

By: Kitzman

H.B. No. 2260

A BILL TO BE ENTITLED

AN ACT

relating to a seller's disclosure of the location of certain real property in a floodplain.

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

SECTION 1. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.0085 to read as follows:

Sec. 5.0085. SELLER'S DISCLOSURE OF LOCATION OF CERTAIN REAL PROPERTY IN FLOODPLAIN. (a) In this section:

(1) "100-year floodplain" means any area of land that:

(A) is identified on the flood insurance rate map as a special flood hazard area, which is designated as Zone A, V, A99, AE, AO, AH, VE, or AR on the map;

(B) has a one percent annual chance of flooding;  
and

(C) may include a regulatory floodway, flood pool, or reservoir.

(2) "Flood insurance rate map" means the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

(b) A seller of a tract of real property that measures less than 15 acres and that does not have a residence located or being constructed on the property at the time of the sale shall provide to the purchaser of the property a written notice disclosing whether

1 any part of the property is located in a 100-year floodplain. If  
2 any part of the property is located in a 100-year floodplain, the  
3 notice must include a copy of a current flood insurance rate map  
4 that indicates the part of the property that is located in the  
5 floodplain.

6 (c) The notice must be delivered by the seller on or before  
7 the effective date of an executory contract binding the purchaser  
8 to purchase the property.

9 (d) The purchaser is entitled to recover from the seller  
10 damages caused by flooding on any part of the purchased real  
11 property that is located in a 100-year floodplain if:

12 (1) the seller fails to provide the purchaser the  
13 notice required by this section; and

14 (2) the flooding occurs before the fifth anniversary  
15 of the date of the purchase.

16 SECTION 2. This Act takes effect September 1, 2023.