

SENATE BILL NO. 472

May 20, 2021, Introduced by Senators BAYER, OUTMAN, HORN, DALEY, WOJNO, VICTORY, ZORN and CHANG and referred to the Committee on Environmental Quality.

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:

3 SELLER'S DISCLOSURE STATEMENT

4 **Property Address:** _____
5 Street
6 _____ Michigan

1 City, Village, or Township

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

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

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

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

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

| | Yes | No | Unknown | Not Available |
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| 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 | _____ | _____ | _____ | _____ |

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25 Explanations (attach additional sheets if necessary):

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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.) _____

1 **10. Environmental Problems:—problems:** Are you aware of any
 2 substances,
 3 materials, or products that may be an environmental
 4 hazard such as, but not limited to, asbestos, radon gas,
 5 formaldehyde, lead-based paint, fuel or chemical storage
 6 tanks ~~and-or~~ contaminated soil on the property?
 7 unknown___ yes___ no___

8 If yes, please explain: _____
 9 _____

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

12 unknown___ yes___ no___

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

15 yes___ no___

16 **12. ~~11.~~Flood insurance:** Do you have flood insurance on the
 17 property? unknown___ yes___ no___

18 **13. ~~12.~~Mineral rights:** Do you own the mineral rights?
 19 unknown___ yes___ no___

20 **Other Items:—items:** Are you aware of any of the following:

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

26 2. Any encroachments, easements, zoning violations, or
 27 nonconforming uses? unknown___ yes___ no___

28 3. Any "common areas" (facilities like pools, tennis courts,
 29 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.