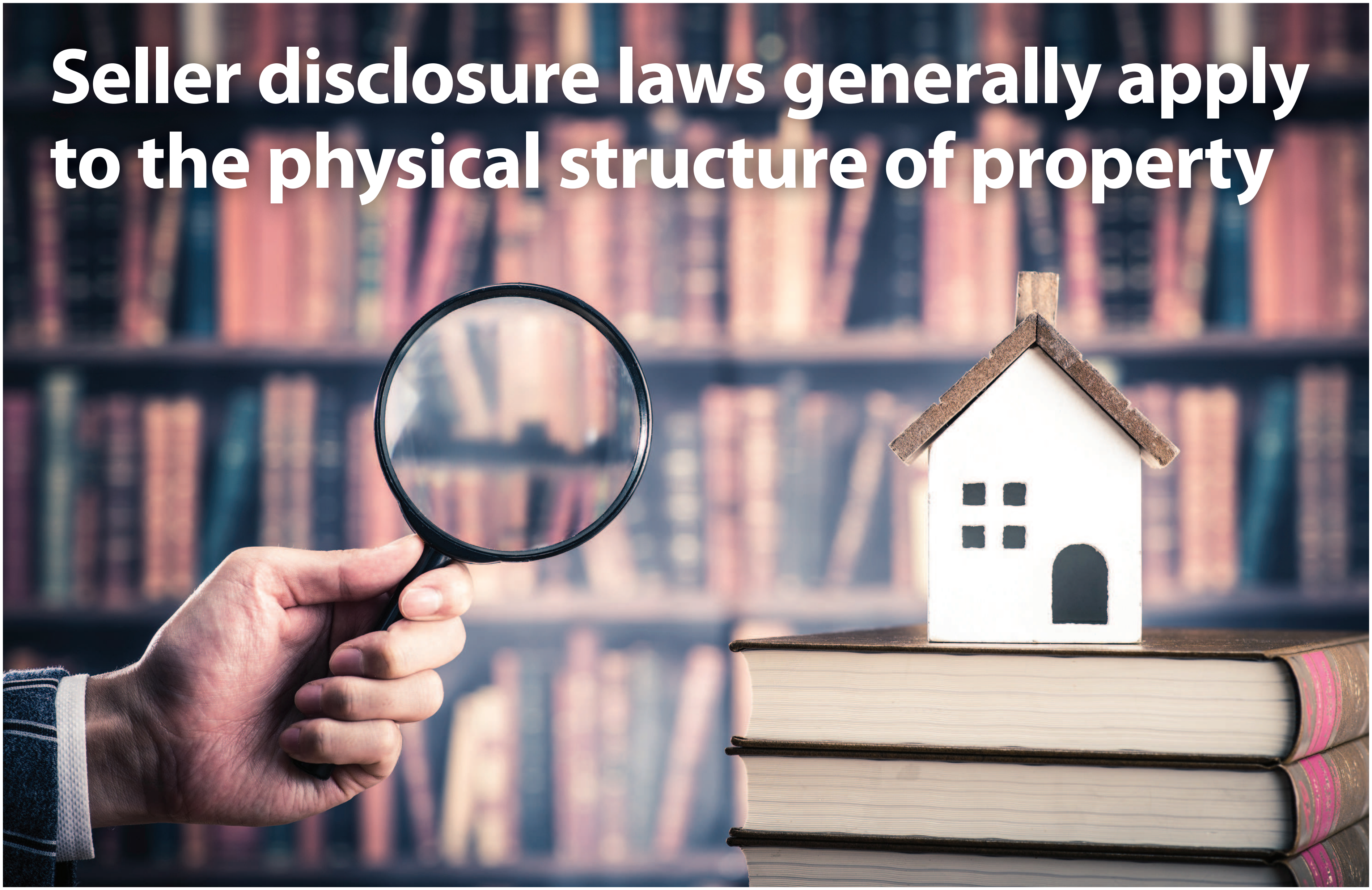
Seller disclosure laws generally apply to the physical structure of property



THINKSTOCK IMAGE

**By Ilyce Glink
and Samuel J. Tamkin**
Tribune Content Agency

Q: The woman in the condo unit directly beneath me committed suicide a few months ago. I am planning to sell my unit, and her husband still lives in the condo below mine. Do I have to disclose her suicide to prospective buyers when I sell my unit?

A: While seller disclosure laws vary somewhat from state-to-state, the purpose of most of these seller disclosure laws is to inform potential buyers of residential real estate of known problems or defects that affect a home. We believe that legislators intended seller disclosure laws to pertain to physical characteristics of a home: the windows, roof, foundation, heating and cooling systems, plumbing systems, flooring and the like.

If you know your home has termites, you should tell the buyer. If the foundation has cracked and the home is shifting, you should tell the buyer. If your home has high levels of radon, you should tell the buyer. If your roof is shot and leaking, you should tell the buyer.

However, when it comes to matters that don't affect the structure of the home, you might not have to disclose some of those items. For example, if you live in a homeowners association and the association has levied a special assessment, you might have to disclose that, but if you feel your home is haunted, you might not have to disclose that.

Homeowners die in their homes all the time. Some die from natural causes and others don't. We don't tend to believe that you need to disclose those matters to prospective buyers. And, at least we don't think seller disclosure laws were intended to cover those matters.

Still, when it comes to "stigmatized properties," buyers might ask a seller whether a death occurred by suicide, AIDS or murder. While you may not be required to disclose that sort of information upfront, you are required to answer that question honestly. And, in some states, you may be required to disclose the information, although there is generally a time limit that applies to the disclosure. California law requires that sellers disclose deaths that occurred on the property three years prior to the sale. But for deaths that occurred before that time, there is no requirement to disclose.

Your situation doesn't even affect your unit, the death occurred in a unit below yours. We don't see how that situation affects your condominium value. While it's unpleasant to know that it happened, and it's quite regrettable, we don't think it rises to the level that would require disclosure to the buyer.

Your real estate broker can give you further information on marketing your property; if you want further clarification, you should talk to a real estate attorney that practices law in the state in which the condominium is located.