

201 KAR 11:350. Seller's disclosure of property conditions form.

RELATES TO: KRS 324.360, 44 C.F.R. 64.3(b)

STATUTORY AUTHORITY: KRS 324.281(5), 324.282, 324.360(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.360(2) requires the Kentucky Real Estate Commission to promulgate an administrative regulation authorizing a seller's disclosure of conditions form and KRS 324.360(3) mandates the disclosures that the form shall contain and allows the inclusion of additional matters at the discretion of the commission. This administrative regulation establishes the required Seller's Disclosure of Property Condition form required by KRS 324.360.

Section 1. Definition. "Single family residential real estate dwelling" means any:

- (1) Duplex, triplex, fourplex; condominium, townhouse, or residential unit;
- (2) Manufactured home permanently attached to land; or
- (3) Residential unit otherwise conveyed on a unit-by-unit basis, even if the unit is part of a larger building or parcel of real estate containing more than four (4) residential units.

Section 2. The Seller's Disclosure of Property Condition form shall be completed and signed by the seller of a single family residential real estate dwelling, as required by KRS 324.360, upon execution of the listing agreement or a similar agreement by which a licensee intends to market the property.

Section 3. (1) The Seller's Disclosure of Property Condition form shall also include:

(a) Whether or not the single family residential real estate dwelling is located within a special flood hazard area as identified in 44 C.F.R. 64.3(b) mandating the purchase of flood insurance for federally backed mortgages (Zones A, A1-30, AE, A99, AO, AH, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, V1-30, VE, V, VO, M, and E);

(b) Contact information for any homeowner's association; and

(c) Notice of the written disclosure of methamphetamine contamination required by KRS 224.1-410(10) and 902 KAR 47:200.

(2) If the property that is the subject of the Seller's Disclosure of Property Condition form is listed, the listing agent shall solicit the initials of all property owners-sellers and the date and time for the initialing at the time he or she executes any listing agreement or similar agreement by which a licensee intends to market the property.

(3) If the property that is the subject of the Seller's Disclosure of Property Condition form is not listed, any licensee involved in the transaction shall solicit:

(a) The initials of all property owners-sellers and the date and time for the initialing; and

(b) The initials of all prospective buyers and the date and time for initialing.

Section 4. Incorporation by Reference. (1) "Seller's Disclosure of Property Condition", 3/2016 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday, 8 a.m. to 4:30 p.m., and is also available on the Web site at www.krec.ky.gov. (19 Ky.R. 1695; Am. 2065; 2400; eff. 4-15-1993; 24 Ky.R. 2417; 25 Ky.R. 58; eff. 7-13-1998; 27 Ky.R. 1522; 2496; 2715; eff. 4-9-2001; 31 Ky.R. 1334; 1650; eff. 4-22-2005; 32 Ky.R. 2315; 33 Ky.R. 451; 722; eff. 10-6-2006; 42 Ky.R. 2247, 2568; eff. 5-6-2016.)