H-0381.1			

HOUSE BILL 1439

State of Washington 58th Legislature 2003 Regular Session

By Representatives Kenney, Conway, Chandler, Tom, Kagi, Wood and Wallace

Read first time 01/27/2003. Referred to Committee on Commerce & Labor.

- 1 AN ACT Relating to seller disclosure of the presence of uncertified
- 2 wood stoves or uncertified fireplace inserts; and amending RCW
- 3 64.06.020.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 5 **Sec. 1.** RCW 64.06.020 and 1996 c 301 s 2 are each amended to read 6 as follows:
- 7 (1) In a transaction for the sale of residential real property, the
- 8 seller shall, unless the buyer has expressly waived the right to
- 9 receive the disclosure statement, or unless the transfer is exempt
- 10 under RCW 64.06.010, deliver to the buyer a completed real property
- 11 transfer disclosure statement in the following format and that
- 12 contains, at a minimum, the following information:
- 13 INSTRUCTIONS TO THE SELLER
- 14 Please complete the following form. Do not leave any spaces blank. If
- 15 the question clearly does not apply to the property write "NA". If the
- 16 answer is "yes" to any * items, please explain on attached sheets.
- 17 Please refer to the line number(s) of the question(s) when you provide
- 18 your explanation(s). For your protection you must date and sign each
- 19 page of this disclosure statement and each attachment. Delivery of the

p. 1 HB 1439

1	disclosure statement must occur not later than five business days,
2	unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.
4 5	NOTICE TO THE BUYER THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE
6	CONDITION OF THE PROPERTY LOCATED AT
7	("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.
8	DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE
9	BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS
10	DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE THREE BUSINESS
11	DAYS, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS
12	SELLER'S DISCLOSURE STATEMENT TO RESCIND YOUR AGREEMENT BY DELIVERING
13	YOUR SEPARATE SIGNED WRITTEN STATEMENT OF RESCISSION TO THE SELLER,
14	UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE
15	AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE
16	NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
17	THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A
18	PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.
19	FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS
20	PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A
21	QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR
22	EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS,
23	ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE
24	PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE
25	OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE
26	PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE,
27	INSPECTION, DEFECTS OR WARRANTIES.
28	Seller is/ is not occupying the property.
29	I. SELLER'S DISCLOSURES:
30	*If "Yes" attach a copy or explain. If necessary use an attached sheet.
31	1. TITLE
32	[] Yes [] No [] Don't know A. Do you have legal authority to
33	sell the property?
34 35	[] Yes [] No [] Don't know *B. Is title to the property subject to any of the following?
	to any or and ronouning.

p. 2 HB 1439

1				(1) First right of refusal
2				(2) Option
3				(3) Lease or rental agreement
4				(4) Life estate?
5	[] Yes	[] No	[] Don't know	*C. Arethereanyencroachments,
6				boundaryagreements,orboundary
7				disputes?
8	[] Yes	[] No	[] Don't know	*D. Are there any rights of way,
9				easements, or access limitations
10				that may affect the owner's use of
11				the property?
12	[] Yes	[] No	[] Don't know	*E. Are there any written
13				agreements for joint maintenance
14				of an easement or right of way?
15	[] Yes	[] No	[] Don't know	*F. Is there any study, survey
16				project, or notice that would
17	F 1 37	F 1 N	[1D -1	adversely affect the property?
18	[] Yes	[] No	[] Don't know	*G. Are there any pending or
19 20				existing assessments against the property?
21	[]Yes	[] No	[] Don't know	*H. Are there any zoning
22	[] Tes	[]No	[] Don't know	violations,nonconforminguses,or
23				any unusual restrictions on the
24				subject property that would affect
25				futureconstructionorremodeling?
26	[] Yes	[] No	[] Don't know	*I. Is there a boundary survey for
27				the property?
28	[]Yes	[] No	[] Don't know	*J. Are there any covenants,
29				conditions, or restrictions which
30				affect the property?
31				2. WATER
32				A. Household Water
33				(1) The source of the water is
34				[] Public [] Community
35				[] Private [] Shared
36				(2) Water source information:
37	[] Yes	[] No	[] Don't know	*a. Are there any written
38				agreements for shared
39				water source?
40	[] Yes	[] No	[] Don't know	*b. Is there an easement
41				(recorded or unrecorded)
42				for access to and/or
43				maintenance of the water
44				source?

