

**2017 HOUSE POLITICAL SUBDIVISIONS**

**HB 1186**

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

HB 1186  
1/20/2017  
Job # 27186

- Subcommittee  
 Conference Committee

*Carman Hecks*

### Explanation or reason for introduction of bill/resolution:

Relating to disclosure of radon hazards by seller, and relating to disclosure of radon hazards by a lessor

Minutes:

1,2,

**Chairman Klemin:** Opened bill HB 1186

**Rep. Delmore:** Introduced the bill. This is modeled after Minnesota law and helps to ensure for the protection of buyers, that when the seller is aware of these hazards. The information is now provided by retailers in most of our major cities. I do think it is important that we have the discussion of something that can do so much damage to human beings. It is odorless and colorless, this bill can help to save lives. Radon is the second leading cause of lung cancer. Approximately 21,000 deaths per year, that's more people that die from drunk driving. Thirty-two states require some form of radon disclosure in real estate transactions. I would urge a do pass recommendation on HB 1186.

**Yvonne Jonk, Faculty member of Dept. of Population Health UND:** (Handout #1) We are here today representing members of the Grand Forks task force. The Grand Forks team is working to raise awareness of the health hazards associated with radon gas. This project was supported by a planning grant awarded by Robert Wood Johnson Foundation. Radon gas is not a fault of anyone, but we live above a bed of uranium. Radon gas comes from decaying uranium, it's in the rocks in the soil. EPA recommends fixing radon levels if your home is over 4 PicoCuries per liter of radon gas. Only 4% of homes in the United States test above this level, 61% of homes in North Dakota do, in Grand Forks 90% homes test over that threshold. We are only one of many states that do not have a radon awareness law in place. The neighboring states all have it, 32 out of 50 states. Our goal is to increase awareness. The simplest way to do that is to require disclosure in real estate transactions so that when people move into an area they have an inkling that this is an issue. The cost of remediation if necessary is often \$1000 to \$2000.

**Rep K. Koppelman:** When you talk about the number of states that have this, you mentioned remediation and what do you do for remediation? If you find you have a high level how is it fixed?

**Ms. Jonk:** The bill just sets the stage and raise awareness. It is up to the home owner as to whether they are going to do anything. So remediation often times it can be as simple as sealing your sump hole. It is usually associated with basements there is negative pressure that goes on, especially in this climate. It becomes an issue because radon gas will diffuse into the home. In the winter months it is more of a problem than in the summer when we have all of windows open. A quick fix is open your windows, the other fix is a PVC pipe that goes through the foundation and up through the roof. It has to be a certain number of feet above the eve of the roof line. You can also install a fan to draw the radon gas out from under the foundations and up into the atmosphere.

**Rep K. Koppelman:** There are radon detectors, are they are effective? And when you say test, that make the standard of a test or is it something else?

**Ms. Jonk:** The radon test kits are available, the State of ND has them free, email Justin Otto at the Dept. of Health. We also have those test kits available at the Grand Forks Public Health Dept. Once you have them, place them in your home on the lowest level that you are living in, you leave it there for two days then send it into a lab. They will then email the test results back to you. I am not familiar with the detectors you are mentioning and I don't know how effective they are.

**Rep. Ertelt:** I have purchased two homes and the first I recall there was a radon test suggested to me by the realtor. Do you know how often that happens?

**Ms. Jonk:** I will defer that to Meggen.

**Chairman Klemin:** Are one of you going to go through this bill and explain it to us?

**Rep. Delmore:** The intent of this bill is if you know you have radon in your house you tell whoever is buying your house. I don't believe there is any penalties in here. It's an awareness thing, it's starting somewhere with a gas that we know can kill people. It is my assumption that in major cities some of the sponsors also concurred it's done by realtor now, it's part of being honest when you sell a house. Whether you are a realtor or a private seller that information should be given if you know. It does not require you to go out and do a test.

**Rep K. Koppelman:** I am curious about the market effects of this kind of a mandate. Suppose this becomes law and you decide to sell your house and you didn't know prior to this. So you do a test and found out you do have radon, what does that do to the value of your home? Sound like remediation isn't that big of deal but it's still there I assume even if you remediate. Do you have any data on that?

**Rep. Delmore:** I have had discussions with people both who have bought houses and have found out they wanted to do a test. The market was such that she was told if you want this house you are going to bid on it, it is what it is. With anything else that you want fixed in a home like closing fees paid, it's all part of the negotiation that would go on. I don't see it affecting unless there were hundreds of houses on the market.

**Rep. K. Koppelman:** I just wondered if it was a black mark on your house if you have radon and people would be afraid of it?

**Rep. Delmore:** This gal was told by her real estate agent, you can ask, but this house will be sold within a week and if you really want the house you will buy it.

**Rep. Zubke:** On page 3 line 17 and 18 it talks about if the seller fails to make disclosure you are civilly liable to the buyer. Can you explain that?

**Rep. Delmore:** I would guess that someone could take you to court if they knew that you knew. It doesn't provide a penalty it would be a civil lawsuit which would be more limited in scope. I tried to stay away from the penalties, as I said my bottom line I want people to know the truth about a house if they are going to move in.

**Chairman Klemin:** Section 2 bottom of page 3 also applies to rental agreements not just the sale of houses so do you have any comment on that?

**Rep. Delmore:** My intent was just to have if I were renting a place if I knew that it was a problem to have that information shared. This was modeled it off Minnesota law and sometimes when they do that there is some tweaking that needs to be done.

**Meggen Sande:** I was asked to join because I am school board member, I am a Planning and Zoning Commissioner, I'm a realtor, I am a mother and community member and think this is a really important issue. We recently built and built with the mitigation system because it is less expensive to do that. There is a lack of education and awareness as a realtor I see that in my office with other realtors. The radon may come up and they don't know what to do or how to test it. I think it is important that we have some way to educate everyone and I feel this is a good way to do it. To do it through real estate because the people are looking at homes and it's a good time to have the conversation. We want to educate and disclose and make people aware that this is a real thing. We don't recognize we have radon gas because you don't see it and you don't smell it and if no one tells you that we have a problem in this area of the country, you don't even know what you are exposing your kids to. I want people to know so they have a choice to test their home and fix the problem. In real estate I rarely come across someone who wants to do a radon test. In the last year I have had a couple of buyers who have included that in the purchase agreement. They have both been from Michigan. In both incidents the radon was high and goes back to negotiation as it was a contingency in the purchase agreement. We do have it on our property disclosure in ND and it is a check mark, there is asbestos, mold and radon and if you know you have a problem check the box. It's easy to breeze over that. Minnesota has a section that is a radon warning statement. It's something you can't miss, you can't fill this out or go through and sign an agreement without having this information. In addition, there is a two-page form educating people about radon. If you know you have a problem, you need to tell them there is a problem. It's like lead base paint we have a form for that, so it's not that you have to test for lead based paint, it is for if you have tested, do you know you have a problem and if you do have you fixed it? I don't feel this is going to disrupt the home buying and selling or put a black mark on a property because it's not telling anyone they have to test and it's not telling anyone they have to fix it. It's telling people that this a real issue and we want you to be aware and if you know you have this because you have tested you need to tell the next home owner.

**Rep. R. S. Becker:** The bill reads well and education is a big part of the solution, would it have not been better to tell them there are home kits available and here is a reference to follow up because there is no penalty? Some people are going to say well if you don't buy now the house will be sold in a week and you are going to miss it. Shouldn't there at least be something in the contract that says your home has been tested and identified and here is the solution to overcome to the radon?

**Ms. Sande:** I think that is what this would do with the disclosure. We don't want to tell people they have to test their house.

**Rep. R. S. Becker:** Why?

**Ms. Sande:** Because we don't want this to be a deterrent for people. When you mitigate an existing property you could just cover your sump pump and that may take care of it. But you may have to put in a mitigation system and spend \$1500 to \$2000 on it. I think we want to make people aware. If I'm the buyer and see this, I know this is a real thing it would be my choice then to test it after I purchase the home and spend money to fix it. I don't think it's right to make people test but I think they need to disclose if they have tested. By putting this in we are going to educate people and hopefully they will want to test.

