

RESIDENTIAL LEASE OWNER ADVISORY

August 2011



WHEN IN DOUBT - DISCLOSE!



Residential lease owners have certain obligations pursuant to the Landlord and Tenant Act and other laws. There are also some very specific Owner disclosures that you are required by statute to make. For example, Owners are required to disclose information on lead based paint in homes built prior to 1978 and Owners must provide a state approved Pool Safety Notice if the property includes a pool or spa.

If the tenant asks you about an aspect of the property, you should disclose the information, regardless of whether or not you consider the information material. However, an Owner does not generally have a legal obligation to correct defects in the property, as long as the defect: (1) does not render the property uninhabitable; (2) does not pose a real or potential threat to the tenant's health or safety; and (3) as long as the existing defects are disclosed. Any correction of the defects is a matter of contract negotiation between you and the tenant.

The Arizona Association of REALTORS® Residential Lease Owner's Property Disclosure Statement is designed to assist you in making these disclosures and to avoid inadvertent nondisclosures of material facts.

You should complete this form by answering all questions as truthfully and as thoroughly as possible. You may use the blank lines to explain any answers. If you do not have the personal knowledge to answer a question, it is important not to guess—use the blank lines to explain the situation.

The form is divided into five general sections:

- (1) Ownership and Property:** This section asks for general information about the property, such as location, ownership and occupancy. Any Owner, whether or not that Owner has actually lived in the property, should be able to answer most, if not all, of the questions in this section.
- (2) Building and Safety Information:** This section asks for information regarding the physical aspects of the property. You should disclose any present problems with the property. You are also asked specifically to disclose any knowledge of scorpions or other possible "pests" have ever been present on the property. Although many Owners will answer affirmatively to these questions, full disclosure is the best way to avoid complaints.
- (3) Utilities:** You are asked whether the property currently receives the listed utilities, and if so, to identify the provider. The water source and any known information about drinking water problems should also be disclosed.
- (4) Environmental Information:** A variety of environmental information is requested. In addition to questions regarding environmental hazards, you are asked to disclose any issues relating to soil settlement/expansion, drainage/grade, or erosion; noise from the surrounding area including airport and traffic noise; and any odors or other nuisances. As a result of recent lawsuits and potential health concerns, you are asked specifically if you are aware of any past or present mold growth on the property. Mold spores are everywhere and when mold spores drop in places where there is water damage or excessive moisture, or where there has been flooding, mold will grow. Thus, you are asked to disclose any conditions conducive to mold growth, such as past or present dampness/moisture, flooding, and water damage or water leaks of any kind.
- (5) Additional Information:** These blank lines provide space for you to provide any other important information concerning the property.

Please note: By law, Owners are not obligated to disclose that the property is or has been: (1) the site of a natural death, suicide, homicide, or any other crime classified as a felony; (2) owned or occupied by a person exposed to HIV, or diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real estate; or (3) located in the vicinity of a sex offender. However, the law does not protect an Owner who makes an intentional misrepresentation. For example, if you are asked whether there has been a death on the property and you know that there was such a death, you should not answer "no" or "I don't know"; instead you should either answer truthfully or respond that you are not legally required to answer the question.





RESIDENTIAL LEASE OWNER'S PROPERTY DISCLOSURE STATEMENT

(To be completed by Owner)

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The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.



MESSAGE TO THE OWNER:

The form is designed to assist you in making disclosures to the Tenant. If you know something important about the Property that is not addressed on the form, add that information to the form. Prospective Tenants may rely on the information you provide.

INSTRUCTIONS: (1) Complete this form yourself. (2) Answer all questions truthfully and as fully as possible. (3) Attach all available supporting documentation. (4) Use explanation lines as necessary. (5) If you do not have the personal knowledge to answer a question, use the explanation lines to explain. By signing below you acknowledge that the failure to disclose known material information about the Property may result in liability.

MESSAGE TO THE TENANT:

There are likely facts about the Property that the Owners do not know. Therefore, it is important that you take an active role in obtaining information about the Property. For more information on obtaining this information see the Buyer Advisory at http://www.aaronline.com/documents/buy_advis.pdf

INSTRUCTIONS: (1) Review this form and any attachments carefully. (2) Verify all important information. (3) Ask about any incomplete or inadequate responses. (4) Inquire about any concerns not addressed on the form. (5) Review all other applicable documents, such as CC&R's, and association rules and regulations. (6) Conduct inspections of the Property. (7) Investigate the surrounding area.

THE FOLLOWING ARE REPRESENTATIONS OF THE OWNER(S) AND ARE NOT VERIFIED BY THE BROKER(S) OR AGENT(S).

