

Revised April 2008

DUTIES OWED BY A
NEVADA LICENSEE

IMPACT FEES

SRPD'S

CONSTRUCTION DEFECTS

LEAD PAINT

OPEN RANGE

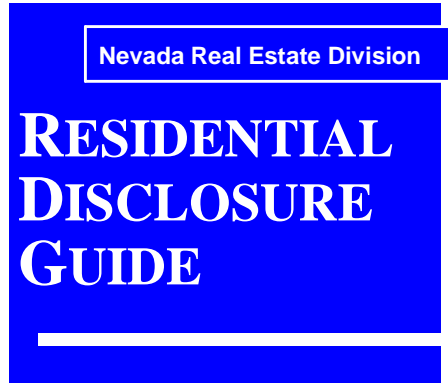
SEPTIC SYSTEMS

UNDERGROUND TANKS

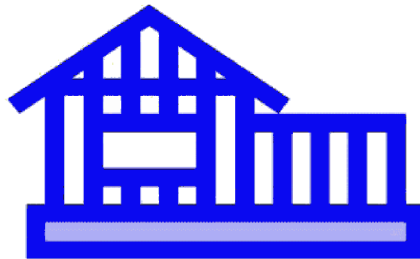
RADON

ENVIRONMENTAL ISSUES

SPECIAL IMPROVEMENTS



*A few things you need to know
before buying or selling a home
in Nevada.*



State of Nevada
Department of Business & Industry
Real Estate Division

Introduction

The Department of Business and Industry—Nevada Real Estate Division has developed this booklet to increase consumer awareness and understanding of disclosures that may be required by a buyer or seller during the sale or purchase of a residential property in the State of Nevada.

In almost every real estate transaction, some form of written disclosure is required. For example, real estate licensees must disclose if they are related to a party in the transaction or affiliated with the lender involved in approving the loan for that particular transaction. Sellers, for instance, are responsible for disclosing material facts, data and other information relating to the property they are attempting to sell. And buyers, in some cases, must disclose if they are choosing to waive their 10-day opportunity to conduct a risk assessment of lead hazards.

These are only a few examples of what must be disclosed during a real estate transaction. While it is impossible to outline which disclosures are needed in every situation (as each real estate transaction is unique), this booklet contains discussions on the most commonly-required state, federal and local disclosures.

References to real estate licensees and the sale of residential properties in this booklet apply only to the state of Nevada. This guide, however, does not specifically address vacant land or commercial properties.

We hope that you will find this booklet helpful and that it becomes a valuable resource during your real estate transaction. For more information, please visit our website at www.red.state.nv.us or contact us at:

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Common-Interest Communities

⇒ Purpose of Disclosure

The purpose of the information statement required when purchasing a home or unit in a common-interest community is to make the buyer aware of all rights, obligations and other aspects related to owning a unit within a common-interest community (also known as a homeowner's association).

⇒ Who must provide the disclosure?

The seller must provide an information statement with the sale of any unit belonging to a common-interest community. The statement is entitled "*BEFORE YOU PURCHASE PROPERTY IN A COMMON-INTEREST COMMUNITY DID YOU KNOW...*"

⇒ When is it due?

The statement must be delivered to the buyer not later than the date the offer becomes binding on the purchaser.

⇒ Additional Information

Resale Package

In addition to the information statement, the seller must provide the prospective buyer with a **resale package** which includes the following: declarations, bylaws, rules and regulations, monthly assessments, unpaid assessments of any kind, current operating budget, financial statement, reserve summary, unsatisfied judgments and status of any pending legal actions.

Continued on next page

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For more information:

Form: [Before You Purchase Property in a Common-Interest Community Did You Know...](#)

Website: <http://red.state.nv.us/forms/584.pdf>

NRS: [116.4101—116.41095](#)

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Common-Interest Communities

The resale package must be delivered as soon as practicable or before conveyance of the unit. Unless the buyer has accepted conveyance of the unit, the buyer may cancel the contract to purchase, by written notice, until midnight of the fifth calendar day following receipt of the resale package. This provision must be stated in the contract.

