



Sunday Column

By Cher Miculka, 2021 Chairman

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What do sellers have to disclose to you when you buy a home?

Thank goodness we don't operate in a "buyer beware" environment for home purchases. There's too much at stake. But what exactly are sellers required to tell you about the condition of their home?

Sellers can't sweep problems under the rug

Sellers of single-family homes are required by law to give would-be buyers a disclosure notice. This notice is how sellers fulfill their responsibility of pointing out any problems or circumstances buyers would want to know when considering purchasing the home.

What's on a disclosure form?

The notice lists dozens of items, such as ceiling fans, gas fixtures, and central air conditioning, and provides checkboxes for the seller to specify whether the property has those items. The form also provides space for the seller to list any of those items that are currently in need of repair.

The notice contains a section for known defects to structural components like the roof and foundation. The form also lists conditions such as termite damage, previous flooding, components that contain asbestos, and so on.

For items that need repair, are defective, or should be called to the buyer's attention for another reason, the form provides the seller the opportunity to provide details about that condition or item.

Beware anyway

Even a seller with good intentions may not be aware of every problem with his home. For example, it's possible to have active termites in a structure for quite some time without any visual evidence.

With that type of possibility in mind, most buyers hire an inspector to examine the property and its components. The inspector will tell you if he or she finds potential problems.

Also, there may be some conditions you would like to know about that aren't required to be disclosed. For example, sellers do not have to report the presence of nearby sex offenders. And contrary to what many people think, Texas law does not require disclosure of deaths by natural causes, suicide, or accidents unrelated to the condition of the property.

Not all disclosure notices are the same

The Texas Real Estate Commission provides a disclosure notice that covers everything mandated by state law. The Texas Association of REALTORS® provides its members a disclosure notice that includes additional items. This more comprehensive form helps sellers reduce their risk and gives buyers additional information. As a buyer, you can't require a seller to use this form, but you can discuss with your San Antonio area REALTOR® if there are questions from the TAR disclosure notice that you'd like to pose to the seller.

For more information on buying, selling, or leasing your home in the San Antonio or surrounding areas, visit SABOR.com and use a REALTOR®.

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