

Agent Visual Inspection & Disclosure Forms

It's the law! Agent Duty to Inspect and Disclose

- When: Sale of residential property with one-to-four units
- Who: Brokers representing buyers and sellers
- What:
 - Must conduct a reasonably competent and diligent visual inspection of the accessible areas of the property offered for sale
 - Must disclose to the prospective buyer material facts and defects that should have been discovered during the inspection
- How: An agent completes the TDS and/or the AVID form on behalf of the broker

Forms TDS and AVID

Even though the law that created this obligation did not create a separate form upon which to make the disclosure, a sister law created the Real Estate Transfer Disclosure Statement (Form TDS). Although most of that form concerns seller disclosures, sections III and IV can be used for the agent to make disclosures. C.A.R. created the Agent Visual Inspection Disclosure (AVID), that alternatively, may be used to document the agent's inspection.

Advantages of the AVID

There are several advantages to using the AVID rather than the TDS. First, the AVID offers much more space to disclose and room by room sections that guide an agent through the inspection process. If the AVID is used, the applicable box should be checked on the TDS. Another advantage of using the AVID is that the broker's inspection and disclosure obligations apply even when the seller is exempt from completing a TDS form. Using the AVID gets agents in the habit of always conducting inspections and making disclosures of residential one to four properties without being dependent on the TDS.

Disclosures made after an inspection should be specific, but not speculative. Agents should identify only what can be seen. Agents should not guess as to causation, degree of danger, cost of remedial activity, or identify any technical terms.

The AVID aids agents in making the legally required disclosures, but also specifies what is outside the scope of the agents' duty. For example, there is no statutorily required obligation to search off-site records such as permits, inspect common areas, or gain access to inaccessible areas such as attics or crawlspaces, or look under furniture or carpet, open locked doors or climb onto roofs or into chimneys.