



Pennsylvania
Association of
REALTORS®

*The Voice for Real Estate
in Pennsylvania*

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Pennsylvania Association of REALTORS® (PAR)

Testimony on Carbon Monoxide Detectors

Presented by Todd Polinchock

Good morning Chairman Godshall, Representative Farry and members of the House Consumer Affairs Committee. My name is Todd Polinchock and I have been in the real estate business since 2002. I am a Past President of the Bucks County Association of Realtors® and Chair of the Business Issues Subcommittee at the Pennsylvania Association of Realtors® (PAR).

I am here to present testimony in support of adding carbon monoxide (CO) detectors to the Seller's Property Disclosure Statement. I was pleased to see this in both SB 920 and HB 2301 because it is by far the common sense approach to addressing this important issue and keeping Pennsylvanians safe from CO poisoning.

The Seller's Property Disclosure Statement, or Seller's Disclosure, has been required in real estate transactions since 1996 to effectively highlight a range of features and deficiencies with the property. A seller must complete the form to the best of his knowledge. The form allows the seller's agent to open dialogue with his client about improvements that could be done in good faith to allow the transaction to continue. At this point, seller agents can take this opportunity to educate and explain to their client what is needed to comply with the CO detector regulation.

Seller's Disclosure is used as a negotiating tool between a buyer and a seller to determine who will be responsible for installing a CO detector. By including the CO detector in the Seller's Disclosure



form, it becomes part of the established real estate transaction, and protects the homebuyer in the same fashion as with smoke detectors.

Thank you again for the opportunity to speak with you about CO detectors and Seller's Disclosure. I am available at this time for questions.



SELLER'S PROPERTY DISCLOSURE STATEMENT

SPD

This form recommended and approved for, but not restricted to use by, the members of the Pennsylvania Association of REALTORS® (PAR).

PROPERTY SELLER

The Real Estate Seller Disclosure Law (68 P.S. §7301 et seq.) requires that a seller of a property must disclose to a buyer all known material defects about the property being sold that are not readily observable. While the Law requires certain disclosures, this disclosure statement covers common topics beyond the basic requirements of the Law in an effort to assist sellers in complying with disclosure requirements and to assist buyers in evaluating the property being considered. Sellers who wish to see or use the basic disclosure form can find the form on the Web site of the Pennsylvania State Real Estate Commission.

This Statement discloses Seller's knowledge of the condition of the property as of the date signed by Seller and is not a substitute for any inspections or warranties that Buyer may wish to obtain. This Statement is not a warranty of any kind by Seller or a warranty or representation by any listing real estate broker, any selling real estate broker, or their licensees. Buyer is encouraged to address concerns about the conditions of the property that may not be included in this Statement. This Statement does not relieve Seller of the obligation to disclose a material defect that may not be addressed on this form.

A Material Defect is a problem with a residential real property or any portion of it that would have a significant adverse impact on the value of the property or that involves an unreasonable risk to people on the property. The fact that a structural element, system or subsystem is at or beyond the end of the normal useful life of such a structural element, system or subsystem is not by itself a material defect.

1. **SELLER'S EXPERTISE** Seller does not possess expertise in contracting, engineering, architecture, environmental assessment or other areas related to the construction and conditions of the property and its improvements, except as follows: _____

2. OWNERSHIP/OCCUPANCY

(a) Is the property currently occupied? Yes No If "yes," by whom? Seller Other occupants (tenants)

If property is not occupied, when was it last occupied? _____

(b) How long have you owned the property? _____

(c) Are you aware of any pets having lived in the house or other structures during your ownership? Yes No

If "yes," describe: _____

3. ROOF

(a) Date roof installed: _____ Documented? Yes No Unknown

(b) Has the roof been replaced or repaired during your ownership? Yes No

If "yes," was the existing roofing material removed? Yes No Unknown

(c) Has the roof ever leaked during your ownership? Yes No

(d) Are you aware of any problems with the roof, gutters, flashing or downspouts? Yes No

Explain any "yes" answers in this section, including the location and extent of any problem(s) and any repair or remediation efforts: _____