**Rep. Zubke:** You are in planning and zoning in Grand Forks and 90% of the homes exceed this threshold isn't this something you can handle through a planning and zoning ordinance?

**Ms. Sande:** That would be my hope. But we think first before we tell people what they have to do we need to educate them. The first step is to educate them, we are thinking the best way to educate them is when they rent an apartment, when they fill out a lease agreement, when they sign a purchase agreement they are going to get that education.

**Rep. Beadle:** Back to the civil disclosure, I am familiar with the way property disclosure forms work in the Fargo-Moorhead market area and we have disclosures on there, such as do you know this house has lead paint if so have you done anything to remedy it? Is it safe to say your understanding of this one would be the same way, if you know you have to disclose and the only penalty comes from that failure to disclose where they can then seek a civil suit? Is that why there is no penalty in here? If it is a material fact, their knowingly ignoring or knowingly deceiving that?

**Ms. Sande:** Correct.

**Rep. Beadle:** Do you know roughly the percentage of homes in Grand Forks that use a realtor verses for sale by owner?

**Ms. Sande:** Now enough. I don't know I would guess 55% maybe.

**Rep. Beadle:** I am looking to see if there are any statewide stats? The reason why I asked that is I know with a real estate broker through the Real Estate Code of Ethics bylaws we require these property disclosure forms and they have been doing some extensive testing

amongst radon in that area. That is why I was seeing if we knew how many for sale by owners and we would know how many aren't going to have that from a licensed individual?

**Ms. Sande:** I don't know the answer as far as percentages but currently when someone sells their house for sale by owner they don't have to disclose anything. So this would probably be the same situation.

**Rep. Pyle:** We have been talking about buying and selling homes but also in this bill it talks about rental agreements. There are homes that are owned by one person and rented and there are many apartment buildings in the Fargo area. This kind of mandates those apartment owners they have to do it and disclose every time someone comes in and out of the housing unit.

**Rep K. Koppelman:** As a realtor going back to the question I asked earlier, you talked about the lack of knowledge, I think most people have heard about radon but most people probably don't know anything about it as you indicated. Do you as a realtor think this is kind of a scary thing because people don't know much about it and then oh my this house has radon?

**Ms. Sande:** I don't think that it will affect the housing market and honestly most people haven't tested. We do have a spot on our disclosure form which asks do you have knowledge of any issues with your property and radon is one of them, yes or no? But it is very easy to breeze past that, so the separate disclosure is going to be a way for us to start that conversation a little more and let people know this is actually an issue. When I talk to people putting together a purchase agreement because it is also on our inspection contingency, if you want to have a radon test separate from the home inspection. I let them know they can test their home, you can get a radon test for free and chances are your radon level will be high because we have high radon in this area. Then you can choose to fix it and I can give you names of certified migraters and it will cost \$500 to \$1500. So I make them aware of that so they can look into it further. Basically we just want to make people aware that radon is in our area and we want you to have the information so you can make the choice to test and mitigate.

**Rep K. Koppelman:** You say it is already on the disclosure form and the problem is apparently that it easy to breeze by but that would be the case with asbestos, lead paint and all kinds of other things. Should there be extra documents on all of those things and some of which could be more dangerous than radon?

**Ms. Sande:** Lead based paint we do have a separate form for. It's do you know about it, do you have any tests, have you fixed it if you know? I have never seen anyone who knows they have lead based paint? Asbestos, you could breeze through that too. You can usually see the material, if you leave asbestos alone and if you don't touch it, you are Ok.

**Rep K. Koppelman:** Rep. Zubke asked if Grand Forks has a particular problem and whether this could be dealt with locally in Planning and Zoning? I thought you said, eventually we might do something like that but this is a starting point and we want to educate people. So your method to educate people is to pass a state law rather than to talk with your local folks?

**Ms. Sande:** I do admit we are educating people with the cost of one sheet of paper.

**Rep K. Koppelman:** I can assure you the cost of passing a bill is higher than one sheet of paper.

**Ms. Sande:** If and when it becomes part of building code that any new construction has a passive radon system. Which means pipe through the sump pump up through the roof. We talked about how we can make that happen with new construction, we have also talked about how we could make a requirement for any time someone pulls a permit for a remodel that the radon needs to be tested. But this seemed like a good way to get the word out to everyone and just start that conversation.

**Rep. Johnson:** You indicated that an extra form is required for lead paint. Is that statutory requirement?

**Ms. Sande:** It is separate from our property disclosure.

**Chairman Klemin:** Which form are we talking about? The statement detailing the condition of the premises that is mentioned in section 2? Or an overall property disclosure concerning the condition of the property being sold?

**Rep. Johnson:** She indicated to Rep. Koppelman that there is an extra form required for lead based paint.

**Chairman Klemin:** That is federal law. I am not sure we have statewide property disclosure form but Rep. Beadle is going to check on that.

**Ms. Sande:** My understanding is all of the different realtor boards have their own forms.

**Chairman Klemin:** That may be correct and that is where that comes from. But I did hear you say there was no property disclosure for people who sell for sale by owner. If there was a statewide property disclosure requirement even those people would have to comply with it.

**Ms. Sande:** They currently don't comply with lead based paint.

**Chairman Klemin:** They should be because that is a federal law. The radon warning statement that's set out in here that's supposed to be in this disclosure, the State Dept. of Health strongly recommends that home buyers have indoor radon test. Does the ND State of Dept. of Health actually recommend that? Is that in a rule or where does that come from for North Dakota?

**Ms. Sande:** Where are you seeing that?

**Chairman Klemin:** Top of page 3 line 3. Can you direct to me to where that is that the State Dept. of Health says that?

**Ms. Sande:** I will let Yvonne answer that.

**Chairman Klemin:** On page 2 subsection 3, one on the list says, an option to purchase a unit in a common interest community until exercised, what is a common interest community in North Dakota?

**Ms. Sande:** My interpretation is a condominium type community.

**Chairman Klemin:** They have an option to purchase a condominium unit this requirement does not apply. But if they exercise the option then this requirement does apply?

**Ms. Sande:** I am going to have to pass that on to Yvonne or Lois to answer.

**Rep K. Koppelman:** To answer your question, oddly I am familiar with the common interest community law in Minnesota and it is a typically home owner's association kind of circumstance. So it can apply to development, it can apply to a condominium, or larger than that. So if this is taken from Minnesota law we probably don't even have anything with that label.

**Chairman Klemin:** We will have to look at that because I don't think that is a term we use in North Dakota in our statutes.

**Ms. Jonk:** When we initially started we were looking at Grand Forks but once we realized that it was a statewide issue and we are one of two states where all of our counties are in the red as zone 1, according to the EPA in terms of risks associated with radon gas. Once we realized that, we decided that we should go the route that other states have done and go to the state. If this doesn't go through we will go back to the local level. The other question about rentals, we were strongly encouraged to look at low income households. Those people are usually renters, they are living in an apartment building, they have no control over it. We didn't want to scare the low income household so that was not done. This is our initial step; what steps can we take in a positive direction? That might answer Rep. Becker's comment about why don't you just mandate that we have the test? At this point we are just interested in taking baby steps. What can we do initially do move the needle in a positive direction?

**Rep. Beadle:** In terms of this being a state law versus opposed to local ordinance, is my interpretation correct, that the ideal situation is we have the state law mandating disclosing of the known material fact? If you don't know you don't have to disclose anything. Then the local ordinances would be if they wanted to put any policies in place mandating remediation or preemptions. Is it correct that you are looking at statewide to the known material fact disclosure is required and local would be dealing with what you do after that?

**Ms. Jonk:** The local is regarding HB 1188 with the building codes. With the new construction that goes in, we feel it is important to have the radon resistant new construction.

**Chairman Klemin:** Other testimony in support of HB 1186? Testimony in opposition of HB 1186? Is there any neutral testimony?

**Nancy Willis, North Dakota Association of Realtors:** (Testimony #2) (48:20 to 54:56)

**Chairman Klemin:** Are you aware of any requirement by the State Dept of Health as stated in the radon warning statement where it strongly recommends and where is that located?

