
HOUSE BILL 2122

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Bowman and Betrozoff.

Read first time February 26, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to disclosures on the conveyances of real property;
2 and adding new sections to chapter 64.04 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.04 RCW
5 to read as follows:

6 Each earnest money agreement offering real property for sale, and
7 each document conveying real property or an ownership interest in real
8 property, that is located in a one hundred year flood plain as
9 recognized by the federal government under the national flood insurance
10 act of 1968 and subsequently amended by the flood disaster protection
11 act of 1973, must include in substance the following statement:

12 "WARNING: This real property is located in a one hundred year
13 flood plain. Restrictions may exist as to the uses allowed on
14 the real property and the standards of construction applicable

1 to any construction that may be permitted on the real
2 property."

3 This statement must be printed, engraved, written, or otherwise
4 reproduced in a legible manner on the earnest money agreement or
5 document of conveyance.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.04 RCW
7 to read as follows:

8 The location of real property within a one hundred year flood
9 plain, as recognized by the federal government under the national flood
10 insurance act of 1968 and subsequently amended by the flood disaster
11 protection act of 1973, is declared to be a hidden defect in the real
12 property that must be disclosed by the seller of the real property or
13 an ownership interest in the real property.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 64.04 RCW
15 to read as follows:

16 After the effective date of this act, a purchaser of real property
17 may void and rescind the sale of real property subject to sections 1
18 and 2 of this act and this section within one year of signing an
19 earnest money agreement or document conveying the real property if the
20 agreement or document does not include in substance the language
21 required by section 1 of this act or if the language is not reproduced
22 in a legible manner on such documents. Additionally, the purchaser
23 shall be awarded all court costs and reasonable attorney fees related
24 to perfecting this right if a trial is held concerning this matter.
25 The remedy provided for in this section is in addition to any other
26 remedies, defenses, and protections available to a purchaser of real
27 estate.