

HOUSE BILL REPORT

SSB 6472

As Reported by House Committee On:
Judiciary

Title: An act relating to disclosure of carbon monoxide alarms in real estate transactions.

Brief Description: Concerning disclosure of carbon monoxide alarms in real estate transactions.

Sponsors: Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Harper, Honeyford, Kline and Shin).

Brief History:

Committee Activity:

Judiciary: 2/15/12, 2/20/12 [DP].

Brief Summary of Substitute Bill

- Revises real estate seller disclosure forms to indicate whether the property is equipped with carbon monoxide alarms and smoke alarms.
- Immunizes licensed real estate brokers from liability for a seller's failure to comply with requirements for installing carbon monoxide alarms.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Hansen, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Oliver Stiefel (786-5793) and Edie Adams (786-7180).

Background:

Seller Disclosure Statements.

In real estate transactions for the sale of improved residential property and commercial real estate, absent an express waiver or exemption, sellers must provide buyers with a completed seller disclosure statement form. This form provides for a YES, NO, or DON'T KNOW

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.

answer to questions relating to: (1) title; (2) water; (3) sewage; (4) structure; (5) systems and fixtures; (6) a homeowner's association; (7) the environment; (8) and other disclosures.

Carbon Monoxide Alarms.

In 2009 the Legislature directed the Washington State Building Code Council (SBCC) to adopt rules related to carbon monoxide alarms, provided that the rules require that all buildings classified as residential occupancies will be equipped with carbon monoxide alarms by January 1, 2013. The SBCC adopted rules pursuant to the legislation, setting forth a phased approach for the installation of carbon monoxide alarms for new construction and for existing dwellings.

Owner-occupied single-family residences legally occupied before 2009 are initially exempt from the rules. However, the seller of an owner-occupied single-family residence must equip the residence with carbon monoxide alarms pursuant to the SBCC rules before the buyer or any other person may legally occupy the residence following the sale.

Summary of Bill:

Legislative findings are made that amending the state's real estate seller disclosure forms and ensuring that the responsibility for installing carbon monoxide alarms is that of the seller will aid in the implementation of laws relating to the installation of such alarms.

The state seller disclosure form for sales of improved residential property is amended to include questions regarding whether the property is equipped with carbon monoxide alarms and smoke alarms. Notice on the form is included that a seller must equip a residence with a carbon monoxide alarm as required by the state building code. The state seller disclosure form for sales of commercial property is amended to include a question regarding whether there are any defects with carbon monoxide alarms. These changes only apply to real estate transactions for which a purchase and sale agreement is entered after the effective date.

Licensed real estate brokers are immune from liability arising from the failure of any seller or other property owner to comply with requirements for carbon monoxide alarms defined by statute and the SBCC rules.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) There is bipartisan support for this bill that adds disclosure requirements about carbon monoxide alarms, consistent with requirements passed by the Legislature in 2009. Under current law, there is no way for the seller to know that he or she has the responsibility to install carbon monoxide alarms before resale. This bill would provide for notification and would allow real estate brokers to educate sellers about their responsibility without any fear of liability. There is similar legislation in other states.

(Opposed) None.

Persons Testifying: Senator Harper, prime sponsor; Senator Honeyford; and Bill Clarke, Washington Realtors.

Persons Signed In To Testify But Not Testifying: None.