

HOUSE BILL NO. 4905

May 25, 2021, Introduced by Reps. O'Neal, Hauck, Glenn, Bellino, Wakeman, Outman, Wozniak, Eisen, Wentworth and Whitsett and referred to the Committee on Appropriations.

A bill to amend 1993 PA 92, entitled
"Seller disclosure act,"
by amending section 7 (MCL 565.957), as amended by 2005 PA 163.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) The disclosures required by this act ~~shall~~**must** be
2 made on the following form:

SELLER'S DISCLOSURE STATEMENT

4 **Property Address:**

5 _____ Street

6 _____ Michigan

City, Village, or Township

Purpose of Statement: This statement is a disclosure of the condition of the property in compliance with the seller disclosure act. This statement is a disclosure of the condition and information concerning the property, known by the seller. Unless otherwise advised, the seller does not possess any expertise in construction, architecture, engineering, or any other specific area related to the construction or condition of the improvements on the property or the land. Also, unless otherwise advised, the seller has not conducted any inspection of generally inaccessible areas such as the foundation or roof. This statement is not a warranty of any kind by the seller or by any agent representing the seller in this transaction, and is not a substitute for any inspections or warranties the buyer may wish to obtain.

Seller's Disclosure: The seller discloses the following information with the knowledge that even though this is not a warranty, the seller specifically makes the following representations based on the seller's knowledge at the signing of this document. ~~Upon receiving~~ **On receipt of** this statement from the seller, the seller's agent ~~is required to~~ **shall** provide a copy to the buyer or the agent of the buyer. The seller authorizes ~~its agent(s)~~ **the seller's agent or agents** to provide a copy of this statement to any prospective buyer in connection with any actual or anticipated sale of property. The following are representations made solely by the seller and are not the representations of the seller's ~~agent(s), agent or agents~~, if any. **THIS INFORMATION IS A DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY CONTRACT BETWEEN BUYER AND SELLER.**

Instructions to the Seller: (1) Answer ALL questions. (2)

Report known conditions affecting the property. (3) Attach additional pages with your signature if additional space is required. (4) Complete this form yourself. (5) If some items do not apply to your property, check NOT AVAILABLE. If you do not know the facts, check UNKNOWN. FAILURE TO PROVIDE A PURCHASER WITH A SIGNED DISCLOSURE STATEMENT WILL ENABLE A PURCHASER TO TERMINATE AN OTHERWISE BINDING PURCHASE AGREEMENT.

Appliances/Systems/Services: The items below are in working order (the items below are included in the sale of the property only if the purchase agreement so provides):

	Yes	No	Unknown	Not Available
Range/ Over oven	_____	_____	_____	_____
Dishwasher	_____	_____	_____	_____
Refrigerator	_____	_____	_____	_____
Hood/fan	_____	_____	_____	_____
Disposal	_____	_____	_____	_____
TV antenna, TV rotor & controls	_____	_____	_____	_____
Electrical system	_____	_____	_____	_____
Garage door opener & remote control	_____	_____	_____	_____
Alarm system	_____	_____	_____	_____
Intercom	_____	_____	_____	_____
Central vacuum	_____	_____	_____	_____
Attic fan	_____	_____	_____	_____
Pool heater, wall liner & equipment	_____	_____	_____	_____

1	Microwave	_____	_____	_____	_____
2	Trash compactor	_____	_____	_____	_____
3	Ceiling fan	_____	_____	_____	_____
4	Sauna/hot tub	_____	_____	_____	_____
5	Washer	_____	_____	_____	_____
6	Dryer	_____	_____	_____	_____
7	Lawn sprinkler system	_____	_____	_____	_____
8	Water heater	_____	_____	_____	_____
9	Plumbing system	_____	_____	_____	_____
10	Water softener/conditioner	_____	_____	_____	_____
11	Well & pump	_____	_____	_____	_____
12	Septic tank & drain field	_____	_____	_____	_____
13	Sump pump	_____	_____	_____	_____
14	City Water System water system	_____	_____	_____	_____
15	City Sewer System sewer system	_____	_____	_____	_____
16	Central air conditioning	_____	_____	_____	_____
17	Central heating system	_____	_____	_____	_____
18	Wall furnace	_____	_____	_____	_____
19	Humidifier	_____	_____	_____	_____
20	Electronic air filter	_____	_____	_____	_____
21	Solar heating system	_____	_____	_____	_____
22	Fireplace & chimney	_____	_____	_____	_____
23	Wood burning system	_____	_____	_____	_____

24

25 Explanations (attach additional sheets if necessary):

26 _____

27 _____

28 _____

29 _____

UNLESS OTHERWISE AGREED, ALL HOUSEHOLD APPLIANCES ARE SOLD IN
WORKING ORDER EXCEPT AS NOTED, WITHOUT WARRANTY BEYOND DATE
OF CLOSING.