**Ms. Willis:** I do not know where that is located.

**Rep. Maragos:** (In audible)

**Ms. Willis:** No, it would not.

**Rep. Johnson:** I thought sellers with knowledge who that do not disclose a defect in a property were subject to civil liability? But you stated North Dakota is a non-disclosure, so if a seller has knowledge they are not require to reveal a defect?

**Ms. Willis:** No, there are specific things they have to disclosed but not everything, no.

**Rep. Johnson:** I agree with the attorney assessment on liability. Was it his assessment that you are asking the Legislature to draw a legal conclusion without the facts in front of them?

**Ms. Willis:** That is correct. But it doesn't clarify what is meant by civilly liable in the way it is currently written.

**Rep. Johnson:** The renters portion of this, did your attorney address whether that would constitute constructive eviction? To me there is a basis for constructive eviction if there is radon undisclosed by apartment owner. In which a mass of people quit paying rent, did you discuss that?

**Ms. Willis:** We did not discuss that. He was looking strictly from the realtor's standpoint.

**Chairman Klemin:** North Dakota law on the subject, I believe that a seller who is aware of a latent defect in property must disclose that, unless it would be readily discoverable by an inspection of the premises by the buyer.

**Ms. Willis:** You are correct. But we don't have specific requirements where in other states there are specific statutory requirements for specific property conditions.

**Rep K. Koppelman:** What are the real dangers of radon? If this mitigation, seems like we are saying just mitigate it is \$500 to \$1500 and you are good. But do we know if the remediation is effective if the property has radon? Are we going to find out in 10 years that what we were doing for radon didn't work? Now this is the new standard. This is something that is odorless and we don't know it's there, I'm not sure this bill gets a handle on any of that. We are being told it is really scary and then we are being told that the mitigation fixes everything. I'm not sure if either are true or if they are false either.

**Ms. Willis:** I do know when we moved to North Dakota in the 1980's the State Health Dept had a comprehensive education on radon. In western North Dakota there is a greater danger because of the amount of uranium. At that time, we lived in federal housing and we were told we had levels that we were high. So they mitigated for us. It seems there are people that are aware of radon. I have heard there are questions whether or not radon, in the studies that

have been done, that it can cause lung cancer. But then there are others that disagree about how long the exposure has to be and what has to happen. If a person would move into a home and would develop lung cancer, if they had a preexisting condition there would be no way to know, if fact it was the radon that caused it.

**Rep. Guggisberg:** I looked up on the EPA website and there are some statistics that are referenced by studies. It says you as are likely to die from radon as dying in a car crashes. If you smoke you are 5 times more likely to die from radon lung cancer than in a car crash.

**Ms. Willis:** I don't have state statistics about the use of a realtor. But the National Association of Realtor has released statistics and in their latest report 89% of people who buy or sell a home are using a realtor.

**Jeremy Petron, Lobbyist with North Dakota Apartment Association:** (1:02:03 to 1:07:48)  
We are neutral on this bill to the extent of the disclosure part on the last section of the bill. Disclosure is not the issues currently we don't have a standard form that discloses for radon. We can come up with a form and it would be similar to the EPA forms. It would disclose whether or not is has been tested. Our concern is could this be construed as liability on the landlord part if the levels were high and remediation was not taken? Then is landlord liable after the fact? If you go into a remodel project a unit, the landlord is required on older property to have that tested. If there are level of lead and asbestos, then you have to take proper care. Our concern is the liable in section 2 as it pertains to the rental.

**Chairman Klemin:** You are neutral on section 1?

**Mr. Petron:** Correct.

**Chairman Klemin:** But you are not neutral on section 2 on rental agreements?

**Mr. Petron:** Neutral on the part of the disclosure.

**Rep. Maragos:** (Question on recording is inaudible) Do the insurance companies when you are buying require you to test for radon?

**Mr. Petron:** I am not aware of any instances of insurance companies are requiring the testing or the mitigation of that. I do know in some cases the mortgage company requires that and we have had instances where we had to put in mitigation systems due to refinancing of property.

**Chairman Klemin:** Section 1, which is the bulk of the bill, applies to residential real property that is being bought and sold. But section 2 is in a different part of the Century Code and applies to rental agreements for commercial property, industrial property, residential property all of those kinds of properties. How would you see this applying to a building that had 50 tenants in it? Apply to a shopping center?

**Mr. Petron:** My interpretation is the disclosure would need to be given to each rental tenet coming into the unit.

**Rep. Zubke:** As a landlord wouldn't I make sure that I didn't know about any radon hazards?

**Mr. Petron:** That's the way we are reading it, in the part of disclosure just like with lead based paint in most cases it's not tested and we don't know and we are not aware of any. The only time we would be required to test, in the case of lead based paint, is if there is reconstruction going on. If it is not required landlords would not take it upon themselves to test.

**Ms. Jonk:** I wanted to address your question about ND Dept. of Health stance on this. The sheet of paper I handed out has some references to North Dakota Dept. of Health website, they distribute a radon fact sheet laying out the hazards associated with radon gas in North Dakota. There was a radon home survey done in ND and there is also a link on the sheet that leads you to the report.

**Chairman Klemin:** Closed the hearing on HB1186.

# 2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivision Committee  
Prairie Room, State Capitol

HB 1186  
1/26/2017  
Job # 27493

- Subcommittee  
 Conference Committee

*Caamen Nickb*

## Explanation or reason for introduction of bill/resolution:

Relating to disclosure of radon hazards by a seller; relating to disclosure of radon hazards by a lessor.

## Minutes:

1

**Chairman Klemin:** Opened HB 1186 for committee work.

**Rep K. Koppelman:** Say someone buys a place and gets a disclosure, then 3 years later they sell it and forgot they had gotten a disclosure, then forgets to check the right box. Then all of a sudden they are open to a law suit, we leave a cause of action if we leave the language like that. So that language concerns me.

**Rep. Pyle:** I was concerned with section 2 where it says the landlord shall provide the tenant with a statement describing the condition. By passing this bill we are telling every landlord in ND that they have to have this test done in every single apartment. That isn't what we are telling people purchase or sell a home.

**Rep. Beadle:** (Handed out proposed amendment #1) Through the discussion on here, we understand there was concerns with liability, we understand there was concerns with quite a bit of the bill in terms what all needs to be on there for warning statements. So this amendment simplifies the bill significantly. It keeps the definition section in place, it keeps the first language for radon disclosure, then it deletes the rest of the bill. It says if you have a sale and transfer of property when you sell you have a piece of paper that says have you ever tested for radon, if yes, what was the levels on that, what mitigation was put in place.

**Chairman Klemin:** The way I read the amendment that was handed out, it doesn't delete all the bill after the page 2 line 10.

**Rep. Beadle:** I do leave in the language of when it needs to happen.

**Chairman Klemin:** Page 2 line 11 subsection e then it moves on to page 2 line 26.

**Rep. Beadle:** I deleted subsection e is because I was going to delete the warning statement required.

**Rep K. Koppelman:** The definition on page 1. Do we need to go through the definitions and adjust some of those as well?

**Rep. Beadle:** We might.

**Rep K. Koppelman:** Lines 20 and 21 on page 1 would need to be deleted.

**Rep. Beadle:** Correct.

**Chairman Klemin:** Re-read the amendment that was discussed.

Rep. Beadle made a motion on his proposed amendments (attachment #1) on page 2 line 11 deletes subsection e, on page 2 line 26 replaces "Common interest" with "Interest in common", and removes page 2 lines 28-30.

Rep. Maragos second the motion.

**Chairman Klemin:** Voice vote carried on the amendment.

**Rep K. Koppelman:** On the amended version of the bill, Rep. Beadle we heard some testimony that in the Red River Valley that realtors do this. But the ND Association of Realtors testified against the bill, with your amendments are they for the amendments?

**Rep. Beadle:** I believe they testified neutral. There concerns were over the liability section.

**Rep K. Koppelman:** I don't want to create a disincentive to test and since this is not a requirement to test, I am wondering if people would say I'm not going to test for radon because I don't want to have to spend a lot of money. Is it a disincentive to defeat the purpose of the effort?