OWNERSHIP AND PROPERTY

- As used herein, "Property" shall mean the real property and all fixtures and improvements thereon and appurtenances incidental thereto, plus fixtures and personal property described in the Lease.

3. **LEGAL OWNER(S) OF PROPERTY:** _____

4. **PROPERTY ADDRESS:** _____
(STREET ADDRESS) (CITY) (STATE) (ZIP)

5. Is the property located in a community defined by the fair housing laws as housing for older persons? ☐ Yes ☐ No

6. Explain: _____

7. Approximate year built: _____. If Property was built prior to 1978, Owner must furnish the Tenant with a lead-based

8. **paint disclosure form.**

9. Are you current on: Mortgage ☐ Yes ☐ No Property tax ☐ Yes ☐ No HOA fees ☐ Yes ☐ No

YES NO

10. ☐ ☐ Are you aware if there are any association(s) governing this Property?

11. If yes, provide contact(s) information: Name: _____

12. Phone #: _____ Address: _____

13. If yes, are there any fees related to leasing the home? Explain _____

14. ☐ ☐ Are you aware of any public or private use paths or roadways on or across this Property?

15. Explain: _____

16. ☐ ☐ Are you aware of any violation(s) of any of the following? (If yes, check all that apply):

17. ☐ Zoning ☐ Building Codes ☐ Utility Service ☐ Sanitary health regulations

18. ☐ Covenants, Conditions, Restrictions (CC&R's) ☐ Other _____

19. ☐ ☐ Are you aware of any parking restrictions? If yes, please explain: _____

20. _____

21. How many parking spots are available for tenants? _____

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Residential Lease Owner's Property Disclosure Statement
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TENANT	TENANT



BUILDING AND SAFETY INFORMATION**STRUCTURAL:**

22. ARE YOU AWARE OF ANY PRESENT:

YES**NO**

23. ☐ ☐ Roof leaks/problems? Explain: _____
24. ☐ ☐ Interior wall/ceiling/door/window/floor problems? Explain: _____
25. ☐ ☐ Cracks or settling involving the foundation, exterior walls or slab? Explain: _____
26. ☐ ☐ Chimney or fireplace problems, if applicable? Explain: _____
27. ☐ ☐ Damage to any structure on the Property by any of the following? (Check all that apply):
28. ☐ Flood ☐ Fire ☐ Wind ☐ Water ☐ Hail ☐ Other _____
29. Explain: _____

HEATING, COOLING AND PLUMBING/SYSTEMS:

30. Heating: Type(s) _____ Cooling: Type(s) _____

YES**NO**

31. ☐ ☐ Are you aware of any present problems with the heating or cooling system(s)?
32. Explain: _____
33. ☐ ☐ Are there any special instructions/filters/service requirements?
34. Explain: _____
35. ☐ ☐ Are you aware of any present plumbing problems?
36. Explain: _____
37. ☐ ☐ Are you aware of any present water pressure problems?
38. Explain: _____
39. Type of water heater(s): ☐ Gas ☐ Electric ☐ Solar Approx. age(s) _____
40. ☐ ☐ Are you aware of any present water heater problems?
41. Explain: _____
42. ☐ ☐ Is the entire Property connected to a sewer? (If yes, skip to line 47)
43. ☐ ☐ Is the Property served by an **On-Site Wastewater Treatment Facility**? (If no, skip to line 47)
44. If yes, the Facility is: ☐ Conventional septic system ☐ Alternative system Type: _____
45. ☐ ☐ If the Facility is an alternative system, is it currently being serviced under a maintenance contract?
46. If yes, name of contractor: _____ Phone #: _____
47. ☐ ☐ Does the Property contain any of the following systems?
48. ☐ landscape watering: If yes, type: ☐ auto timer ☐ manual ☐ both
49. ☐ water treatment: If yes, check all that apply: ☐ water filtration ☐ reverse osmosis ☐ water softener ☐ Other
50. ☐ sump pump
51. ☐ ☐ Are you aware of any present problems or special instructions with any of the systems mentioned above?
52. Explain: _____
53. _____

