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Code of Laws of South Carolina 1976 Annotated [Currentness](#)

Title 27. Property and Conveyances

▢ [Chapter 50](#). The Residential Property Condition Disclosure Act

▢ [Article 1](#). Residential Property Condition Disclosure Statements

→ **§ 27-50-40. Disclosure statements; contents; owner options.**

(A) The owner of the real property shall furnish to a purchaser a written disclosure statement. The disclosure statement must contain the language and be in the form promulgated by the commission and the form may be delivered electronically through the Internet or other similar methods. The commission may charge a reasonable fee for the printed form but shall post the form for free downloading on its public website. The disclosure statement must include, but is not limited to, the following characteristics and conditions of the property:

- (1) the water supply and sanitary sewage disposal system;
- (2) the roof, chimneys, floors, foundation, basement, and other structural components and modifications of these structural components;
- (3) the plumbing, electrical, heating, cooling, and other mechanical systems;
- (4) present infestation of wood-destroying insects or organisms or past infestation, the damage from which has not been repaired;
- (5) the zoning laws, restrictive covenants, building codes, and other land- use restrictions affecting the real property, any encroachment of the real property from or to adjacent real property, and notice from a governmental agency affecting this real property;
- (6) presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material, buried or covered, and other environmental contamination; or
- (7) existence of a rental, rental management, vacation rental, or other lease contract in place on the property at the time of closing, and, if known, any outstanding charges owed by the tenant for gas, electric, water, sewerage, or garbage services provided to the property the tenant leases.

(B) The disclosure statement must give the owner the option to indicate that the owner has actual knowledge of

the specified characteristics or conditions, or that the owner is making no representations as to any characteristic or condition.

(C) The rights of the parties to a real estate contract in connection with conditions of the property of which the owner has no actual or constructive knowledge are not affected by this article.

CREDIT(S)

HISTORY: [2002 Act No. 336, § 2.](#)

EDITOR'S NOTE

Under the provisions of Chapter 34, Title 1, an agency is required to adopt the latest edition of a nationally recognized code which it is charged by statute or regulation with enforcing by giving notice in the State Register.

CROSS REFERENCES

Real estate brokerage company duties to client, see [§ 40-57-137](#).

LIBRARY REFERENCES

Consumer Protection [↪](#) 8.

[Vendor and Purchaser](#) [↪](#) 36(2).

Westlaw Topic Nos. 400, 92H.

C.J.S. Credit Reporting Agencies; Consumer Protection §§ 40 to 51, 64.

[C.J.S. Vendor and Purchaser](#) §§ 49, 72.

Code 1976 § 27-50-40, SC ST § 27-50-40

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