

Newly Revised PRDS Fire Hardening Defensible Space Form Released

PRDS has updated its Fire Hardening Defensible Space (“**FHDS**”) form. The revised form is dated 6/2022. Unlike C.A.R., PRDS only had to make a few minor changes to better help Agents and their Clients understand the two complex state laws that necessitate use of a hybrid type of form that is both a Seller Disclosure and an Agreement between the Seller and Buyer.

PRDS never confused users by calling its form an Advisory; the PRDS **FHDS** is not designed to provide general information about wildfires and/or fire safety (which is now also true in the revised C.A.R. form). The **FHDS** form only needs to be completed by sellers if certain factors are true; if any of those factors are not true then the form should not be used. PRDS does not recommend that Agents encourage sellers to complete disclosure forms that are not required by state law or a contractual agreement between the Parties. As the PRDS **FHDS** form now explains in its Introduction section:

“Seller may voluntarily choose to make the disclosures below even if not mandated by law but should not do so without first consulting with Seller’s own qualified California real estate attorney.”

The PRDS form has always had a separate section for Fire Hardening Information. Part IIA of the form now explains that the Seller’s obligation to complete that section only exists: “IF all 3 of the following acts are true: (1) the Seller must complete a TDS; and (2) the Property is in a high or very high fire hazard severity zone; and (3) the Property was built before January 1, 2010.”

The PRDS form has always had a separate section for Defensible Space Information. Part IIIA of the form explains that the Seller’s obligation to reach an agreement with the Buyer regarding who is responsible for defensible space compliance only exists: “IF both of the following are true: (1) the Seller must complete a TDS; and (2) the Property is in a high or very high fire hazard severity zone.”

Unlike the C.A.R. FHDS form, PRDS does not burden Agents with making decisions for completing the form and PRDS includes an important, standard disclaimer designed to protect Agents:

“The Agent(s) have not and will not verify any of the representations made by Seller. The Agent(s) have no expertise in determining what laws are or are not applicable to the Property.”