



West's North Carolina General Statutes Annotated [Currentness](#)

Chapter 47E. Residential Property Disclosure Act

→ § 47E-4. Required disclosures

(a) With regard to transfers described in [G.S. 47E-1](#), the owner of the real property shall furnish to a purchaser a residential property disclosure statement. The disclosure statement shall:

- (1) Disclose those items which are required to be disclosed relative to the characteristics and condition of the property and of which the owner has actual knowledge; or
- (2) State that the owner makes no representations as to the characteristics and condition of the real property or any improvements to the real property except as otherwise provided in the real estate contract.

(b) The North Carolina Real Estate Commission shall develop and require the use of a standard disclosure statement to comply with the requirements of this section. The disclosure statement shall specify that certain transfers of residential property are excluded from this requirement by [G.S. 47E-2](#), including transfers of residential property made pursuant to a lease with an option to purchase where the lessee occupies or intends to occupy the dwelling, and shall include at least 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 any 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 for 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 any governmental agency affecting this real property; and

- (6) Presence of lead-based paint, asbestos, radon gas, methane gas, underground storage tank, hazardous material or toxic material (whether buried or covered), and other environmental contamination.

The disclosure statement shall provide the owner with the option to indicate whether the owner has actual knowledge of the specified characteristics or conditions, or the owner is making no representations as to any characteristic or condition.

(c) The rights of the parties to a real estate contract as to conditions of the property of which the owner had no actual knowledge are not affected by this Article unless the residential disclosure statement states that the owner makes no representations as to those conditions. If the statement states that an owner makes no representations as to the conditions of the property, then the owner has no duty to disclose those conditions, whether or not the owner should have known of them.

CREDIT(S)

Added by [Laws 1995, c. 476, § 1, eff. Jan. 1, 1996](#). Amended by [S.L.1997-472, § 1, eff. Oct. 1, 1998](#).

HISTORICAL AND STATUTORY NOTES

Laws 1995, c. 476, § 2, provides:

“This act is effective upon ratification and applies to real estate contracts entered into on or after January 1, 1996.”


Laws 1995, c. 476, was ratified July 25, 1995.

S.L. 1997-442, effective October 1, 1998, and applicable to contracts entered into on or after that date, rewrote subd. (b) which formerly contained a disclosure form.

ADMINISTRATIVE CODE REFERENCES

Occupational Licensing Boards, Real Estate Commission, Real Estate Brokers and Salesmen, General Brokerage, Residential Property Disclosure Statement, see [21 NCAC 58A.0114](#).

LIBRARY REFERENCES

Consumer [Protection](#)  8.
Westlaw Key Number Search: 92Hk8.
C.J.S. Credit Reporting Agencies.

[C.J.S. Consumer Protection § 40 to 51, 64.](#)

[C.J.S. Trade-Marks, Trade-Names, and Unfair Competition § 237 to 238.](#)

RESEARCH REFERENCES

Encyclopedias

[93 Am. Jur. Proof of Facts 3d 293](#), Real Estate Purchaser's Recovery of Damages for Seller's Nondisclosure of Dangerous Condition of Land.

[Strong's N.C. Index 4th, Brokers and Factors § 16](#), Residential Property Disclosure Act.

[Strong's N.C. Index 4th, Vendor and Purchaser § 65](#), Misrepresentation or Failure to Disclose Material Facts, Generally.

Treatises and Practice Aids

[Federal Reg. of Real Estate & Mortgage Lending § 13:36](#), North Carolina.

UNITED STATES CODE ANNOTATED

Asbestos hazards, toxic substances control, see [15 U.S.C.A. § 2641 et seq.](#)

Lead-based paint hazard reduction, see [42 U.S.C.A. § 4851 et seq.](#)

Lead-based paint poisoning prevention, see [42 U.S.C.A. § 4821 et seq.](#)

Radon abatement, toxic substances control, see [15 U.S.C.A. § 2661 et seq.](#)

N.C.G.S.A. § 47E-4, NC ST § 47E-4

Current through S.L. 2009-75 of the 2009 Regular Session with the exception of S.L. 2009-66.

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