

RESIDENTIAL PROPERTY DISCLOSURE STATEMENT

REQUIRED NOTICE FOR BUYER TO EXERCISE NECESSARY DUE DILIGENCE

The Virginia Residential Property Disclosure Act (§ 55.1-700 et seq. of the *Code of Virginia*) governs the information owners must disclose to prospective purchasers of residential real property. Certain residential property transfers are excluded from the requirements (see § 55.1-702). Information below found in § 55.1-703:

- 1. CONDITION:** The owner(s) of the residential real property make no representations or warranties regarding the condition of the property or any improvements, covenants, restrictions, or mineral rights recorded in land records. Purchasers are advised to exercise due diligence, including obtaining a home inspection, a mold assessment following EPA guidelines, and a residential building energy analysis, as defined in § 54.1-500 and § 54.1-1144, prior to settlement, as specified in the real estate purchase contract.
- 2. LOT LINES:** The owner(s) make no representation regarding current lot lines or the ability to expand, improve, or add structures on the property. Purchasers are advised to exercise due diligence, including obtaining a property survey and contacting the locality to determine zoning ordinances, lot coverage, height, or setback requirements for the property.
- 3. ADJACENT PARCELS:** The owner(s) make no representations regarding any matters pertaining to adjacent parcels, including zoning classification or permitted uses. Purchasers are advised to exercise due diligence with respect to adjacent parcels, in accordance with the terms and conditions of the real estate purchase contract, and prior to settlement.
- 4. HISTORIC DISTRICT ORDINANCES(S):** The owner(s) make no representations regarding whether any historic district ordinance affects the property. Purchasers are advised to exercise due diligence with respect to any historic district designated by the locality pursuant to § 15.2-2306, including reviewing (i) the local ordinance creating the district, (ii) any official map adopted by the locality, and (iii) materials explaining (a) requirements for altering, reconstructing, renovating, restoring, or demolishing buildings or signs, and (b) the need for approval from a local review board or governing body before performing any work in the district. This should be done in accordance with the real estate purchase contract, prior to settlement.
- 5. RESOURCE PROTECTION AREAS:** The owner(s) make no representations regarding whether the property contains any resource protection areas established under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality. Purchasers are advised to exercise due diligence to determine if such provisions affect the property, including reviewing any official map adopted by the locality depicting resource protection areas, in accordance with the real estate purchase contract, prior to settlement.

6. **SEXUAL OFFENDERS:** The owner(s) make no representations regarding information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2. Purchasers are advised to exercise due diligence as they deem necessary regarding such information, in accordance with the terms and conditions of the real estate purchase contract, prior to settlement.
7. **DAM BREAK INUNDATION ZONE(S):** The owner(s) make no representations regarding whether the property is within a dam break inundation zone. Purchasers are advised to exercise due diligence in determining whether the property lies within such a zone, including reviewing any map adopted by the locality depicting dam break inundation zones.
8. **WASTEWATER SYSTEM:** The owner(s) make no representations regarding the presence of any wastewater system on the property, including its type, size, or associated maintenance responsibilities. Purchasers are advised to exercise due diligence to determine the presence of a wastewater system and the costs related to maintaining, repairing, or inspecting it, including septic tank pump-out requirements, in accordance with the real estate purchase contract, but in any event, prior to settlement.
9. **SOLAR ENERGY COLLECTION DEVICE(S):** The owner(s) makes no representations with respect to any right to install or use solar energy collection devices on the property.
10. **SPECIAL FLOOD HAZARD AREAS:** The owner(s) make no representations regarding whether the property is located in one or more special flood hazard areas. Purchasers are advised to exercise due diligence, including (i) obtaining a flood certification or mortgage lender determination, (ii) reviewing any map depicting special flood hazard areas, (iii) contacting FEMA or visiting FEMA's National Flood Insurance Program website or the Virginia Department of Conservation and Recreation's Flood Risk Information System, and (iv) determining whether flood insurance is required, in accordance with the real estate purchase contract, but in any event, prior to settlement.
11. **CONSERVATION OR OTHER EASEMENTS:** The owner(s) make no representations regarding whether the property is subject to one or more conservation or other easements. Purchasers are advised to exercise due diligence as they deem necessary, in accordance with the terms and conditions of the real estate purchase contract, but in any event, prior to settlement.
12. **COMMUNITY DEVELOPMENT AUTHORITY:** The owner(s) makes no representations regarding whether the property is subject to a community development authority approved by a local governing body under Article 6 (§ 15.2-5152 et seq.) of Chapter 51 of Title 15.2. Purchasers are advised to exercise due diligence as they deem necessary, in accordance with the terms and conditions of the real estate purchase contract, including determining whether a copy of the resolution or ordinance has been recorded in the land records of the circuit court for the locality in which the community development authority district is located, for each tax parcel included in the district, pursuant to § 15.2-5157, but in any event, prior to settlement.

