

Disclosing Death on a Property

Sellers are required to disclose a lot of information when selling their property. Specifically, they must disclose all material facts relating to the value and desirability of the property. Beyond that, sellers must also answer certain questions that are asked on various disclosure forms required as a part of their transaction.

Many sellers are surprised to learn that they must disclose information relating to a death that has occurred on the property. Here are the requirements for disclosures related to a death on the property:

What are the sellers' disclosure obligations when there has been a death on the property?

The seller must disclose any death relating to the property if:

- 1) The death occurred on the property
- 2) The deceased was an occupant on the property
- 3) The death occurred within the past three years

Where should this information be disclosed?

Question 6 on the Seller Property Questionnaire (and question 4 on the Exempt Seller Disclosure) asks about death on the property. If the answer to the question is "yes," seller should check that box and use the space below to provide additional information, such as the manner of death.

Are there any exceptions to the death disclosure requirement?

Yes. If the cause of death was related to HIV or AIDS then that information must not be disclosed.

What happens if a buyer or agent asks about deaths on the property?

A seller or listing agent may not make any misrepresentations regarding the property. If asked directly, a seller or listing agent must answer honestly about any deaths that have occurred on the property, no matter how long ago.

Are there circumstances where the seller may want to disclose a death that occurred on the property more than three years ago, or where the deceased was not an occupant on the property?

Yes. Even if the death doesn't meet all the criteria to warrant a "yes" answer on the disclosure forms, a seller may want to disclose the death if it is particularly notorious or has stigmatized the property such that it may have affected the property's value or desirability.