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**Commerce & Labor Committee**

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**HB 2739**

**Brief Description:** Adding questions about wood burning devices to the seller's disclosure statement for residential real property transfers.

**Sponsors:** Representatives Kenney, Hudgins, Wood and Conway.

**Brief Summary of Bill**

- Requires questions be added concerning wood burning devices to the seller's disclosure statement for improved residential real property transfers.

**Hearing Date:** 1/25/08

**Staff:** Brian Considine (786-7290).

**Background:**

Sellers of improved residential real property must, under some circumstances, provide the buyer with a transfer seller disclosure statement. This disclosure requirement applies only to residential real property transfers.

The statute specifies the format and questions that the seller must answer. The form includes a statement that disclosure is being made concerning existing material facts or a defect based on the seller's actual knowledge of the property at the time the form is completed. The disclosures pertain to:

- title;
- water;
- sewer/on-site sewage system;
- structural;
- systems and fixtures;
- homeowners' association/common interest;
- environmental (drainage, material damage from fire, floods, etc., hazardous materials, radio towers, soil contamination); and
- manufactured and mobile homes (alterations).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Unless the buyer waives his or her rights, the seller must make the required disclosure not later than five business days after mutual acceptance of a written purchase agreement, and the seller must comply with specified obligations to update the information provided. The buyer has three business days, or other time period agreed to, from the seller's delivery of the disclosure statement to rescind the purchase agreement. The buyer's other option is to accept and approve the disclosure statement.

### Wood Stoves and Fireplace Inserts

Nearly half of Washington's households have wood burning devices. During the past 20 - 25 years the number of wood stoves, fireplaces, pellet stoves, and fireplace inserts has grown in Washington.

Under the Washington Clean Air Act, wood stoves and fireplace inserts must meet specified standards of the United States Environmental Protection Agency (EPA). The Department of Ecology rules define a wood stove as "certified" if it meets the required emission performance standards when tested by an accredited independent laboratory and is labeled per EPA procedures.

### **Summary of Bill:**

The improved residential real property transfer disclosure statement form is amended to include questions about uncertified wood burning devices. When a seller of an improved residential real property provides this disclosure, the seller must respond to questions about:

- whether the property has an uncertified wood burning device;
- whether the wood stove or fireplace insert is subject to a registration or fee program; and
- whether the wood stove or fireplace insert is currently registered and whether applicable fees have been paid.

**Rules Authority:** The bill does not address the rule-making powers of an agency.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.