Public Offering Statement

If the property is a new unit in a common-interest community or if the community is subject to any developmental rights, or contains converted buildings or contains units which may be in a time share, or is registered with the Securities and Exchange Commission, the buyer must also be provided with a **Public Offering Statement** disclosing applicable information, including:

- development rights of contractors
- construction schedule
- description of proposed improvements
- mechanical & electrical installations
- initial or special fees
- number & identity of units in timeshare

Unless the buyer has personally inspected the unit, the buyer may cancel the contract to purchase, by written notice, until midnight of the fifth calendar day following the date of execution of the contract. This provision must be stated in the contract.

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For more information:

Form: [Before You Purchase Property in a Common-Interest Community Did You Know...](#)

Website: <http://red.state.nv.us/forms/584.pdf>

NRS: [116.4101—116.41095](#)

Condominium Hotels

⇒ Purpose of Disclosure

The purpose of the information statement required when purchasing a home or unit in a condominium hotel is to make the buyer aware of all rights, obligations and other aspects related to owning a unit within a condominium hotel.

⇒ Who must provide the disclosure?

The seller must provide an information statement with the sale of any unit belonging to a condominium hotel. The statement is entitled “*BEFORE YOU PURCHASE PROPERTY IN A CONDOMINIUM HOTEL DID YOU KNOW...*”

⇒ When is it due?

The statement must be delivered to the buyer not later than the date the offer becomes binding on the purchaser.

⇒ Additional Information

Resale Package

In addition to the information statement, the seller must provide the prospective buyer with a **resale package** which includes the following: declarations, bylaws, rules and regulations, monthly assessments, unpaid assessments of any kind, current operating budget, financial statement, reserve summary, unsatisfied judgments and status of any pending legal actions.

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For more information:

Form: [Before You Purchase Property in a Condominium Hotel Did You Know...](#)

Website: <http://red.state.nv.us/forms/584a.pdf>

NRS: [116B.740—116B.765](#)

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Condominium Hotels

The resale package must be delivered as soon as practicable or before conveyance of the unit. Unless the buyer has accepted conveyance of the unit, the buyer may cancel the contract to purchase, by written notice, until midnight of the fifth calendar day following receipt of the resale package. This provision must be stated in the contract.

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If the property is a new unit in a condominium hotel or if the condominium hotel is subject to any developmental rights, or contains converted buildings or contains units which may be in a time share, or is registered with the Securities and Exchange Commission, the buyer must also be provided with a **Public Offering Statement** disclosing applicable information, including:

- development rights of contractors
- construction schedule
- description of proposed improvements
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For more information:

Form: [Before You Purchase Property in a Condominium Hotel Did You Know...](#)

Website: <http://red.state.nv.us/forms/584a.pdf>

NRS: [116B.740—116B.765](#)

Consent to Act

⇒ Purpose of Disclosure

The purpose of the Consent to Act form is for the licensee to obtain the written consent to act for more than one party in a transaction.

⇒ Who must provide the disclosure?

The licensee must provide this form to all parties in the transaction if he seeks to act for more than one party.

⇒ When is it due?

If a licensee makes such a disclosure, the consent must be obtained from all parties before the licensee may continue to act in his capacity as an agent.

⇒ Additional Information

The written consent must include:

- (1) A description of the real estate transaction;
- (2) A statement that the licensee is acting for two or more parties to the transaction and that, in acting for these parties, the licensee has a conflict of interest;
- (3) A statement that the licensee will not disclose any confidential information for 1 year after the revocation or termination of the brokerage agreement unless he is required to do so per court order or he is given written permission by that party;
- (4) A statement that a party is not required to consent to the licensee acting on his behalf;
- (5) A statement that the party is giving his consent without coercion and understands the terms of the consent given.

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For more information:

Form: [Consent to Act](#)

Website: <http://red.state.nv.us/forms/524.pdf>

NRS: [645.252-254](#)

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Construction Defects

⇒ Purpose of Disclosure

The purpose of disclosures relating to construction defects is to make the buyer aware of any construction defects in the property.

⇒ Who must provide the disclosure?

If there is a construction defect, the contractor must disclose the information in understandable language that is underlined and in bold-faced type with capital letters.

If the property is or has been the subject of a construction defect claim or lawsuit, the seller must provide the following information to the buyer:

- copies of all notices given to contractor
- expert opinions obtained by claimant
- terms of settlement or order of judgment
- detailed report of all repairs

⇒ When is it due?

