GROUP STUDY STUDENT MANUAL

REAL ESTATE PRINCIPLES 1

SUCCESS IN YOUR HANDS

AGENT

REAL ESTATE SCHOOLS

Table of Contents

Class Presentation: Chapter 1 - Real Estate Licensing and Endorsement

Slide 1: Learning Objectives

- Real Estate Licensing: Understand the requirements for obtaining and renewing a real estate license.
- Agency Relationships: Identify how agency relationships are formed and the duties owed to clients.
- Trust Funds: Learn legal requirements for managing and disbursing trust funds in real estate transactions.
- Civil Rights and Fair Housing: Recognize federal and state laws that protect against housing discrimination.
- Disclosures: Comprehend the importance of property condition and hazard disclosures using TDS and NHD forms.
- Fiduciary Duties: Differentiate between fiduciary and general duties owed by agents to clients.
- Environmental Hazards: Identify and disclose risks like asbestos, mold, and lead-based paint.
- Fair Housing Advertising: Avoid discriminatory practices in marketing properties.
- Investment Property Analysis: Utilize tools like APOD to evaluate income-producing properties.
- Natural Hazards: Understand the disclosure requirements for flood zones, seismic hazards, and wildfire risks.

Slide 2: Key Terms

- Bulk Sale: The transfer of more than half of a business's inventory (materials or goods) to someone other than the business's customers. It is regulated to protect creditors from unpaid debts after the sale.
- Business Opportunity: The sale or lease of an existing business, including its operations, assets, goodwill, and sometimes the real property. The transaction is governed by real estate laws.

- Department of Real Estate (DRE): The government agency responsible for issuing real estate licenses, overseeing licensees, and enforcing California real estate law.
- Designated Officer (DO): A licensed real estate broker officer who qualifies a corporation for a corporate real estate broker license and is responsible for supervising agents and ensuring compliance with the law.
- Fictitious Business Name: A name under which a real estate business operates that is different from the legal name of the business owner or corporation (also called a "doing business as" or d.b.a.).
- Mobile home: A manufactured structure used as a dwelling, classified as personal or real property depending on its attachment to land. It may require special handling in transactions if not considered real property.
- Mortgage Loan Originator (MLO): A real estate licensee authorized to arrange or negotiate residential mortgages. They require a special MLO endorsement from the DRE, which includes additional education and regulatory requirements.
- Principal: A person or entity (e.g., buyer or seller) represented by a broker or agent in a real estate transaction.
- Real Estate Recovery Fund: A fund used to compensate individuals who win a court judgment against a licensee but are unable to recover losses directly from that licensee. The fund helps protect consumers from financial harm caused by unscrupulous licensees.

Slide 3: The Role of the Department of Real Estate (DRE)

- Oversight and Enforcement:
    - The DRE regulates all real estate practices in California, ensuring that brokers, agents, and businesses comply with state law.
    - It oversees real estate licensing, continuing education, and enforces legal standards for ethical conduct among licensees.
- Duties of the Real Estate Commissioner:
    - The DRE is led by the Real Estate Commissioner, who is tasked with enforcing real estate laws, protecting consumers, and supervising the actions of brokers and agents.
    - The Commissioner has the authority to investigate complaints, issue disciplinary actions, and revoke licenses when violations occur.

- Licensing Requirements:
    - A person must be licensed by the DRE to engage in activities such as selling, buying, leasing, or managing real estate on behalf of others for compensation.
    - Specific licensing is also required to handle the sale of business opportunities, mobile homes, and mineral or oil rights.

Slide 4: Eligibility and Educational Requirements

- Agent Licensing:
    - To become a real estate agent, individuals must be at least 18 years old, complete three mandatory courses (real estate principles, real estate practice, and an elective course), and pass the DRE licensing exam.
    - Once licensed, agents must be employed by a broker to legally perform real estate transactions.
- Broker Licensing:
    - Brokers must meet stricter requirements, including at least two years of experience as a licensed agent, completion of eight statutory real estate courses, and passing a broker's exam.
    - Brokers can operate independently or manage a brokerage, overseeing real estate agents.
- License Renewal and Continuing Education:
    - Real estate licenses are valid for four years and must be renewed by completing 45 hours of continuing education (CE), which includes mandatory courses on trust fund handling, ethics, risk management, and fair housing.

Slide 5: Activities Requiring a Real Estate License

- Broker Activities:
    - Brokers are licensed to engage in activities such as negotiating real estate sales, leases, or business opportunities, managing real estate on behalf of clients, and arranging or servicing loans secured by real estate.
- Agent Activities:
    - Agents represent brokers in transactions and assist with tasks like preparing listings, negotiating sales or leases, and collecting rent.

- Agents cannot perform these tasks independently; they must be employed by a licensed broker.

- Supervision and Compliance:
    - Brokers are responsible for supervising the activities of their agents to ensure compliance with real estate laws and regulations.
    - They must establish policies and review all transactional documents and advertising to avoid violations.

Slide 6: Real Estate Recovery Fund and MLO Endorsement

- Real Estate Recovery Fund:
    - The fund protects consumers who have been financially harmed by fraudulent or unethical conduct by real estate licensees.
    - If a judgment is awarded to a consumer and the licensee cannot pay, the consumer can apply for compensation from the Recovery Fund.
    - The licensee's real estate license is suspended until they reimburse the fund for the paid claim.
- Mortgage Loan Originator (MLO) Endorsement:
    - Licensees involved in arranging consumer-purpose residential mortgages must obtain an MLO endorsement, which requires passing additional exams, completing pre-licensing education, and undergoing background checks.
    - MLOs must complete 20 hours of pre-licensing education and 8 hours of annual continuing education to maintain their endorsement.
    - This endorsement is part of the federal Secure and Fair Enforcement (SAFE) Act designed to protect borrowers and ensure fair lending practices.

Slide 7: Business Opportunities, Mobile homes, and Other Licensing Specialties

- Business Opportunities:
    - In addition to real estate transactions, licensees may assist in the sale or lease of existing businesses, which includes selling the business's goodwill, inventory, and property.
    - These transactions often involve a combination of real estate and personal property.

- Mobile home Transactions:
  - Mobile homes can be considered personal property or real property, depending on whether they are attached to a permanent foundation.
  - Brokers must comply with specific regulations when handling mobile home sales, especially when they are treated as personal property.
- Other Special Licensing Areas:
  - Licensees can also engage in specialized real estate fields, such as managing mineral, oil, and gas properties, provided they comply with state regulations.

Student Exercise: Chapter 1 – Real Estate Licensing and Endorsement

Slide 1: Learning Objectives

Real Estate Licensing

1. What are the basic requirements for obtaining a real estate license in California?

   Answer: ____
2. How often must a real estate license be renewed, and what are the continuing education requirements?

   Answer: ____
3. What actions can result in the suspension or revocation of a real estate license?

   Answer: ____

Agency Relationships

4. Describe how an agency relationship is established in real estate.

   Answer: ____
5. What are the three types of agency relationships, and how do they differ?

   Answer: ____
6. List the fiduciary duties owed by an agent to their client.

