

5053-S2

Sponsor(s): Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Brief Description: Disclosing real estate information.

**SB 5053-S2 - DIGEST**

(DIGEST AS ENACTED)

Revises the provisions of chapter 64.06 RCW which establish disclosure requirements in real estate transactions.

VETO MESSAGE ON SB 5053-S2

March 30, 1996

To the Honorable President and Members,  
The Senate of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Second Substitute Senate Bill No. 5053 entitled:

"AN ACT Relating to real estate disclosure;"

Second Substitute Senate Bill No. 5053 clarifies and updates state residential real estate disclosure law. Under current law, sellers of real estate are required to make an extensive list of disclosures concerning their properties and to deliver the statements within five days of acceptance of a written purchase agreement. Following delivery of the disclosure statement, the purchaser has up to three business days to rescind the transaction.

Section 1 of Second Substitute Senate Bill No. 5053 would exempt new residential construction from these real estate disclosure requirements. This is unacceptable.

The residential real estate disclosure act is a basic consumer protection law. Although it may duplicate some of the protections provided by the state and local permitting process, it places little burden on the seller and facilitates open and honest review of a transaction that represents, for most citizens, the single largest purchase in their lifetime.

Section 2 of Second Substitute Senate Bill No. 5053 makes a number of clarifications to the law and eliminates the question about whether property is in a designated flood hazard zone. Given the catastrophic floods of this past winter, eliminating a question of this kind might appear foolhardy. However, the question is ambiguous and in practice has caused sellers great difficulty in attempting to offer a clear and accurate answer. Section 2 further provides that the questions included in statute are the minimum to be included on the state disclosure form. The Washington Association of Realtors has authority to add additional questions that are substantially similar to the statewide form or to specialized, regional forms. I have asked the Growth Management Division of the state Department of Community, Trade and Economic Development to work with the Washington Association of Realtors and other interested parties to develop a question on this issue that will include a reference to sellers about where to find this

information. Re-working this question will allow sellers to disclose clear, accurate information on this topic without becoming bogged down in technical ambiguities.

For these reasons, I have vetoed section 1 of Second Substitute Senate Bill No. 5053.

With the exception of section 1, Second Substitute Senate Bill No. 5053 is approved.

Respectfully submitted,  
Mike Lowry  
Governor