

Property Condition Disclosure Statement Frequently Asked Questions



Who fills out the form?

All sellers of existing 1-4 family homes and town homes must complete and sign the Property Condition Disclosure Statement.

Examples of Exemptions are:

- New construction (never inhabited)
- Condominium units and cooperative apartments
- Commercial properties
- Foreclosed properties
- Multi-family dwellings (i.e. 5 + units)
- Vacant land
- Transfer due to court order (i.e. estate, bankruptcy, eminent domain, divorce decree, tax sale)
- HUD properties or government entities
- Mobile home in a park/leased land

What Isn't Exempted:

- Power of Attorney
- Life Estate; Life Use
- "I never lived there."
- Private Sale
- Investment Property
- Townhouse

What are the seller's responsibilities?

The seller must truthfully complete and sign a property condition disclosure statement based on seller's actual knowledge of the condition of the property. The disclosure statement must be delivered to the buyer or buyer's agent before the buyer enters a purchase and sale contract.

What is actual knowledge?

The seller has the option to answer "yes," "no," "not applicable," or "unknown." Sellers must answer the questions based upon their actual knowledge at the time of signing the disclosure statement. The seller is under no obligation to conduct any type of inspection of the property or to check public records in an effort to complete the disclosure statement.

What if the seller discovers a defect after the seller has already completed the disclosure statement and has delivered it to the buyer?

If a seller acquires knowledge that renders inaccurate a previous disclosure statement, the seller must complete and deliver a revised disclosure statement to the buyer as soon as possible. Under no circumstances is the seller required to provide a revised disclosure statement to the buyer after transfer of title or after the buyer takes occupancy of the property, whichever is earlier.

What happens if the seller refuses to sign the disclosure statement or does not do so in a timely manner?

As the seller of residential real property, owner must complete and sign a Property Condition Disclosure Statement (PCDS) as required by Real Property Law §462(2): "Except as is provided in section 463 of this article, every seller of residential real property pursuant to a real estate purchase contract shall complete and sign a property condition disclosure statement as prescribed by subdivision two of this section and cause it, or a copy thereof, to be delivered to a buyer or buyer's agent prior to the signing by the buyer of a binding contract of sale. A copy of the property condition disclosure statement containing the signatures of both seller and buyer shall be attached to the real estate purchase contract." Owner should seek the advice of their attorney about filling out the PCDS.

What are the agent's responsibilities?

The listing broker must timely inform the seller of the seller's obligation to complete the disclosure statement. An agent representing a buyer must timely inform such buyer of buyer's right to receive the disclosure statement before buyer enters a purchase and sale contract. If a buyer is not represented by an agent, seller's agent must inform buyer of buyer's right to receive the disclosure statement before buyer enters a purchase and sale contract. The seller and buyer must sign the disclosure statement, and a copy of the disclosure statement must be attached to the purchase and sale contract.

Should this form take the place of a home inspection or other testing?

Absolutely not. On the contrary, the disclosure statement strongly urges buyers to have a home inspection performed as well as other professional and environmental tests.

Does the disclosure statement create a warranty?

No. The property condition disclosure statement clearly states that the statement does not serve as any kind of warranty by the seller or by any agent representing the seller in the transaction.



Department of State Licensing Services

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Property Condition Disclosure Statement

Name of Seller or Sellers: Thomas A Steele Patricia R Steele

Property Address: 3704 County Road 16 Canandaigua NY 14424-2451

General Instructions:

The Property Condition Disclosure Act requires the seller of residential real property to cause this disclosure statement or a copy of thereof to be delivered to a buyer or buyer's agent prior to the signing by the buyer of a binding contract of sale.

Purpose of Statement:

This is a statement of certain conditions and information concerning the property known to the seller. This Disclosure Statement is not a warranty of any kind by the seller or by any agent representing the seller in this transaction. It is not a substitute for any inspections or tests and the buyer is encouraged to obtain his or her own independent professional inspections and environmental tests and also is encouraged to check public records pertaining to the property.