   Answer: ____

Trust Funds

7. Define a trust fund in the context of real estate transactions.

   Answer: ____

8. What are the legal requirements for handling trust funds?

   Answer: ____

9. What are the potential consequences of mismanaging trust funds?

   Answer: ____

Civil Rights and Fair Housing

10. What federal law prohibits discrimination in housing, and what does it cover?

    Answer: ____

11. Name at least three protected classes under California's Fair Housing laws.

    Answer: ____

12. What actions are considered discriminatory under fair housing laws?

    Answer: ____

Disclosures

13. What is the purpose of the Transfer Disclosure Statement (TDS)?

    Answer: ____

14. What information must be included in the Natural Hazard Disclosure (NHD) form?

    Answer: ____

15. What are the consequences of failing to provide required disclosures?

    Answer: ____

Fiduciary Duties

16. What is the difference between fiduciary duties and general duties owed by an agent to clients?

    Answer: ____

17. Provide an example of a breach of fiduciary duty.

    Answer: ____

Environmental Hazards

18. List three common environmental hazards that must be disclosed in real estate transactions.

    Answer: ____

19. What is the federal requirement for disclosing lead-based paint hazards?

    Answer: ____

Fair Housing Advertising

20. Provide an example of discriminatory language that must be avoided in real estate advertising.

    Answer: ____

21. What are the consequences of violating fair housing advertising laws?

    Answer: ____

Investment Property Analysis

22. What is an Annual Property Operating Data (APOD) sheet, and what is its purpose?

    Answer: ____

23. List two key metrics used in evaluating income-producing properties.

    Answer: ____

24. What information is typically included in an APOD?

    Answer: ____

Natural Hazards

25. What is the purpose of the Natural Hazard Disclosure (NHD) form?

    Answer: ____

26. List three natural hazards that require disclosure in California real estate transactions.

    Answer: ____

27. What steps should an agent take to ensure compliance with natural hazard disclosure requirements?

    Answer: ____

Slide 2: Key Terms

Match each scenario below with the appropriate key term. Write the correct letter in the blank:

1. Sunrise Realty Group, a brokerage firm, decides to operate under the name Golden Coast Properties. To comply with California regulations, they must file a _______________.
2. Luna Investments, a client of broker Carlos Ramirez, is purchasing an established bakery, including its recipes, equipment, and goodwill. This type of transaction is classified as a _______________.
3. Samantha Johnson, a licensed real estate agent at Blue Horizon Realty, takes additional courses to qualify as a loan officer and assist her clients in financing their homes. To provide these services, she must obtain a _______________.
4. Greg Howard is selling his manufactured home, which is not permanently affixed to land and still sits on its original chassis. This property is categorized as a _______________.
5. Emily Chen, a new real estate licensee, is eager to begin her career. She joins Evergreen Homes as her sponsoring _______________ to fulfill state requirements and start practicing.

Options:

(A) Fictitious Business Name

(B) Business Opportunity

(C) Mortgage Loan Originator (MLO)

(D) Mobile Home

(E) Broker

Slide 2: The Role of the DRE

Complete the following:

1. What is the primary responsibility of the Department of Real Estate (DRE)?
    - _______________
2. Name one of the duties of the Real Estate Commissioner:
    - _______________

Slide 3: Eligibility and Educational Requirements

Answer the following:

1. What are the three required courses for a real estate agent license?

   Course 1: ___________________________

   Course 2: ___________________________

   Course 3: ___________________________

2. A broker must complete how many statutory courses? _________________

Slide 4: Activities Requiring a Real Estate License

Fill in the blanks:

1. Brokers can independently _______________ properties, negotiate sales, and manage real estate on behalf of clients.
2. Real estate agents must operate under a ________________ to legally assist in transactions.

Slide 5: Real Estate Recovery Fund and MLO Endorsement

Scenario: A consumer wins a lawsuit against an agent for fraud but cannot recover damages directly.

1. What steps should the consumer take to be compensated?
   - ____
2. What happens to the agent's license after the fund pays the consumer?
   - ____

Answer Key: Chapter 1

Slide 1: Learning Objectives

Real Estate Licensing

1. What are the basic requirements for obtaining a real estate license in California?

   Answer: Be at least 18 years old, complete the required pre-licensing education, pass the California real estate salesperson exam, and submit a background check.

2. How often must a real estate license be renewed, and what are the continuing education requirements?

   Answer: Every four years, with 45 hours of continuing education, including ethics, agency, trust funds, fair housing, and risk management.

3. What actions can result in the suspension or revocation of a real estate license?

   Answer: Misrepresentation, fraud, trust fund violations, failure to disclose material facts, or criminal convictions.

Agency Relationships

4. Describe how an agency relationship is established in real estate.

   Answer: Through a written agreement (e.g., listing agreement), oral agreement, or implied by conduct.

5. What are the three types of agency relationships, and how do they differ?

   Answer: Single Agency: Agent represents one party (buyer or seller). Dual Agency: Agent represents both buyer and seller in the same transaction (with disclosure and consent). Subagency: Agent represents another broker's client.

6. List the fiduciary duties owed by an agent to their client.

   Answer: Loyalty, obedience, disclosure, confidentiality, accounting, and reasonable care/diligence.

Trust Funds

7. Define a trust fund in the context of real estate transactions.

   Answer: Money or property held by an agent on behalf of a client, typically for deposits or transaction-related expenses.

8. What are the legal requirements for handling trust funds?

   Answer: Deposit funds into a trust account, escrow account, or deliver them to the rightful party within three business days.

9. What are the potential consequences of mismanaging trust funds?

   Answer: Disciplinary action, license suspension or revocation, fines, and potential criminal charges.

Civil Rights and Fair Housing

10. What federal law prohibits discrimination in housing, and what does it cover?

    Answer: The Fair Housing Act, which prohibits discrimination based on race, color, religion, sex, national origin, disability, or familial status.

11. Name at least three protected classes under California's Fair Housing laws.

    Answer: Ancestry, sexual orientation, gender identity, marital status, or source of income.

12. What actions are considered discriminatory under fair housing laws?

    Answer: Refusing to rent/sell, providing different terms, steering, or discriminatory advertising.

Disclosures

13. What is the purpose of the Transfer Disclosure Statement (TDS)?

    Answer: To inform buyers about known property defects and conditions.

14. What information must be included in the Natural Hazard Disclosure (NHD) form?

    Answer: Information about flood zones, fire hazard severity zones, seismic hazard zones, and other natural risks.

15. What are the consequences of failing to provide required disclosures?

    Answer: Potential rescission of the sale, legal liability, and fines.

Fiduciary Duties

16. What is the difference between fiduciary duties and general duties owed by an agent to clients?

    Answer: Fiduciary duties require prioritizing the client's interests above all else, while general duties include honesty and fair dealing with all parties.

17. Provide an example of a breach of fiduciary duty.

    Answer: Failing to disclose a material fact that affects the client's decision-making or representing competing interests without disclosure.

Environmental Hazards

18. List three common environmental hazards that must be disclosed in real estate transactions.

    Answer: Asbestos, mold, and lead-based paint.

19. What is the federal requirement for disclosing lead-based paint hazards?

    Answer: Homes built before 1978 require disclosure of lead-based paint hazards and a copy of the EPA pamphlet "Protect Your Family from Lead in Your Home."

