of the adjudication must disclose on the TDS that the property is subject to the adjudication and must attach to the TDS the court-approved notice. Cal. Civ. Code § 836(f).
If private transfer fee , THEN ADD ...	<input type="checkbox"/>	NTF or equivalent	Notice of Private Transfer Fee or equivalent	The entity to receive the transfer fee must record a document entitled "Payment of Transfer Fee Required." The seller is obliged to provide the NTF or equivalent at the same time as the TDS unless the buyer had already received the Payment of Transfer Fee Required notice. See Cal. Civ. Code §1102.6e
If seller received flood-related disaster assistance , THEN ADD ...	<input type="checkbox"/>	Disclose in SPQ or in ESD	Flood disaster insurance requirements	See 42 U.S.C. § 5154a.
If buyer is not obtaining title insurance , THEN ADD ...	<input type="checkbox"/>	Notice advising buyer to obtain title insurance (contained within the SBSA)	(See left)	See Civil Code § 1057.6

If property has window security bars or safety release mechanisms, THEN ADD ...	<input type="checkbox"/>	Disclosure regarding window security bars	Use TDS and SPQ or ESD	See Cal. Health and Safety Code §17958.4.
If supplemental taxes , THEN ADD ...	<input type="checkbox"/>	SPT (or SBSA)	Notice of Your Supplemental Property Tax Bill or Statewide Buyer & Seller Advisory	Either of these two forms contain the required disclosure. See Cal. Civ. Code § 1102.6c; and C.A.R. Sales Disclosure Chart at https://www.car.org/riskmanagement/disclosure-charts/sales-disclosure-chart
If FHA loan or HUD-owned property , THEN ADD ...	<input type="checkbox"/>	HID	For Your Protection: Get a Home Inspection	Required to be delivered by the lender to a prospective homebuyer at first contact, be it for pre-qualification, pre-approval or initial application. Letter 92564-CN may be accessed at https://www.hud.gov/sites/dfiles/OCHCO/documents/92564CN.pdf . See also HUD Handbook 4000.1, Section II.A.1.a.ii.(A)(4) at https://www.hud.gov/sites/dfiles/OCHCO/documents/4000.1hsgh.pdf
If HUD-owned property , THEN ADD ...	<input type="checkbox"/>	RGM	Radon Gas and Mold Notice and Release Agreement	As required by HUD, this form gives Buyers of HUD-owned property notice that no representation is made regarding radon gas or mold. In addition, Buyer releases HUD and its agents from any liability associated with either of these substances. The form also advises Buyer to contact a lawyer and have an inspection.

