



## Seller Disclosure Exemptions

Pennsylvania's Real Estate Seller Disclosure Law provides for 10 exemptions. These are listed on the first page of the [PAR Seller Property Disclosure Statement \(Form SPD\)](#). More important than WHO is exempt is understanding to WHAT the exemption applies. Seller Disclosure law states:

*“Any seller who intends to transfer any interest in real property shall disclose to the buyer any material defects with the property known to the seller by completing all applicable items in a property disclosure statement which satisfies the requirements of section 7304 (relating to disclosure form). A signed and dated copy of the property disclosure statement shall be delivered to the buyer in accordance with section 7305 (relating to delivery of disclosure form) prior to the signing of an agreement of transfer by the seller and buyer with respect to the property.”(Section 7303 Disclosure of Material Defects)*

The exemptions apply to the completion of a seller disclosure FORM. Sellers, even those exempt from completing a seller disclosure form, have an obligation to disclose known material facts about a property.

The most common examples of the form exemption in local real estate transactions are the cases of executors, administrators and trustees. While these individuals or entities are not required to complete a form they are required to disclose what they know. The form can be an efficient method to do satisfy that obligation. The appropriate completion of paragraph 2 (B) “Role of Individual Completing this Form” and the box on lines 501-505 of the SPD help to explain the limited knowledge of the executor, administrator or trustee who chooses to use the form.

Another common misunderstanding about seller disclosure exemptions is the obligation of sellers who ‘never lived in the property’. A seller whose transfer does not fall in to the list of exemptions is required to complete the form whether they lived in the property or not. This fact is reinforced in bold print on lines 12-13 of the SPD.

Lastly, selling a property ‘as is’ does not relieve a seller of disclosure obligations. A seller may elect not to do any work to a property prior to selling (‘as is’) but s/he does need to disclose what they know.

For guidance on assisting a seller with their obligation to complete the Seller Disclosure Property Statement, REALTORS® are encouraged to access the [Guideline for Preparation and Use of the Seller Property Disclosure Statement on PAR's website](#). (Login required)