Fair Housing Advertising

20. Provide an example of discriminatory language that must be avoided in real estate advertising.

    Answer: Phrases like "No families" or "Ideal for single professionals" must be avoided.

21. What are the consequences of violating fair housing advertising laws?

    Answer: Penalties, lawsuits, fines, and possible license suspension or revocation.

Investment Property Analysis

22. What is an Annual Property Operating Data (APOD) sheet, and what is its purpose?

    Answer: A financial tool used to analyze the income, expenses, and profitability of income-producing properties.

23. List two key metrics used in evaluating income-producing properties.

    Answer: Cash-on-cash return and capitalization rate (cap rate).

24. What information is typically included in an APOD?

    Answer: Rental income, operating expenses, net operating income (NOI), and financing costs.

Natural Hazards

25. What is the purpose of the Natural Hazard Disclosure (NHD) form?

    Answer: To inform buyers about risks associated with natural disasters in the property's location.

26. List three natural hazards that require disclosure in California real estate transactions.

    Answer: Flood zones, earthquake fault zones, and high wildfire areas.

27. What steps should an agent take to ensure compliance with natural hazard disclosure requirements?

    Answer: Obtain an NHD report from a qualified provider, review it with the seller, and ensure the buyer acknowledges receipt.

Slide 2: Key Terms Matching

1. A - Fictitious Business Name
2. B - Business Opportunity
3. C - Mortgage Loan Originator (MLO)
4. D - Mobile Home
5. E - Broker

Slide 3: The Role of the DRE

1. Oversee real estate licensing and ensure compliance with state laws.
2. Investigate complaints, issue disciplinary actions, or revoke licenses.

Slide 4: Eligibility and Educational Requirements

1. Real Estate Principles, Real Estate Practice, and an elective course.
2. Eight statutory courses.

Slide 5: Activities Requiring a Real Estate License

1. Sell
2. Licensed broker

Slide 6: Real Estate Recovery Fund and MLO Endorsement

1. Apply to the Real Estate Recovery Fund for reimbursement.
2. The agent's license is suspended until the fund is reimbursed.

Class Presentation: Chapter 2 - Agency: Authority to Represent Others

Slide 1: Key Terms

- Agent: A person authorized to act on behalf of another, typically in real estate transactions, representing a principal such as a buyer or seller.
- Department of Real Estate (DRE): The California state agency responsible for regulating real estate licensees, ensuring legal compliance, and protecting consumers.
- Principal: The person or entity (buyer or seller) who authorizes an agent (usually a real estate broker) to act on their behalf in real estate dealings.

Slide 2: The Concept of Agency in Real Estate

- Definition of Agency:
  - Agency is the relationship in which one party (the agent) is authorized to act on behalf of another (the principal).
  - In real estate, the agent typically refers to a licensed broker or their agent acting on behalf of buyers, sellers, or other parties.
- Creation of Agency:
  - Agency is formed when a principal employs a broker or agent, which can be done through a written contract, or oral agreement, or implied through conduct.
  - A written agreement is typically needed to enforce fee agreements in court.

Slide 3: Duties of Agents and Brokers

- Primary Duties Owed to Principals:
  - Due Diligence: Investigating the property's condition and legal status.
  - Advising: Helping the principal understand the financial, legal, and tax implications of transactions.
  - Risk Evaluation: Advising the principal on risks related to the transaction.
- General Duties:
  - Honesty and fair dealing are required for all parties involved in a transaction, not just the principal.

Slide 4: Role of the Department of Real Estate (DRE)

- DRE's Role in Protecting Consumers:
  - The DRE enforces real estate laws and ensures agents and brokers meet professional standards.
  - It monitors and disciplines licensees who fail to uphold their duties, protecting clients from unethical practices.

Student Exercise: Chapter 2: Agency: Authority to Represent Others

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Agent
2. ______ Principal
3. ______ Department of Real Estate (DRE)

Definitions:

(A) The California agency that regulates real estate practices and enforces compliance.

(B) The person or entity (e.g., buyer or seller) represented by a real estate agent.

(C) An individual authorized to act on behalf of another in a transaction.

Slide 2: The Concept of Agency in Real Estate

True or False: ____________

1. Agency relationships can be formed through written contracts, oral agreements, or implied actions.

Slide 3: Duties of Agents and Brokers

Fill in the blanks:

1. Agents must perform due ______________ by investigating the property's condition and legal status.
2. Brokers owe all parties in a transaction honesty and ______________.

Answer Key: Chapter 2 Agency: Authority to Represent Others

Slide 1: Key Terms Matching

1. C
2. B
3. A

Slide 2: The Concept of Agency in Real Estate

1. True

Slide 3: Duties of Agents and Brokers

1. Diligence
2. Fair dealing

Class Presentation: Chapter 3: Agency Relationships and Disclosures

Slide 1: Key Terms

- Agency Law Disclosure: A required form that explains agent roles and fiduciary obligations to clients in certain real estate transactions.
- Agency Confirmation Provision: A clause in purchase agreements that specifies the agency relationships of brokers involved in the transaction.
- Conflict of Interest: A situation where personal or financial interests may compromise an agent's duty to their client.
- Dual Agency: When a broker represents both the buyer and the seller in the same transaction, requiring written consent from both parties.
- Fiduciary Duty: The obligation to act in the highest good faith for a client, ensuring honesty, loyalty, and transparency.

Slide 2: Understanding Agency Relationships

- Formation of Agency:
    - Created by written agreements (e.g., listing agreements) or implied actions.
    - Written agreements enforce compensation and prevent disputes.
- Types of Agency:

- Seller's Agent: Represents the seller's interests in marketing and negotiations.
- Buyer's Agent: Represents the buyer in locating and purchasing property.
- Dual Agency: Represents both parties, requiring strict neutrality and full disclosure.

Slide 3: The Role of Agency Disclosures

- Purpose:
  - Clarifies agency roles and establishes transparency in transactions.
  - Ensures clients understand their agent's fiduciary duties.
- Agency Law Disclosure:
  - Required in residential (1-4 units), commercial, and certain land sales.
  - Must be provided early in the transaction process (e.g., at listing or offer presentation).
- Agency Confirmation Provision:
  - Specifies agency roles in purchase agreements.
  - Identifies conflicts of interest, including dual agency.

Slide 4: Conflict of Interest

- Definition:
  - Occurs when a broker's financial or personal interests compromise their ability to represent the client's best interests.
  - Examples include referrals to affiliated businesses or relationships with third parties.
- Disclosure Obligations:
  - Brokers must disclose conflicts immediately (e.g., through an Affiliated Business Arrangement (ABA) form).
  - Non-disclosure risks legal consequences and breaches fiduciary duties.

Slide 5: Dual Agency and Compliance

- Managing Dual Agency:

- Legal in California but requires informed written consent from both parties.
- Brokers must remain neutral, avoiding favoritism or bias.

- Conflicts in Dual Agency:
    - Limited ability to negotiate aggressively for either party.
    - Transparency is critical to ensure fairness.

Slide 6: Legal Importance of Compliance

- Fiduciary Responsibilities:
    - Agents must prioritize their client's interests and maintain transparency throughout the transaction.
- Consequences of Non-Compliance:
    - Failure to provide disclosures may result in forfeited commissions, disciplinary action, or legal penalties.

