

By: King of Uvalde

H.B. No. 4429

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice of water and wastewater requirements for the
3 foreclosure sale of residential properties by certain political
4 subdivisions.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 232.0315(a) and (b), Local Government
7 Code, are amended to read as follows:

8 (a) This section applies only to a political subdivision
9 [~~county~~] that sells:

10 (1) under Section 34.01, Tax Code, real property
11 presumed to be for residential use under Section 232.022; or

12 (2) under Section 3, Part VI, Texas Rules of Civil
13 Procedure, and Chapter 34, Civil Practice and Remedies Code, real
14 property presumed to be for residential use under Section 232.022,
15 taken by virtue of a writ of execution.

16 (b) A political subdivision [~~county~~] shall include in the
17 public notice of sale of the property and the deed conveying the
18 property a statement substantially similar to the following:

19 "THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR
20 JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND
21 INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

22 "THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY
23 WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE
24 SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT

1 THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR
2 FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.

3 "IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED
4 TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS
5 WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR
6 RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION
7 SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL."

8 SECTION 2. Section 34.01(e), Tax Code, is amended to read as
9 follows:

10 (e) A notice of sale under Subsection (c) must substantially
11 comply with this subsection. The notice must include:

12 (1) a statement of the authority under which the sale
13 is to be made;

14 (2) the date, time, and location of the sale; ~~and~~

15 (3) a brief description of the property to be sold; and

16 (4) the statement required by Section 232.0315, Local
17 Government Code, if the real property subject to the sale is located
18 in a county subject to Chapter 232 of that code and is presumed to be
19 for residential use under Section 232.022 of that code.

20 SECTION 3. The changes in law made by this Act apply only to
21 a sale for which public notice is required on or after the effective
22 date of this Act. A sale for which public notice is required before
23 the effective date of this Act is covered by the law in effect when
24 the public notice was provided, and the former law is continued in
25 effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2021.