



Lease/Rental Disclosure Chart

Member Legal Services
 Tel (213) 739-8282
 Fax (213) 480-7724
 Jan. 1, 2011

REALTORS® know very well the importance, and the complexity, of the various state and federal disclosure laws governing real estate transactions in California. Lease/Rental Disclosure Chart is designed to provide REALTORS® and their clients with an easy-to-use reference guide for determining the applicability of these laws to the lease and rental transactions most commonly handled by real estate agents. Leases with an option to purchase and long-term ground leases are treated like sales transactions, not leases, for disclosure purposes. Furthermore, this chart does not address the disclosure requirements for non-residential lease transactions.

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
Agency Disclosure/ Confirmation	Required only for written leases of more than one year duration.	C.A.R. Forms AD and AC-6	Cal. Civ. Code § 2079.13(j).
Carbon Monoxide Detector Compliance	The landlord or agent must maintain carbon monoxide detector devices in each dwelling unit if the rental unit has a fossil fuel burning heater or appliance, fireplace, or an attached garage on or before July 1, 2011 for a single-family unit and on or before Jan. 1, 2013 for all other existing dwelling units.	No statement of compliance is required.	Cal. Health & Safety Code § 17926.1.
Death (in last 3 years)	The landlord or agent has no liability for not disclosing the fact of any death that occurred more than 3 years prior to the date the tenant offers to lease or rent the property. Any death which has occurred within a 3-year period should be disclosed if deemed to be "material."	C.A.R. Form SSD or SPQ may be used	Cal. Civ. Code § 1710.2. See also Legal Q&A: Disclosure of Death and AIDS and the Prohibition Against Discrimination on the Basis of AIDS.

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
	<p>Affliction with AIDS or death from AIDS, no matter when it occurred, need not be voluntarily disclosed.</p> <p>Neither a landlord nor an agent may make an intentional misrepresentation in response to a direct question concerning deaths on the property. The landlord or agent may simply refuse to answer a question (about HIV or AIDS) indicating that any such information, if known, is confidential and private.</p>		
Foreclosure Notice	<p>At the same time that a Notice of Trustee's Sale is being posted on the rental property, the trustee or authorized agent must post this foreclosure notice on the property and the mortgagee, trustee, beneficiary, or authorized agent must also mail this notice in an envelope addressed to the "Resident of property subject to foreclosure sale."</p>	<p>For a copy of this foreclosure notice required by Civil Code Section 2924.8 click here.</p>	<p>Cal. Civ. Code § 2924.8.</p>
Gas/Electric Meters	<p>If the rental unit does not have a separate gas and electric meter, then the landlord must disclose this fact to the tenant and contract for the payment of the meter usage outside of the tenant's unit.</p>		<p>Cal. Civ. Code § 1940.9.</p>
Lead Hazard Pamphlet	<p>For a lease or rental of all residential property, built before Jan. 1, 1978, the landlord must provide the tenant with a lead hazard information pamphlet,</p>	<p>Pamphlet: <i>Protect Your Family From Lead In Your Home</i></p> <p>(incorporated in Residential</p>	<p>42 USC § 4852d; 40 CFR 745.80 <i>et seq.</i></p> <p>See also Legal Q&As: Federal Lead-</p>

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
	<p>disclose the presence of any known lead-based paint and provide a statement signed by the tenant that the tenant has read the warning statement and has received the pamphlet.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> • zero-bedroom dwelling (loft, efficiency unit, dorm, or studio) • short-term rental (100 or fewer days) • housing for elderly or handicapped (unless children live there) • rental housing certified free of lead paint 	<p>Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants)</p> <p>C.A.R. Form FLD</p>	<p>Based Paint Hazard Disclosures, and Federal Lead-Based Paint Renovation Rule.</p> <p>(Prior to major renovation of HUD-owned property or those with an FHA loan, tenants must be given the pamphlet.)</p>
<p>Megan's Law Disclosure (Registered Sex Offender Database)</p>	<p>Every lease or rental agreement for residential real property is required to include a statutorily-defined notice regarding the existence of public access to database information regarding sex offenders.</p>	<p>C.A.R. Forms LR, LR-S, IOA, and RLAS contain the statutory language.</p>	<p>Cal. Civ. Code § 2079.10a.</p> <p>See also Legal Q&A: Megan's Law: Disclosure of Registered Sex Offenders.</p>
<p>Military Ordnance Location</p>	<p>Disclosure is required when the landlord of residential property has actual knowledge that a former military ordnance location (military training grounds which may contain explosives) is within one mile of the property. The landlord must disclose in writing to the tenant, that these former federal or state military ordnance locations may contain potentially explosive munitions.</p>	<p>C.A.R. Form SSD or SPQ may be used</p>	<p>Cal. Civ. Code § 1940.7.</p>

