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A NEW ESCAMBIA COUNTY ORDINANCE REQUIRES ADDITIONAL DISCLOSURES BY SELLERS, DEVELOPERS

PENSACOLA, Fla. (February 2017) – A new Escambia county ordinance requires additional disclosures by sellers. The ordinance that required disclosure regarding abutting roadways has been amended to now require sellers to disclose the ownership of other infrastructure and identify whether the party responsible for maintenance of the infrastructure is the county or others. The ordinance is the apparent result of problems with infrastructure in subdivisions where homeowners alleged they had not been informed of their responsibilities in advance of their purchase.

The ordinance requires the seller to disclose a laundry list of items including “road(s), bridge(s), retention pond(s), storm water conveyance or easements (rear yard), easements between lots (side yard), sewer lift station central, sewer system, water system, gas, and other (i.e. clubhouse)”. The county will maintain a database of infrastructure ownership and maintenance responsibilities for each subdivision platted on or after June 1, 2017. This information will be provided by the developer during the development process and the Land Development Code has been amended to require the furnishing of that information. As with the abutting roadway maintenance disclosure, the ordinance imposes this obligation on the seller and carries criminal penalties for the seller’s failure to comply. The disclosure requirement may also place additional responsibilities on sellers, real estate brokers and agents, closing agents and others.

The new ordinance does not apply to lots of record as of May 31, 2017. The other exceptions to the abutting roadway maintenance disclosure apply here, including the exception for non-residential property.

Affected parties should contact legal counsel to determine how this new ordinance may affect your rights and obligations.

Stephen Moorhead is a Board Certified Real Estate Attorney with McDonald Fleming Moorhead. The firm has been serving the Northwest Florida area since 1988. The firm has been AV® rated by Martindale Hubbell Law Directory, which is the highest possible designation for legal services and ethical standards. The firm has two downtown offices: 127 Palafox Place, Suite 500 and 719 South Palafox Street. For more information, visit pensacolalaw.com.

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