A knowingly false or incomplete statement by the seller on this form may subject the seller to claims by the buyer prior to or after the transfer of title.

"Residential real property" means real property improved by a one to four family dwelling used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons, but shall not refer to (a) unimproved real property upon which such dwellings are to be constructed or (b) condominium units or cooperative apartments or (c) property on a homeowners' association that is not owned in fee simple by the seller.

Instruction to the Seller:

- a. Answer all questions based upon your actual knowledge.
- b. Attach additional pages with your signature if additional space is required.
- c. Complete this form yourself.
- d. If some items do not apply to your property, check "NA" (Non-applicable). If you do not know the answer check "Unkn" (Unknown).

Seller's Statement:

The seller makes the following representations to the buyer based upon the seller's actual knowledge at the time of signing this document. The seller authorized his or her agent, if any, to provide a copy of this statement to a prospective buyer of the residential real property. The following are representations made by the seller and are not the representations of the seller's agent.

GENERAL INFORMATION

1. How long have you owned the property? 45 yrs
2. How long have you occupied the property? 45 "
3. What is the age of the structure or structures? 66 yrs addition 36 yrs.
Note to buyer – If the structure was built before 1978 you are encouraged to investigate for the presence of lead based paint.
4. Does anybody other than yourself have a lease, easement or any other right to use or occupy any part of your property other than those stated in documents available in the public record, such as rights to use a road or path or cut trees or crops? Yes No Unkn NA
5. Does anybody else claim to own any part of your property? *If yes, explain below* Yes No Unkn NA
6. Has anyone denied you access to the property or made a formal legal claim challenging your title to the property? *If yes, explain below* Yes No Unkn NA

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7. Are there any features of the property shared in common with adjoining landowners or a homeowner's association, such as walls, fences or driveways? *If yes, describe below* Yes No Unkn NA

8. Are there any electric or gas utility surcharges for line extensions, special assessments or homeowner or other association fees that apply to the property? *If yes, describe below* Yes No Unkn NA

9. Are there certificates of occupancy related to the property? *If no, explain below* Yes No Unkn NA

Yes
No
Yes
No

ENVIRONMENTAL

Note to Seller:

In this section, you will be asked questions regarding petroleum products and hazardous or toxic substances that you know to have been spilled, leaked or otherwise been released on the property or from the property onto any other property. Petroleum products may include, but are not limited to, gasoline, diesel fuel, home heating fuel, and lubricants. Hazardous or toxic substances are products or other material that could pose short or long-term danger to personal health or the environment if they are not properly disposed of, applied or stored. These include, but are not limited to, fertilizers, pesticides and insecticides, paint including paint thinner, varnish remover and wood preservatives, treated wood, construction materials such as asphalt and roofing materials, antifreeze and other automotive products, batteries, cleaning solvents including septic tank cleaners, household cleaners, pool chemicals and products containing mercury and lead and indoor mold.

Note to Buyer:

If contamination of this property from petroleum products and/or hazardous or toxic substances is a concern to you, you are urged to consider soil and groundwater testing of this property.

10. Is any or all of the property located in a Federal Emergency Management Agency (FEMA) designated floodplain? *If yes, explain below* Yes No Unkn NA

11. Is any or all of the property located wholly or partially in the Special Flood Hazard Area ("SFHA"; "100-year floodplain") according to the Federal Emergency Management Agency's (FEMA's) current flood insurance rate maps for your area? *If yes, explain below*..... Yes No Unkn NA

12. Is any or all of the property located wholly or partially in a Moderate Risk Flood Hazard Area ("500-year floodplain") according to FEMA's current flood insurance rate maps for your area? *If yes, explain below*..... Yes No Unkn NA

13. Is the property subject to any requirement under federal law to obtain and maintain flood insurance on the property? *If yes, explain below*..... Yes No Unkn NA

- Homes in the Special Flood Hazard Area, also known as High Risk Flood Zones, on FEMA's flood insurance rate maps with mortgages from federally regulated or insured lenders are required to obtain and maintain flood insurance. Even when not required, FEMA encourages homeowners in high risk, moderate risk, and low risk flood zones to purchase flood insurance that covers the structure(s) and the personal property within the structure(s). Also note that homes in coastal areas may be subject to increased risk of flooding over time due to projected sea level rise and increased extreme storms caused by climate change which may not be reflected in current flood insurance rate maps.

