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SENATE BILL NO. 586

Senate Amendments in [] — February 12, 1996

A *BILL to amend and reenact § 55-519 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act.*

Patrons—Wampler, Bolling, Hawkins, Holland, Martin, Norment and Woods; Delegates: Abbitt, Councill, Davies, DeBoer, Deeds, Dickinson, Ruff and Watkins

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-519 of the Code of Virginia is amended and reenacted as follows:

§ 55-519. Required disclosures.

A. With regard to transfers described in § 55-517 of this chapter, the owner of the residential real property shall furnish to a purchaser one of the following:

1. A residential property disclaimer statement in a form provided by the Real Estate Board stating that the owner makes no representations or warranties as to the condition of the real property or any improvements thereon, and that the purchaser will be receiving the real property "as is," that is, with all defects which may exist, if any, except as otherwise provided in the real estate purchase contract; or

2. A residential property disclosure statement disclosing those items contained in a form provided by the Real Estate Board to implement the provisions of this chapter and to list items which are required to be disclosed relative to the physical condition of the property. Such disclosure form may include defects of which the owner has actual knowledge regarding: (i) the water and sewer systems, including the source of household water, water treatment system, sprinkler system; (ii) insulation; (iii) structural systems, including roof, walls, floors, foundation and any basement; (iv) plumbing, electrical, heating and air conditioning systems; (v) wood-destroying insect infestation; (vi) land use matters; (vii) hazardous or regulated materials, including asbestos, lead-based paint, radon and underground storage tanks; and (viii) other material defects known to the owner. The disclosure form shall contain a notice to prospective purchasers and owners that the prospective purchaser and the owner may wish to obtain professional advice or inspections of the property. The disclosure form shall also contain a notice to purchasers that the information contained in the disclosure is the representations of the owner and is not the representations of the broker or salesperson, if any. The owner shall not be required to undertake or provide any independent investigation or inspection of the property in order to make the disclosures required by this chapter.

[*B. The disclosure and disclaimer forms shall contain a notice to purchasers that regardless of whether the owner proceeds under subdivision 1 or 2, the owner makes no representations with respect to any matters which may pertain to parcels adjacent to the subject parcel. Further, such notice shall advise purchasers to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement on a parcel of residential real property.*]

[*B. In addition to the statement provided pursuant to subsection A, the owner of the residential real property shall furnish to a purchaser a residential property disclaimer statement in a form provided by the Real Estate Board which implements the provisions of this subsection and lists items which are required to be disclosed relative to the operation of certain agricultural and silvicultural, hereafter forestry, operations. The disclosure form shall contain a notice to prospective purchasers and owners that the property is located near agricultural or forestry lands or operations or is included within an area zoned for agricultural or forestry lands or operations, and may be subject to periodic inconveniences arising from such operations, including but not limited to, operation and transport of machinery (including aircraft), noise, odors, fumes, dust, smoke, insects, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Such inconveniences may occur as a result of any agricultural or forestry operation's compliance with existing laws and regulations of the Commonwealth and in accordance with existing best management practices. The delivery of such residential property disclaimer statement shall constitute actual notice to the prospective purchaser that the stated activities and inconveniences should be anticipated in the vicinity of the property being purchased and shall not be deemed a nuisance.*]

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