4. BASEMENTS AND CRAWL SPACES (Complete only if applicable)

(a) Does the property have a sump pump? Yes No Unknown

If "yes," has it ever run? Yes No Unknown Is it in working order? Yes No Unknown

(b) Are you aware of any water leakage, accumulation, or dampness within the basement or crawl space? Yes No

(c) Do you know of any repairs or other attempts to control any water or dampness problem in the basement or crawl space? Yes No

Explain any "yes" answers in this section, including the location and extent of any problem(s) and any repair or remediation efforts: _____

5. TERMITES/WOOD-DESTROYING INSECTS, DRYROT, PESTS

(a) Are you aware of any termites/wood-destroying insects, dryrot, or pests affecting the property? Yes No

(b) Are you aware of any damage to the property caused by termites/wood-destroying insects, dryrot, or pests? Yes No

(c) Is your property currently under contract by a licensed pest control company? Yes No

(d) Are you aware of any termite/pest control reports or treatments for the property? Yes No

Explain any "yes" answers in this section, including the name of any service/treatment provider, if applicable: _____

6. STRUCTURAL ITEMS

(a) Are you aware of any past or present water leakage in the house or other structures? Yes No

(b) Are you aware of any past or present movement, shifting, deterioration, or other problems with walls, foundations, or other structural components? Yes No

(c) Are you aware of any past or present problems with driveways, walkways, patios, or retaining walls on the property? Yes No

(d) Is your property constructed with an Exterior Insulating Finishing System (EIFS), such as Dryvit or synthetic stucco?

Yes No Unknown If yes, date installed, if known _____

(e) Are there any defects (including stains) in flooring or floor coverings? Yes No Unknown

(f) Are you aware of any fire, storm, water or ice damage to the property? Yes No

Explain any "yes" answers in this section, including the location and extent of any problem(s) and any repair or remediation efforts: _____

Buyer Initials: _____ Date _____

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Seller Initials: _____ Date _____



7. **ADDITIONS/ALTERATIONS** Have any additions, structural changes, or other alterations been made to the property during your ownership? Yes No

If yes, list additions, structural changes, or alterations (use additional sheets if necessary).	Approximate date of work	Were permits obtained? (Yes/No/Unknown)	Were final inspections/approvals obtained? (Yes/No/Unknown)

Note to Buyer: The PA Construction Code Act, 35 P.S. §7210.101 et seq. (effective 2004), and local codes establish standards for building and altering properties. Buyers should check with the municipality to determine if permits and/or approvals were necessary for disclosed work and if so, whether they were obtained. Where required permits were not obtained, the municipality might require the current owner to upgrade or remove changes made by prior owners. Buyers can have the property inspected by an expert in codes compliance to determine if issues exist. Expanded title insurance policies may be available for Buyers to cover the risk of work done to the property by previous owners without a permit or approval.

8. WATER SUPPLY

- (a) What is the source of your drinking water? Public Water Well on Property Community Water None Other (explain): _____
- (b) When was your water last tested? _____ Test results: _____
If your drinking water source is not public, is the pumping system in working order? Yes No
If "no," explain: _____
- (c) Do you have a softener, filter, or other treatment system? Yes No
If you do not own the system, explain: _____
- (d) Have you ever had a problem with your water supply? Yes No
- (e) Has your well ever run dry? Yes No Not Applicable
- (f) Is there a well on the property not used as the primary source of drinking water? Yes No
If yes, is the well capped? Yes No
- (g) Is the water system shared? Yes No
- (h) Are you aware of any leaks or other problems, past or present, relating to the water supply, pumping system, and related items? Yes No

Explain any "yes" answers in this section, including the location and extent of any problem(s) and any repair or remediation efforts:

9. SEWAGE SYSTEM

- (a) What is the type of sewage system? Public Sewer Individual On-lot Sewage Disposal System Individual On-lot Sewage Disposal System in Proximity to Well Community Sewage Disposal System Ten-acre Permit Exemption Holding Tank None None Available/Permit Limitations in Effect
Other type of sewage system (explain): _____
- (b) If Individual On-lot sewage system, what type? Cesspool Drainfield Unknown
Other (specify): _____
- (c) Are there any septic tanks on the Property? Yes No Unknown
If "yes," what type of tank(s)? Metal/steel Cement/concrete Fiberglass Unknown
Other (specify): _____
- (d) When was the on-site sewage disposal system last serviced? _____
- (e) Are there any sewage pumps located on the property? Yes No
If yes, type(s) of pump(s) _____ Are pump(s) in working order? Yes No
Who is responsible for maintenance of sewage pumps? _____
- (f) Is the sewage system shared? Yes No
- (g) Are you aware of any past or present leaks, backups, or other problems relating to the sewage system and related items? Yes No