Construction defects must be disclosed to the buyer before purchase of the residence. If the property is or has been the subject of a defect claim or lawsuit, the information must be disclosed 30 days before close of escrow, or if escrow is less than 30 days, then immediately upon signing the sales agreement. If a claim is made while in escrow, the disclosure must be made within 24 hours of notice of complaint.

⇒ Additional Information

If the property is located within a common-interest community and is the subject of a defect claim or lawsuit, this information must be disclosed in the buyer's **resale package** (see Common-Interest Communities).

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For more information:

NRS: [40.640](#), [40.688](#)

Duties Owed By a Nevada Real Estate Licensee

⇒ Purpose of Disclosure

The purpose of the Duties Owed form is to make the buyer or seller aware of obligations owed by a real estate licensee to all parties involved in the transaction.

⇒ Who must provide the disclosure?

A licensee who acts as an agent in a real estate transaction must disclose to each party for whom the licensee is acting as an agent and any unrepresented party all duties owed to the parties and the licensee's relationship as an agent to each party in the transaction.

⇒ When is it due?

The disclosure form must be presented to the client before any documents are signed by the client.

⇒ Additional Information

A Nevada licensee who has entered into a brokerage agreement to represent a client in a real estate transaction shall:

1. Exercise reasonable skill and care to carry out the terms of the brokerage agreement and the licensee's duties in the brokerage agreement;
2. Not disclose, except to the licensee's broker, confidential information relating to a client for 1 year after the revocation or termination of the brokerage agreement, unless licensee is required to do so by court order or the client gives written permission;

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For more information:

Form: [Duties Owed By a Nevada Real Estate Licensee](#)

NRS: [645.193](#); [645.252—645.254](#)

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Duties Owed By a Nevada Real Estate Licensee

3. Seek a sale, purchase, option, rental or lease of real property at the price and terms stated in the brokerage agreement or at a price acceptable to the client;
4. Present all offers made to, or by the client as soon as practicable, unless the client chooses to waive the duty of the licensee to present all offers and signs a waiver of the duty on a form prescribed by the Division;
5. Disclose to the client material facts of which the licensee has knowledge concerning the real estate transaction;
6. Advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the licensee; and
7. Account to the client for all money and property the licensee receives in which the client may have an interest.

Waiver of Duty to Present All Offers Authorization to Negotiate Directly with Seller

A client may choose to waive the broker's duty to present all offers by signing a waiver on a form, the "Waiver Form", prescribed by the Division. Concurrent with the option of a client to waive the duty of his/her broker to present all offers is the form "Authorization to Negotiate Directly with Seller", which gives permission in writing to authorize a licensee to negotiate a sale or lease directly with a seller. Both forms must be utilized and signed by a client who waives the duty to present all offers. Otherwise, a licensee for a buyer does not have the permission of the seller's broker to present offers or negotiate with the sellers directly.

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For more information:

Form: [Duties Owed By a Nevada Real Estate Licensee](#)

NRS: [645.193](#); [645.252—645.254](#)

Impact Fees

⇒ Purpose of Disclosure

The seller of any property must give notice of any impact fees that may be imposed upon the buyer.

An impact fee is a charge imposed by a local government on new development (i.e., the construction, reconstruction, redevelopment, conversion, alteration, relocation or enlargement of any structure which increases the number of service units) to finance some of the costs attributable to the new development.

⇒ Who must provide the disclosure?

A seller who has knowledge of the impact fee must give written notice to the buyer, including the amount of the impact fee and the name of the local government imposing the fee.

⇒ When is it due?

The notice must be provided to the buyer before the property is conveyed.

⇒ Additional Information

If the seller fails to give this notice, the seller is liable to the buyer for the amount of the impact fee.

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For more information:

NRS: [278B.320](#)

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Lien for Deferred Taxes

⇒ Purpose of Disclosure

If there are deferred taxes that have not been paid at the time the property is sold or transferred, the buyer must be notified in writing that there is a lien for deferred taxes on the property.

⇒ Who must provide the disclosure?

The seller must notify the buyer of the lien.

⇒ When is it due?

The lien must be disclosed at the time the property is sold or transferred.

⇒ Additional Information

The owner of the property on the date the deferred taxes become due is liable for the deferred taxes.