**Chairman Klemin:** Looking on page 2 line 10 ends in the word and. We need to be precise, so on page 8 after the semicolon we need to insert the word and. Page 2 line 10 delete the semicolon and the word and, then insert a period.

**Rep. Toman:** Made a motion to further amend. Amendment #17.0413.01001.

**Rep. Maragos:** Second the amendment motion.

Voice vote motion carried

**Rep. Longmuir:** One of the things that came up during testimony was they received a grant from the Robert Wood Johnson Foundation and they were looking for something to do. So they decided that this radon thing was good, however they wanted to use it as an

educational tool by putting it in statute. If we have to educate people, there are ways to do other statute. I am in favor of the radon reporting but you want to educate people I feel this is an inappropriate way to do it.

**Rep. Zubke:** I too am I not in favor of this. Not only in the manner that is was purposed and came to us but the fact that it's just another disclosure that is already on the purchase agreement.

**Rep. Beadle:** It is on that form right now. But that is because the local board office for Fargo-Moorhead Association of Realtors as well as the local board office for Grand Forks both require the disclosure on their form. They have forms created themselves. It is not on purchase forms that you would be getting through a broker elsewhere. Or it's not on for sale by owner forms.

**Rep. Maragos:** Moved a do pass HB 1186 as amended.

**Rep. Beadle:** Second the motion.

**Rep. Zubke:** I think the state has a uniform purchase agreement that you download off their website.

Inaudible

**Rep. Ertelt:** The main concern with the way the bill was written is liability. My concern now is even with the amendments we are not removing liability. Most of our law set up civil liability, so whether we striped out specific reference to liability, the liability still remains if we are requiring this disclosure.

**Chairman Klemin:** Even if we didn't have this statute the case law states that if there is a condition on the premises that a seller is aware of. And it's not likely to be discovered by the buyer during a reasonable inspection of the property, then the seller can be held liable for failure to disclose a defect.

**Rep K. Koppelman:** I think you and Rep. Ertelt is correct also. In the fact that if it is in the statute it gives one more specific to point to if there were a liability situation. Does this create the opposite of what the intent is?

Inaudible

**Chairman Klemin:** There is nothing that prevents a buyer from conditioning his purchase upon that a satisfactory radon test result.

**Rep K. Koppelman:** If you use a realtor in my area it would be on the form. What if I decide to sell my house or buy a house for sale by owner and you aren't using a realtor? This would still be law, so if a person in that circumstance and had done a radon test 10 years ago and they forgot about and find themselves unintentionally breaking the law.

**Chairman Klemin:** This not only applies to sells that are conducted through an agent, this applies to all sales of residential property.

**Rep. Pyle:** A lot of people that are coming to ND and are asking for that, this might be a good idea getting more people to come to our state.

Motion carried 7 yes, 5 no, 3 absent

Carrier Rep. Hatlestad.

PROPOSED AMENDMENTS TO HB 1186

Page 2 Line 11, delete subsection e

Page 2 Line 26 Replace "Common Interest" with "Interest in Common"

Remove Page 2 lines 28-30 through the rest of the bill

January 26, 2017

1/26/17 PA

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1186

Page 1, line 2, remove "; and to amend and reenact section"

Page 1, remove line 3

Page 1, line 4, remove "lessor"

Page 1, remove lines 20 and 21

Page 2, line 8, after the underscored semicolon insert "and"

Page 2, line 10, remove "; and"

Page 2, line 11, remove "e." and remove "A radon warning statement as provided in this chapter"

Page 2, line 26, replace "a common" with "an"

Page 2, line 26, after "interest" insert "in common"

Page 2, remove lines 28 through 30

Page 3, remove lines 1 through 30

Page 4, remove lines 1 and 2

Renumber accordingly

Date: 1-26-17  
 Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1186

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: Proposed amendment #1  
p. 2 line 11 delete subsection e, p. 2 line 26 replace "Common interest" with  
"Interest in common" + remove p. 2 lines 28-30

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Beadle Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin			Rep. Guggisberg		
Vice Chairman Hatlestad			Rep. Hanson		
Rep. Beadle					
Rep. Becker					
Rep. Ertelt					
Rep. Johnson					
Rep. Koppelman					
Rep. Longmuir					
Rep. Maragos					
Rep. Pyle					
Rep. Simons					
Rep. Toman					
Rep. Zubke					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Voice vote carried

2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1186

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: proposed amendment #1  
and further amended p. 2 line 8 after ; insert "and"

- Recommendation:  Adopt Amendment p. 2 line 10 delete ; + "and" then insert period.  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider

Motion Made By Rep. Toman Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin			Rep. Guggisberg		
Vice Chairman Hatlestad			Rep. Hanson		
Rep. Beadle					
Rep. Becker					
Rep. Ertelt					
Rep. Johnson					
Rep. Koppelman					
Rep. Longmuir					
Rep. Maragos					
Rep. Pyle					
Rep. Simons					
Rep. Toman					
Rep. Zubke					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Unice vote carried

**2017 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 1186**

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Rep. Maragos Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin	/		Rep. Guggisberg	/	
Vice Chairman Hatlestad	/		Rep. Hanson	/	
Rep. Beadle	/				
Rep. Becker		/			
Rep. Ertelt		/			
Rep. Johnson	/				
Rep. Koppelman	/				
Rep. Longmuir		/			
Rep. Maragos	/				
Rep. Pyle		/			
Rep. Simons		/			
Rep. Toman		/			
Rep. Zubke		/			

Total (Yes) 7 No 5

Absent 3

Floor Assignment Rep. Hatlestad

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1186: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1186 was placed on the Sixth order on the calendar.

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Page 4, remove lines 1 and 2

Re-number accordingly

2017 TESTIMONY

HB 1186

1-20-17 #1  
HB 1186

## Increasing Radon Awareness in North Dakota

*This initiative was supported by a planning grant from the Robert Wood Johnson (RWJ) Foundation.*

- Through RWJ's Invest Health Initiative, Grand Forks' task force is one of 50 teams selected nationwide to address a pressing public health issue – In our case, high levels of radon gas.
- Our team of community stakeholders is working to raise awareness of the environmental health hazards associated with radon gas in homes.

## Radon Facts

- *Radon is an odorless, tasteless, invisible gas that comes from the radioactive decay of natural radioactive elements like uranium in rocks and soil.*
- Radon is the leading cause of lung cancer among non-smokers.
- It is the second leading cause of lung cancer (after smoking), causing > 21,000 deaths per year. This is more than the number of deaths from drunk driving!
- If radon-induced lung cancer were its own form of cancer, it would be the 8<sup>th</sup> largest cause of cancer. Radon also may contribute to the risk of developing other cancers, e.g. leukemia.
- *Due to the northern plains' geologic history, ND radon levels are among the highest in the U.S.*
- The Environmental Protection Agency (EPA) recommends fixing radon levels if a home has more than 4 PicoCuries/Liter of radon gas.
- *Although only about 4% of homes in the U.S. meet this action level, 61% of homes in North Dakota do, and in many cities, e.g., Grand Forks, 90% of homes exceed this threshold.*

## Legislation

- Bill 1186 proposes to implement a **radon awareness law** that includes providing information about the risks of radon to prospective buyers or renters and disclosure of radon test results in real estate transactions.
  - The majority of U.S. states (32/50), including states that directly neighbor North Dakota (SD, MN, MT) require some form of radon disclosure in real estate transactions.

## Public Health Goal

- Our goal is to increase awareness of this invisible, but remediable, health threat. The simplest, least burdensome way to accomplish this is to require disclosure in real estate transactions.
- Informing potential buyers at the time of sale provides them with important safety information.
- The cost of radon remediation, if necessary, varies, but is often between \$1,000 and \$2,000. If high levels of radon are detected in a home, many real estate contracts provide for splitting the cost of remediation between the buyer and seller.