Explain any "yes" answers in this section, including the location and extent of any problem(s) and any repair or remediation efforts:

10. PLUMBING SYSTEM

- (a) Type of plumbing (check all that apply): Copper Galvanized Lead PVC Polybutylene pipe (PB) Mixed Unknown Other (explain): _____
- (b) Are you aware of any problems with any of your plumbing fixtures (e.g., including but not limited to: kitchen, laundry, or bathroom fixtures; wet bars; etc.)? Yes No
If "yes," explain: _____

11. DOMESTIC WATER HEATING

- (a) Type of water heating: Electric Natural Gas Fuel Oil Propane Solar Summer/Winter Hook-Up
Other (explain): _____
- (b) Are you aware of any problems with any water heater or related equipment? Yes No
If "yes," explain: _____

122 12. AIR CONDITIONING SYSTEM 123

122 (a) Type of air conditioning: ___ Central Air ___ Wall Units ___ Window Units ___ None 123

123 Other (explain): _____ 124

124 Number of window units included in sale ___ Location(s) _____ 125

125 (b) Age of Central Air Conditioning System: _____ Unknown Date last serviced, if known _____ 126

126 (c) List any areas of the house that are not air conditioned: _____ 127

127 (d) Are you aware of any problems with any item in this section? ___ Yes ___ No 128

128 If "yes," explain: _____ 129

129 13. HEATING SYSTEM 130

130 (a) Type(s) of heating fuel(s) (check all that apply): ___ Electric ___ Fuel Oil ___ Natural Gas ___ Propane 131

131 ___ Coal ___ Wood ___ Other: _____ 132

132 (b) Type(s) of heating system(s) (check all that apply): ___ Forced Hot Air ___ Hot Water ___ Heat Pump 133

133 ___ Electric Baseboard ___ Steam ___ Wood Stove (How many? ___) ___ Coal Stove (How many? ___) 134

134 ___ Other: _____ 135

135 (c) Age of Heating System: _____ Unknown Date last serviced, if known _____ 136

136 (d) Are there any fireplaces? ___ Yes ___ No If "yes," how many? ___ Are they working? ___ Yes ___ No 137

137 (e) Are there any chimneys (from a fireplace, water heater or any other heating system)? ___ Yes ___ No 138

138 If "yes," how many? ___ When were they last cleaned? _____ Unknown _____ 139

139 Are they working? ___ Yes ___ No If "no," explain: _____ 140

140 (f) List any areas of the house that are not heated: _____ 141

141 (g) Are you aware of any heating fuel tanks on the property? ___ Yes ___ No 142

142 Location(s), including underground tank(s): _____ 143

143 If you do not own the tanks, explain: _____ 144

144 Are you aware of any problems or repairs needed regarding any item in this section? ___ Yes ___ No 145

145 If "yes," explain: _____ 146

147 14. ELECTRICAL SYSTEM 148

148 (a) Type of Electrical System: ___ Fuses ___ Circuit Breakers How Many Amps? ___ ___ Unknown 149

149 (b) Are you aware of any knob and tube wiring in the home? ___ Yes ___ No 150

150 Are you aware of any problems or repairs needed in the electrical system? ___ Yes ___ No 151

151 If "yes," explain: _____ 152

153 15. OTHER EQUIPMENT AND APPLIANCES 154

154 This section must be completed for each item that will, or may, be sold with the property. The fact that an item is listed does 155

155 not mean it is included in the Agreement of Sale. Terms of the Agreement of Sale negotiated between Buyer and Seller will 156

156 determine which items, if any, are included in the purchase of the Property. 157

157 (a) ___ Electric Garage Door Opener Number of Transmitters ___ Keyless Entry ___ 158

158 (b) ___ Smoke Detectors How many? ___ Location(s) _____ 159

159 (c) ___ Security Alarm System ___ Owned ___ Leased (Lease Information _____) 160

