

## Wildfire Issues in C.A.R. Forms: What, When and Why

### What C.A.R. forms address wildfire issues in California.

Wildfire Disaster Advisory, (C.A.R. Form WFDA);  
Fire Hardening and Defensible Space Disclosure and Addendum, (C.A.R. Form FHDS);  
Residential Purchase Agreement, (C.A.R. Form RPA), paragraphs 3Q (1)(Natural Hazard Disclosure Report);  
Residential Purchase Agreement, (C.A.R. Form RPA), paragraphs 3Q (2)( Optional Fortress Fire Wildfire Disclosure Report);  
Buyer Investigation Advisory, (C.A.R. Form BIA), paragraph 3H; and  
Statewide Buyer and Seller Advisory, (C.A.R. Form SBSA), paragraph D4.

### Which forms and reports are required for which types of properties, and which are not?

**WFDA.** Advisories are informational only and not required. Because wildfires can spread beyond designated fire zones, the information is helpful to buyers of any property that is near a designated fire zone.

**FHDS. Paragraph 2** addressing fire hardening disclosures, is required if the property being sold contains one to four residential units, is located in a high or very high fire hazard severity zone and the improvement was built before January 1, 2010. It is optional in all other situations.

**FHDS. Paragraph 3** addressing defensible space requirements is required if the property being sold contains one to four residential units and is located in a high or very high fire hazard severity zone regardless of when the improvement was built. It is optional in all other situations.

**Natural Hazard Disclosure Report (RPA 3Q(1)).** The sale of all real property in California requires a disclosure of whether the property is located in a very high fire hazard severity zone or a state fire responsibility area. NHD reporting companies include a NHD Statement within their report that satisfies the disclosure requirement when signed by seller and seller's agent.

**Fortress Fire Wildfire Disclosure Report (RPA 3Q(2)).** This is an optional report for all properties. It provides aerial photos of a property and makes recommendations to help reduce fire risks.

**BIA.** As a standalone document, the BIA is always optional. However, it is bundled with all real property C.A.R. purchase agreements.

**SBSA.** This advisory is always optional. Many brokers mandate its use for real property transactions improved with one for four dwelling units and other property types.

### What is the impact of providing or not providing these forms or reports in a real estate transaction?

**WFDA.** Informational only. Directs buyer to the importance of investigating further.

**FHDS. Paragraph 2** creates a representation from seller. The disclosures can be a source of liability for misrepresentations contained within. If not delivered, or if amended, the buyer may have a 3/5 day right to cancel.

**FHDS. Paragraph 3** creates: (i) a representation regarding the property's location within a designated zone and compliance with legal fire prevention requirements; and (ii) a contractual requirement by either buyer or seller to complete the fire prevention requirements within the stated time.

**Natural Hazard Disclosure Report (RPA 3Q(1)).** Creates a representation from seller and agent. The disclosures can be a source of liability for misrepresentations contained within. Agents and sellers are permitted to rely on the findings of the third party NHD reporting company. If not delivered, or if amended, the buyer may have a 3-5 day right to cancel.

**Fortress Fire Wildfire Disclosure Report (RPA 3Q(2)).** Informational only. If obtained by seller, there would be a contractual duty to disclose to buyer as a material fact.

**BIA.** Informational only. Directs buyer to the importance of investigating further.

**SBSA.** Informational only. Directs buyer to the importance of investigating further.