## Resources

- Radon Fact Sheet. Radon Program. Available at ND Department of Health's website: <http://www.ndhealth.gov/aq/iaq/radon/radon%20fact%20sheet.pdf>
- Radon Home Survey in North Dakota - 1988. Available at ND Department of Health's website: <https://www.ndhealth.gov/aq/iaq/radon/Home88.htm>
- Policies to Prevent Radon Exposure, the #1 Leading Cause of Death in Homes: <http://aarst-nrpp.com/wp/wp-content/uploads/2015/11/AARST-State-Policy-Briefing-Paper-2016.pdf>
- State Radon Policies. Available at: <http://aarst-nrpp.com/wp/wp-content/uploads/2016/11/StatePoliciesListMaps.pdf>
- Home Buyer's and Seller's Guide to Radon. Available at <https://www.epa.gov/sites/production/files/2015-05/documents/hmbuygud.pdf>



North Dakota Association of REALTORS®

1-20-17 HB 1186 #2  
North Dakota Association of REALTORS®

318 West Apollo Avenue – Bismarck, ND 58503-1404  
Phone: 701-355-1010 or 800-279-2361 – Fax: 866-665-1011  
[www.ndrealtors.com](http://www.ndrealtors.com) [info@ndrealtors.com](mailto:info@ndrealtors.com)

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**Testimony on HB 1186 Radon Disclosure**

Chairman Klemin and members of the Political Subdivision Committee, my name is Nancy R. Willis and I represent the North Dakota Association of REALTORS®. We have more than 1700 REALTOR® and more than 300 business partner (affiliate) members.

NDAR has not taken a position on this bill, thus I stand before you in a neutral position. Our Government Affairs Committee did review the bill, but members wanted more information about the reason for the introduction of the bill and its intent before taking a position.

NDAR supports efforts to ensure property owners and prospective property owners are safe and not exposed to health hazards, however our members already are asking sellers to disclose any radon issues. NDAR is composed of seven local boards of REALTORS®, who each manage a multiple listing service. The MLS provides forms for members of the local board to use in their transactions. Some of the forms are required to be used and some are voluntary. The forms I have included in my testimony are not required, but in talking to our members, it is rare that anyone does not use a seller disclosure form.

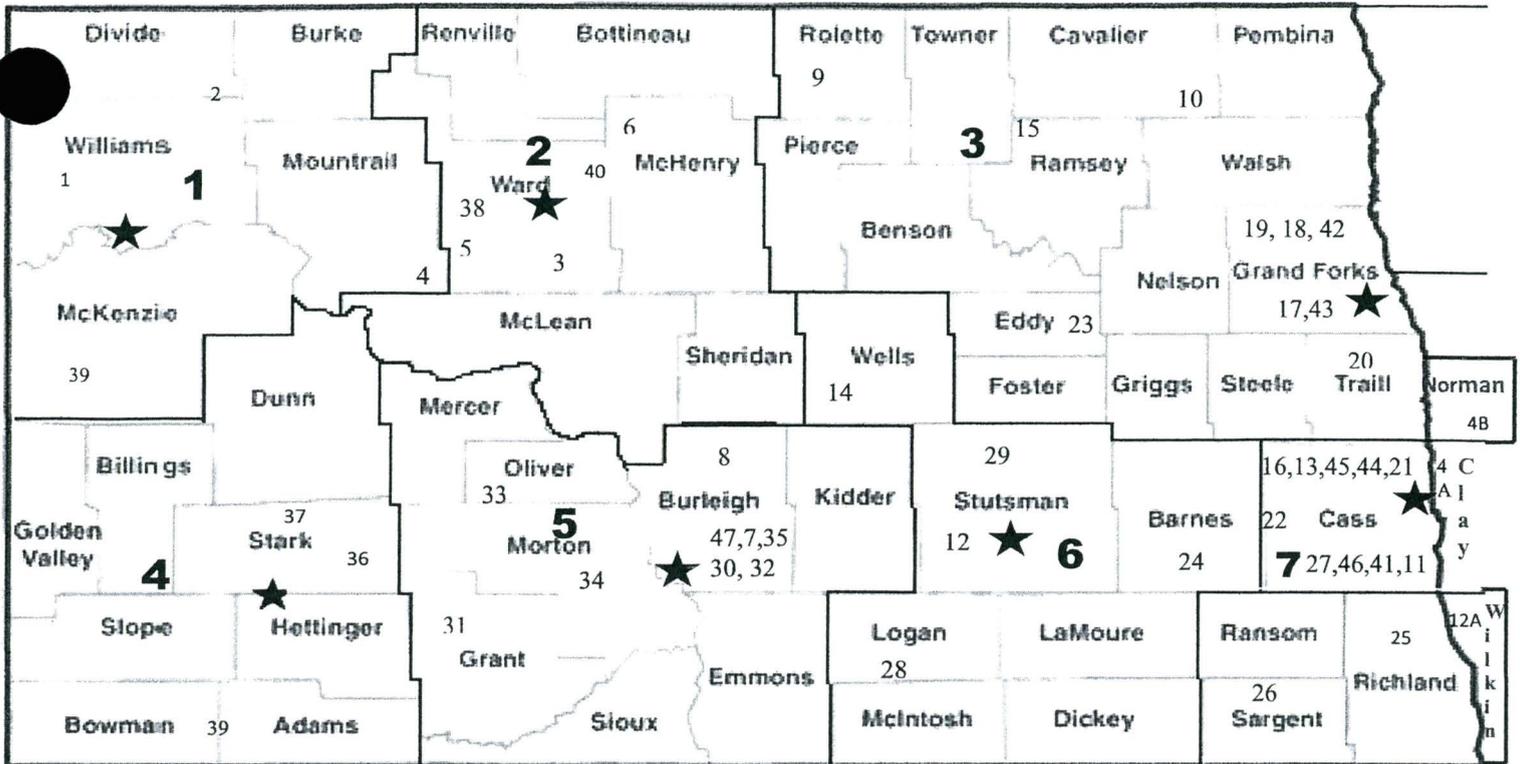
Our preference would be that we could continue to practice as we have been, using the property disclosure forms that already exist and that are being used. The other concern we have is the liability section. Our attorney reviewed this section and feels that unless it is clarified as to what type of liability could arise we should not support the bill in its current form. The way it is currently written, an action can be brought against the seller for not disclosing, whether or not a problem exists.

Finally, we would prefer that on p. 2 lines 28 through p. 3 line 2 be removed and that the real estate agent not be included in the requirement.

The current practice is that if a seller discloses yes on the condition statement or property disclosure form, the real estate agent goes over the form with the buyer, informs him or her about the dangers of radon and what options are available to address any concerns and then it is up to the buyer to determine if they want to make testing and/or mitigation if something is discovered a contingency of the purchase.

I would be happy to attempt to answer any questions.

# NDAR Board Jurisdiction and Legislative District Map



1. Williston Board of REALTORS®  
Legis Dist: 1, 2, \*4, \*39  
318 W. Apollo Ave.  
Bismarck, ND 58503  
701-355-1010  
[jill@ndrealtors.com](mailto:jill@ndrealtors.com)
2. Minot Board of REALTORS®  
Legis Dist: 3, \*4, 5, 6, \*8, \*14, 38, 40  
212 S Broadway  
Minot, ND 58701  
701-839-8217  
[mmls@srt.com](mailto:mmls@srt.com)
3. Grand Forks Area Association of REALTORS®  
Legis Dist: 9, 10, 15, 17, 18, 19, 20, 23, \*29, 42, 43  
1407 24<sup>th</sup> Ave S #340 \*14  
Grand Forks, ND 58201-6773  
701-775-4231  
[jcolter@polarcomm.com](mailto:jcolter@polarcomm.com)
4. Badlands Board of REALTORS®  
Legis Dist: \*4, 31, \*36, 37, \*39  
135 Sims, Suite #212  
Dickinson, ND 58601  
701-483-0333  
[realtors@ndsupernet.com](mailto:realtors@ndsupernet.com)
5. Bismarck Mandan Board of REALTORS®  
Legis Dist: 7, \*8, \*14, \*28, 30, \*31, 32, 33, 34, 35, \*36, 47  
318 West Apollo Ave  
Bismarck, ND 58503-1412  
701-255-0712  
[nancy@bmbor.org](mailto:nancy@bmbor.org)
6. Jamestown Board of REALTORS®  
Legis Dist: 12, \*14, \*24, \*26, \*28, \*29  
PO Box 203  
Jamestown, ND 58402  
701-799-5500  
[traciredlin@yahoo.com](mailto:traciredlin@yahoo.com)
7. Fargo Moorhead Area Assoc of REALTORS®  
Legis Dist: 11, 13, 16, 21, 22, \*24, 25, \*26, 27, 41, 44, 45, 46. MN Dist: 4A, 4B, 12A  
813 N University Dr  
Fargo, ND 58102  
701-235-6679  
[marti@fmrealtor.com](mailto:marti@fmrealtor.com)

\*Denotes more than one board jurisdiction

# SELLER'S PROPERTY CONDITION STATEMENT (to be completed by SELLER)

1. Property Address \_\_\_\_\_ Date: \_\_\_\_\_  
 2. The seller authorizes the Brokers or Salespersons to provide the following information to prospective Buyers. THIS IS NOT A WARRANTY OR  
 3. GUARANTEE OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PARTY(S) AND IS NOT A SUBSTITUTE FOR  
 4. INSPECTIONS OR WARRANTIES THE PARTY(S) MAY WISH TO OBTAIN. Information presented in this form is not intended to be part of any contract between Buyer(s) & Seller(s). BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE &/OR INSPECTIONS OF THE PROPERTY.