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14. Have you ever received assistance, or are you aware of any previous owners receiving assistance, from the Federal Emergency Management Agency (FEMA), the U.S. Small Business Administration (SBA), or any other federal disaster flood assistance for flood damage to the property? *If yes, explain below*..... Yes No Unkn NA

- For properties that have received federal disaster assistance, the requirement to obtain flood insurance passes down to all future owners. Failure to obtain and maintain flood insurance can result in an individual being ineligible for future assistance.

15. Is there flood insurance on the property? *If yes, attach a copy of the policy*..... Yes No Unkn NA

- A standard homeowner's insurance policy typically does not cover flood damage. You are encouraged to examine your policy to determine whether you are covered.

16. Is there a FEMA elevation certificate available for the property? *If yes, attach a copy of the certificate*..... Yes No Unkn NA

- An elevation certificate is a FEMA form, completed by a licensed surveyor or engineer. The form provides critical information about the flood risk of the property and is used by flood insurance providers under the National Flood Insurance Program (NFIP) to help determine the appropriate flood insurance rating for the property. A buyer may be able to use the elevation certificate from a previous owner for their flood insurance policy.

17. Have you ever filed a claim for flood damage to the property with any insurance provider, including the National Flood Insurance Program (NFIP)? *If yes, explain below*..... Yes No Unkn NA

18. Is any or all of the property located in a designated wetland? *If yes, explain below* Yes No Unkn NA

19. Is the property located in an agricultural district? *If yes, explain below* Yes No Unkn NA

20. Was the property ever the site of a landfill? *If yes, explain below* Yes No Unkn NA

21. Are there or have there ever been fuel storage tanks above or below the ground on the property? Yes No Unkn NA

- If yes, are they currently in use? Yes No Unkn NA

- Location(s) _____

- Are they leaking or have they ever leaked? *If yes, explain below* Yes No Unkn NA

22. Is there asbestos in the structure? *If yes, state location or locations below* Yes No Unkn NA

23. Is lead plumbing present? *If yes, state location or locations below* Yes No Unkn NA

24. Has a radon test been done? *If yes, attach a copy of the report* Yes No Unkn NA

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25. Has motor fuel, motor oil, home heating fuel, lubricating oil or any other petroleum product, methane gas, or any hazardous or toxic substance spilled, leaked or otherwise been released on the property or from the property onto any other property? *If yes, describe below* Yes No Unkn NA

26. Has the property been tested for the presence of motor fuel, motor oil, home heating fuel, lubricating oil, or any other petroleum product, methane gas, or any hazardous or toxic substance? *If yes, attach report(s)* Yes No Unkn NA

27. Has the property been tested for indoor mold? *If yes, attach a copy of the report* Yes No Unkn

STRUCTURAL

28. Is there any rot or water damage to the structure or structures? *If yes, explain below* Yes No Unkn NA

29. Is there any fire or smoke damage to the structure or structures? *If yes, explain below* Yes No Unkn NA

30. Is there any termite, insect, rodent or pest infestation or damage? *If yes, explain below* Yes No Unkn NA

31. Has the property been tested for termite, insect, rodent or pest infestation or damage? *If yes, please attach report(s)* Yes No Unkn NA

32. What is the type of roof/roof covering (slate, asphalt, other)? Yes No Unkn NA

• Any known material defects? *No*

• How old is the roof? *Dec 2023 Complete*

• Is there a transferable warranty on the roof in effect now? *If yes, explain below* Yes No Unkn NA

33. Are there any known material defects in any of the following structural systems: footings, beams, girders, lintels, columns or partitions? *If yes, explain below* Yes No Unkn NA

MECHANICAL SYSTEMS AND SERVICES

34. What is the water source? (Check all that apply) Well Private Municipal

Other: _____

• If municipal, is it metered? Yes No Unkn NA

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35. Has the water quality and/or flow rate been tested? *If yes, describe below* Yes No Unkn NA

36. What is the type of sewage system? *(Check all that apply)* Public sewer Private sewer

Septic Cesspool

• If septic or cesspool, age?