SWIMMING POOL/SPA/HOT TUB/SAUNA/WATER FEATURE:**YES****NO**

54. ☐ ☐ Does the Property contain any of the following? (Check all that apply):
55. ☐ Swimming pool ☐ Spa ☐ Hot tub ☐ Sauna ☐ Water feature
56. ☐ ☐ If yes, are either of the following heated? ☐ Swimming pool ☐ Spa
57. If yes, type of heat: _____
58. ☐ ☐ Would the swimming pool comply with the applicable swimming pool enclosure/barrier requirements if children reside in or regularly visit the Property?
59. **Note: Owner must furnish Tenant with a Residential Pool Safety Notice prepared by the Arizona Department of Health Services.**
60. _____
61. _____
62. ☐ ☐ Are you aware of any present problems or special instructions relating to the swimming pool, spa, hot tub, sauna or water feature? Explain: _____
63. _____

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ELECTRICAL SYSTEMS:**YES****NO**

64. ☐ ☐ Are you aware of any present problems with the electrical system?
65. ☐ ☐ Does the Property contain any of the following systems? (Check all that apply):
66. ☐ Security system: ☐ Monitored ☐ Yes ☐ No ☐ Other _____
67. ☐ Smoke/fire detection ☐ Fire suppression (sprinklers) ☐ Carbon monoxide detector
68. ☐ Alternate power systems: If yes, indicate type (Check all that apply):
69. ☐ Solar ☐ Wind ☐ Generator ☐ Other _____
70. ☐ ☐ Are you aware of any present problems or special instructions with any of the systems mentioned above?
71. Explain: _____

MISCELLANEOUS:**YES****NO**

72. ☐ ☐ Are you aware of or have you observed any of the following on the Property? (Check all that apply):
73. ☐ Scorpions ☐ Rabid animals ☐ Bees ☐ Rodents ☐ Reptiles ☐ Termites/Other wood destroying organisms
74. ☐ Bed Bugs ☐ Other: _____
75. How often is the Property serviced or treated for pests, reptiles, insects or animals? _____
76. Name of service provider: _____ Date of last service: _____
77. ☐ ☐ Are there any security bars or other obstructions to door or window openings?
78. ☐ ☐ Are you aware of any present problems with any built-in appliances?
79. ☐ ☐ Are there any leased propane tanks, equipment or other systems on the Property?
80. ☐ ☐ Are you aware of any problems or special instructions with any of the items listed above?
81. Explain: _____
82. ☐ ☐ Has the Premises ever been used as a "drop house" (i.e. used to facilitate the transport of persons that are not United States citizens, permanent resident aliens or otherwise lawfully in this state, for profit or commercial purpose)?
83. _____

UTILITIES

84. DOES THE PROPERTY CURRENTLY RECEIVE THE FOLLOWING SERVICES?
- | YES | NO | PROVIDER NAME |
|------------------------------|--------------------------|---|
| 85. <input type="checkbox"/> | <input type="checkbox"/> | Electricity: _____ |
| 86. <input type="checkbox"/> | <input type="checkbox"/> | Fuel: <input type="checkbox"/> Natural gas <input type="checkbox"/> Propane <input type="checkbox"/> Oil _____ |
| 87. <input type="checkbox"/> | <input type="checkbox"/> | Cable: _____ |
| 88. <input type="checkbox"/> | <input type="checkbox"/> | Telephone: _____ |
| 89. <input type="checkbox"/> | <input type="checkbox"/> | Garbage Collection: _____ |
| 90. <input type="checkbox"/> | <input type="checkbox"/> | Fire: _____ |
| 91. <input type="checkbox"/> | <input type="checkbox"/> | Irrigation: _____ |
| 92. <input type="checkbox"/> | <input type="checkbox"/> | Water Source: <input type="checkbox"/> Public <input type="checkbox"/> Private water co. <input type="checkbox"/> Private well <input type="checkbox"/> Shared well <input type="checkbox"/> Hauled water |
| 93. <input type="checkbox"/> | <input type="checkbox"/> | If source is public, private water company, or hauled water: _____ |
| 94. <input type="checkbox"/> | <input type="checkbox"/> | Are you aware of any present drinking water problems? |
| 95. <input type="checkbox"/> | <input type="checkbox"/> | Explain: _____ |

96. **NOTICE TO TENANT: IF THE PROPERTY IS SERVED BY A WELL, PRIVATE WATER COMPANY OR A MUNICIPAL**
97. **WATER PROVIDER, THE ARIZONA DEPARTMENT OF WATER RESOURCES MAY NOT HAVE MADE A WATER SUPPLY**
98. **DETERMINATION. FOR MORE INFORMATION ABOUT WATER SUPPLY, CONTACT THE WATER PROVIDER.**