8. **I. GENERAL INFORMATION:**

9. When did you purchase or build the home? \_\_\_\_\_  
 10. Have you lived in this home for the past 12 months? Yes \_\_\_\_\_ No \_\_\_\_\_  
 11. Has the structure been altered? (For example, additions, altered roof lines, changes to load bearing walls.) Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_  
 12. If yes, please specify what was done, when and by whom (owner or contractor) \_\_\_\_\_  
 13. UNK = Unknown  
 14. N/A = Not Applicable

15. **II. STRUCTURAL INFORMATION:**

YES	NO	UNK	N/A	Do any of the following property conditions exist or have they existed? Give details to any question answered yes.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Is there or has there been basement water seepage and/or dampness? Explain amount of frequency and location. _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. Have waterproofing repairs, if any, been made? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Are there cracked or bulged floors or walls in the basement? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. Is drain and/or sump installed and working properly? If yes, where does it drain to: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. Are all structures located within the boundaries of the property? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23. Was the structure moved to this site? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24. Are there cracks in the driveway, garage floor, sidewalks, patio, retaining walls, or other outside hard surfaced areas? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26. Does the roof leak? Has there been interior damage from condensation or ice buildup? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27. Is there damage to the roof or shingles? What repairs, if any, have been made? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28. Are you aware of dry rot in the building? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29. Have you performed work upon the property within the last 5 years which require a building, plumbing, electrical or other permits? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31. Was a permit obtained? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32. Was the work approved by an inspector? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	33. Has the property or its improvements been damaged? (i.e. fire, smoke, wind, floods, hail, snow, or broken water line) If yes, was the damage repaired? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	35. Do rain gutters and downspouts work? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	36. Have damage claims been paid to you by insurance coverage? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	37. Are the exterior and interior locks operable? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	38. Will keys be provided for each? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	39. Are all the window screens available? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	40. Are there damaged screens? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	41. Are all the storm windows available? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	42. Are there broken windows or broken seals? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	43. Are skylights in working condition? (i.e. no leaking, condensation, or mechanical malfunctioning?) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	44. Is the fireplace, woodburner, chimney, or flue in working order? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	45. Has the fireplace/woodstove/chimney/flue been cleaned? If yes, when? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	46. Are there additional property conditions that have not been described above? (i.e. slanted floors, sticking windows, settling, distorted door frames, sagging ceilings or siding irregularities? _____

48. **III. WATER & SEWER SYSTEMS:**

YES	NO	UNK	N/A	Do any of the following property conditions exist or have they existed? Give details to any question answered yes.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	50. Is there a water well(s) on the property? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	51. What is the source of household water? (City, well, rural) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	52. What is the type of sewer system? (i.e. city, septic tank, drain field) _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	53. Is there a sprinkler system and is it in working order? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	54. Do you know the flow rate or capacity of the well? If yes, what is it? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	55. Has the well water been tested? Test results attached? Yes _____ No _____ Comments: _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	56. Contaminated Well: Is there a well on the property containing contaminated water? _____

58. **IV. ENVIRONMENTAL CONDITIONS:**

YES	NO	UNK	N/A	Do any of the following property conditions exist or have they existed? Give details to any question answered yes.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	60. Are there underground storage tanks? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	61. Is urea-formaldehyde foam insulation present? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	62. Are asbestos containing materials present? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	63. Is lead based paint present? If yes, seller agrees to provide purchaser with all available records and reports pertaining to lead based paint/or lead based hazard pertaining to this property. _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65. Has the property been tested for radon? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	66. Is there any fill or expansive soil on the property? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	67. Do you know of drainage or flood conditions? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	68. Are you aware of diseased trees or shrubs? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	69. Are you aware of rodent, animal or insect infestations? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	70. Are there or have there been pets in the property? _____

71. **V. ENVIRONMENTAL CONDITIONS:**

YES	NO	UNK	N/A	Are you aware of the following?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	73. Covenants, deed restrictions, or reservations? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	74. Zoning infractions, non-conforming uses, violations of setback requirements? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	75. Encroachments, easements, life estate, right of first refusal, or existing lease? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	76. Homeowners Association that has authority over the property? _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	77. Are there shared features with adjoining property such as walls, fences, and/or driveways? _____

78. Comments re line #: \_\_\_\_\_

79. \_\_\_\_\_

VI. INSULATION:

81. YES NO UNK N/A Do any of the following property conditions exist or have they existed? Give details to questions answered yes.

82.     82. Is there insulation in the ceiling, attic, walls, floors? \_\_\_\_\_

83.     83. Was insulation added during your ownership? If yes: Date installed? \_\_\_\_\_

84. Ceiling \_\_\_\_\_ Walls \_\_\_\_\_ Floor \_\_\_\_\_ Type \_\_\_\_\_

VII. SYSTEMS/UTILITIES/APPLIANCES:

	Not Included	Working	Not Working	Unknown		Not Included	Working	Not Working	Unknown
88. Dehumidifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Drain Tile System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
89. Ceiling Fan(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sump Pump	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
90. Bathroom Vent Fan(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Electronic Air Purif	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
91. Dishwasher	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire Sprinkler System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
92. Freezer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Furnace Humidifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
93. Garbage Disposal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Incinerator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
94. Microwave Oven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Intercom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
95. Range	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lawn Sprinkler System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
96. Range Hood	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pool & Equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
97. Oven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hot Tub	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
98. Refrigerator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sauna	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
99. Trash Compactor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Security System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
100. Washer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Smoke Detector(s) (Battery)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
101. Dryer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Smoke Det(s). (Hardwire)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
102. Central Heating System	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Carbon Monoxide Detector(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
103. Central Air Cooling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solar Collector(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
104. Central Vacuum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supplemental Heater(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
105. Air Exchanger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wall Air Conditioner(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
106. Electrical Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Window Air Conditioner(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
107. Plumbing Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Heater(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
108. Plumbing Fixtures/Mechanisms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Treatment Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
109. Garage Door Openers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Window Treatments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
110. Gar. Door Controls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Woodburning Stove	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
111. Gar. Door Auto Reverse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satellite Dish	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
112. Washer/Dryer Hookups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Septic Tank	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
113. Attic Fan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
114. Exhaust Fan(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
115. Antenna & Cable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
116. Door Bells	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118. Comments re line #: \_\_\_\_\_

119. \_\_\_\_\_

120. \_\_\_\_\_

121. \_\_\_\_\_

122. \_\_\_\_\_

123. \_\_\_\_\_

124. \_\_\_\_\_

125. Is any money owed on these items? Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

126. \_\_\_\_\_

127. \_\_\_\_\_

128. \_\_\_\_\_

129. \_\_\_\_\_

130. \_\_\_\_\_

ACKNOWLEDGMENTS:

132. The Seller hereby acknowledges that the information provided in this document is true and accurate to the best of Seller's knowledge as of the date listed below. This information is based upon Seller's actual knowledge and, unless specifically stated otherwise in writing, upon the Seller's period of ownership of the property. If any of the information becomes inaccurate after it is delivered to the Buyer and before closing, the Seller shall notify the Buyer and any real estate licensee representing any party to the transaction in writing of such change.