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For more information:

NRS: [361A.290](#)

Manufactured Housing — Used Manufactured/Mobile Homes

⇒ Purpose of Disclosure

The purpose of the Used Manufactured/Mobile Home disclosure is to make the buyer aware that a used manufactured or mobile home that has not been converted to real property is personal property and subject to personal property taxes.

⇒ Who must provide the disclosure?

The real estate licensee shall provide the form to the purchaser as soon as practicable, but before title is transferred.

⇒ Additional Information

This disclosure also informs the purchaser that title will not pass unless the county assessor's endorsement is placed on the face of the title, verifying that taxes have been paid in full.

The disclosure also instructs the consumer to submit certain documents to Nevada's Manufactured Housing Division and the county assessor within 45 days after the sale is complete and before a certificate of ownership will be issued.

For more information:

Form: [Used Manufactured/Mobile Home Disclosure](#)

Website: [Manufactured Housing Division](#)

NRS: [645.258](#), [489.521](#), [489.531](#), [489.541](#)

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Manufactured Housing — Manufactured Home Parks

⇒ Purpose of Disclosure

The purpose of the disclosure relating to placing or buying a manufactured or mobile home in a manufactured home park is to make the buyer aware that he may be subject to approval by the landlord of the manufactured home park if the manufactured or mobile home will remain in the park.

⇒ Who must provide the disclosure?

If the landlord requires approval of a prospective buyer and tenant, the landlord must post a sign which is clearly readable at the entrance of the park which advises consumers that before a manufactured home in the park is sold, the buyer and tenant must be approved by the landlord.

⇒ Additional Information

If the property will remain in the manufactured home park, make sure you have a lease agreement with the park manager and that you know the park's rules and regulations.

Remember: the seller or a manufactured home dealer cannot promise that you'll be accepted as a tenant in a particular manufactured home park. You must apply for the lease yourself and should do so before finalizing the purchase of your home. The landlord must approve or deny a completed application from a prospective buyer and tenant within 10 days after the date the application is submitted.

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For more information:

Website: [Manufactured Housing Division—Placing or Buying Your Home in a Rental Community](#)

NRS: [118B.170](#)

Range Land Disclosure

⇒ Purpose of Disclosure

The purpose of the Range Land Disclosure is to make the buyer aware of the possibility of roaming livestock on a property near open range.

⇒ Who must provide the disclosure?

If the property is adjacent to open range, the seller must disclose, in writing, information regarding grazing on the open range. (Open range is all unenclosed land outside cities or towns.)

⇒ When is it due?

The disclosure must be provided to the buyer before the sales agreement is signed.

⇒ Additional Information

The disclosure also identifies fencing requirements and warning about harming livestock.

The law requires that the seller retain a copy of the disclosure document that has been signed by the purchaser acknowledging receipt of the original document.

For more information:

Form: [Range Land Disclosure](#)

NRS: [113.065](#)

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Seller's Real Property Disclosure

⇒ Purpose of Disclosure

The purpose of the Seller's Real Property Disclosure form is to make the buyer aware of the overall condition of the property before it is transferred. This disclosure is not a guarantee nor does it take the place of an inspection. This form is not required for new home sales.

⇒ Who must provide the disclosure?

The seller must complete the "Seller's Real Property Disclosure" form, detailing the condition of the property, known defects, and any other aspects of the property which may affect its use or value.

⇒ When is it due?

The disclosure must be delivered to the buyer at least 10 days prior to conveyance of the property.

⇒ Additional Information

The content of the disclosure is based on what the seller is aware of at the time. If, after completion of the disclosure form, the seller discovers a new defect or notices that a previously disclosed condition has worsened, the seller must inform the purchaser, in writing, as soon as practicable after discovery of the condition, or before conveyance of the property.

The buyer may waive this form in writing, signed and notarized, or rescind the sales agreement for non-disclosure.

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For more information:

Form: [Seller's Real Property Disclosure](#)

NRS: [113.130](#); [113.140](#); [113.150](#)

Water & Sewer Rates

⇒ Purpose of Disclosure

The purpose of the disclosure relating to water and sewer rates is to inform the buyer of a previously unsold home or improved lot of public utility rates when service is for more than 25 but fewer than 2,000 customers.

⇒ Who must provide the disclosure?

The seller must post a notice, which shows the current or projected rates, in a conspicuous place on the property.

⇒ When is it due?

The notice must be posted and a copy provided to the buyer before the home is sold.