Property conditions, improvements & additional information:

1. Basement/crawl space: Has there been evidence of water?

yes____ no____

If yes, please explain: _____

2. Insulation: Describe, if known _____

Urea Formaldehyde Foam Insulation (UFFI) is installed?

unknown____ yes____ no____

3. Roof: Leaks? yes____ no____

Approximate age if known _____

4. Well: Type of well (depth/diameter, age, and repair

history, if known): _____

Has the water been tested? yes____ no____

If yes, date of last report/results: _____

5. Septic tanks/drain fields: Condition, if known: _____

6. Heating ~~System~~ system: Type/approximate age:

7. Plumbing system: Type: copper____ galvanized____ other____

Any known problems? _____

8. Electrical system: Any known problems? _____

9. History of infestation, if any: (termites, carpenter ants,
etc.) _____

10. Environmental ~~Problems: problems~~: Are you aware of any substances,

materials, or products that may be an environmental hazard such as, but not limited to, asbestos, radon gas, formaldehyde, lead-based paint, fuel or chemical storage tanks ~~and-or~~ contaminated soil on the property? ~~-~~

unknown____ yes____ no____

If yes, please explain: _____

11. Flooding: Are you aware of whether the property is located in an inundation zone?

unknown____ yes____ no____

If yes, did you provide the buyer with a map of the property showing the property's location in the inundation zone?

yes____ no____

12. ~~11.~~ Flood insurance: Do you have flood insurance on the property?

unknown____ yes____ no____

13. ~~12.~~ Mineral rights: Do you own the mineral rights?

unknown____ yes____ no____

Other ~~Items: items~~: Are you aware of any of the following:

1. Features of the property shared in common with the adjoining landowners, such as walls, fences, roads and driveways, or other features whose use or responsibility for maintenance may have an effect on the property?

unknown____ yes____ no____

2. Any encroachments, easements, zoning violations, or nonconforming uses?

unknown____ yes____ no____

3. Any "common areas" (facilities like pools, tennis courts, walkways, or other areas co-owned with others), or a

- 1 homeowners' association that has any authority over the
2 property? unknown___ yes___ no___
- 3 4. Structural modifications, alterations, or repairs made
4 without necessary permits or licensed contractors?
5 unknown___ yes___ no___
- 6 5. Settling, flooding, drainage, structural, or grading
7 problems? unknown___ yes___ no___
- 8 6. Major damage to the property from fire, wind, floods,
9 landslides? unknown___ yes___ no___
- 10 7. Any underground storage tanks?
11 unknown___ yes___ no___
- 12 8. Farm or farm operation in the vicinity; or proximity to a
13 landfill, airport, shooting range, etc.?
14 unknown___ yes___ no___
- 15 9. Any outstanding utility assessments or fees, including any
16 natural gas main extension surcharge?
17 unknown___ yes___ no___
- 18 10. Any outstanding municipal assessments or fees?
19 unknown___ yes___ no___
- 20 11. Any pending litigation that could affect the property or
21 or the seller's right to convey the property?
22 unknown___ yes___ no___

23 If the answer to any of these questions is yes, please explain.

24 Attach additional sheets, if necessary: _____

25 _____

26 _____

27 _____

28 _____

29 _____

1 The seller has lived in the residence on the property from
2 _____ (date) to _____ (date). The
3 seller has owned the property since _____ (date).
4 The seller has indicated above the condition of all the items
5 based on information known to the seller. If any changes occur
6 in the structural/mechanical/appliance systems of this property
7 from the date of this form to the date of closing, seller will
8 immediately disclose the changes to buyer. In no event shall
9 the parties hold the broker liable for any representations not
10 directly made by the broker or broker's agent.
11 Seller certifies that the information in this statement is true
12 and correct to the best of seller's knowledge as of the date of
13 seller's signature.
14

1 BUYER SHOULD OBTAIN PROFESSIONAL ADVICE AND INSPECTIONS
 2 OF THE PROPERTY TO MORE FULLY DETERMINE THE CONDITION OF
 3 THE PROPERTY. THESE INSPECTIONS SHOULD TAKE INDOOR AIR
 4 AND WATER QUALITY INTO ACCOUNT, AS WELL AS ANY EVIDENCE
 5 OF UNUSUALLY HIGH LEVELS OF POTENTIAL ALLERGENS
 6 INCLUDING, BUT NOT LIMITED TO, HOUSEHOLD MOLD, MILDEW,
 7 AND BACTERIA.

8 BUYERS ARE ADVISED THAT CERTAIN INFORMATION COMPILED
 9 PURSUANT TO THE SEX OFFENDERS REGISTRATION ACT, 1994 PA
 10 295, MCL 28.721 TO ~~28.736~~, **28.730**, IS AVAILABLE TO THE
 11 PUBLIC. BUYERS SEEKING THAT INFORMATION SHOULD CONTACT
 12 THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY OR
 13 SHERIFF'S DEPARTMENT DIRECTLY.

14 BUYER IS ADVISED THAT THE STATE EQUALIZED VALUE OF THE
 15 PROPERTY, PRINCIPAL RESIDENCE EXEMPTION INFORMATION, AND
 16 OTHER REAL PROPERTY TAX INFORMATION IS AVAILABLE FROM
 17 THE APPROPRIATE LOCAL ASSESSOR'S OFFICE.
 18

19 Seller_____ Date_____

20 Seller_____ Date_____

21
 22 Buyer has read and acknowledges receipt of this statement.

23 Buyer_____ Date_____ Time:_____

24 Buyer_____ Date_____ Time:_____

25 (2) A form described in subsection (1) printed before January
 26 1, 2006 that ~~was in compliance~~ **complies** with this section at that
 27 time may be ~~utilized~~ **used** and ~~shall be~~ **is** considered **to be** in
 28 compliance with this section until April 1, 2006.