138. Seller acknowledges receipt of a copy of this document.

140. Seller: \_\_\_\_\_ Date: \_\_\_\_\_ Seller: \_\_\_\_\_ Date: \_\_\_\_\_

141. At the time of acceptance of Purchase Agreement:

142.  No change in property condition. Date: \_\_\_\_\_ Seller: \_\_\_\_\_

143.  Changes are noted and initialed. Date: \_\_\_\_\_ Seller: \_\_\_\_\_

145. The Buyer/Prospective Buyer acknowledges receipt of this Property Condition Statement. Listing Broker and Agents make no representations and are not responsible for any conditions existing in the property. The Buyer acknowledges that Buyer has been advised to verify the information listed in this statement independently. THE BUYER ACKNOWLEDGES AND UNDERSTANDS THAT THIS DOCUMENT IS NOT INTENDED TO BE A WARRANTY OF ANY KIND OR A SUBSTITUTE FOR ANY INSPECTION OF THE PROPERTY THE BUYER MAY WISH TO OBTAIN.

152. \_\_\_\_\_ Date: \_\_\_\_\_ Buyer \_\_\_\_\_ Date: \_\_\_\_\_

153. Buyer \_\_\_\_\_ Buyer \_\_\_\_\_

# GRAND FORKS AREA ASSOCIATION OF REALTORS

Seller Disclosure Form

## Section H. ENVIRONMENTAL CONCERNS

1. To your knowledge, have any of the following environmental concerns previously existed or do they currently exist on the property?
2. Asbestos? Yes No
3. Mold? Yes No
4. Diseased Tree? Yes No
5. Radon? Yes No
6. Formaldehyde? Yes No
7. Soil Problems? Yes No
8. Hazardous wastes/substances? Yes No
9. Underground fuel storage tanks? Yes No
10. Lead (e.g. paint, plumbing) Yes No
- Other? \_\_\_\_\_ Yes No



# SELLER'S PROPERTY CONDITION STATEMENT (to be completed by SELLER)



1 Property Address \_\_\_\_\_ Date \_\_\_\_\_  
 2 The seller authorizes the Brokers or Salespersons to provide the following information to prospective Buyers. **THIS IS NOT A WARRANTY OR**  
 3 **GUARANTEE OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PARTY(S) AND IS NOT A SUBSTITUTE**  
 4 **FOR INSPECTIONS OR WARRANTIES THE PARTY(S) MAY WISH TO OBTAIN.** Information presented in this form is not intended to be part  
 5 of any contract between Buyer(s) & Seller(s). BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE &/OR  
 6 INSPECTIONS OF THE PROPERTY.  
 7

8 Please use the comments section located on pages 2 and 3 to provide further explanation.

9 **I. GENERAL INFORMATION:**

10 When did you purchase or build the home? \_\_\_\_\_  
 11 Have you lived in this home for the past 12 months? Yes \_\_\_\_\_ No \_\_\_\_\_  
 12 Has the structure been altered? (i.e. additions, altered roof lines, changes to load bearing walls) Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_  
 13 If yes, please specify what was done, when and by whom (owner or contractor) \_\_\_\_\_  
 14  
 15 UNK = Unknown N/A = Not Applicable  
 16

17 **II. STRUCTURAL INFORMATION:**

18	YES	NO	UNK	N/A	Do any of the following property conditions exist or have they existed? Give details to any question answered yes.
19	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there, or has there been, basement water seepage, sewer back up, and/or dampness? Explain amount, location, and frequency. _____
20					
21	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have waterproofing repairs, if any, been made? _____
22	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Type of basement/foundation. (Circle One) (brick, concrete block, concrete poured, stone, Styrofoam, wood, other) If other, Explain: _____
23					
24	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there cracked or bulged floors or walls in the basement? _____
25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is drain and/or sump pump installed and working properly? If yes, where does it drain to: _____
26	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all structures located within the boundaries of the property? _____
27	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was the structure moved to this site? _____
28	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there cracks in the driveway, garage floor, sidewalks, patio, retaining walls, or other outside hard surface areas? _____
29					
30	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does the roof leak? Has there been interior damage from condensation or ice buildup? _____
31	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has there been damage to the roof or shingles? If so, when? Explain: _____
32					
33	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are you aware of dry rot in the building? _____
34	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have you performed work upon the property within the last 5 years which require a building, plumbing, electrical or other permits? _____
35					
36	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was a permit obtained? _____
37	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was the work approved by an inspector? _____
38	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the property or its improvements been damaged? (Circle all applicable) (i.e. fire, smoke, wind, floods, hail, snow, broken water line) If yes, was the damage repaired? Explain: _____
39					
40					
41	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do rain gutters and downspouts work? _____
42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have damage claims been paid to you by insurance coverage? If yes, explain: _____
43	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are the exterior and interior locks operable? _____
44	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Will keys be provided for each? _____
45	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all the window screens available? _____
46	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there damaged screens? _____
47	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are all the storm windows available? _____
48	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there broken windows or broken seals? _____
49	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are skylights in working conditions? (i.e. no leaking, condensation, or mechanical malfunctioning) _____
50	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the fireplace, woodburner, chimney, or flue in working order? _____
51	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the fireplace/woodburner/chimney/flue been cleaned? If yes, when? _____
52	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are there additional property conditions that have not been described above? (i.e. slanted floors, sticking windows, settling, distorted door frames, sagging ceilings, siding irregularities, stained or damaged floor coverings) _____
53					
54					

55 **III. WATER & SEWER SYSTEMS:**

56	YES	NO	UNK	N/A	Do any of the following property conditions exist or have they existed? Give details to any question answered yes.
57	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a water well(s) on the property? _____
58					What is the source of household water? (Circle One) (city, well, rural) _____
59					What is the type of sewer system? (Circle One) (i.e. city, septic tank & drain field) _____
60	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have you had problems with tree roots, collapsed lines or back up, or similar problems with sewer/septic systems? _____
61					
62	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there a sprinkler system and is it in working order? _____
63	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Do you know the flow rate or capacity of the well? If yes, what is it? _____
64	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the well water been tested? Test results attached? Yes _____ No _____ Comments: _____
65	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Contaminated well: Is there a well on the property containing contaminated water? _____

Property Address \_\_\_\_\_

(Important for faxing and copying the form)

66 **IV. ENVIRONMENTAL CONDITIONS:**

67 YES NO UNK N/A Do any of the following property conditions exist or have they existed? Give details to any question answered yes.

68     Are there underground storage tanks? \_\_\_\_\_

69     Is urea-formaldehyde foam insulation present? \_\_\_\_\_

70     Are asbestos containing materials present? \_\_\_\_\_

71     Is lead based paint present? If yes, seller agrees to provide purchaser with all available records and reports pertaining to lead based paint and/or lead based hazard pertaining to this property. \_\_\_\_\_

72     Has the property been tested for radon? If yes, when and what were the results? \_\_\_\_\_

73     Is there any fill or expansive soil on the property? \_\_\_\_\_

74     Are you aware of diseased trees or shrubs? \_\_\_\_\_

75     Are you aware of rodent, animal or insect infestations? \_\_\_\_\_

76     Are there or have there been pets on the property? \_\_\_\_\_

77     Do you know of drainage or flood conditions? \_\_\_\_\_

78     Seller's 2011 Flood Disclosure Statement attached? \_\_\_\_\_

79     Have you ever been required to carry flood insurance? \_\_\_\_\_

80     Is the property in a flood plain that may require flood insurance? \_\_\_\_\_

81     Are you aware of any methamphetamine production on the property? \_\_\_\_\_

82     Has there been mold on the property? If yes, what action was taken to remove it? \_\_\_\_\_

83     Is there visible evidence, or are you aware of mold in basement, closets, bathrooms, or any other areas of the property? If yes, explain in detail. \_\_\_\_\_

84

85 \_\_\_\_\_

86 **V. LAND USE:**

87 YES NO UNK N/A Are you aware of the following?

88     Covenants, deed restrictions, or reservations? \_\_\_\_\_

89     Zoning infractions, non-conforming uses, violations of setback requirements? \_\_\_\_\_

90     Encroachments, easements, life estate, right of first refusal, or existing lease? \_\_\_\_\_

91     Homeowners Association that has authority over the property? \_\_\_\_\_

92     Are there shared features with adjoining property such as walls, fences and/or driveways? \_\_\_\_\_

93

94 \_\_\_\_\_

95 Comments re line # \_\_\_\_\_

96 \_\_\_\_\_

97 \_\_\_\_\_

98 \_\_\_\_\_

99 \_\_\_\_\_

100 **VI. INSULATION:**

101 YES NO UNK N/A Do any of the following property conditions exist or have they existed? Give details to any question answered yes.