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
<p>Meth Lab Clean-Up Order (Release of Illegal Controlled Substance Remediation Order)</p>	<p>In the event that toxic contamination by an illegal controlled substance has occurred on a property and upon receipt of a notice from the Dept. of Toxic Substances Control (DTSC) or a Local Health Officer, the landlord must give a prospective tenant a copy of this order which must be attached to the rental agreement. Non-compliance with this law permits the tenant to void the rental agreement.</p>	<p>C.A.R. Form MCN may be used</p>	<p>Cal. Health & Safety Code §§ 25400.28, 25400.11.</p>
<p>Mold</p>	<p>There are no current disclosure or inspection requirements until after the Dept. of Health Services (DHS) develops permissible exposure limits for mold and a consumer booklet. The landlord should disclose actual knowledge of toxic mold on the property.</p>		<p>Cal. Health & Safety Code §§ 26100 <i>et seq.</i></p> <p>See also Legal Q&A: Mold and Its Impact on Real Estate Transactions.</p>
<p>Pest Control Notice</p>	<p>The landlord of a residential rental unit must give each tenant a copy of the notice provided by the registered structural pest control company if a contract for periodic pest control service has been signed.</p>		<p>Cal. Civ. Code § 1940.8; Cal. Bus. & Prof. Code § 8538 (notice language).</p>

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
<p>Proposition 65 Warning Notice</p>	<p>The law applies to a "person in the course of doing business" employing 10 or more employees in his or her business.</p>	<p>It is recommended that the landlord post a copy of the Proposition 65 Warning Notice* visible to tenants to avoid potential violations and civil lawsuits since certain chemicals on the list such as tobacco smoke or motor vehicle exhaust may be regularly released into the environment.</p> <p>* "WARNING: THIS FACILITY CONTAINS ONE OR MORE CHEMICALS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER, BIRTH DEFECTS OR REPRODUCTIVE HARM. CALIFORNIA HEALTH AND SAFETY CODE SEC. 25249.6."</p>	<p>Cal. Health & Safety Code §§ 25249.5 <i>et seq.</i></p> <p>See 22 Cal. Code Regs. § 12601 for the rules regarding the warning sign.</p>

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
Smoke Detector Compliance	<p>All existing dwelling units must have a smoke detector centrally located outside each sleeping area (bedroom or group of bedrooms).</p> <p>In addition, new construction (with a permit after Aug. 14, 1992) must have a hard-wired smoke detector in each bedroom.</p> <p>Any additions, modifications, or repairs (after Aug. 14, 1992) exceeding \$1,000 for which a permit is required or the addition of any bedroom will also trigger the requirement of a smoke detector in each bedroom. (These may be battery operated.)</p> <p>LOCAL LAW MAY BE MORE RESTRICTIVE! Check with the local City or County Department of Building and Safety.</p>		<p>Cal. Health & Safety Code §§ 13113.7, 13113.8, 18029.6.</p> <p>See also Legal Q&A: Smoke Detector Requirements.</p>
Water Conserving Fixtures Compliance	<p>On and after Jan. 1, 2019, the water-conserving plumbing fixtures must be operating at the manufacturer's rated water consumption at the time that the tenant takes possession.</p>		<p>Cal. Civ. Code § 1101.5(c).</p>
Water Heater Bracing Compliance	<p>All owners of existing residential water heaters must brace, anchor or strap water heaters to resist falling or horizontal displacement due to earthquake motion.</p> <p>It is considered a nuisance and a violation of the law if the property does not have the water heater strapped.</p>		<p>Cal. Health & Safety Code § 19211.</p> <p>See also Legal Q&A: Water Heater Bracing And Disclosure Requirements.</p>

This chart is just one of the many legal publications and services offered by C.A.R. to its members. For a complete listing of C.A.R.'s legal products and services, please visit car.org.

Readers who require specific advice should consult an attorney. C.A.R. members requiring legal assistance may contact C.A.R.'s Member Legal Hotline at (213) 739-8282, Monday through Friday, 9 a.m. to 6 p.m. and Saturday, 10 a.m. to 2 p.m. C.A.R. members who are broker-owners, office managers, or Designated REALTORS® may contact the Member Legal Hotline at (213) 739-8350 to receive expedited service. Members may also submit online requests to speak with an attorney on the Member Legal Hotline by going to <http://www.car.org/legal/legal-hotline-access/>. Written correspondence should be addressed to:

CALIFORNIA ASSOCIATION OF REALTORS®
Member Legal Services
525 South Virgil Avenue
Los Angeles, CA 90020

Copyright© 2011 CALIFORNIA ASSOCIATION OF REALTORS® (C.A.R.). Permission is granted to C.A.R. members only to reprint and use this material for non-commercial purposes provided credit is given to the C.A.R. Legal Department. Other reproduction or use is strictly prohibited without the express written permission of the C.A.R. Legal Department. All rights reserved. Revised by Sonia M. Younglove, Esq.

The information contained herein is believed accurate as of Jan. 1, 2011. It is intended to provide general answers to general questions and is not intended as a substitute for individual legal advice. Advice in specific situations may differ depending upon a wide variety of factors. Therefore, readers with specific legal questions should seek the advice of an attorney.