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Date: March 15, 2021

To: Members of the ND House Industry, Business and Labor Committee.
From: Grand Forks Area Association of REALTORS®
RE: Senate Bill 2247

The members of the Grand Forks Area Association of REALTORS® urge your support of Senate Bill 2247 concerning Sellers Property Disclosure.

The current law (NDCC 47-10-02.1 was passed in 2019 with the intent to provide protection to buyers and sellers of single-family housing if the seller uses a Real Estate Agent to help sell the property. Unfortunately, this has left a large group of consumers unprotected. Current law infers that sellers do not need to disclose material facts regarding their property if it is not their primary residence or if a Real Estate professional is not involved. This language has cause confusion and has resulted in financial repercussions for some buyers.

NDCC 47-10-03.1 also appears to conflict with current ND case law. Holcomb v. Zinke, 1985 states "a seller of defective property has a duty to disclose material facts which are known by the seller or should be known to the seller and which would not be discoverable by the buyer's exercise of ordinary care and diligence".

The language in Senate Bill 2247 ensures that all consumers are protected not just the ones using a real estate professional. The changes in this bill also give the control of when written disclosure happens back to the people so buyers and sellers can have control in their very unique situations rather than being dictated when a written disclosure must be delivered.

We ask your support of Senate Bill 2247.

Russel Crary, President

A handwritten signature in black ink, appearing to read "Russel Crary".

Grand Forks Area Association of REALTORS®