102     Is there insulation in the ceiling, attic, walls and floors? \_\_\_\_\_

103     Was insulation added during your ownership? If yes, date installed: \_\_\_\_\_

104     Ceiling \_\_\_\_\_ Walls \_\_\_\_\_ Floor \_\_\_\_\_ Type \_\_\_\_\_

105 \_\_\_\_\_

106 **VII. SYSTEMS/UTILITIES/APPLIANCES:**

	Not Incl		Not Working		Unk	N/A	Not Incl		Not Working		Unk	N/A
109 Dehumidifier .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
110 Ceiling Fan(s) .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
111 Bathroom Vent Fan(s).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
112 Dishwasher.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
113 Freezer .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
114 Garbage Disposal .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
115 Microwave Oven.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
116 Range .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
117 Range Hood .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
118 Oven.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
119 Refrigerator .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
120 Trash Compactor.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
121 Washer .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
122 Dryer .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
123 Central Heating System .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
124 Central Air Cooling .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
125 Central Vacuum .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
126 Air Exchanger .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
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Property Address \_\_\_\_\_

(Important for faxing and copying the form)

	Not Incl	Working	Not Working	Unk	N/A		Not Incl	Working	Not Working	Unk	N/A
130											
131						Window Air Conditioner(s).....					
132						Water Heater(s).....					
133						Water Treatment Systems.....					
134						Window Treatments .....					
135						Woodburning Stove.....					
136						Satellite Dish .....					
137						Septic Tank.....					
138						Other _____					
139						Other _____					
140						Other _____					
141						Other _____					
142						Other _____					
143						Other _____					

144

145

146 Comments re line # \_\_\_\_\_

147 \_\_\_\_\_

148 \_\_\_\_\_

149 \_\_\_\_\_

150 \_\_\_\_\_

151 \_\_\_\_\_

152 \_\_\_\_\_

153

154 Are there unpaid bills for labor, services or material for construction of improvements,

155 alterations or repairs to the property? (Check One) Yes \_\_\_ No \_\_\_

156 Were any part of such labor, services, or materials performed or placed within the last six months? (Check One) Yes \_\_\_ No \_\_\_

157 Comments: \_\_\_\_\_

158 \_\_\_\_\_

159 \_\_\_\_\_

160 \_\_\_\_\_

161 \_\_\_\_\_

162 \_\_\_\_\_

**ACKNOWLEDGEMENTS:**

163 The Seller hereby acknowledges that the information provided in this document is true and accurate to the best of Seller's

164 knowledge as of the date listed below. This information is based upon Seller's actual knowledge and, unless specifically

165 stated otherwise in writing, upon the Seller's period of ownership of the property. If any of the information becomes

166 inaccurate after it is delivered to the Buyer and before closing, the Seller shall notify the Buyer and any real estate licensee

167 representing any party to the transaction in writing of such change.

168

**Seller acknowledges receipt of a copy of this document.**

169

170

171

172 Seller: \_\_\_\_\_ Date: \_\_\_\_\_ Seller: \_\_\_\_\_ Date: \_\_\_\_\_

173

**At the time of acceptance of Purchase Agreement:**

174

175  No change in property condition. Date: \_\_\_\_\_ Seller: \_\_\_\_\_

176  Changes are noted and initialed. Date: \_\_\_\_\_ Seller: \_\_\_\_\_

177

178 The Buyer/Prospective Buyer acknowledges receipt of this Property Condition Statement. Listing Broker and Agents make

179 no representations and are not responsible for any conditions existing in the property. The Buyer acknowledges that Buyer

180 has been advised to verify the information listed in this statement independently. **THE BUYER ACKNOWLEDGES AND**

181 **UNDERSTANDS THAT THIS DOCUMENT IS NOT INTENDED TO BE A WARRANTY OF ANY KIND OR A**

182 **SUBSTITUTE FOR ANY INSPECTION OF THE PROPERTY THE BUYER MAY WISH TO OBTAIN.**

184 \_\_\_\_\_

185 Buyer Date Buyer Date

186

9

223 ADDRESS: \_\_\_\_\_

224 **PROPERTY TAX DISCLOSURE:**

225 *Check appropriate box:* There  is  is not an exclusion from market value for home improvements on this property. Any  
226 valuation exclusion shall terminate upon sale of the property, and the property's estimated market value for property tax purposes  
227 shall increase. If a valuation exclusion exists, Buyer is encouraged to look into the resulting tax consequences.

228 **Preferential property tax treatment:** Is the property subject to any preferential property tax status or any other credits affecting  
229 the property (e.g. Disability, Green Acres, CRP, RIM, Rural Preserve, etc.)?  no  yes *explain*

230 \_\_\_\_\_  
231 If yes, would these terminate upon the sale of the property?  yes  no *explain*

233 **ENVIRONMENTAL CONCERNS:**

234 Was fill dirt brought in since you acquired the property or any time since?  no  yes  unknown

235 If yes, date \_\_\_\_\_ explain \_\_\_\_\_  
236 \_\_\_\_\_

237 Has there been visible mold growth on the property?  no  yes *If yes, explain what caused the mold, when it occurred and*  
238 *what action was taken to remove it and prevent it from recurring* \_\_\_\_\_  
239 \_\_\_\_\_

242 To your knowledge, have any of the following existed or do they currently exist on the property (**check all that apply/explain**):

243  Asbestos \_\_\_\_\_

244  Insect, animal, or pest infestations \_\_\_\_\_

245  Diseased or dead/dying trees/shrubs \_\_\_\_\_

246  Hazardous wastes/substances \_\_\_\_\_

247  Underground storage tanks \_\_\_\_\_

248  Drainage/standing water issues \_\_\_\_\_

249  Illicit drug production/sales \_\_\_\_\_

250  Methamphetamine production \_\_\_\_\_

251  Signs of soil expansion, contraction, or movement other than situations related to normal conditions \_\_\_\_\_  
252 \_\_\_\_\_

253 **SELLER'S RADON DISCLOSURE STATEMENT**

254 **Radon Warning Statement:** Homes in the area may have radon gas levels that exceed EPA standards. If you have concerns about  
255 radon, you may want to consider having the property inspected before entering into a contract to purchase or making the inspection  
256 a condition of your purchase. For additional information, visit the EPA website: [www.epa.gov/radon](http://www.epa.gov/radon)

257 Has the property been tested for radon?  no  yes If yes, explain \_\_\_\_\_  
258 \_\_\_\_\_  
259 \_\_\_\_\_

260 Are you aware of any radon concentrations in the property?  no  yes If yes, explain: \_\_\_\_\_  
261 \_\_\_\_\_  
262 \_\_\_\_\_

263 *If yes, attach the most current records and reports pertaining to radon concentrations, mitigation or remediation. If a mitigation  
264 system has been installed, include the system description and documents.*

265 INITIAL(S): SELLER \_\_\_\_\_ DATE \_\_\_\_\_ BUYER \_\_\_\_\_ DATE \_\_\_\_\_

266 SELLER \_\_\_\_\_ DATE \_\_\_\_\_ BUYER \_\_\_\_\_ DATE \_\_\_\_\_

1-26-17

HB 1186

# 1

Rep. Beadle

PROPOSED AMENDMENTS TO HB 1186

Page 2 Line 11, delete subsection e

Page 2 Line 26 Replace "Common Interest" with "Interest in Common"

Remove Page 2 lines 28-30 through the rest of the bill