
HOUSE BILL 2894

State of Washington 60th Legislature 2008 Regular Session

By Representatives Campbell, Williams, and Kagi

Read first time 01/17/08. Referred to Committee on Commerce & Labor.

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 **I. SELLER'S DISCLOSURES:**

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

- 19 **I. 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 (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 | |

- 26 Yes No Don't know *G. Was a structural pest or "whole
27 house" inspection done? If yes, when
28 and by whom was the inspection
29 completed?
30 Yes No Don't know H. During your ownership, has the
31 property had any wood destroying
32 organism or pest infestation?
33 Yes No Don't know I. Is the attic insulated?
34 Yes No Don't know J. Is the basement insulated?

35 **5. SYSTEMS AND FIXTURES**

36 *A. If any of the following systems or
37 fixtures are included with the transfer,
38 are there any defects? If yes, please
39 explain.
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1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*C. Is there any material damage to the
2				property from fire, wind, floods, beach
3				movements, earthquake, expansive
4				soils, or landslides?
5	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	D. Are there any shorelines, wetlands,
6				floodplains, or critical areas on the
7				property?
8	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*E. Are there any substances,
9				materials, or products on the property
10				that may be environmental concerns,
11				such as asbestos, formaldehyde, radon
12				gas, lead-based paint, fuel or chemical
13				storage tanks, or contaminated soil or
14				water?
15	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*F. Has the property been used for
16				commercial or industrial purposes?
17	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*G. Is there any soil or groundwater
18				contamination?
19	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*H. Are there transmission poles,
20				transformers, or other utility equipment
21				installed, maintained, or buried on the
22				property?
23	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*I. Has the property been used as a
24				legal or illegal dumping site?
25	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*J. Has the property been used as an
26				illegal drug manufacturing site?
27	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*K. Are there any radio towers in the
28				area that may cause interference with
29				telephone reception?
30	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*L. <u>(1) Are any of the following kinds</u>
31				<u>of wood burning appliances present at</u>
32				<u>the property?</u>
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>Masonry fireplace?</u>
38	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>(2) If yes, are all of the wood burning</u>
39				<u>appliances "Certified" by the United</u>
40				<u>States Environmental Protection Agency</u>
41				<u>(or the state of Washington) as a</u>
42				<u>cleaner burning appliance that emits</u>
43				<u>lower levels of the woodsmoke and PM</u>
44				<u>2.5 emissions that can adversely affect</u>
45				<u>both indoor/outdoor air quality and</u>
46				<u>health?</u>

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8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

Yes No Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know *B. Did any previous owner make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective 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.

- 1 C. Buyer acknowledges that, pursuant to RCW 64.06.050(2),
- 2 real estate licensees are not liable for inaccurate information
- 3 provided by Seller, except to the extent that real estate
- 4 licensees know of such inaccurate information.
- 5 D. This information is for disclosure only and is not intended to
- 6 be a part of the written agreement between the Buyer and
- 7 Seller.
- 8 E. Buyer (which term includes all persons signing the "Buyer's
- 9 acceptance" portion of this disclosure statement below) has
- 10 received a copy of this Disclosure Statement (including
- 11 attachments, if any) bearing Seller's signature.

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

21 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE
 22 STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE
 23 OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
 24 DATE BUYER BUYER

25 (2) If the disclosure statement is being completed for new
 26 construction which has never been occupied, the disclosure statement is
 27 not required to contain and the seller is not required to complete the
 28 questions listed in item 4. Structural or item 5. Systems and
 29 Fixtures.

30 (3) The seller disclosure statement shall be for disclosure only,
 31 and shall not be considered part of any written agreement between the
 32 buyer and seller of residential property. The seller disclosure
 33 statement shall be only a disclosure made by the seller, and not any
 34 real estate licensee involved in the transaction, and shall not be
 35 construed as a warranty of any kind by the seller or any real estate
 36 licensee involved in the transaction.

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