Slide 7: Case Study – Dual Agency Gone Wrong

- Scenario: A broker represented both buyer and seller in a high-value transaction but failed to disclose the dual agency. This led to a lawsuit where the broker was found liable for breaching fiduciary duties, resulting in significant penalties.
- Takeaway:
  Transparency and documentation are critical in dual agency to avoid legal liabilities.

Student Exercise: Chapter 3: Agency Relationships and Disclosures

Slide 1: Key Terms

Match each scenario below with the appropriate key term. Write the correct letter in the blank:

1. Green Valley Realty is acting as the broker for both the buyer and seller in a property transaction. This arrangement is classified as a _______________.
2. Linda Carter, an agent at Sunrise Homes, presents her client with a form outlining her fiduciary duties, including loyalty and full disclosure. This document is called the _______________.

3. A seller notices that Jake Patterson, their agent, has a personal interest in the property being sold. Jake must disclose this as a _______________.
4. Blue Horizon Realty confirms in writing that they represent only the buyer in a transaction. This is documented in the _______________.
5. Robert Green, a broker, acts as an intermediary without representing either party's interests. This is an example of a _______________.

Options:

(A) Dual Agency

(B) Agency Law Disclosure

(C) Conflict of Interest

(D) Agency Confirmation Provision

(E) Non-Agency

Slide 2: Managing Agency Relationships

True or False: _______________

1. Dual agency requires informed written consent from both the buyer and seller.

Slide 3: Legal Compliance

Fill in the blanks:

1. Agents must comply with agency law to avoid penalties such as forfeiting _______________.
2. Failure to disclose dual agency may lead to _______________ liabilities.

Answer Key: Chapter 3

Slide 1: Key Terms Matching

1. A - Dual Agency
2. B - Agency Law Disclosure
3. C - Conflict of Interest
4. D - Agency Confirmation Provision
5. E - Non-Agency

Slide 2: Managing Agency Relationships

1. True

Slide 3: Legal Compliance

1. Commissions
2. Legal

Class Presentation: Chapter 4 & 5: Dual Agency and Subagency

Slide 1: Key Terms

- Dual Agent: A broker representing both buyer and seller in a single transaction.
- Subagent: A broker authorized by the listing broker to assist in representing the seller.
- Fee-Sharing: Splitting commissions without creating fiduciary obligations. (As of January 1, 2025 according to (AB)2992 there is no more Fee Splitting).
- MLS (Multiple Listing Service): A cooperative service for pooling property listings and enabling broker collaboration.

Slide 2: Dual Agency in Practice

- Establishing Dual Agency:
    - Occurs when a buyer expresses interest in a property listed by their broker.
    - Requires immediate disclosure and written consent from both parties.

- Challenges:
  - Brokers must avoid sharing confidential information between parties.
  - Advocacy limitations arise due to competing interests.

Slide 3: Consequences of non-disclosure

- Legal Penalties:
  - Brokers risk losing their commission, legal liability, or DRE disciplinary action if dual agency is undisclosed.
- Mitigating Risks:
  - Use clear communication and document disclosures to avoid disputes.

Student Exercise: Chapter 4 & 5 – Dual Agency and Subagency

Slide 1: Key Terms

Match the key terms with their definitions (write the correct letter in the blank):

1. ______ Dual Agency
2. ______ Subagent
3. ______ Fee-Sharing
4. ______ MLS (Multiple Listing Service)

Definitions:

(A) A cooperative service for pooling property listings and enabling broker collaboration.

(B) Splitting commissions without creating fiduciary obligations.

(C) A broker who assists the listing broker to represent the seller, owing fiduciary duties to the seller.

(D) A broker representing both buyer and seller in the same transaction, requiring written consent.

Slide 2: Dual Agency in Practice

Fill in the blanks:

1. Brokers must disclose dual agency relationships ______________ and obtain ______________ consent from both parties.
2. Dual agents face limitations in ______________ aggressively for either party due to their neutral role.

True or False: _______________

3. Dual agents are permitted to share confidential information between parties if it benefits the transaction.

Slide 3: Subagency and Fee-Sharing

Multiple-Choice Questions:

1. Subagents owe fiduciary duties to:
   - (A) The buyer
   - (B) The listing broker
   - (C) The seller
2. Which of the following does not create fiduciary obligations?
   - (A) Subagency
   - (B) Fee-sharing
   - (C) Dual agency

Slide 4: Legal Compliance and Risks

Scenario-Based Question:
A broker fails to disclose a dual agency relationship during a transaction. What are the possible consequences for the broker?

- ____

Answer Key: Chapter 4 & 5

Slide 1: Key Terms Matching

1. D
2. C
3. B
4. A

Slide 2: Dual Agency in Practice

1. Immediately, written
2. Negotiating
3. False

Slide 3: Subagency and Fee-Sharing

1. (C) The seller
2. (B) Fee-sharing

Slide 4: Legal Compliance and Risks

- The broker could face penalties such as forfeiture of commission, legal liability for non-disclosure, and potential disciplinary action from the Department of Real Estate.

Class Presentation: Chapter 6 - Trust Funds Overview

Slide 1: Key Terms

- Conversion: The unlawful appropriation or use of trust funds by a broker or agent for any purpose not authorized by the owner of the funds.
- General Account: A broker's or agent's personal or business account. Trust funds must not be commingled with this account.
- Owner's Statement: A report that provides the owner of trust funds with details on the status, expenditures, and balance of the trust funds held on their behalf.
- Subaccount Ledger: An accounting record that tracks the amount of trust funds held for each client or transaction, detailing deposits, disbursements, and balances.

- Trust Funds: Money or property held by a broker or agent for the benefit of others in a real estate transaction, such as deposits, rents, or loan payments.

Slide 2: What Are Trust Funds?

- Definition of Trust Funds:
    - Trust funds are monies or items of value that a real estate broker or agent holds on behalf of another party in a real estate transaction.
    - Examples include good faith deposits, rental payments, loan funds, and security deposits.
- Handling Trust Funds:
    - Brokers and agents are legally obligated to handle trust funds with care and ensure they are properly deposited into a designated trust account.

Slide 3: Conversion and Commingling of Funds

- Conversion:
    - Conversion occurs when a broker or agent misuses trust funds, such as using them for personal expenses or business operations.
    - This is illegal and can result in disciplinary actions, including revocation of a real estate license.
- Commingling:
    - Commingling happens when trust funds are mixed with a broker's personal or general business funds, violating trust fund regulations.
    - Brokers are required to keep trust funds separate in a dedicated trust account.

Slide 4: Trust Fund Accounts and Recordkeeping

- Trust Accounts:
    - Brokers must deposit trust funds into a designated trust account within three business days of receiving them.
    - The trust account must be at a recognized financial institution, such as a bank or escrow company.

- Subaccount Ledgers:
    - For each client or transaction, brokers must maintain a subaccount ledger, tracking all deposits, disbursements, and balances for that client's trust funds.
    - This ensures transparency and prevents mismanagement of funds.