p. 3 HB 1439

1 2	[] Yes	[] No	[] Don't know	*c. Are any known problems or repairs
3				needed?
4	[] Yes	[] No	[] Don't know	*d. Does the source
5				provide an adequate year
6				round supply of potable
7				water?
8	[] Yes	[] No	[] Don't know	*(3) Are there any water
9				treatment systems for the
10				property? []Leased []Owned
11				B. Irrigation
12	[] Yes	[] No	[] Don't know	(1) Are there any water rights
13				for the property?
14	[] Yes	[] No	[] Don't know	*(2) If they exist, to your
15				knowledge, have the water
16				rights been used during the last
17				five-year period?
18	[] Yes	[] No	[] Don't know	*(3) If so, is the certificate
19				available?
20				C. Outdoor Sprinkler System
21	[] Yes	[] No	[] Don't know	(1) Is there an outdoor sprinkler
22				system for the property?
23	[] Yes	[] No	[] Don't know	*(2) Are there any defects in the
				-
24				outdoor sprinkler system?
24 25				-
				outdoor sprinkler system?
25				outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM
2526				outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: []
25 26 27				outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank
25 26 27 28				outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system
25 26 27 28 29	[]Yes	[]No	[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30	[]Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30 31	[]Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30 31	[]Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe) B. If the property is served by a public or community sewer main,
25 26 27 28 29 30 31 32 33	[] Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe) B. If the property is served by a public or community sewer main, is the house connected to the
25 26 27 28 29 30 31 32 33 34	[]Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30 31 32 33 34	[]Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30 31 32 33 34 35 36	[]Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30 31 32 33 34 35 36	[] Yes		[] Don't know	outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe) B. If the property is served by a public or community sewer main, is the house connected to the main? C. Is the property currently subjecttoasewercapacitycharge? D. If the property is connected to
25 26 27 28 29 30 31 32 33 34 35 36 37 38		[] No		outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30 31 32 33 34 35 36 37 38		[] No		outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe) B. If the property is served by a public or community sewer main, is the house connected to the main? C. Is the property currently subjecttoasewercapacitycharge? D. If the property is connected to a septic system: (1) Was a permit issued for its
25 26 27 28 29 30 31 32 33 34 35 36 37 38 39		[] No		outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)
25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41		[] No		outdoor sprinkler system? 3. SEWER/SEPTIC SYSTEM A. The property is served by: [] Public sewer main, [] Septic tank system [] Other disposal system (describe)

HB 1439 p. 4

1	[]	Yes	[] No	[] Don't know	*(3) Are there any defects in the
2					operation of the septic system?
3				[] Don't know	(4) When was it last inspected?
4					, 19
5					By Whom:
6				[] Don't know	(5) How many bedrooms was
7					the system approved for?
8					bedrooms
9	[]	Yes	[] No	[] Don't know	*E. Do all plumbing fixtures,
10					including laundry drain, go to the
11					septic/sewer system? If no,
12					explain:
13	[]	Yes	[] No	[] Don't know	*F. Areyouawareofanychanges
14					or repairs to the septic system?
15	[]	Yes	[] No	[] Don't know	G. Is the septic tank system,
16					including the drainfield, located
17					entirely within the boundaries of
18					the property?
19					4. STRUCTURAL
20	[]	Yes	[] No	[] Don't know	*A. Has the roof leaked?
21	[]	Yes	[] No	[] Don't know	If yes, has it been repaired?
22	[]	Yes	[] No	[] Don't know	*B. Have there been any
23					conversions, additions, or
24					remodeling?
25	[]	Yes	[] No	[] Don't know	*1. If yes, were all building
26					permits obtained?
27	IJ	Yes	[] No	[] Don't know	*2. If yes, were all final
28		3.7	FIN	[1]D 1/1	inspections obtained?
29 30	()	Yes	[] No	[] Don't know	C. Do you know the age of the
31					house? If yes, year of original construction:
32					construction.
33	[1	Yes	[] No	[] Don't know	*D. Do you know of any settling,
34	П	103	[]110	[] Don't know	slippage, or sliding of either the
35					house or other
36					structures/improvements located
37					on the property? If yes, explain:
38					
39	[]	Yes	[] No	[] Don't know	*E. Do you know of any defects
40					withthefollowing: (Pleasecheck
41					applicable items)
42		пF	oundations	□ Deck	s □ Exterior Walls
43			Chimneys		or Walls
				_ III.011	

p. 5 HB 1439

1		□ Do	oors		□ Windo	ows	□ Patio
2	□ Ceilings			□ Slab F		□ Driveways	
3				□ Hot T		□ Sauna	
4					□ Outbu		□ Fireplaces
5	C			□ Walkv	•		
6		□ Ot	her		□ Wood	Stoves	
7	[]Y	es	[] No	[] Don't	know	*F. Was a	pest or dry rot,
8						structural or	"whole house"
9						inspection do	ne? When and by
10						whom was	the inspection
11						completed?	
12	[]Y	es	[] No	[] Don't	know	*G. Since ass	suming ownership,
13						has your prop	erty had a problem
14						with wood de	stroying organisms
15						and/or have th	nere been any
16						problems with	n pest control,
17						infestations, o	or vermin?
18						5.SYSTEMS	AND FIXTURES
19						A. If the follo	owing systems or
20						fixtures are in	cluded with the
21						transfer, do the	ey have any existing
22						defects:	
23	[]Y	es	[] No	[] Don't	know	*((A.)) (1)	Electrical system,
24						including v	wiring, switches,
25						outlets, and	1 service
26	[]Y	es	[] No	[] Don't	know	*((B.)) <u>(2)</u>	Plumbing system,
27						including p	pipes, faucets,
28						fixtures, an	id toilets
29	[]Y	es	[] No	[] Don't	know	*((C.)) <u>(3)</u>	Hot water tank
30	[]Y	es	[] No	[] Don't	know	*((D.)) (4)	Garbage disposal
31	[]Y	es	[] No	[] Don't	know	*((E.)) <u>(5)</u>	Appliances
32	[]Y	es	[] No	[] Don't	know	*((F.)) <u>(6)</u>	Sump pump
33	[]Y	es	[] No	[] Don't	know	*((G.)) <u>(7)</u>	Heating and
34						cooling sys	stems
35	[]Y	es	[] No	[] Don't	know	*((H.)) <u>(8)</u>	Security system
36						[] Owned	[] Leased
37						*((I.)) (9)	Other
38						B. Uncerti	fied Wood stoves
39							ified Fireplace
40						Inserts	-
41	[] Y	<u>es</u>	[] No	[] Don't	know	(1) <u>Does</u> th	is property have an
42			_		_		wood stove or
43							fireplace insert?