160 (d) ___ Lawn Sprinkler(s) How many? ___ Automatic Timer _____ 161

161 (e) ___ Swimming Pool ___ Hot Tub/Spa ___ Pool/Spa Heater ___ Pool/Spa Cover ___ Whirlpool/Tub 162

162 ___ Pool/Spa Equipment and Accessories (list): _____ 163

163 (f) ___ Refrigerator(s) ___ Range/Oven ___ Microwave Oven ___ Dishwasher ___ Trash Compactor 164

164 ___ Garbage Disposal ___ Chest Freezer ___ Washer ___ Dryer ___ Intercom 165

165 (g) ___ Ceiling Fan(s) How many? ___ Location(s) _____ 166

166 (h) ___ Awnings ___ Attic Fan(s) ___ Satellite Dish ___ Storage Shed ___ Deck(s) ___ Electric Animal Fence 167

167 (i) ___ Other: _____ 168

168 Are you aware of any problems or repairs needed regarding any item in this section? ___ Yes ___ No 169

169 If "yes," explain: _____ 170

171 16. LAND (SOILS, DRAINAGE, FLOODING AND BOUNDARIES) 172

172 (a) Land/Soils 173

173 1) Are you aware of any fill or expansive soil on the property? ___ Yes ___ No 174

174 2) Are you aware of any sliding, settling, earth movement, upheaval, subsidence, or earth stability problems that have 175

175 occurred on or affect the property? ___ Yes ___ No 176

176 3) Are you aware of any existing, past or proposed mining, strip-mining, or any other excavations that might affect this 177

177 property? ___ Yes ___ No 178

178 Note to Buyer: The property may be subject to mine subsidence damage. Maps of the counties and mines where mine subsidence 179

179 damage may occur and mine subsidence insurance are available through: Department of Environmental Protection, Mine Subsidence 180

180 Insurance Fund, 25 Technology Drive, California Technology Park, Coal Center, PA 15423 (800) 922-1678 (within Pennsylvania) or 181

181 (724) 769-1100 (outside Pennsylvania). 182

182 Buyer Initials: _____ Date _____ SPD Page 3 of 5 Seller Initials: _____ Date _____ 183

- 4) Is the property, or a portion of it, preferentially assessed for tax purposes, or subject to limited development rights?
 Yes No If "yes", check all that apply below:
 Farmland and Forest Land Assessment Act - 72 P.S. §5490.1 et seq. (Clean and Green Program)
 Open Space Act - 16 P.S. §11941 et seq.
 Agricultural Area Security Law - 3 P.S. §901 et seq. (Development Rights)
 Other _____

Note to Buyer: Pennsylvania has enacted the Right to Farm Act (3 P.S. § 951-957) in an effort to limit the circumstances under which agricultural operations may be subject to nuisance suits or ordinances. Buyers are encouraged to investigate whether any agricultural operations covered by the Act operate in the vicinity of the property.

- 5) Are you aware of sewage sludge (other than commercially available fertilizer products) being spread on the property, or have you received written notice of sewage sludge being spread on an adjacent property? Yes No
 6) Are you aware of the transfer, sale and/or lease of any of the following property rights (by you or a previous owner of the property)? Timber Coal Oil Natural Gas Other minerals _____

Note to Buyer: Before entering into an agreement of sale, Buyer can investigate the status of these rights by, among other means, engaging legal counsel, obtaining a title examination of unlimited years and searching the official records in the county Office of the Recorder of Deeds, and elsewhere. Buyer is also advised to investigate the terms of any existing leases, as Buyer may be subject to terms of those leases.

Explain any "yes" answers in this section: _____

(b) Flooding/Drainage

- 1) Is any part of this property located in a wetlands area or a FEMA flood zone? Yes No Unknown
 2) Do you know of any past or present drainage or flooding problems affecting the property? Yes No

Explain any "yes" answers in this section, including dates and extent of flooding: _____

(c) Boundaries

- 1) Do you know of any encroachments, boundary line disputes, or easements affecting the property? Yes No

Note to Buyer: Most properties have easements for utility services and other reasons. These easements generally do not restrict the ordinary use of the property and Seller may not be aware of them. Before entering into an agreement of sale, Buyers can investigate the existence of easements and similar restrictions by ordering an Abstract of Title or searching the official records in the county Office of the Recorder of Deeds.

