
SENATE BILL 5375

State of Washington

61st Legislature

2009 Regular Session

By Senator Fairley

Read first time 01/21/09. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to adding questions about wood burning appliances
2 to the seller's disclosure statement for residential real property
3 transfers; amending RCW 64.06.020; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the real estate
6 seller disclosure statement is an effective method of informing
7 prospective purchasers of residential real property of matters within
8 a seller's personal knowledge regarding the condition of the real
9 property. The legislature also finds that residential woodsmoke is
10 subject to increasing regulatory scrutiny under the federal clean air
11 act as a part of improving environmental and public health, and that
12 compliance with these requirements is necessary for the state to avoid
13 a federal nonattainment designation that could adversely affect access
14 to sources of federal transportation funding. The legislature also
15 finds that a stakeholder group has reviewed the issue of how to address
16 residential woodsmoke issues and concluded that the type and status of
17 wood burning appliances in residences should be a subject of the seller
18 disclosure statement. Therefore, it is the intent of the legislature

1 to amend the real estate seller disclosure statement to include wood
2 burning appliances.

3 **Sec. 2.** RCW 64.06.020 and 2007 c 107 s 4 are each amended to read
4 as follows:

5 (1) In a transaction for the sale of improved residential real
6 property, the seller shall, unless the buyer has expressly waived the
7 right to receive the disclosure statement under RCW 64.06.010, or
8 unless the transfer is otherwise exempt under RCW 64.06.010, deliver to
9 the buyer a completed seller disclosure statement in the following
10 format and that contains, at a minimum, the following information:

11 INSTRUCTIONS TO THE SELLER

12 Please complete the following form. Do not leave any spaces blank. If
13 the question clearly does not apply to the property write "NA." If the
14 answer is "yes" to any * items, please explain on attached sheets.
15 Please refer to the line number(s) of the question(s) when you provide
16 your explanation(s). For your protection you must date and sign each
17 page of this disclosure statement and each attachment. Delivery of the
18 disclosure statement must occur not later than five business days,
19 unless otherwise agreed, after mutual acceptance of a written contract
20 to purchase between a buyer and a seller.

21 NOTICE TO THE BUYER

22 THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE
23 PROPERTY LOCATED AT
24 ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

25 SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR
26 MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE
27 PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT.
28 UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE
29 BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS
30 DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A
31 SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S
32 AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE
33 STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER
34 THE TIME YOU ENTER INTO A SALE AGREEMENT.

35 THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE

1 REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS
2 INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF
3 ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

4 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS
5 PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF
6 QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT
7 LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS,
8 ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER
9 TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE
10 BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS
11 OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT
12 BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR
13 WARRANTIES.

14 Seller is/ is not occupying the property.

15
16
17
18
19 **I. SELLER'S DISCLOSURES:**

If you answer "Yes" to a question with an asterisk (), please explain your answer
and attach documents, if available and not otherwise publicly recorded. If necessary,
use an attached sheet.

1. TITLE

- 20 Yes No Don't know A. Do you have legal authority to sell
21 the property? If no, please explain.
- 22 Yes No Don't know *B. Is title to the property subject to
23 any of the following?
 - 24 (1) First right of refusal
 - 25 (2) Option
 - 26 (3) Lease or rental agreement
 - 27 (4) Life estate?
- 28 Yes No Don't know *C. Are there any encroachments,
29 boundary agreements, or boundary
30 disputes?
- 31 Yes No Don't know *D. Is there a private road or easement
32 agreement for access to the property?
- 33 Yes No Don't know *E. Are there any rights-of-way,
34 easements, or access limitations that
35 may affect the Buyer's use of the
36 property?
- 37 Yes No Don't know *F. Are there any written agreements
38 for joint maintenance of an easement or
39 right-of-way?

1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*G. Is there any study, survey project, or notice that would adversely affect the property?
2				
3				
4	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*H. Are there any pending or existing assessments against the property?
5				
6	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?
7				
8				
9				
10				
11	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*J. Is there a boundary survey for the property?
12				
13	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*K. Are there any covenants, conditions, or restrictions which affect the property?
14				
15				
16				2. WATER
17				A. Household Water
18				(1) The source of water for the property is:
19				<input type="checkbox"/> Private or publicly owned water system
20				<input type="checkbox"/> Private well serving only the subject property
21				* <input type="checkbox"/> Other water system
22				
23				
24				
25	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*If shared, are there any written agreements?
26				
27	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
28				
29				
30	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(3) Are there any known problems or repairs needed?
31				
32	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.
33				
34				
35				
36	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(5) Are there any water treatment systems for the property? If yes, are they <input type="checkbox"/> Leased <input type="checkbox"/> Owned
37				
38				
39	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?
40				
41				
42				
43				
44	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
45				
46				

1 (b) If yes, has all or any portion of
2 the water right not been used for
3 five or more successive years? (If
4 yes, please explain.)
5

6 **B. Irrigation Water**

7 Yes No Don't know (1) Are there any irrigation water
8 rights for the property, such as a
9 water right permit, certificate, or
10 claim?

