



Your source for the disclosure forms and booklets
required by the California Department of Real Estate

CAL DRE #00642780

CalDisclosures

[Editor's Note: The following excerpt is from the California Department of Real Estate's booklet "Disclosures in Real Property Transactions" Part I Transfer and Financing of Real Property, Section I Disclosures Required of a Seller and/or Real Estate Broker/Agent,, 4. Natural Hazards Disclosure]

Natural Hazards Disclosure

Unless the transfer of the property is subject to an exemption from this disclosure, the seller or the seller's agent for this purpose must make appropriate disclosures if the property is in one or more of the following zones or areas:

- **Zone A or Zone V (special flood hazard area)** as designated by the Federal Emergency Management Agency. The seller's agent, or the seller, if acting without an agent, must make this disclosure if:
 - The seller, or the seller's agent has actual knowledge that the property is in a special flood hazard area; or
 - The local jurisdiction has compiled a list of parcels that are in a special flood hazard area and has posted at the offices of the county recorder, county assessor, and county planning agency a notice that identifies the location of the parcel list.

(CAL. GOV'T § 8589.3)

- **An area of potential flooding** shown on a map as an area which will be inundated if a dam fails. The seller's agent, or the seller if acting without an agent, must make this disclosure if:
 - The seller, or the seller's agent, has actual knowledge that the property is within a delineated inundation area; or
 - The local jurisdiction has compiled a list of parcels that are in the inundation area and has posted at the offices of the county recorder, county assessor, and county planning agency a notice that identifies the location of the list.

(CAL. GOV'T § 8589.4)

- **A designated very high fire hazard severity zone.** The seller and the seller's agent must make this disclosure if:

- The seller, or the seller's agent, has actual knowledge that the property is in a designated very high fire hazard severity zone; or
- The local agency has received a map of such properties which includes the seller's property and has posted at the offices of the county recorder, county assessor, and county planning agency a notice that identifies the location of the map and any changes to it.*

(CAL. GOV'T § 51183.5)

- **A designated wildland area ("state responsibility area")** that may contain substantial forest fire risks and hazards. The seller *and the seller's agent* must make this disclosure if:

- the seller or the seller's agent has actual knowledge that the property is in a designated wildland fire zone; or
- the city or county has received a map of such properties which includes the seller's property and has posted at the offices of the county recorder, county assessor, and county planning agency a notice that identifies the location of the map and any changes to it.*

(CAL. PUB. RES. § 4136)

- **An earthquake fault zone.** These zones are over earthquake faults and are usually about one quarter mile in width. The seller's agent, or the seller if acting without an agent, must disclose that the property is in one of these zones if:

- the seller, or the seller's agent, has actual knowledge that the property is within a delineated earthquake fault zone; or
- the city or county has received a map of such properties which includes the seller's property and has posted at the offices of the county recorder, county assessor, and county planning agency a notice that identifies the location of the map and any changes to it.*

(CAL. PUB. RES. § 2621.9)

- **A seismic hazard zone.** In an earthquake, properties in one of these zones may be subject to strong ground shaking, soil liquefaction, or landslide. The seller's agent, or the seller if acting without an agent, must disclose that the property is in one of these zones if:

- the seller, or the seller's agent, has actual knowledge that the property is within a delineated seismic hazard zone; or
- the city or county has received a map of such properties which includes the seller's property and has posted at the offices of the county recorder, county assessor, and county planning agency a notice that identifies the location of the map and any changes to it.*

(CAL. PUB. RES. § 2694)

* **NOTE:** If, when looking at the map, a reasonable person cannot tell with certainty whether the property is in the zone, the seller or seller's agent must mark "YES" on the disclosure form, **unless** there can be attached to the form an expert's report, prepared pursuant to Civil Code Section 1102.4(c), indicating that the property is **not** located in the zone.

These disclosures must be made on the Natural Hazard Disclosure Statement (NHDS) or on the Local Option Real Estate Transfer Disclosure Statement (Local Option Disclosure), if the local jurisdiction has mandated use of a Local Option Disclosure for the same disclosure purposes and the information and warnings are substantially the same as on the NHDS.

The seller or his or her agent may elect to use the services of a third party consultant to complete the NHDS in lieu of completing the NHDS themselves. The use of a third party consultant does not relieve the seller or his/her agent from the obligation to deliver NHDS to the buyer.

(CAL CIV. §§ 1103, 1103.1, 1103.2, 1103.3, 1103.4)

*CalDisclosures recommends purchasing a third party disclosure report to help satisfy this requirement.