

Any Listing Going Under Contract in 2026 Must Use New Property Disclosure Form

The Colorado Real Estate Commission approved a new Seller's Property Disclosure form that became mandatory on Jan. 1st and must be dated the same as the purchase contract to which it applies.

This is the largest rewrite of that form that I can recall in my 23-year career. The document is two pages longer than its predecessor, with an extensive number of new matters to be disclosed.

Changes to the form are mostly in the form of additional questions and check boxes. For example, it's not enough to indicate that a kitchen range is included. Now there's a box to indicate whether it's gas or electric. And the check boxes are moved to the "Comments" column, where they are less likely to be overlooked by the sellers filling out the form. (Listing agents are not allowed to complete the form, although they are expected to explain some of the questions and terms to sellers who may be unfamiliar with them.)

The disclosure no longer simply asks when the seller acquired the property but when, if ever, they last lived in it. Instead of simply asking if the property experienced any settling or movement of the structure, it asks that question separately about foundations, floors, interior and exterior walls,

driveways, sidewalks, patios and retaining walls. It doesn't just ask if solar panels are owned or leased, but also for the vendor and their output in kilowatts.

The new form, like the old one, asks whether smoke detectors are battery or hard-wired. I would have liked if it also offered "plug-in with battery backup" as an option.

In addition to asking how many garage remotes the seller has, the form now asks about "garage door keyless entry" — in other words, an outside code panel.

Instead of a blank line to enter the furnace type, it now offers checkboxes for gas, electric and propane forced air, plus radiant, gravity flow and "other." Why doesn't it have checkboxes for hot water baseboard or heat pump? It also asks if the heating is zoned and to list up to three zones. (Most homes with zoned heat, however, have more than three zones.)

Under air conditioning, oddly, it doesn't offer the choice of window units.

The form now distinguishes between attic ventilation fans and whole house fans.

The form asks much more detailed questions about wells, explaining "domestic" versus "household" well permits.

Questions about septic systems are much

more detailed than previously, asking, for example, the name of the septic service providers and the last time the tank was pumped and the septic line scoped.

There's a new section asking for detailed information about metropolitan tax districts.

I learned about these changes in the mandatory Annual Commission Update class, which I urge agents to take now rather than

later in the year. As alluded to in the first paragraph, a disclosure form completed last year cannot be used unless your listing went under contract before Dec. 31st. If your listing is still active, you must have the seller complete the new form and not sign it until the date it goes under contract, thus confirming that the information is accurate effective that date.

Lender Lonnie Glessner Cautions Buyers of New Homes

I just took a continuing education class with the catchy title, "How to Protect Your Clients from Metro Districts," taught by Lonnie Glessner, senior loan officer with Synergy One Lending.

I have been writing about Metropolitan Tax Districts for 20 years now, and the abuse of this legal construct has only gotten worse over the years. This class should not only be taken by every buyer's agent, but also by all 100 members of the Colorado General Assembly, which has yet to rein in metro districts properly.

Some efforts have been made in that direction, but not enough. In 2023, the state House of Representatives passed by a vote of 38 to 24 a bill addressing the conflicts of interest of district board members owning debt issued by the district, but it was defeated in the Senate thanks to lobbying by lawyers serving those same directors.

In response, Senate Bill 23-110, the "Transparency for Metropolitan Districts" act, did nothing about that conflict, but did limit the interest rate on bonds issued by districts and required "annual meetings open to the public."

As Lonnie told the class, the district can schedule those annual meetings at a distance from the district (such as Boulder for a Parker district) and hold it at 2 p.m. on a weekday, discouraging homeowner attendance.

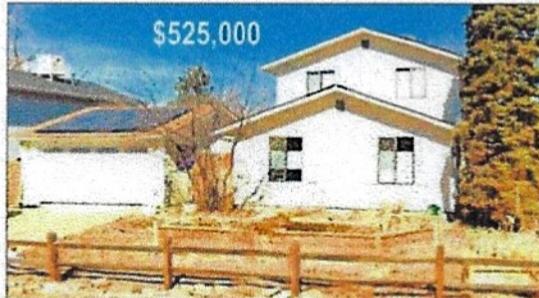
There is no requirement, as there is for HOAs, that they be controlled by residents once a percentage of the new homes is sold, and there's no requirement that board members live in the district or that elections be conducted by mail-in ballot.

Most elections end up being canceled and incumbents re-elected because the process is designed to discourage candidates.

The bottom line is that metro districts are making millionaires out of developers and builders who control the districts and issue high-interest bonds that they themselves purchase. Listening to Lonnie in this class, I must say it's even worse than I thought.

If you read this article on my blog, <http://RealEstateToday.substack.com>, you'll find a link to Lonnie's 3-page summary of that CE class. I'll also provide a link to the many columns I have written in the past about Metropolitan Tax Districts and why they are bad news for home buyers.

If You Self-Describe as 'Woke', You'll Love This Home!



I know most readers share my values and politics. The sellers of this home at 6637 W. 95th Place in Westminster are readers and share those same values — sustainability, solar power, electric vehicles, the whole enchilada. They bought the home in 2001, but now they're moving to the coast of Oregon — like Colorado, a comfortably "blue" state. This home

has what we Realtors call "character," and if you like character, like solar, composting,

food forest and perennial vegetables, you'll be quite comfortable buying this home.

There are so many more details, pictures and narrated video at www.GRElistings.com.

Jim Smith, Broker
CENTURY 21 Golden Real Estate

303-525-1851

Jim@GoldenRealEstate.com



The articles in this ad are posted at RealEstateToday.substack.com.

Two decades of these columns are archived at JimSmithColumns.com.

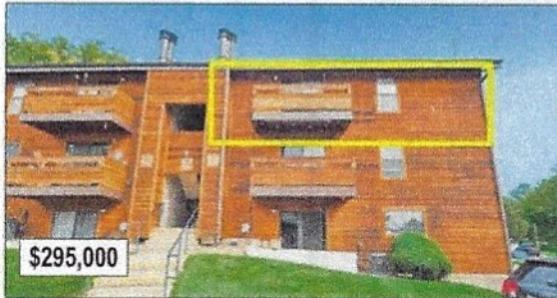


Just Listed: 2-Story Home With Main-Floor Primary Suite

This fine home at 5436 S. Independence Street in the Governor's Ranch subdivision, has everything you'd expect in a 1992 home — beautiful hardwood floors on the main level, eat-in kitchen with granite countertops, formal dining room, living room, family room with gas fireplace, a covered patio and 3-car garage. A trail to the nearby park is adjacent to the home, as are the cluster mailboxes and a Little Free Library. What struck me was how absolutely quiet this home's location is, away from arterial streets. It has two office spaces — one upstairs and another in the otherwise unfinished basement. Find 60 pictures, floor plans, and a narrated video tour at www.GRElistings.com, then come to the open house this Sunday, 11am to 1pm.



This 2-Bed/2-Bath Lakewood Condo Is Now Under \$300K



Although the seller has only owned this unit at 331 Wright Street #304 for two years, she has done some major updates, including rebuilding the deck, installing a new furnace and A/C, replacing light fixtures, and more. Highlights include its rebuilt 5'x12' south-facing deck and the living room's vaulted ceiling, skylight and a wood-burning fireplace set into a stone

wall. Visit www.GRElistings.com to view a narrated video walk-through, drone video and interactive tour. Then call me at 303-525-1851 or co-listing agent Kathy Jonke at 303-990-7428 to request a private showing. You'll agree it's a great value.

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