- 13. MARINE CLAYS:** The owner(s) makes no representations regarding whether the property is located on or near deposits of marine clays (marumsco soils). Purchasers are advised to exercise due diligence as they deem necessary, in accordance with the terms and conditions of the real estate purchase contract, including consulting public resources regarding local soil conditions and having the soil and structural conditions of the property analyzed by a qualified professional.
- 14. RADON GAS:** The owner(s) makes no representations regarding whether the property is located in a locality classified as Zone 1 or Zone 2 by the U.S. Environmental Protection Agency's (EPA) Map of Radon Zones. Purchasers are advised to exercise due diligence to determine whether the property is located in such a zone, including (i) reviewing the EPA's Map of Radon Zones or visiting the EPA's radon information website; (ii) visiting the Virginia Department of Health's Indoor Radon Program website; (iii) visiting the National Radon Proficiency Program's website; (iv) visiting the National Radon Safety Board's website that lists certified contractors; and (v) ordering a radon inspection, in accordance with the terms and conditions of the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.
- 15. DEFECTIVE DRYWALL:** The owner(s) makes no representations regarding the existence of defective drywall on the property. Purchasers are advised to exercise due diligence to determine whether defective drywall is present, in accordance with the terms and conditions of the real estate purchase contract, but in any event, prior to settlement pursuant to such contract. For purposes of this disclosure, "defective drywall" is defined as the term is set forth in § 36-156.1.
- 16. LEAD PIPES:** The owner(s) makes no representations regarding whether the property contains any pipe, pipe or plumbing fitting, fixture, solder, or flux that does not meet the federal Safe Drinking Water Act definition of "lead free" pursuant to 42 U.S.C § 300g-6. Purchasers are advised to exercise whatever due diligence they deem necessary to determine whether the property contains any such materials, in accordance with the terms and conditions of the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.
- 17. IMPOUNDING STRUCTURES OR DAMS:** The owner(s) makes no representations regarding the condition or regulatory status of any impounding structure or dam on the property or under the ownership of the common interest community the property owner is required to join. Purchasers are advised to exercise whatever due diligence they deem necessary to determine the condition, regulatory status, cost of required maintenance and operation, or other relevant information related to the impounding structure or dam. This may include contacting the Department of Conservation and Recreation or consulting a licensed professional engineer.

ADDITIONAL WRITTEN DISCLOSURE REQUIREMENTS

SELLERS AND BUYERS MAY NEED TO COMPLETE ONE OR MORE OF THE FOLLOWING WRITTEN DISCLOSURES

NOTE: This information is intended as a reference and is not meant to serve as legal counsel. Before making any decisions based on this information, it is important to review the relevant Virginia Code sections, as this overview is a summarized guide to disclosure requirements and may not apply to every transaction.

The full Code of Virginia is available online and can be searched at <http://law.lis.virginia.gov/vacode>. If you require legal advice or representation, it is recommended that you consult with an attorney.

FIRST SALE OF A DWELLING: Section 55.1-702.B specifies further disclosure responsibilities for transactions involving the first sale of a dwelling, as these transactions are exempt from the earlier stated disclosure requirements. The builder of a newly constructed dwelling is required to inform the purchaser in writing of any known material defects that would breach applicable building codes.

PLANNING DISTRICT 15: Furthermore, for property situated entirely or partially within a locality in Planning District 15, the builder or owner (if the builder does not own the property) must provide written disclosure regarding (i) any prior mining operations conducted on the property or (ii) the existence of any abandoned mines, shafts, or pits. If the builder is not aware of any defects, no written disclosure is necessary under this provision.

Section 55.1-704 includes a disclosure obligation for properties located in any area that contains a **military air installation**.

Section 55.1-706 mandates a disclosure requirement for properties **that have pending building code or zoning ordinance violations**.

SECTION 55.1-706.1 contains a disclosure requirement for properties with *lis pendens filed*.

Section 55.1-708 outlines a disclosure requirement for **properties previously used to manufacture methamphetamine**.

Section 55.1-708.1 includes a disclosure requirement for properties with **privately owned stormwater management facilities**.

Section 32.1-164.1:1 includes a disclosure requirement regarding the validity of **septic system operation permits**.

See also the *Virginia Condominium Act* (§ 55.1-1900 et seq.), the *Virginia Real Estate Cooperative Act* (§ 55.1-2100 et seq.), and the *Virginia Property Owners' Association Act* (§ 55.1-1800 et seq.).