

---

**SUBSTITUTE SENATE BILL 5375**

---

**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Financial Institutions, Housing & Insurance (originally sponsored by Senator Fairley)

READ FIRST TIME 02/18/09.

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	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*G. Is there any study, survey project, or notice that would adversely affect the property?
2				
3				
4	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*H. Are there any pending or existing assessments against the property?
5				
6	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?
7				
8				
9				
10				
11	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*J. Is there a boundary survey for the property?
12				
13	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*K. Are there any covenants, conditions, or restrictions which affect the property?
14				
15				
16				<b>2. WATER</b>
17				A. Household Water
18				(1) The source of water for the property is:
19				<input type="checkbox"/> Private or publicly owned water system
20				<input type="checkbox"/> Private well serving only the subject property . . . . .
21				* <input type="checkbox"/> Other water system
22				
23				
24				
25	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*If shared, are there any written agreements?
26				
27	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
28				
29				
30	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(3) Are there any known problems or repairs needed?
31				
32	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.
33				
34				
35				
36	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(5) Are there any water treatment systems for the property? If yes, are they <input type="checkbox"/> Leased <input type="checkbox"/> Owned
37				
38				
39	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?
40				
41				
42				
43				
44	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
45				
46				

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 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    |   |

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

42 **5. SYSTEMS AND FIXTURES**

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









1  
2  
3  
4  
5  
6  
7

- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- 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.

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

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

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

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

--- END ---