11 Yes No Don't know *(a) If yes, has all or any portion of
12 the water right not been used for
13 five or more successive years?

14 Yes No Don't know *(b) If so, is the certificate
15 available? (If yes, please attach a
16 copy.)

17 Yes No Don't know (c) If so, has the water right
18 permit, certificate, or claim been
19 assigned, transferred, or changed?
20 If so, explain:
21

22 Yes No Don't know (2) Does the property receive
23 irrigation water from a ditch
24 company, irrigation district, or
25 other entity? If so, please identify
26 the entity that supplies water to the
27 property:
28

29 **C. Outdoor Sprinkler System**

30 Yes No Don't know (1) Is there an outdoor sprinkler
31 system for the property?

32 Yes No Don't know (2) If yes, are there any defects in
33 the system?

34 Yes No Don't know *(3) If yes, is the sprinkler system
35 connected to irrigation water?

36 **3. SEWER/ON-SITE SEWAGE**
37 **SYSTEM**

38 A. The property is served by:
39 Public sewer system,
40 On-site sewage system (including
41 pipes, tanks, drainfields, and all other
42 component parts)
43 Other disposal system, please
44 describe:
45

1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	B. If public sewer system service is
2				available to the property, is the house
3				connected to the sewer main? If no,
4				please explain.
5			
6	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	C. Is the property subject to any
7				sewage system fees or charges in
8				addition to those covered in your
9				regularly billed sewer or on-site sewage
10				system maintenance service?
11				D. If the property is connected to an
12				on-site sewage system:
13	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (1) Was a permit issued for its
14				construction, and was it approved
15				by the local health department or
16				district following its construction?
17				(2) When was it last pumped:
18			
19	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (3) Are there any defects in the
20				operation of the on-site sewage
21				system?
22			<input type="checkbox"/> Don't know	(4) When was it last inspected?
23			
24				By whom:
25			<input type="checkbox"/> Don't know	(5) For how many bedrooms was
26				the on-site sewage system
27				approved?
28			 bedrooms
29	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	E. Are all plumbing fixtures, including
30				laundry drain, connected to the
31				sewer/on-site sewage system? If no,
32				please explain:
33	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*F. Have there been any changes or
34				repairs to the on-site sewage system?
35	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	G. Is the on-site sewage system,
36				including the drainfield, located entirely
37				within the boundaries of the property?
38				If no, please explain.
39			
40	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	H. Does the on-site sewage system
41				require monitoring and maintenance
42				services more frequently than once a
43				year? If yes, please explain.
44			

1 NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE
2 STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH
3 HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO
4 COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM
5 5. SYSTEMS AND FIXTURES
6

7 **4. STRUCTURAL**

- 8 Yes No Don't know *A. Has the roof leaked?
9 Yes No Don't know *B. Has the basement flooded or
10 leaked?
11 Yes No Don't know *C. Have there been any conversions,
12 additions, or remodeling?
13 Yes No Don't know *(1) If yes, were all building
14 permits obtained?
15 Yes No Don't know *(2) If yes, were all final
16 inspections obtained?
17 Yes No Don't know D. Do you know the age of the house?
18 If yes, year of original construction:
19
20 Yes No Don't know *E. Has there been any settling,
21 slippage, or sliding of the property or its
22 improvements?
23 Yes No Don't know *F. Are there any defects with the
24 following: (If yes, please check
25 applicable items and explain.)

- | | | |
|--|---|---|
| <input type="checkbox"/> Foundations | <input type="checkbox"/> Decks | <input type="checkbox"/> Exterior Walls |
| <input type="checkbox"/> Chimneys | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Fire Alarm |
| <input type="checkbox"/> Doors | <input type="checkbox"/> Windows | <input type="checkbox"/> Patio |
| <input type="checkbox"/> Ceilings | <input type="checkbox"/> Slab Floors | <input type="checkbox"/> Driveways |
| <input type="checkbox"/> Pools | <input type="checkbox"/> Hot Tub | <input type="checkbox"/> Sauna |
| <input type="checkbox"/> Sidewalks | <input type="checkbox"/> Outbuildings | <input type="checkbox"/> Fireplaces |
| <input type="checkbox"/> Garage Floors | <input type="checkbox"/> Walkways | <input type="checkbox"/> Siding |
| <input type="checkbox"/> Other | <input type="checkbox"/> Wood Stoves | |

- 33 Yes No Don't know *G. Was a structural pest or "whole
34 house" inspection done? If yes, when
35 and by whom was the inspection
36 completed?
- 37 Yes No Don't know H. During your ownership, has the
38 property had any wood destroying
39 organism or pest infestation?
- 40 Yes No Don't know I. Is the attic insulated?
- 41 Yes No Don't know J. Is the basement insulated?