- 2) Do you access the property from a private road or lane? Yes No
 If yes, do you have a recorded right of way or maintenance agreement? Yes No
 3) Are you aware of any shared or common areas (e.g., driveways, bridges, docks, walls, etc.) or maintenance agreements?
 Yes No

Explain any "yes" answers in this section: _____

17. HAZARDOUS SUBSTANCES AND ENVIRONMENTAL ISSUES

- (a) Are you aware of any underground tanks (other than home heating fuel or septic tanks disclosed above)? Yes No
 (b) Are you aware of any past or present hazardous substances present on the property (structure or soil) such as, but not limited to, asbestos or polychlorinated biphenyls (PCBs), etc.? Yes No
 (c) Are you aware of any tests for mold, fungi, or indoor air quality in the property? Yes No
 (d) Other than general household cleaning, have you taken any efforts to control or remediate mold or mold-like substances in the property? Yes No

Note to Buyer: Individuals may be affected differently, or not at all, by mold contamination. If mold contamination or indoor air quality is a concern, buyers are encouraged to engage the services of a qualified professional to do testing. Information on this issue is available from the United States Environmental Protection Agency and may be obtained by contacting IAQ INFO, P.O. Box 37133, Washington, D.C. 20013-7133, 1-800-438-4318.

- (e) Are you aware of any dumping on the property? Yes No
 (f) Have you received written notice regarding the presence of an environmental hazard or biohazard on your property or any adjacent property? Yes No
 (g) Are you aware of any tests for radon gas that have been performed in any buildings on the property? Yes No
 If "yes," list date, type, and results of all tests below:

DATE	TYPE OF TEST	RESULTS (picocuries/liter or working levels)	NAME OF TESTING SERVICE

- (h) Are you aware of any radon removal system on the property? Yes No
 If "yes," list date installed and type of system, and whether it is in working order below:

DATE INSTALLED	TYPE OF SYSTEM	PROVIDER	WORKING ORDER?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

- (i) If property was constructed, or if construction began, before 1978, you must disclose any knowledge of lead-based paint on the property. Are you aware of any lead-based paint or lead-based paint hazards on the property? Yes No
 If "yes," explain how you know of it, where it is, and the condition of those lead-based paint surfaces: _____

- (j) If property was constructed, or if construction began, before 1978, you must disclose any reports or records of lead-based paint or lead-based paint hazards on the property. Are you aware of any reports or records regarding lead-based paint or lead-based paint hazards on the property? Yes No
 If "yes," list all available reports and records: _____
- (k) Are you aware of testing on the property for any other hazardous substances or environmental concerns? Yes No
- (l) Are you aware of any other hazardous substances or environmental concerns that might impact upon the property?
 Yes No

Explain any "yes" answers in this section: _____

18. CONDOMINIUMS AND OTHER HOMEOWNER ASSOCIATIONS (Complete only if applicable)

Type: Condominium Cooperative Homeowner Association or Planned Community
 Other: _____

Notice regarding Condominiums, Cooperatives, and Planned Communities: A buyer of a resale unit in a condominium, cooperative, or planned community must receive a copy of the declaration (other than the plats and plans), the by-laws, the rules or regulations, and a certificate of resale issued by the association in the condominium, cooperative, or planned community. Buyers may be responsible for capital contributions, initiation fees or similar one-time fees in addition to regular monthly maintenance fees. The buyer will have the option of canceling the agreement with the return of all deposit monies until the certificate has been provided to the buyer and for five days thereafter or until conveyance, whichever occurs first.

