

WHEN DO YOU NEED A RESIDENTIAL PROPERTY DISCLOSURE FORM?

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YOUR Ohio Flat Fee MLS Listing Service Real Estate Broker

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Required	Not Necessary
Sale of 1-4 Family; Commercial / Retail space if it has up to 1-4 Apartments in the Building.	Lots with ZERO Residential Units; Property with 5 or more Residential Units; C/I Property with ZERO Residential Units.
New Construction if it was EVER occupied.	New Construction that has NEVER been occupied.
Mobile / Manufactured Home if Sale includes Land	Sale of Mobile / Manufactured Home with No Land
Sellers who Inherited the Property & have lived there during the last year.	Sellers who inherited the property but haven't lived there it during the last year.
Sale by Person with Power of Attorney.	Court Ordered sale (i.e. Bankruptcy, Eminent Domain, Probate, Writ of Execution); Sale by Executor of Estate; Conservator or Guardian, etc.
Sale by a Lender or Anyone who bought the property at a sheriff's sale.	Sale by a Lender who took a Deed in lieu of Foreclosure or Transfer by a Foreclosure Sale.
Sale to a Buyer who has Lived in the property for LESS THAN one year prior to sale.	Sale to a Buyer who has Lived in the Property for AT LEAST one year prior to sale.
Investor Owned Property Even if they've NEVER lived there!	Sale to or from the State, a Political Subdivision of the State, or Governmental Entity.
	Sale between Co-Owners.
	Sales between Spouses or Former Spouses.
	Sales to or from Children & Parents / Grandchildren & Grandparents

Sellers, including investors, are required to complete the Residential Property Disclosure Form per Ohio Law. Here is a link to the Ohio Code <https://codes.ohio.gov/ohio-revised-code/section-5302.30> Please review paragraphs (C), (K)(2), and (K)(3).

If the Seller does NOT complete the Residential Property Disclosure Form, the Buyer may cancel the transaction at the earliest of:

- **Within 3 Business Days of receipt of the completed RPDF**
- **Prior to closing**
- **30 Days AFTER Acceptance of the Offer.**

Paragraph (C) Except as provided in division (B)(2) of this section and subject to divisions (E) and (F) of this section, every person who intends to transfer any residential real property on or after July 1, 1993, by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever shall complete all applicable items in a property disclosure form prescribed under division (D) of this section and shall deliver in accordance with division (I) of this section a signed and dated copy of the completed form to each prospective transferee or prospective transferee's agent as soon as is practicable.

OHIO CODE 5302.30

Paragraph (K)(2) Subject to division (K)(3)(c) of this section, if a transferee of residential real property that is subject to this section receives a property disclosure form or an amendment of that form as described in division (G) of this section after the transferee has entered into a transfer agreement with respect to the property, the transferee, after receipt of the form or amendment, may rescind the transfer agreement in a written, signed, and dated document that is delivered to the transferor or the transferor's agent or subagent in accordance with divisions (K)(3)(a) and (b) of this section, without incurring any legal liability to the transferor because of the rescission, including, but not limited to, a civil action for specific performance of the transfer agreement. Upon the rescission of the transfer agreement, the transferee is entitled to the return of, and the transferor shall return, any deposits made by the transferee in connection with the proposed transfer of the residential real property. Paragraph (K)(3) (a) Subject to division (K)(3)(b) of this section, a rescission of a transfer agreement under division (K)(2) of this section only may occur if the transferee's written, signed, and dated document of rescission is delivered to the transferor or the transferor's agent or subagent within three business days following the date on which the transferee or the transferee's agent receives the property disclosure form prescribed under division (D) of this section or the amendment of that form as described in division (G) of this section. (b) A transferee may not rescind a transfer agreement under division (K)(2) of this section unless the transferee rescinds the transfer agreement by the earlier of the date that is thirty days after the date upon which the transferor accepted the transferee's transfer offer or the date of the closing of the transfer of the residential real property.