нв 1439 р. 6

1	[] Yes	[] No	Don't know	(2) If yes, is it subject to a
2				registration or fee program?
3	[] Yes	[] <u>No</u>	[] Don't know	(3) If yes, is it currently
4				registered, and/or have all fees
5				been paid, as required?
6				6. COMMON INTEREST
7	[] Yes	[] No	[] Don't know	A. Is there a Home Owners'
8				Association? Nam@Association
9				
10	[] Yes	[] No	[] Don't know	B. Are there regular periodic
11				assessments:
12				\$ per [] Month [] Year
13				[] Other
14	[] Yes	[] No	[] Don't know	*C. Arethereanypendingspecial
15				assessments?
16	[] Yes	[] No	[] Don't know	*D. Are there any shared
17				"common areas" or any joint
18				maintenanceagreements(facilities
19				suchaswalls, fences, landscaping,
20				pools, tennis courts, walkways, or
21				otherareasco-ownedinundivided
22				interest with others)?
23				7. GENERAL
24	[] Yes	[] No	[] Don't know	*A. Is there any settling, soil,
25				standing water, or drainage
26				problems on the property?
27	[] Yes	[] No	[] Don't know	*B. Doestheproperty contain fill
28				material?
29	[] Yes	[] No	[] Don't know	*C. Is there any material damage
30				to the property or any of the
31				structure from fire, wind, floods,
32				beach movements, earthquake,
33				expansive soils, or landslides?
34	[] Yes	[] No	[] Don't know	D. Is the property in a designated
35				flood plain?
33				

p. 7 HB 1439

1	[] Yes	[] No	[] Don't know	*E. Are there any substances,
2				materials, or products that may be
3				an environmental hazard such as,
4				but not limited to, asbestos,
5				formaldehyde, radon gas, lead-
6				based paint, fuel or chemical
7				storage tanks, and contaminated
8				soil or water on the subject
9				property?
10	[] Yes	[] No	[] Don't know	*F. Are there any tanks or
11				underground storage tanks (e.g.,
12				chemical, fuel, etc.) on the
13	F 1 37	. 1 N	[1D -1	property?
14	[] Yes	[] No	[] Don't know	*G. Has the property ever been
15 16				used as an illegal drug manufacturing site?
				manuracturing site:
17 18				8. FULL DISCLOSURE BY
10				SELLERS
19				A. Other conditions or defects:
20	[] Yes	[] No	[] Don't know	*Are there any other material
21				defectsaffectingthispropertyorits
22				value that a prospective buyer
23				should know about?
24				B. Verification:
25				The foregoing answers and
26				attached explanations (if any) are
27				complete and correct to the best of
28				my/our knowledge and I/we have
29				received a copy hereof. I/we
30				authorize all of my/our real estate
31 32				licensees, if any, to deliver a copy of this disclosure statement to
33				other real estate licensees and all
34				prospectivebuyersoftheproperty.
35				prospective outers or the property.
33	DATE .		SELLER	SELLER
36		II. BU	YER'S ACKNOV	VLEDGMENT
37		A.	Asbuyer(s),I/we	acknowledgethedutytopaydiligent
38				naterial defects which are known to
39				known to me/us by utilizing diligent
40			attention and ob	servation.

HB 1439 p. 8

2	disclosures set forth in this statement and in any
3	amendments to this statement are made only by the
4	seller.
5	C. Buyer (which term includes all persons signing the
6	"buyer's acceptance" portion of this disclosure
7	statement below) hereby acknowledges receipt of a
8	copy of this disclosure statement (including
9	attachments, if any) bearing seller's signature.
10	DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE
11	BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF
12	DISCLOSURE. YOU, THE BUYER, HAVE THREE BUSINESS DAYS, UNLESS OTHERWISE
13	AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE
14	STATEMENT TO RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED
15	WRITTEN STATEMENT OF RESCISSION TO THE SELLER UNLESS YOU WAIVE THIS
16	RIGHT OF RESCISSION.
17	BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY
18	TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES
19	MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE
20	LICENSEE OR OTHER PARTY.
21	DATE BUYER BUYER
22	(2) The real property transfer disclosure statement shall be for

Each buyer acknowledges and understands that the

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

--- END ---

p. 9 HB 1439