Slide 5: Owner's Statement and Regular Reporting

- Owner's Statement:
    - Brokers must regularly provide an owner's statement to the client, detailing the current balance and disbursement of trust funds.
    - This report ensures that clients are fully informed about how their funds are being used and where they are held.
- Accounting Procedures:
    - Brokers must keep detailed records of all trust fund transactions and ensure these records are available for inspection by the Department of Real Estate (DRE).

Student Exercise: Chapter 6 – Trust Funds Overview

Slide 1: Key Terms

Match the key terms with their definitions (write the correct letter in the blank):

1. ______ Conversion
2. ______ General Account
3. ______ Owner's Statement
4. ______ Subaccount Ledger
5. ______ Trust Funds

Definitions:

(A) Money or property held by a broker or agent for the benefit of others in a real estate transaction, such as deposits, rents, or loan payments.

(B) The unlawful appropriation or use of trust funds by a broker or agent for any purpose not authorized by the owner of the funds.

(C) A broker's or agent's personal or business account. Trust funds must not be commingled with this account.

(D) A report that provides the owner of trust funds with details on the status, expenditures, and balance of the trust funds held on their behalf.

(E) An accounting record that tracks the amount of trust funds held for each client or transaction, detailing deposits, disbursements, and balances.

Slide 2: What Are Trust Funds?

Fill in the blanks:

1. Trust funds are __________ or items of value held by brokers or agents for other parties.
2. Two examples of trust funds are __________ and __________.

True or False: _______________

3. Brokers can deposit trust funds into a general business account if approved by the client.

Slide 3: Conversion and Commingling of Funds

Fill in the blanks:

1. ______________ occurs when a broker or agent misuses trust funds for unauthorized purposes.
2. ______________ happens when trust funds are mixed with personal or general business funds.

Slide 4: Trust Fund Accounts and Recordkeeping

Multiple-Choice Questions:

1. Brokers must deposit trust funds into a designated trust account within:

    (A) 24 hours

    (B) 3 business days

    (C) 5 business days

2. A subaccount ledger is used to:

    (A) Track personal expenses

    (B) Track each client's trust fund activity

(C) Manage real estate agent salaries

Slide 5: Owner's Statement and Reporting

Scenario-Based Question:
A property owner asks a broker for a detailed report on the management of their rental income trust funds.

1. What document must the broker provide?
   - ____________________
2. How does this document help the owner?
   - ____________________

Answer Key: Chapter 6

Slide 1: Key Terms Matching

1. B
2. C
3. D
4. E
5. A

Slide 2: What Are Trust Funds?

1. Monies
2. Security deposits, loan payments
3. False

Slide 3: Conversion and Commingling of Funds

1. Conversion
2. Commingling

Slide 4: Trust Fund Accounts and Recordkeeping

1. (B) 3 business days
2. (B) Track each client's trust fund activity

Slide 5: Owner's Statement and Reporting

1. Owner's Statement
2. It ensures transparency, providing details about how funds are managed and disbursed.

Class Presentation: Chapter 7 - Civil Rights and Fair Housing Laws

Slide 1: Key Terms

- Blockbusting: An illegal practice where real estate agents or brokers attempt to convince property owners to sell their homes by suggesting that the racial or ethnic composition of the neighborhood is changing, leading to a decrease in property values.
- Civil Rights Act: A federal law prohibiting discrimination based on race, color, religion, sex, or national origin in housing, employment, and public accommodations.
- Disabled Person: An individual with a physical or mental impairment that significantly limits one or more major life activities. Disabled persons are protected from housing discrimination under federal and state laws.
- Dwelling: A structure or building occupied as a residence by one or more families. This includes houses, apartments, and mobile homes.
- Familial Status: A status indicating that a household includes individuals under the age of 18. Housing discrimination based on familial status is prohibited under federal and state laws.
- Federal Fair Housing Act (FFHA): A collection of laws designed to prevent discrimination in housing based on race, color, national origin, religion, sex, familial status, or disability.
- Steering: The illegal practice of directing prospective buyers or renters to specific neighborhoods or areas based on their race, religion, or other protected characteristics, thereby maintaining segregated housing patterns.
- Unruh Civil Rights Act: A California law that prohibits discrimination by businesses, including real estate, based on characteristics such as race, religion, gender, sexual orientation, or disability.

Slide 2: Overview of Anti-Discrimination Laws

- Civil Rights Act:

- Ensures equal rights for all individuals to buy, sell, or rent real estate, regardless of race or color.
- The law covers both residential and commercial properties.

- Federal Fair Housing Act (FFHA):
  - Prohibits discriminatory practices in housing based on protected characteristics, such as race, familial status, and disability.
  - Landlords and real estate agents must follow fair housing guidelines when leasing or selling properties.

Slide 3: Prohibited Practices in Housing

- Blockbusting:
  - Real estate agents cannot suggest that property values will decline due to racial changes in the neighborhood.
  - This illegal practice creates unnecessary fear and coerces homeowners to sell.
- Steering:
  - It is unlawful for real estate agents to guide prospective buyers or tenants to certain neighborhoods based on their race, religion, or ethnicity.
- Discriminatory Advertisements:
  - Advertising that limits potential tenants or buyers based on any protected characteristic, such as race or disability, is prohibited.

Student Exercise: Chapter 7 – Civil Rights and Fair Housing Laws

Slide 1: Key Terms

Match the key terms with their definitions (write the correct letter in the blank):

1. ______ Blockbusting
2. ______ Civil Rights Act
3. ______ Disabled Person
4. ______ Steering
5. ______ Unruh Civil Rights Act

Definitions:

(A) Illegal practice of directing buyers to specific neighborhoods based on race or religion.

(B) California law that prohibits discrimination by businesses based on race, religion, gender, or disability.

(C) Illegal activity where agents create fear about neighborhood changes to encourage selling.

(D) Federal law protecting against discrimination based on race, color, religion, and other factors in housing.

(E) Individual with a physical or mental impairment limiting major life activities, protected under housing laws.

Match each scenario below with the appropriate key term. Write the correct letter in the blank:

1. James Realty, a brokerage, refuses to show homes to clients based on their national origin. This action violates the _______________.
2. A landlord denies an applicant because the applicant has children, citing “adults-only” policies. This is prohibited under the _______________.
3. Maria Lopez, a homeowner, is told by her agent to avoid selling her home to families of a particular religion. This practice is called _______________ and is illegal.
4. A developer refuses to build wheelchair-accessible units in a new apartment complex, violating the _______________ provisions of federal law.
5. A tenant files a complaint with HUD after experiencing housing discrimination. HUD initiates an investigation under the _______________.

Options:

(A) Fair Housing Act

(B) Civil Rights Act of 1968

(C) Steering

(D) Disability Accommodation

(E) HUD Complaint Process

Slide 2: Anti-Discrimination Laws

Fill in the blanks:

1. The Civil Rights Act ensures equal rights to ______________, ______________, or ______________ real estate, regardless of race or color.
2. The Federal Fair Housing Act prohibits discrimination in housing based on ______________ and ______________.

True or False: ____________

3. Landlords can refuse housing to families with children under specific legal exemptions.

Slide 3: Prohibited Practices in Housing

Scenario-Based Question:
A real estate agent discourages a client from purchasing a home in a specific neighborhood because of its racial demographics. What law is being violated, and what are the consequences?

