



## 1995 ASSEMBLY BILL 391

May 23, 1995 - Introduced by Representatives WOOD, HAHN, BALDUS, R. YOUNG, GROBSCHMIDT, ROBSON, LORGE, FREESE and BALDWIN, cosponsored by Senators BURKE and PLEWA. Referred to Committee on Housing.

1 **AN ACT to amend** 709.03 of the statutes; **relating to:** disclosures of conditions  
2 of residential real estate.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions owners who wish to sell residential real property must give prospective buyers a form on which the owner discloses certain conditions. Under this bill, disclosure of historic structures and of inclusion in historic districts continues to be done in a separate entry on the form but that entry is moved to indicate that these conditions are not defects.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 **SECTION 1.** 709.03 of the statutes is amended to read:

4 **709.03 Report form.** The report required under s. 709.02 shall be in the  
5 following form:

#### REAL ESTATE CONDITION REPORT

7 THIS CONDITION REPORT CONCERNS THE REAL PROPERTY  
8 LOCATED AT... IN THE... (CITY) (VILLAGE) (TOWN) OF..., COUNTY OF...,  
9 STATE OF WISCONSIN. THIS REPORT IS A DISCLOSURE OF THE  
10 CONDITION OF THAT PROPERTY IN COMPLIANCE WITH SECTION 709.02 OF  
11 THE WISCONSIN STATUTES AS OF... (MONTH),... (DAY),... (YEAR). IT IS NOT

1 A WARRANTY OF ANY KIND BY THE OWNER OR ANY AGENTS  
2 REPRESENTING ANY PRINCIPAL IN THIS TRANSACTION AND IS NOT A  
3 SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THAT THE  
4 PRINCIPALS MAY WISH TO OBTAIN.

5 **OWNER'S INFORMATION**

6 In this form, "am aware" means have notice or knowledge. In this form, "defect"  
7 means a condition that would have a significant adverse effect on the value of the  
8 property; that would significantly impair the health or safety of future occupants of  
9 the property; or that if not repaired, removed or replaced would significantly shorten  
10 or adversely affect the expected normal life of the premises.

11 The owner discloses the following information with the knowledge that even  
12 though this is not a warranty prospective buyers may rely on this information in  
13 deciding whether or not and on what terms to purchase the property. The owner  
14 hereby authorizes any agent representing any principal in this transaction to  
15 provide a copy of this statement, and to disclose any information in the statement,  
16 to any person in connection with any actual or anticipated sale of the property.

17 The owner represents that to the best of his or her knowledge the following  
18 statements have been accurately noted as correct, incorrect or not applicable to the  
19 property being sold. If the owner indicates that any statement is correct, the owner  
20 shall indicate, in the additional information area of this form, an explanation of the  
21 reason why the statement is correct.

22 **CORRECT INCORRECT N/A**

23 1. .... .... I am aware of defects in the roof.

24 2. .... .... I am aware of defects in the electrical  
25 system.



- 1 space whether or not the owner  
2 of the property either owns or  
3 leases the tank.)
- 4 10. .... I am aware of defects in the basement  
5 or foundation (including cracks,  
6 seepage and bulges).
- 7 11. .... I am aware that the property is located  
8 in a floodplain, wetland or  
9 shoreland zoning area.
- 10 12. .... I am aware of defects in the structure  
11 of the property.
- 12 13. .... I am aware of defects in mechanical  
13 equipment included in the sale  
14 either as fixtures or personal  
15 property.
- 16 14. .... I am aware of boundary or lot line  
17 disputes, encroachments or  
18 encumbrances (including a joint  
19 driveway).
- 20 15. .... I am aware of a defect caused by  
21 unsafe concentrations of, or  
22 unsafe conditions relating to,  
23 radon, radium in water supplies,  
24 lead in paint, lead in soil, lead  
25 in water supplies or plumbing

- 1 system or other potentially  
2 hazardous or toxic substances  
3 on the premises.
- 4 16. .... .... I am aware of the presence of asbestos  
5 or asbestos-containing materials  
6 on the premises.
- 7 17. .... .... I am aware of a defect caused by unsafe  
8 concentrations of, unsafe conditions  
9 relating to, or the storage of  
10 hazardous or toxic substances on,  
11 neighboring properties.
- 12 ~~18. .... .... I am aware that a structure on the~~  
13 ~~property is designated as a historic~~  
14 ~~building or that a part of the~~  
15 ~~property is in a historic district.~~
- 16 19. .... .... I am aware of current or previous  
17 termite, powder-post beetle or  
18 carpenter ant infestations.
- 19 20. .... .... I am aware of defects in a  
20 woodburning stove or fireplace.
- 21 21. .... .... I am aware either that remodeling  
22 affecting the property's structure  
23 or mechanical systems was done or  
24 that additions to this property  
25 were made during my period of

1 ownership without the required  
2 permits.

3 22. .... .... I am aware of federal, state or  
4 local regulations requiring repairs,  
5 alterations or corrections of an  
6 existing condition.

7 23. .... .... I have received notice of property  
8 tax increases, other than normal  
9 annual increases.

10 24. .... .... I am aware that remodeling that may  
11 increase the property's assessed  
12 value was done.

13 25. .... .... I am aware of proposed or pending  
14 special assessments.

15 26. .... .... I am aware of the proposed  
16 construction of a public project  
17 that may affect the use of the  
18 property.

19 27. .... .... I am aware of subdivision homeowners'  
20 associations, common areas coowned  
21 with others, zoning violations  
22 or nonconforming uses,  
23 rights-of-way, easements or another  
24 use of a part of the property by

1 nonowners, other than recorded  
2 utility easements.

3 28. .... I am aware of other defects affecting  
4 the property.

5 ADDITIONAL INFORMATION ....

6 .... (yes) .... (no) .... (not applicable) I am aware that a structure on the property  
7 is designated as a historic building or that a part of the property is in a historic  
8 district.

9 The owner has lived on the property for... years.

10 ~~ADDITIONAL INFORMATION ....~~

11 The owner certifies that the information in this report is true and correct to the  
12 best of the owner's knowledge as of the date on which the owner signs this report.

13 Owner .... Date....

14 Owner .... Date ....

15 A person other than the owner certifies that he or she has supplied information  
16 on which the owner relied for this report and that that information is true and correct  
17 to the best of that person's knowledge as of the date on which the person signs this  
18 report.

19 Person .... Items .... Date ....

20 Person .... Items .... Date ....

21 Person .... Items .... Date ....

22 THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN  
23 PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO  
24 PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN  
25 THEM WITH RESPECT TO ANY ADVICE, INSPECTIONS, DEFECTS OR

