

21 NCAC 58A .0114 RESIDENTIAL PROPERTY AND OWNERS' ASSOCIATION DISCLOSURE STATEMENT

(a) Every owner of real property subject to a transfer of the type governed by Chapter 47E of the General Statutes shall complete a Residential Property and Owners' Association Disclosure Statement (hereinafter "Disclosure Statement") and furnish a copy of the complete statement to a purchaser in accordance with the requirements of G.S. 47E-4. The Disclosure Statement is a form prescribed by the Commission and available on the Commission's website at <https://www.ncrec.gov/Forms/Consumer/rec422.pdf>. The Disclosure Statement shall include the items set forth in G.S. 47E-4(b1)(1) and the following information pertaining to the property:

- (1) property address;
- (2) owner's name(s), signature(s), and date of Disclosure Statement completion;
- (3) year the dwelling was constructed;
- (4) any historic designation or registration status which places a restriction on the property;
- (5) noise, odor, smoke, or other nuisance from commercial, industrial, or military sources impacting the property;
- (6) existence of any private road(s) abutting or adjoining the property and the maintenance agreements, if applicable;
- (7) type of heating, cooling, water heater fuel sources along with the year each system was manufactured;
- (8) type of fuel source, and, if the fuel source is stored in a tank, whether the tank is above or below ground and leased or owned by the seller;
- (9) type of water supply source and sewage disposal system, and if serviced by a septic system, identify the number of bedrooms allowed pursuant to permit;
- (10) any violations impacting the property, such as local ordinances, restrictive covenants, building codes, or other land-use restrictions;
- (11) whether any portion of the property is designated as within a Special Flood Hazard Area pursuant to Title 44, Chapter 1, Subchapter B, Part 65 of the Code of Federal Regulations, has a flood elevation certificate, is insured for flood damage, has experienced damage from natural events causing water seepage, or has had a claim filed for flood damage or received federal financial assistance for flood damage; and
- (12) if there is any problem, malfunction, or defect with the property's:
 - (A) roof, fireplaces, or chimneys;
 - (B) foundation, basement, crawl space, or slab;
 - (C) windows, doors, patio, deck;
 - (D) garage or other structural component of the property;
 - (E) electrical, heating, cooling, or elevator systems;
 - (F) plumbing, water supply, sewer, or septic systems;
 - (G) fixtures or appliances to be conveyed with the purchase;
 - (H) drainage, grading or soil stability; and
 - (I) condition caused by wood destroying insects or organisms.

(b) A broker shall furnish a current Disclosure Statement published on the Commission's website to the property owner(s) for completion.

(c) A broker representing either an owner or a purchaser of any real property subject to Chapter 47E of the North Carolina General Statutes shall disclose to the purchaser any material facts the broker knows or reasonably should know about the property. A broker's duty to disclose is separate from that of the owner's, and the owner's Disclosure Statement does not obviate the broker's duty to disclose. A material fact is a fact that a reasonable person would recognize as relevant to a purchaser in deciding to purchase the property the suppression of which could reasonably result in a different decision.

History Note: Authority G.S. 47E-4(b); 47E-4(b1); 93A-3(c); 93A-6;
Eff. October 1, 1998;
Amended Eff. July 1, 2014; January 1, 2013; January 1, 2012; July 1, 2010; July 1, 2009;
January 1, 2008; July 1, 2006; September 1, 2002; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
Amended Eff. July 1, 2023; July 1, 2021; July 1, 2018.