- ____

Answer Key: Chapter 7

Slide 1: Key Terms Matching

1. C
2. D
3. E
4. A
5. B

Matching Options

1. B - Civil Rights Act of 1968
2. A - Fair Housing Act
3. C - Steering
4. D - Disability Accommodation

5. E - HUD Complaint Process

Slide 2: Anti-Discrimination Laws

1. Buy; sell; rent
2. Disability; religion
3. True

Slide 3: Prohibited Practices in Housing

- Violates the Federal Fair Housing Act, which prohibits steering.
- Consequences include fines, lawsuits, and potential loss of real estate license.

Class Presentation: Chapter 8: California Fair Employment and Housing Act

Slide 1: Key Terms

- Department of Fair Employment and Housing: A California government agency tasked with enforcing anti-discrimination laws in housing, employment, and public accommodations.
- Discriminatory Practices: Any action or policy that denies individuals housing opportunities based on race, religion, sex, disability, familial status, or other protected categories.
- Implicit Discrimination: Discriminatory effects that occur through policies or practices that appear neutral but disproportionately harm individuals from protected groups.
- Senior Citizen Housing: Housing designed and operated for individuals aged 55 or older, which is exempt from certain familial status discrimination laws.

Slide 2: Role of the Department of Fair Employment and Housing

- Enforcement of Anti-Discrimination Laws:
    - The Department of Fair Employment and Housing (DFEH) investigates complaints of discrimination and takes legal action if necessary.
    - The department provides free mediation services to resolve disputes and, if needed, may file civil suits against landlords or real estate agents engaging in discriminatory practices.

Slide 3: Discriminatory Practices in Housing

- Examples of Discriminatory Practices:
  - Refusing to rent or sell property based on a person's race, religion, or familial status.
  - Inquiring about or making decisions based on a tenant's protected characteristics, such as requiring different rental terms for minority tenants.
  - Publishing advertisements that express a preference for certain types of tenants or buyers based on prohibited factors.
- Remedies for Victims of Discrimination:
  - Individuals who experience discrimination can file a complaint with the DFEH or pursue legal action for monetary compensation.

Slide 4: Senior Citizen Housing Exemptions

- Housing for Older Persons:
  - Housing developments that are exclusively for individuals aged 55 or older are exempt from certain anti-discrimination laws, specifically those related to familial status.
  - These properties must adhere to specific guidelines to qualify as senior housing.

Student Exercise: Chapter 8 – California Fair Employment and Housing Act (FEHA)

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Department of Fair Employment and Housing (DFEH)
2. ______ Discriminatory Practices
3. ______ Implicit Discrimination
4. ______ Senior Citizen Housing

Definitions:

(A) Laws that exclude certain groups through seemingly neutral policies.

(B) California agency responsible for housing, employment, and public accommodations.

(C) Housing designed for individuals aged 55 or older, exempt from certain laws.

(D) Refusal to rent based on religion, race, or gender.

Slide 3: Discriminatory Practices

True or False: _______________

1. Landlords may require higher deposits from families with children.
2. Advertisements stating "no pets" are always discriminatory.

Slide 4: Senior Citizen Housing Exemptions

Scenario-Based Question:
A housing community exclusively for individuals over 55 denies a lease to a young family. Is this lawful? Why?

- ---

Answer Key: Chapter 8

Slide 1: Key Terms Matching

1. B
2. D
3. A
4. C

Slide 3: Discriminatory Practices

1. False
2. False

Slide 4: Senior Citizen Housing Exemptions

- Yes, it is lawful because senior housing communities are exempt from familial status discrimination laws if they meet specific criteria.

Class Presentation: Chapter 9: The Housing Financial Discrimination Act of 1977

Slide 1: Key Terms

- Redlining: The illegal practice of denying mortgage loans or insurance in certain neighborhoods based on the racial or ethnic composition of the area, rather than the applicant's creditworthiness.

Slide 2: Overview of the Housing Financial Discrimination Act

- Purpose of the Act:
  - The Housing Financial Discrimination Act of 1977 was enacted to prohibit discriminatory lending practices that hinder access to homeownership.
  - Lenders must provide financing to all creditworthy applicants without discrimination based on race, color, religion, sex, marital status, or national origin.
- Illegal Practices:
  - The act specifically targets redlining, where lenders refuse to offer loans or under-appraise properties in minority-dominated areas, thereby discouraging homeownership in those communities.

Slide 3: The Impact of Redlining

- Negative Effects on Communities:
  - Redlining leads to disinvestment in minority communities, lower property values, and diminished opportunities for economic growth.
  - These practices contribute to a cycle of poverty and reduce the quality of housing and social services available in affected neighborhoods.

- Legal Consequences:
    - Lenders found guilty of redlining or discriminatory lending can face penalties, including fines and orders to provide the denied financing under non-discriminatory terms.

Student Exercise: Chapter 9 – The Housing Financial Discrimination Act of 1977 (Holden Act)

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Redlining
2. ______ Discriminatory Lending Practices

Definitions:

(A) Denial of loans based on racial composition of an area.

(B) Practices that exclude minorities from equal loan opportunities.

Slide 2: Impact of Redlining

True or False: ____________

1. Redlining leads to increased investment in affected communities.

Answer Key: Chapter 9

Slide 1: Key Terms Matching

1. A
2. B

Slide 2: Impact of Redlining

1. False

Class Presentation: Chapter 10: Equal Credit Opportunity Act

Slide 1: Key Terms

- Credit Reporting Agency: A private company that collects and maintains data on individuals' credit histories, providing reports to lenders and other institutions to assess creditworthiness.
- Equal Credit Opportunity Act (ECOA): A 1974 federal law that prohibits lenders from discriminating against borrowers based on race, color, religion, national origin, sex, marital status, or age, provided the borrower is of legal age.

Slide 2: Overview of the Equal Credit Opportunity Act

- Purpose of ECOA:
    - The ECOA was enacted to ensure fair lending practices by prohibiting discrimination in credit transactions.
    - It applies to institutional lenders, mortgage brokers, and others involved in extending credit or arranging loans.
- Protected Classes:
    - Borrowers cannot be discriminated against based on race, color, religion, national origin, sex, marital status, or age.
    - Additionally, ECOA prohibits lenders from discriminating against individuals receiving public assistance.

Slide 3: Credit Reporting and Lender Obligations

- Role of Credit Reporting Agencies:
    - Credit reporting agencies provide lenders with information about an individual's credit history, which is used to determine creditworthiness.
    - Consumers have the right to access their credit reports once a year to check for errors and inaccuracies.
- Lender's Responsibilities:
    - Lenders must provide the same level of assistance and transparency to all applicants, regardless of their race or other protected characteristics.

- If an application is denied, lenders must inform the applicant of the specific reasons for denial or inform them of their right to request these reasons.

Slide 4: Penalties for Non-Compliance

- Consequences for Lenders:
  - Lenders who fail to comply with ECOA face legal action, including fines and the potential for lawsuits from affected borrowers.
  - Borrowers may be entitled to monetary damages if they can prove that the lender engaged in discriminatory practices.

Student Exercise: Chapter 10 – Equal Credit Opportunity Act (ECOA)

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Credit Reporting Agency
2. ______ Equal Credit Opportunity Act

Definitions:

(A) A company providing credit history data for lender evaluations.