Other Available Advisories and Disclosures

	<input type="checkbox"/>	C.A.R. Form Code or Document Name	Disclosure	ADDITIONAL INFORMATION
To all buyers and sellers	<input type="checkbox"/>	SBSA	Statewide Buyer & Seller Advisory	This is a 14-page risk management advisory that C.A.R. recommends including in every transaction.
To all buyers and sellers	<input type="checkbox"/>	MCA	Market Conditions Advisory	This form is used to document that a Broker discussed with a Buyer that market conditions fluctuate, and as a result, there is no guarantee that prices will continue to move in a direction. It also advises on the risks of making non-contingent offers or removing contingencies.
To all buyers and sellers	<input type="checkbox"/>	WFA	Wire Fraud Advisory	This form is an advisory to Buyers and Sellers regarding the need to exercise extreme caution when using wire transfers of funds. It includes practical suggestions for safeguarding their transactions and private information.
To buyers and sellers in a probate sale	<input type="checkbox"/>	PA	Probate advisory	This document advises the parties on what to expect during a probate transaction in matters such as disclosure, court procedure, and other issues.
To buyers and sellers in a short sale	<input type="checkbox"/>	SSIA	Short Sale Information and Advisory	This form advises on short sale considerations for both parties.
To all buyers	<input type="checkbox"/>	BIE	Buyer's Inspection Election Advisory	This form is used by a Buyer to identify which specific inspections or reports the Buyer wants to order. It is to be kept by the Buyer's agent and does not need to be given to the seller or listing agent. The form may be used more than once in a transaction if Buyer decides to order some items at one time and others later.
To all buyers	<input type="checkbox"/>	BIW	Buyer's Inspection Waiver	This form is used to document that a Buyer has been advised to obtain certain inspections but has declined to do so.
To all buyers	<input type="checkbox"/>	BMI	Buyer's Material Issues Advisory	Form used by the Buyer to document issues that are of concern to Buyer. This form helps avoid disputes between a Buyer and Broker about whether a conversation took place and what was discussed. By identifying particular areas of concern to Buyer, the form enables a Broker to better assist the Buyer gathering information or refer the Buyer to sources that can provide Buyer with additional information.
To all buyers	<input type="checkbox"/>	CMD	Carbon Monoxide Detector Notice	This form discloses the requirements, exemptions and disclosure obligations regarding carbon monoxide detectors but does not disclose if the property has C-O detectors installed or who will pay for any such installation.
To all buyers	<input type="checkbox"/>	Combined Hazards Booklet or the 6-Part Disclosure Pact	<u>6-Part Disclosure Packet</u> Available in the zipForm® ePubs library, this group of six documents comprises the following titles: (1) Residential Environmental Hazards;	The Residential Environmental Hazards booklet and the Home Energy Rating Pamphlet are optional disclosures in all transactions. The Homeowner's Guide to Earthquake Safety is sometimes required (see above). When these booklets are delivered, even if not required, the law deems them adequate to inform the buyer generally of the subject matter of the booklets. Known material facts affecting value or desirability must still be specifically disclosed. Civil Code §§ 2979.7, 2079.8, 2079.9 and 2079.10

			(2) Protect Your Family from Lead in Your Home; (3) Home Energy Rating Pamphlet; (4) Homeowner's Guide to Earthquake Safety; (5) Earthquake Hazards Report; and (6) Homeowner's Signature.	
To buyers of homes with HOAs	<input type="checkbox"/>	BHAA	Buyer Homeowner Association Advisory	This advises buyers of property subject to an HOA of the importance of a thorough review of HOA documents which will govern, affect and, in some cases, which may limit their current and future use of the property.
To buyers where seller is trustee	<input type="checkbox"/>	TA	Trust Advisory	This document gives information about and clarifies issues regarding sales by the trustee of a trust, such as which disclosures the trustee must comply with, which the trustee is exempt from, the obligations of the real estate agent, and other impacts on the transaction.
To REO buyers	<input type="checkbox"/>	REO	REO Advisory	This document gives information about and clarifies issues regarding REO sales, such as which disclosures the REO must comply with, which the REO is exempt from, the obligations of the real estate agent, and other impacts on the transaction.
To buyers in wildfire areas	<input type="checkbox"/>	WDFA	Wildfire Disaster Advisory	This document addresses major concerns and issues of buying (or renting) property in a wildfire area and provides contacts for additional information.
To buyers and sellers where buyer's agent is also arranging buyer's mortgage	<input type="checkbox"/>	LBSB	Loan Broker - Sales Broker Disclosure	This document satisfies the requirement that a broker disclose within 24 hours if the broker is acting in the capacity of both a loan broker and a sales broker on the same transaction, together with the amount, source and form of compensation, which must be disclosed before close of escrow. See California Business & Professions Code § 10177.6 and DRE Reg 2904.
To all sellers	<input type="checkbox"/>	DIA	Disclosure Information Advisory	This document advises sellers of the importance of disclosing what they know affecting the value and desirability of the property and taking the time to be thorough and complete when making required statutory and contractual disclosures.
To all sellers	<input type="checkbox"/>	SA	Seller's Advisory	This document provides a list of legal and practical issues for sellers to consider when selling property, such as disclosures, contract terms, and marketing issues.
To REO sellers	<input type="checkbox"/>	REOL	REO Advisory (Listing)	This document gives information about and clarifies issues regarding REO sales, such as which disclosures the REO must comply with, which the REO is exempt from, the obligations of the real estate agent, and other impacts on the transaction.