

Bond Case Briefs

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COUNTIES - WASHINGTON

Perillo Trustees of the Diane Perillo Living Trust, dated September 28, 2011 v. Island County

Court of Appeals of Washington, Division 1 - November 30, 2020 - P.3d - 2020 WL 7021689

Purchasers, who learned that house they bought had history as a “drug house” and had to be demolished due to methamphetamine contamination, brought negligence action against county for failure to inspect the property for hazardous chemical contamination. The Superior Court granted summary judgment for county under the public duty doctrine, and purchasers appealed.

The Court of Appeals held that:

- Law enforcement has a duty to report to local health officers when it has information that causes it to realize or perceive that hazardous chemicals are polluting a property, even if law enforcement does not have actual knowledge of contamination;
- Genuine issue of material fact as to whether county sheriff’s office had sufficient information to cause it to realize or perceive that hazardous chemicals were polluting property, and thus trigger its duty to report to local health officers, precluded summary judgment; and
- County owed statutory duty to property purchasers, not just the public at large, to notify local health officials of information that hazardous chemicals were polluting property.