(B) A law preventing discrimination in lending decisions.

Answer Key: Chapter 10

Slide 1: Key Terms Matching

1. A
2. B

Class Presentation: Chapter 11: Home Mortgage Disclosure Act

Slide 1: Key Terms

- Debt-to-Income (DTI) Ratio:
  A percentage that compares an individual's monthly gross income to their total debt payments, used by lenders to assess a borrower's capacity to repay a mortgage.
- Home Mortgage Disclosure Act (HMDA):
  A federal law requiring lenders to disclose data on home mortgage originations to prevent

discrimination and monitor lending patterns, specifically targeting practices like redlining.

Slide 2: Overview of the Home Mortgage Disclosure Act (HMDA)

- Purpose of HMDA:
    - The HMDA was designed to prevent lending discrimination and unlawful redlining practices in residential mortgage lending.
    - The act requires lenders to publicly disclose detailed information about their mortgage originations, including the applicant's demographics, loan amount, and whether the loan was approved or denied.
- Lenders' Obligations:
    - Banks and mortgage brokers with significant assets are required to maintain and publish data on their mortgage originations.
    - This data includes the purpose of the mortgage, the real estate's owner-occupancy status, and the income of the borrower.

Slide 3: Importance of Debt-to-Income (DTI) Ratio in Lending

- DTI Ratio:
    - The debt-to-income (DTI) ratio is a key factor lenders use to evaluate an applicant's mortgage capacity.
    - A high DTI ratio indicates that a large portion of the borrower's income goes toward debt payments, potentially lowering their ability to take on new debt like a mortgage.
- Preventing Discriminatory Practices:
    - The data collected under HMDA helps identify discriminatory lending patterns, especially when certain communities consistently receive fewer loan approvals despite similar financial profiles.

Student Exercise: Chapter 11 – Home Mortgage Disclosure Act (HMDA)

Slide 1: Learning Objectives

Fill in the blanks:

1. HMDA requires lenders to disclose data to prevent _______________.

Answer Key: Chapter 11

Slide 1: Learning Objectives

1. Lending discrimination

Class Presentation: Chapter 12 - HUD Advertising Guidelines for Sales and Rentals

Slide 1: Key Terms

- Dwelling: A building or structure occupied or designed to be occupied as a residence by one or more families. This term also includes residential land used for mobile homes.
- Federal Fair Housing Act (FFHA): A collection of federal laws aimed at preventing discrimination in housing, ensuring equal access to housing based on race, color, national origin, religion, sex, familial status, or disability.

Slide 2: Prohibited Advertising Practices

- Federal Fair Housing Act (FFHA) Guidelines:
  - The FFHA prohibits discriminatory language in real estate advertisements for sales or rentals, such as phrases indicating preferences based on race, gender, religion, or familial status.
  - Real estate brokers, landlords, and developers must ensure their advertising is inclusive and non-discriminatory.
- Examples of Prohibited Language:
  - Words or phrases like "whites only," "ideal for newlyweds," or "no kids" are considered discriminatory under the FFHA.
  - Brokers must avoid using such phrases and instead focus on the property itself rather than the characteristics of potential tenants or buyers.Slide 3: HUD Advertising Guidelines and the Fair Housing Poster
- HUD Guidelines:
  - The Department of Housing and Urban Development (HUD) issues specific guidelines to help real estate professionals avoid discriminatory advertising.

- These guidelines help brokers avoid signaling preferences for or against any group based on race, religion, or other protected characteristics.

- Fair Housing Poster:
  - HUD requires brokers to display a fair housing poster in their office and at any dwelling offered for sale or rent, except for single-family homes sold without a broker.
  - Displaying the poster helps demonstrate the broker's commitment to non-discriminatory practices and provides a defense against claims of discriminatory behavior.

Slide 4: Avoiding Discriminatory Phrases in Advertising

- Selective Advertising Practices:
  - Real estate professionals should avoid using stereotypical models or media that could signal preferences for certain groups.
  - Advertising should focus on the property and its features rather than targeting a specific demographic of buyers or tenants.
- Legal Consequences:
  - Failing to comply with HUD guidelines can result in legal action, fines, and damage to a broker's reputation.
  - Brokers who follow the guidelines and display the fair housing poster are better protected against discrimination claims.

Student Exercise: Chapter 12 – HUD Advertising Guidelines for Sales and Rentals

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Federal Fair Housing Act
2. ______ Dwelling

Definitions:

(A) A law promoting equality in housing.

(B) A structure used as a residence.

Answer Key: Chapter 12

Slide 1: Key Terms Matching

1. A
2. B

Class Presentation: Chapter 13: Property Charges, Disclosures, and Investment Rentals

Slide 1: Key Terms

- Annual Property Operating Data Sheet (APOD): Tool for evaluating income-producing property by analyzing its income and expenses.
- Material Fact: Information influencing a buyer's decision or the terms of a real estate transaction.
- Transfer Disclosure Statement (TDS): A required form for disclosing known property defects in residential transactions.
- As-Is Clause: An unenforceable clause attempting to bypass disclosure obligations; properties must be sold as-disclosed.
- Eminent Domain: The government's power to acquire private property for public use with fair compensation.

Slide 2: Property Disclosure Obligations

- Role of TDS:
  - Ensures sellers disclose material defects or conditions affecting the property's value or desirability.
  - Allows buyers to make informed decisions about their purchase.
- The Myth of "As-Is":
  - Sellers cannot use "as-is" clauses to avoid disclosing defects.
  - Transactions proceed based on disclosed conditions, not a buyer's assumption of risk.

Slide 3: Analyzing Investment Properties with APOD

- Purpose of APOD:
  - Evaluates the financial viability of income-producing properties.
  - Lists income sources, operating expenses, and expected cash flow.
- Material Facts in Rentals:
  - Brokers must disclose rental property details, including unpaid rent, maintenance issues, or zoning violations, which could affect investment profitability.

Student Exercise: Chapter 13: Property Charges, Disclosures, and Investment Rentals

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Annual Property Operating Data Sheet (APOD)
2. ______ Material Fact
3. ______ Transfer Disclosure Statement (TDS)
4. ______ As-Is Clause

Definitions:

(A) Tool for evaluating income-producing property by analyzing income and expenses.

(B) A required form disclosing known property defects in residential sales.

(C) An unenforceable clause attempting to bypass disclosure obligations.

(D) Information that may influence a buyer's decision or the transaction terms.

Slide 2: Property Disclosure Obligations

True or False: _____________

1. Sellers can use "as-is" clauses to avoid disclosing defects.

Slide 3: Analyzing Investment Properties with APOD

Scenario-Based Question:
A buyer is evaluating a multi-unit property. What three categories of information should they review in the APOD?

- ______________________________

Answer Key: Chapter 13

Slide 1: Key Terms Matching

1. A
2. D
3. B
4. C

Slide 2: Property Disclosure Obligations

1. False

Slide 3: Analyzing Investment Properties with APOD

- Income sources
- Operating expenses
- Cash flow projections

Class Presentation: Chapter 14: Fiduciary Duties and Disclosure to Prospective Buyers

Slide 1: Key Terms

- Fiduciary Duty: An agent's legal obligation to prioritize the principal's best interests above all else.
- General Duty: A limited obligation owed by a seller's agent to buyers, primarily focused on disclosing known material facts.
- Title Conditions: Liens, encumbrances, or restrictions affecting property ownership or use.

