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HOUSE BILL 1577

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Driscoll, Ormsby, Wood, and Williams

Read first time 01/23/09. 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 (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.)

- 26  Foundations  Decks  Exterior Walls  
27  Chimneys  Interior Walls  Fire Alarm  
28  Doors  Windows  Patio  
29  Ceilings  Slab Floors  Driveways  
30  Pools  Hot Tub  Sauna  
31  Sidewalks  Outbuildings  Fireplaces  
32  Garage Floors  Walkways  Siding  
33  Other  Wood Stoves

- 34  Yes  No  Don't know \*G. Was a structural pest or "whole  
35 house" inspection done? If yes, when  
36 and by whom was the inspection  
37 completed? .....  
38  Yes  No  Don't know H. During your ownership, has the  
39 property had any wood destroying  
40 organism or pest infestation?  
41  Yes  No  Don't know I. Is the attic insulated?  
42  Yes  No  Don't know J. Is the basement insulated?

43 **5. SYSTEMS AND FIXTURES**

44 \*A. If any of the following systems or  
45 fixtures are included with the transfer,  
46 are there any defects? If yes, please  
explain.





1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?
2				
3				
4				
5	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?
6				
7				
8	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*E. Are there any substances, materials, or products on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?
9				
10				
11				
12				
13				
14				
15	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*F. Has the property been used for commercial or industrial purposes?
16				
17	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*G. Is there any soil or groundwater contamination?
18				
19	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*H. Are there transmission poles, transformers, or other utility equipment installed, maintained, or buried on the property?
20				
21				
22				
23	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*I. Has the property been used as a legal or illegal dumping site?
24				
25	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*J. Has the property been used as an illegal drug manufacturing site?
26				
27	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*K. Are there any radio towers in the area that may cause interference with telephone reception?
28				
29				
30	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*L. (1) Are any of the following kinds of wood burning appliances present at the property?
31				
32				
33	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Wood stove?
34	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Fireplace insert?
35	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Pellet stove?
36	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Manufactured fireplace?
37	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(2) If yes, are all of the wood burning appliances certified as a cleaner burning appliance?
38				
39				
40				
41				<b>8. MANUFACTURED AND MOBILE HOMES</b>
42				If the property includes a manufactured or mobile home,
43				
44	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*A. Did you make any alterations to the home? If yes, please describe the alterations: . . . . .
45				
46				



E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

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

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

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

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller 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.

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