ENVIRONMENTAL INFORMATION**YES****NO**

99. ☐ ☐ Are you aware of any past or present issues or problems with any of the following on the Property? (Check all that apply):
100. ☐ Soil settlement/expansion ☐ Drainage/grade ☐ Erosion ☐ Fissures ☐ Dampness/moisture ☐ Other
101. ☐ ☐ Are you aware of any past or present issues or problems in close proximity to the Property related to any of the following?
102. (Check all that apply): ☐ Soil settlement/expansion ☐ Drainage/grade ☐ Erosion ☐ Fissures ☐ Other
103. **NOTICE TO TENANT: THE ARIZONA DEPARTMENT OF REAL ESTATE PROVIDES EARTH FISSURE MAPS TO ANY MEMBER**
104. **OF THE PUBLIC IN PRINTED OR ELECTRONIC FORMAT UPON REQUEST AND ON ITS WEBSITE AT www.azre.gov.**

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105. ☐ YES ☐ NO Are you aware if the Property is located within any of the following? (Check all that apply):
106. ☐ Superfund/ WQARF/ CERCLA ☐ Wetlands area
107. ☐ YES ☐ NO Are you aware if the Property is subject to any present or proposed effects of any of the following? (Check all that apply):
108. ☐ Airport noise ☐ Traffic noise ☐ Rail line noise ☐ Neighborhood noise ☐ Landfill ☐ Odors ☐ Nuisances
109. ☐ Toxic waste disposal ☐ Sand/gravel operations ☐ Other: _____
110. ☐ YES ☐ NO Are you aware if any portion of the Property has ever been used as a "Clandestine drug laboratory" (manufacture of,
111. or storage of, chemicals or equipment used in manufacturing methamphetamine, ecstasy or LSD)?

112. **NOTICE TO TENANT: THE ARIZONA BOARD OF TECHNICAL REGISTRATION (BTR) MAINTAINS A LIST OF**

113. **UNREMIEDIATED SITES AT www.azbtr.gov. TO DETERMINE IF THE PROPERTY WAS ONCE ON THE LIST BUT HAS BEEN**

114. **REMIEDIATED, CONTACT THE BTR AT 602-364-4948.**

115. ☐ YES ☐ NO Are you aware if the Property is located in the vicinity of an airport (military, public, or private)?
116. ☐ YES ☐ NO Are you aware of the presence of any of the following on the Property, past or present? (Check all that apply):
117. ☐ Asbestos ☐ Radon gas ☐ Lead-based paint ☐ Pesticides ☐ Underground storage tanks ☐ Fuel/chemical storage
118. ☐ YES ☐ NO Are you aware of any open mine shafts/tunnels or abandoned wells on the Property?
119. If yes, describe location: _____
120. ☐ YES ☐ NO Are you aware if any portion of the Property is in a flood plain/way.
121. ☐ YES ☐ NO Are you aware of any portion of the Property ever having been flooded?
122. ☐ YES ☐ NO Are you aware of any water damage or water leaks of any kind on the Property?
123. ☐ YES ☐ NO Are you aware of any past or present mold growth on the Property?

124. Explain: _____

125. _____

ADDITIONAL INFORMATION

126. Any other components of property not in working order or any additional information:
127. _____
128. _____
129. _____
130. _____

131. **OWNER CERTIFICATION:** Owner certifies that the information contained herein is true and complete to the best of Owner's

132. knowledge as of the date signed. Owner agrees that any material changes in the information contained herein will be disclosed in

133. writing by Owner to Tenant prior to occupancy, including any information that may be revealed by subsequent inspections.

134. _____ MO/DA/YR _____ MO/DA/YR

^ OWNER'S SIGNATURE ^ OWNER'S SIGNATURE

135. **Reviewed and updated:**

136. **Initials:** _____ / _____ MO/DA/YR

OWNER OWNER

137. **TENANT'S ACKNOWLEDGMENT:** Tenant acknowledges that the information contained herein is based only on the Owner's actual

138. knowledge and is not a warranty of any kind. Tenant acknowledges Tenant's obligation to investigate any material (important) facts in

139. regard to the Property.

140. **NOTICE:** Tenant acknowledges that by law, Owners, Lessors and Brokers are not obligated to disclose that the Property is or has

141. been: **(1)** the site of a natural death, suicide, homicide, or any other crime classified as a felony; **(2)** owned or occupied by a person

142. exposed to HIV, diagnosed as having AIDS or any other disease not known to be transmitted through common occupancy of real

143. estate; or **(3)** located in the vicinity of a sex offender.

144. By signing below, Tenant acknowledges receipt only of this form.

145. _____ MO/DA/YR _____ MO/DA/YR

^ TENANT'S SIGNATURE ^ TENANT'S SIGNATURE

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