



CALIFORNIA
ASSOCIATION
OF REALTORS®

Lease/Rental Disclosure Chart

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Jan. 3, 2014 (revised)

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 on residential 1-4 property.	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 of an occupant 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." Affliction with AIDS or death from AIDS, no matter when it occurred, need not be voluntarily disclosed. 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.	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
Default Notice	<p>Every landlord who offers for rent residential 1 to 4 property must disclose in writing the default notice prior to signing the lease agreement</p> <p>A property manager will not be held liable for failing to deliver the written notice unless the manager receives instructions in writing from the landlord to deliver it.</p>	<p>The notice must be substantially in the form as written in Cal. Civ. Code § 2924.85 subsection (d) click here. By statute, the written notice must also be in Spanish, Chinese, Tagalog and Korean.</p>	<p>Cal. Civ. Code § 2924.85.</p>
Disability Access Inspection Disclosure for Commercial Properties	<p>A commercial property owner or landlord must state on every lease or rental agreement whether the leased premises has been inspected by a Certified Access Specialist (CAsp), and whether the property has or has not been determined to meet all applicable construction-related accessibility standards for the disabled pursuant to Cal. Civ. Code § 55.53.</p>		<p>Cal. Civ. Code § 1938.</p>
Energy Use Report	<p>When leasing the entire building, a commercial property owner must disclose the energy use report to a prospective lessee at least 24 hours prior to executing the lease. An account with the EPA's Energy Star program must be opened or updated 30 days before disclosure is made. The effective date of the law depends on the size of the building. For buildings with sq. ft. 50,000 or more, it is January 1, 2014. For buildings with sq. ft. 10,000 to 50,000, it is January 1, 2014. For buildings with sq. ft. 5,000 to 10,000 it is July 1, 2014.</p>	<p>The disclosure required by this law consists of four documents: the Disclosure Summary Sheet, the Statement of Energy Performance, the Data Checklist, and the Facility Summary, all of which must be generated through the US Environmental Protection Agency (EPA) Energy Star Portfolio Manager.</p>	<p>Public Resources Code 25402.10. 20 CCR §§ 1680-1684.</p>

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
Gas/Electric Meters	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. Where there is a shared gas or electric meter, landlords of apartment buildings or mobile home parks are required to post in a conspicuous place the prevailing residential utility rate or may post the internet web site address of the utility rate schedule if a hard copy is also provided upon request at no cost. ("Apartment building" is not defined under this law but case law may include even single family residences).	Every landlord must provide an itemized billing of charges for electricity or gas, or both, to each tenant user per the utility's bills including the opening and closing readings for the meter, and the identification of all rates and quantities attributable to each block in the applicable rate structure. The landlord must also post, in a conspicuous place, the applicable specific current residential gas or electrical rate schedule, as published by the utility, or may post the internet web site address of the utility rate schedule if a hard copy is also provided upon request at no cost.	Cal. Civ. Code § 1940.9. Cal. Public Utilities Code § 739.5 Cal. Civil Code § 798.40 San Diego Gas and Electric Company v. Superior Court of Orange County (1996) 13 Cal.4 th 893
Identification of Landlord or Manager	At the inception of tenancy or whenever there is a new owner or new manager, the landlord or person signing rental agreement must 1) disclose the name, telephone number, and address for receipt of notices for the manager and, additionally, for either the owner or the person authorized to act on behalf of owner to receive notices 2) disclose the name, telephone number and address of the person to whom rent is paid 3) disclose the form in which rent must be paid and 4) provide a copy of the rental agreement within 15 days after signing. Any successor owner or manager must keep information current and comply with above within 15 days after succeeding the previous owner or manager.	C.A.R. form Residential Lease or Month to Month Rental Agreement (form LR)	Cal. Civil Code §§1962 and 1962.7

Disclosure	Requirements	C.A.R. Form/ Publication	Law Citation
Lead Paint Renovation Pamphlet	<p>Prior to commencing renovation a “renovator” must deliver the EPA pamphlet to and receive acknowledgement of receipt from the occupant. A renovator is someone who for compensation disturbs more than 6 square feet of paint per room in the interior or more than 20 square feet in the exterior in pre-1978 housing.</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>EPA pamphlet, "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools" http://www.epa.gov</p>	<p>40 CFR 745, Subpart E; 40 CFR 745.84(1) See also legal Q&A: Lead-Based Paint Renovation Rule</p>
Megan's Law Disclosure (Registered Sex Offender Database)	<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. See also Legal Q&A: Megan's Law: Disclosure of Registered Sex Offenders.</p>
Military Ordnance Location	<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>
Meth Lab Clean-Up Order (Release of Illegal Controlled Substance Remediation Order)	<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>
Mold	<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 et seq. See also Legal Q&A: Mold and Its Impact on Real Estate Transactions.</p>

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Pest Control Notice	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.		Cal. Civ. Code § 1940.8; Cal. Bus. & Prof. Code § 8538 (notice language).
Proposition 65 Warning Notice	The law applies to a “person in the course of doing business” employing 10 or more employees in his or her business.	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. * "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."	Cal. Health & Safety Code §§ 25249.5 et seq. See 22 Cal. Code Regs. § 12601 for the rules regarding the warning sign.

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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>Beginning January 1, 2016, landlords of residential property must generally install additional smoke alarms as needed to comply with current building standards. Existing alarms need not be replaced unless the alarm is inoperable. New alarms installed may be battery operated if approved by the State Fire Marshall.</p>		<p>Cal. Health & Safety Code §§ 13113.7, 13113.8, 13114, & 18029.6. 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 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. See also Legal Q&A: Water Heater Bracing And Disclosure Requirements</p>

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