19. MISCELLANEOUS

- (a) Are you aware of any historic preservation restriction or ordinance or archeological designation associated with the property?
 Yes No
- (b) Are you aware of any existing or threatened legal action affecting the property? Yes No
- (c) Are you aware of any violations of federal, state, or local laws or regulations relating to this property? Yes No
- (d) Are you aware of any public improvement, condominium or homeowner association assessments against the property that remain unpaid or of any violations of zoning, housing, building, safety or fire ordinances that remain uncorrected? Yes No
- (e) Are you aware of any judgment, encumbrance, lien (for example, co-maker or equity loan), overdue payment on a support obligation, or other debt against this property that cannot be satisfied by the proceeds of this sale? Yes No
- (f) Are you aware of any reason, including a defect in title, that would prevent you from giving a warranty deed or conveying title to the property? Yes No
- (g) Are you aware of any insurance claims filed relating to the property? Yes No
- (h) Are you aware of any material defects to the property, dwelling, or fixtures which are not disclosed elsewhere on this form?
 Yes No

A material defect is a problem with a residential real property or any portion of it that would have a significant adverse impact on the value of the property or that involves an unreasonable risk to people on the property. The fact that a structural element, system or subsystem is at or beyond the end of the normal useful life of such a structural element, system or subsystem is not by itself a material defect.

Explain any "yes" answers in this section: _____

The undersigned Seller represents that the information set forth in this disclosure statement is accurate and complete to the best of Seller's knowledge. Seller hereby authorizes the Listing Broker to provide this information to prospective buyers of the property and to other real estate licensees. **SELLER ALONE IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED IN THIS STATEMENT.** Seller shall cause Buyer to be notified in writing of any information supplied on this form which is rendered inaccurate by a change in the condition of the property following completion of this form.

WITNESS _____	SELLER _____	DATE _____
WITNESS _____	SELLER _____	DATE _____
WITNESS _____	SELLER _____	DATE _____

EXECUTOR, ADMINISTRATOR, TRUSTEE SIGNATURE BLOCK

According to the provisions of the Real Estate Seller Disclosure Law, the undersigned executor, administrator or trustee is not required to fill out a Seller's Property Disclosure Statement. The executor, administrator or trustee, must, however, disclose any known material defect(s) of the property.

DATE _____

RECEIPT AND ACKNOWLEDGEMENT BY BUYER

The undersigned Buyer acknowledges receipt of this Disclosure Statement. Buyer acknowledges that this Statement is not a warranty and that, unless stated otherwise in the sales contract, Buyer is purchasing this property in its present condition. It is Buyer's responsibility to satisfy himself or herself as to the condition of the property. Buyer may request that the property be inspected, at Buyer's expense and by qualified professionals, to determine the condition of the structure or its components.

WITNESS _____	BUYER _____	DATE _____
WITNESS _____	BUYER _____	DATE _____
WITNESS _____	BUYER _____	DATE _____

INFORMATION REGARDING THE REAL ESTATE SELLER DISCLOSURE LAW

Generally speaking, the Real Estate Seller Disclosure Law requires that before an agreement of sale is signed, the seller in a residential real estate transfer must make certain disclosures regarding the property to potential buyers in a form defined by the law. A residential real estate transfer is defined as a sale, exchange, installment sales contract, lease with an option to buy, grant or other transfer of an interest in real property where **NOT LESS THAN ONE AND NOT MORE THAN FOUR RESIDENTIAL DWELLING UNITS** are involved.

The Law defines a number of exceptions where the disclosures do not have to be made:

1. Transfers that are the result of a court order.
2. Transfers to a mortgage lender that result from a buyer's default and subsequent foreclosure sales that result from default.
3. Transfers from a co-owner to one or more other co-owners.
4. Transfers made to a spouse or direct descendant.
5. Transfers between spouses that result from divorce, legal separation, or property settlement.
6. Transfers by a corporation, partnership or other association to its shareholders, partners or other equity owners as part of a plan of liquidation.
7. Transfer of a property to be demolished or converted to non-residential use.
8. Transfer of unimproved real property.
9. Transfers by a fiduciary during the administration of a decedent estate, guardianship, conservatorship or trust.
10. Transfers of new construction that has never been occupied when:
 - a. The buyer has received a one-year warranty covering the construction;
 - b. The building has been inspected for compliance with the applicable building code or, if none, a nationally recognized model building code; and
 - c. A certificate of occupancy or a certificate of code compliance has been issued for the dwelling.

In addition to these exceptions, disclosures for condominiums and cooperatives are limited to the seller's particular unit(s). Disclosures regarding common areas or facilities are not required, as those elements are already addressed in the laws that govern the resale of condominium and cooperative interests.