42 **5. SYSTEMS AND FIXTURES**

43 *A. If any of the following systems or
44 fixtures are included with the transfer,
45 are there any defects? If yes, please
46 explain.

1 Yes No Don't know Electrical system, including
2 wiring, switches, outlets, and
3 service
4 Yes No Don't know Plumbing system, including pipes,
5 faucets, fixtures, and toilets
6 Yes No Don't know Hot water tank
7 Yes No Don't know Garbage disposal
8 Yes No Don't know Appliances
9 Yes No Don't know Sump pump
10 Yes No Don't know Heating and cooling systems
11 Yes No Don't know Security system
12 Owned Leased
13 Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

18 Yes No Don't know Security system

19 Yes No Don't know Tanks (type):

20 Yes No Don't know Satellite dish

21 Other:

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

25 Yes No Don't know A. Is there a Homeowners' Association? Name of Association

26

27

28 Yes No Don't know B. Are there regular periodic assessments:

29

30 \$. . . per Month Year

31 Other

32 Yes No Don't know *C. Are there any pending special assessments?

33

34 Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

35

36

37

38

39

40

7. ENVIRONMENTAL

42 Yes No Don't know *A. Have there been any drainage problems on the property?

43

44 Yes No Don't know *B. Does the property contain fill material?

45

1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?
2				
3				
4				
5	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?
6				
7				
8	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*E. Are there any substances, materials, or products on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?
9				
10				
11				
12				
13				
14				
15	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*F. Has the property been used for commercial or industrial purposes?
16				
17	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*G. Is there any soil or groundwater contamination?
18				
19	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*H. Are there transmission poles, transformers, or other utility equipment installed, maintained, or buried on the property?
20				
21				
22				
23	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*I. Has the property been used as a legal or illegal dumping site?
24				
25	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*J. Has the property been used as an illegal drug manufacturing site?
26				
27	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*K. Are there any radio towers in the area that may cause interference with telephone reception?
28				
29				
30	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*L. <u>(1) Are any of the following kinds of wood burning appliances present at the property?</u>
31				
32				
33	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>Wood stove?</u>
34	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>Fireplace insert?</u>
35	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>Pellet stove?</u>
36	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>Manufactured fireplace?</u>
37	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>(2) If yes, are all of the wood burning appliances certified as a cleaner burning appliance?</u>
38				
39				
40				
41				8. MANUFACTURED AND MOBILE HOMES
42				If the property includes a manufactured or mobile home,
43				
44	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*A. Did you make any alterations to the home? If yes, please describe the alterations:
45				
46				

1 Yes No Don't know *B. Did any previous owner make any
 2 alterations to the home? If yes, please
 3 describe the alterations:
 4 Yes No Don't know *C. If alterations were made, were
 5 permits or variances for these alterations
 6 obtained?
 7

**9. FULL DISCLOSURE BY
 8 SELLERS**

9 A. Other conditions or defects:
 10 Yes No Don't know *Are there any other existing material
 11 defects affecting the property that a
 12 prospective buyer should know about?
 13

14 B. Verification:
 15 The foregoing answers and attached
 16 explanations (if any) are complete and
 17 correct to the best of my/our knowledge
 18 and I/we have received a copy hereof.
 19 I/we authorize all of my/our real estate
 20 licensees, if any, to deliver a copy of
 21 this disclosure statement to other real
 22 estate licensees and all prospective
 23 buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY
 BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS
 NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN
 THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF
 REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

1 E. Buyer (which term includes all persons signing the "Buyer's
2 acceptance" portion of this disclosure statement below) has
3 received a copy of this Disclosure Statement (including
4 attachments, if any) bearing Seller's signature.

5 DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY
6 SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME
7 SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER
8 OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM
9 THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO
10 RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN
11 STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE
12 RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE
13 AGREEMENT.

14 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE
15 STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE
16 OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
17 DATE BUYER BUYER

18 (2) If the disclosure statement is being completed for new
19 construction which has never been occupied, the disclosure statement is
20 not required to contain and the seller is not required to complete the
21 questions listed in item 4. Structural or item 5. Systems and
22 Fixtures.

23 (3) The seller disclosure statement shall be for disclosure only,
24 and shall not be considered part of any written agreement between the
25 buyer and seller of residential property. The seller disclosure
26 statement shall be only a disclosure made by the seller, and not any
27 real estate licensee involved in the transaction, and shall not be
28 construed as a warranty of any kind by the seller or any real estate
29 licensee involved in the transaction.

--- END ---