

SENATE BILL REPORT

SB 5045

AS OF JANUARY 12, 1993

Brief Description: Requiring disclosure of septic system location and issuance of necessary permits.

SPONSORS: Senator Haugen

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Rod McAulay (786-7754)

Hearing Dates: January 19, 1993

BACKGROUND:

Real property records do not disclose the location of any on-site septic system or whether required permits have been issued for any existing structures. There are no statutes which require the disclosure of this information at the time of sale. Purchasers may acquire property unaware that septic systems are improperly located under rights-of-way or easements, or that required building or occupancy permits have not been issued.

SUMMARY:

Real property recording officers shall not record any deed or contract conveying an interest in residential real property unless accompanied by a disclosure statement signed by both purchaser and seller. The disclosure statement shall acknowledge that the seller has disclosed that the septic system does not improperly encroach on any easement or right-of-way and that any required building and occupancy permits have been issued. These requirements do not apply to transfers made to secure the payment of a loan. Improperly representing a transaction as one which does not require a disclosure statement shall result in the liability of the seller, and any party receiving compensation from either the seller or the purchaser for assisting with the closing of the transaction, to the purchaser for any damages resulting from improperly located septic systems or failure to obtain required building and occupancy permits.

Appropriation: none

Revenue: none

Fiscal Note: requested January 12, 1993