⇒ Additional Information

The notice must contain the name, address and telephone number of the public utility and the Division of Consumer Complaint Resolution of the Public Utilities Commission of Nevada.

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For more information:

NRS: [113.060](#)

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Lead-Based Paint

⇒ Purpose of Disclosure

The purpose of the lead-based paint disclosure is to make the buyer aware that the residential property (if built prior to 1978) may present exposure to lead.

⇒ Who must provide the disclosure?

Federal law requires that the seller disclose any known presence of lead-based paint hazards and provide buyer with the EPA disclosure booklet, "Protect Your Family From Lead in Your Home," along with any other available records and/or reports.

⇒ When is it due?

The disclosure is on a federally prescribed form and must be made as a condition of the sale before conveyance of the property.

⇒ Additional Information

On the disclosure form, the buyer must acknowledge receipt of the EPA disclosure booklet and copies of lead reports, if available. Additionally, the buyer will receive a 10-day opportunity to conduct a risk assessment or may choose to waive this opportunity.

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For more information:

Form: [Disclosure of Information on Lead-Based Paint](#)

Website: [Environmental Protection Agency \(Lead\)](#)

Phone: National Lead Information Center 1-800-424-LEAD

Local / Miscellaneous Disclosures

Depending upon the transaction, the following disclosures may also be required from a buyer, seller or licensee:

⇒ AIRPORT NOISE

Buyers should investigate the impact of airport flight paths and the noise levels at different times of the day over that property.

Form more information on airport noise, visit:

[McCarran Airport Noise Study](#)

[Reno Airport Noise](#)

⇒ BUILDING & ZONING CODES

The purpose of the building and zoning disclosure is to inform the buyer of transportation beltways and/or planned or anticipated land use within proximity of the subject property of which the seller has knowledge.

For more information on building and zoning codes, contact your local jurisdiction.

⇒ ENVIRONMENTAL HAZARDS

Although the seller is required to disclose the presence of environmental hazards, a statement that the seller is not aware of a defect or hazard does not mean that it does not exist. **It is the buyer's responsibility to be informed and take additional steps to further investigate.** Some potential hazards that may be found in Nevada include:

- **Radon** (www.epa.gov/radon)

Continued on next page

Local / Miscellaneous Disclosures

⇒ ENVIRONMENTAL HAZARDS, cont'd.

- **Floods** (<http://www.epa.gov/ebtpages/emernaturaldisastefloods.html>)
- **Methamphetamine Labs** ([NRS 40.770 & 489.776](http://www.nrs.gov/40.770&489.776))
- **Wood-Burning Devices** (<http://www.epa.gov/iaq/pubs/combust.html>)
- **Underground Storage Tanks** (<http://www.epa.gov/ebtpages/industoragetanksundergroundstorage/tanks.html>)
- **Well & Septic Systems** (<http://www.epa.gov/ebtpages/wategroundwaterwells.html>)
- **Contaminated Soils** (<http://www.epa.gov/ebtpages/pollsoilcontaminants.html>)
- **Groundwater** (www.epa.gov/safewater/protect/citguide.html)

For more information on environmental hazards, visit:
www.epa.gov.

⇒ HOME INSPECTIONS

When obtaining an FHA-insured loan, this disclosure informs the buyer about the limits of the Federal Housing Administration appraisal inspection and suggests the buyer obtain a home inspection to evaluate the physical condition of the property prior to purchase. The form is entitled, "For Your Protection: Get a Home Inspection."

For more information on FHA home inspections, visit:
www.epa.gov.

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Local / Miscellaneous Disclosures

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⇒ **GAMING (Initial Purchaser in New Construction Only)**

If there is a gaming district near the property, the seller must disclose information which includes a copy of the most recent gaming enterprise district map, the location of the nearest gaming enterprise district, and notice that the map is subject to change. This disclosure is required for Nevada counties with population over 400,000.

The information must be provided at least 24 hours before the seller signs the sales agreement. The buyer may waive the 24-hour period.

The seller must retain a copy of the disclosure.

For more information on gaming, see: [NRS 113.080](#)

⇒ **LICENSEE DISCLOSURES**

In addition to the “Consent to Act” and the “Duties Owed by a Nevada Real Estate Licensee” forms (see pages 6 & 8), a real estate licensee is required to disclose other information such as his relationship to one or more parties in the transaction and/or having a personal interest in the property.

