

Home Hardening Disclosure Law

As of January 1st, 2021, certain sellers are required to complete a new home hardening disclosure to disclose to buyer certain aspects of the property that may be particularly susceptible to wildfire risk.

The disclosure contains a general notice about home hardening and requires the seller to answer questions specifying which home hardening features the home lacks that make the home vulnerable to wildfire and flying embers based on the seller's actual knowledge.

To assist sellers and agents in complying with this new legal obligation, C.A.R. has created a new form entitled, "Home Fire Hardening Disclosure and Advisory" (C.A.R. Form FHDS).

Home Hardening – What is it?

"Home hardening" refers to building resistant materials and home features that protect a home from catching fire. Flying embers can destroy a home up to a mile ahead of a wildfire. This is why the California Department of Forestry and Fire Protection (Cal Fire) urges all homeowners within fire hazard zones to make needed home hardening retrofits. For more information, please visit <https://www.readyforwildfire.org/>

New Disclosure Requirement: A Seller must provide Form FHDS if:

- The property was constructed prior to 2010
- The property is located in a high or very high fire hazard severity zone
- The property is a Residential 1-4 Unit Property (including condominium units and manufactured homes)
- **NOTE:** All of the standard exemptions under the TDS law apply. The most common include sales involving probate, REOs, foreclosures, bankruptcies and some types of trusts. See C.A.R. Legal Q&A "[Transfer Disclosure Statement Exemptions](#)" for a comprehensive list.

Determining Whether the Property is in a High or Very High Fire Hazard Severity Zone

There are three main options for making this determination:

1. View the NHD Statement to see if either of the boxes pertaining to fire zones have been checked. If either of the boxes has been checked, it is safe to presume the property qualifies, and an agent may recommend that the seller fill out the home hardening disclosure. However, this may result in an overbroad disclosure since the box for wildland area forest fire risks include not only high or very high fire severity zones, but also moderate zones.
2. Seek the guidance of a reputable NHD reporting company. A representative of such a company may be able to point out specifically where within the NHD report it states which type of fire hazard severity zone, if any, the property is located in.
3. Cal Fire has made available a "Fire Hazard Severity Zone Viewer" (FHSZ Viewer) that will allow anyone to input the property address and determine which fire hazard severity zone, if any, that the property is located in. The FHSZ Viewer is available at: <https://egis.fire.ca.gov/FHSZ/>. (**NOTE:** Buyers and Sellers may be provided with this link, but agents and brokers are advised against checking maps, or drawing conclusions based upon maps, for their clients.)