Slide 2: Fiduciary vs. General Duty

- To the Seller:
    - Obligations include honest marketing, full disclosure of material facts, and diligent representation.
- To the Buyer:
    - Limited to disclosing observable material facts.
    - Does not require investigation of unknown defects unless explicitly agreed upon.

Slide 3: The Role of the Transfer Disclosure Statement (TDS)

- Accurate Disclosure:
    - The seller's agent must verify the accuracy of the TDS, ensuring all known issues are listed.
- Buyer Protections:
    - Late or incomplete disclosures may allow buyers to cancel contracts, negotiate repairs, or seek damages.

Student Exercise: Chapter 14: Fiduciary Duties and Disclosure to Prospective Buyers

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Fiduciary Duty
2. ______ General Duty
3. ______ Title Conditions

Definitions:

(A) An agent's legal obligation to prioritize the principal's best interests.

(B) Liens, encumbrances, or restrictions affecting property ownership.

(C) Obligation to disclose material facts to buyers.

Slide 3: The Role of the Transfer Disclosure Statement (TDS)

True or False: ____________

1. Incomplete TDS forms may allow buyers to renegotiate or cancel the transaction.

Answer Key: Chapter 14

Slide 1: Key Terms Matching

1. A
2. C
3. B

Slide 3: The Role of the TDS

1. True

Class Presentation: Chapter 15: Property Conditions and the Home Inspection Process

Slide 1: Key Terms

- Home Inspection Report (HIR):

  A professional report identifying property defects for use in the disclosure process.

- Home Inspector:

  A professional conducting inspection to assess property conditions.

Slide 2: Seller's Obligations in Disclosures

- Material Defects:
  - Sellers must disclose any known defects impacting value, such as structural damage or pest issues.
- TDS as a Legal Requirement:
  - Used to ensure transparency, reducing the risk of disputes after closing.

Slide 3: The Role of the Home Inspector

- Selection of Inspectors:

    - Competent inspectors assess mechanical, structural, and safety conditions.
- Indemnity for Seller's Agent:
    - Reliance on a professional HIR can protect agents from liability for undisclosed defects not apparent during the transaction.

Student Exercise: Chapter 15: Property Conditions and the Home Inspection Process

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Home Inspection Report (HIR)
2. ______ Home Inspector

Definitions:

(A) A professional assessing property conditions.

(B) Document identifying property defects for disclosure.

Answer Key: Chapter 15

Slide 1: Key Terms Matching

1. B
2. A

Class Presentation: Chapter 16 & 17: Environmental and Natural Hazards

Slide 1: Key Terms

- Environmental Hazards: Risks from materials like asbestos, lead-based paint, and toxic mold that impact health or property use.
- Natural Hazards: Risks such as flood zones, earthquake zones, and wildfire hazard zones affecting property safety.
- Carcinogen: Cancer-causing substances like formaldehyde or asbestos that require disclosure if present.

- Hazardous Waste: Toxic materials in soil or groundwater near industrial sites or underground storage tanks.
- Natural Hazard Disclosure (NHD) Statement: A mandatory document listing natural hazards like flooding, wildfires, or seismic activity.
- Transfer Disclosure Statement (TDS): A form used to disclose material facts about a property, including environmental risks.
- Alquist-Priolo Maps: Tools identifying earthquake fault zones for property risk management.

Slide 2: Types of Environmental Hazards

- On-Property Hazards:
  - Asbestos: Found in older materials; poses health risks if disturbed.
  - Toxic Mold: Affects indoor air quality and can cause health issues.
  - Lead-Based Paint: Common in homes built before 1978; requires federal disclosure.
- Off-Property Hazards:
  - Hazardous Waste: Often from industrial zones or leaking underground tanks.
  - Annoyances: Noise, odors, or disturbances from nearby airports or industrial areas.

Slide 3: Disclosure Requirements

- Sellers and Agents:
  - Must disclose all known environmental hazards and natural hazards using forms like the TDS or NHD Statement.
  - Disclosures must be provided before signing the purchase agreement.
- Buyer Protections:
  - Buyers may cancel contracts or renegotiate terms within three days if hazards are disclosed late.

Slide 4: The Natural Hazard Disclosure (NHD) Statement

- Definition:
  - A required document that lists a property's risks from natural hazards like flooding, earthquakes, and wildfires.
- Purpose:
  - Ensures buyers are aware of risks and can make informed decisions.
  - Protects sellers and agents from liability for undisclosed hazards.

Slide 5: Types of Natural Hazards Requiring Disclosure

- Flood Zones: Areas prone to flooding, identified by FEMA.
- Earthquake Fault Zones: Regions near active faults, highlighted by Alquist-Priolo Maps.
- Seismic Hazard Zones: Areas at risk of soil liquefaction or landslides during earthquakes.
- Wildfire Hazard Zones: High fire-risk areas designated by CAL FIRE.
- Dam Inundation Zones: Areas at risk of flooding from dam failure.

Slide 6: Seller's and Agent's Responsibilities

- Seller Duties:
  - Provide accurate NHD Statements and TDS forms before contract signing.
  - Disclose all known material risks affecting the property.
- Agent Duties:
  - Conduct visual inspections to identify observable material facts.
  - Ensure all disclosures comply with legal standards.

Slide 7: Legal Consequences and Liability

- Failure to Disclose:
  - Buyers may terminate contracts (3 days for hand delivery, 5 days for mailed forms).
  - Sellers and agents face potential lawsuits for undisclosed hazards.

- Liability Protection:
  - Accurate and timely disclosures reduce the risk of disputes.
  - Use of NHD experts shields sellers and agents from liability.

Slide 8: The Role of Alquist-Priolo Maps

- Purpose:
  - Identifies earthquake-prone areas to guide property safety and development decisions.
- Seller's Requirements:
  - Disclose if the property lies within an Earthquake Fault Zone.
  - Provide seismic safety details if applicable.

Slide 9: Case Studies

- Scenario 1: Mold Contamination
  - A seller failed to disclose toxic mold on the property. After moving in, the buyer developed health issues and sued, resulting in remediation costs and legal fees.
- Scenario 2: Wildfire Zone Omission
  - A property in a Wildfire Hazard Zone was sold without proper NHD disclosure. The buyer incurred higher insurance costs and sued for non-disclosure, resulting in penalties.
- Takeaway:
  - Full and accurate disclosure protects all parties and ensures compliance with legal obligations.

Student Exercise: Chapters 16 & 17: Environmental and Natural Hazards

Slide 1: Key Terms

Match the key terms with their definitions:

1. ______ Environmental Hazards
2. ______ Alquist-Priolo Maps

3. ______ Natural Hazard Disclosure (NHD) Statement

Definitions:

(A) Identifies earthquake-prone areas.

(B) A required form listing natural risks like flooding and wildfires.

(C) Risks from materials like asbestos, mold, and lead paint.

Answer Key: Chapters 16 & 17

Slide 1: Key Terms Matching

1. C
2. A
3. B