• Date last pumped?

• Frequency of pumping?

• Any known material defects? *If yes, explain below* (More information on "septic system operation and maintenance" can be found on the NYS Department of Health website in the informational health pamphlet made available by the Department of Health pursuant to section 396-s of NYS general business law.)

Yes No Unkn NA

37. Who is your electric service provider?

RAFE

• What is the amperage?

200

• Does it have circuit breakers or fuses?

yes

• Private or public poles?

Public

• Any known material defects? *If yes, explain below*

Yes No Unkn NA

38. Are there any flooding, drainage or grading problems that resulted in standing water on any portion of the property? *If yes, state locations and explain below* Yes No Unkn NA

39. Has the structure(s) experienced any water penetration or damage due to seepage or a natural flood event, such as from heavy rainfall, coastal storm surge, tidal inundation or river overflow? *If yes, explain below* Yes No Unkn NA

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Are there any known material defects in any of the following? *If yes, explain below. Use additional sheets if necessary.*

- 40. Plumbing system? Yes No Unkn NA
- 41. Security system? *NONE* Yes No Unkn NA
- 42. Carbon monoxide detector? Yes No Unkn NA
- 43. Smoke detector? Yes No Unkn NA
- 44. Fire sprinkler system? *NONE* Yes No Unkn NA
- 45. Sump pump? *NONE* Yes No Unkn NA
- 46. Foundation/slab? Yes No Unkn NA
- 47. Interior walls/ceilings? Yes No Unkn NA
- 48. Exterior walls or siding? Yes No Unkn NA
- 49. Floors? Yes No Unkn NA
- 50. Chimney/fireplace or stove? Yes No Unkn NA
- 51. Patio/deck? Yes No Unkn NA
- 52. Driveway? Yes No Unkn NA
- 53. Air conditioner? Yes No Unkn NA
- 54. Heating system? Yes No Unkn NA
- 55. Hot water heater? Yes No Unkn NA

56. The property is located in the following school district Canandaigua

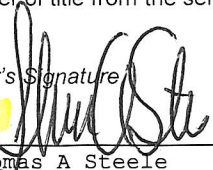
Note: Buyer is encouraged to check public records concerning the property (e.g. tax records and wetland and FEMA's current flood insurance rate maps and elevation certificates).

The seller should use this area to further explain any item above. If necessary, attach additional pages and indicate here the number of additional pages attached.

Property Condition Disclosure Statement

SELLER'S CERTIFICATION:

Seller certifies that the information in this Property Condition Disclosure Statement is true and complete to the seller's actual knowledge as of the date signed by the seller. If a seller of residential real property acquires knowledge which renders materially inaccurate a Property Condition Disclosure Statement provided previously, the seller shall deliver a revised Property Condition Disclosure Statement to the buyer as soon as practicable. In no event, however, shall a seller be required to provide a revised Property Condition Disclosure Statement after the transfer of title from the seller to the buyer or occupancy by the buyer, whichever is earlier.

Seller's Signature
 
Thomas A Steele

Date 6/23/26

Seller's Signature
 
Patricia R Steele

Date 6/23/26

BUYER'S ACKNOWLEDGMENT:

Buyer acknowledges receipt of a copy of this statement and buyer understands that this information is a statement of certain conditions and information concerning the property known to the seller. It is not a warranty of any kind by the seller or seller's agent and is not a substitute for any home, pest, radon or other inspections or testing of the property or inspection of the public records.

Buyer's Signature

Date _____

Buyer's Signature

Date _____