



WASHINGTON STATE BAR ASSOCIATION

Real Property, Probate and Trust Section

February 6, 2017

Representative Christine Kilduff
110 Legislative Building
Olympia, WA 98504-0600

RE: HB 1579 – AN ACT Relating to including school district information on disclosure statements by sellers of real property.


Dear Representative Kilduff:

We are writing this letter to express concern with respect to HB 1579. The purpose of the Seller Disclosure Act is to obligate a real property seller to disclose to a potential buyer, material adverse conditions regarding the property ... conditions that buyer may not become aware of during buyer's due diligent investigation of the property's condition. Recent court decisions have emphasized the importance of a buyer conducting a due diligent investigation if buyer hopes to have a post-closing claim against seller based on seller misrepresentation.

The identification of the school district servicing a residential property is information readily available to a buyer from a variety of sources including local school districts and multiple listing service advertising. When information that is not uniquely within the province of the seller is required as part of the Seller Disclosure Statement, it disincentivizes a buyer from conducting a diligent investigation. It also dilutes the provision of information included on the Seller Disclosure Statement, increasing the likelihood that buyer will overlook a truly significant disclosure from seller.

The Washington State Bar Association's Real Property Probate and Trust Section encourages the Legislature to decline this opportunity to amend the Seller Disclosure Act. Please call on me if I can provide any additional information or assistance to you as you seek to analyze this bill.

Very Truly Yours,


Annie Fitzsimmons
Director, Real Property Council
WSBA Real Property Probate and Trust Section