For more information regarding duties and disclosures owed by a licensee, see: [NRS 645.252-645.254](#), [NAC 645.637](#) and [NAC 645.640](#).

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Local / Miscellaneous Disclosures

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⇒ ROAD MAINTENANCE DISTRICT

The sale of residential property within a road maintenance district is prohibited unless the seller provides notice to the purchaser, including the amount of assessments for the last two years.

For more information, see: [NRS 320.130](#).

⇒ SOIL REPORT (New Construction Only)

If the property has not been occupied by the buyer more than 120 days before completion, the seller must give notice of any soil report prepared for the property or for the subdivision in which the property is located.

The seller must provide such notice upon signing the sales agreement.

Upon receiving the notice, the buyer must submit a written request within 5 days for a copy of the actual report. The seller must provide a free report to the buyer within 5 days of receiving such request.

Upon receiving the soil report, the buyer has 20 days to rescind the sales agreement. This rescission right may be waived, in writing, by the buyer.

For more information, see: [NRS 113.135](#).

Contact Information

<p>Nevada Real Estate Division (LV) 2501 East Sahara, Suite 101 Las Vegas, NV 89104 Phone: (702) 486-4033 Fax: (702) 486-4275 Email: realest@red.state.nv.us Website: www.red.state.nv.us</p>	<p>Nevada Real Estate Division (CC) 788 Fairview Drive, Suite 200 Carson City, NV 89701 Phone: (775) 687-4280 Fax: (775) 687-4868 Email: realest@red.state.nv.us Website: www.red.state.nv.us</p>
<p>Manufactured Housing Division (LV) 2501 East Sahara, Suite 204 Las Vegas, NV 89104 Phone: (702) 486-4135 Fax: (702) 486-4309 Email: nmhd@mhd.state.nv.us Website: http://mhd.state.nv.us</p>	<p>Manufactured Housing Division (CC) 788 Fairview Drive, Suite 100 Carson City, NV 89701 Phone: (775) 687-5500 Fax: (775) 687-5521 Email: nmhd@mhd.state.nv.us Website: http://mhd.state.nv.us</p>
<p>Ombudsman Office (Common-Interest Communities) 2501 East Sahara, Suite 202 Las Vegas, NV 89104 Phone: (702) 486-4480 Toll Free: (877) 829-9907 Fax: (702) 486-5137 Email: CICombudsman@red.state.nv.us Website: www.red.state.nv.us/CIC_ombuds.htm</p>	<p>U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460 Phone: (202) 272-0167 Website: www.epa.gov</p>
<p>National Lead Information Center 8601 Georgia Avenue, Suite 503 Silver Spring, MD 20910 Phone: (800) 424-LEAD Fax: (301) 585-7976 Email: hotline.lead@epa.gov Website: www.epa.gov/lead</p>	<p>Department of Health and Human Services – Center for Disease Control & Prevention 1600 Clifton Road Atlanta, GA 30333 Phone: (404) 639-3311 Public Inquiries: (800) 311-3435 Website: www.cdc.gov</p>
<p>McCarran Airport Noise Study Email: info@mccarrannoisestudy.com Website: www.mccarrannoisestudy.com</p>	<p>Reno Airport Noise Email: noise.abatement@renoairport.com Website: http://renoairport.com/about_the_airport/airport_noise_information.php</p>

Nevada Real Estate Division

RESIDENTIAL DISCLOSURE GUIDE



State of Nevada
Department of Business & Industry
Real Estate Division

I/We acknowledge that I/we have received a copy of the Residential Disclosure Guide.

DATE _____

Client – Print Name

Client – Signature

Client – Print Name

Client – Signature

Retain original or copy in each transaction file.

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Nevada Real Estate Division

The Division issues credentials to real estate brokers, salespersons, real estate appraisers, inspectors of structures, property managers and time share agents in Nevada.

The Division also ensures that the public is well-served by educating consumers and keeping them well informed. Our mission is to safeguard and promote public interest in real estate transactions by developing an informed public and a professional real estate industry.

This booklet is state-issued and may not be modified or altered in any way. Copies may be reproduced as needed. This booklet has also been produced in Microsoft Word format and may be downloaded and printed from our website at www.red.state.nv.us/forms/622.pdf

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