

By: Allen of Dallas

H.B. No. 1919

A BILL TO BE ENTITLED

AN ACT

relating to notice in certain real property transactions concerning public improvement districts.

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

SECTION 1. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.014 to read as follows:

Sec. 5.014. NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT. (a) A seller of residential real property that is located in a public improvement district established under Chapter 372, Local Government Code, and that consists of not more than one dwelling unit located in this state shall give to the purchaser of the property a written notice that reads substantially similar to the following:

NOTICE OF OBLIGATION TO PAY PUBLIC IMPROVEMENT DISTRICT ASSESSMENT TO (municipality or county levying assessment) CONCERNING THE PROPERTY AT (street address)

As a purchaser of this parcel of real property you are obligated to pay an assessment to a municipality or county for an improvement project undertaken by a public improvement district under Chapter 372, Local Government Code. The assessment may be due annually or in periodic installments. More information concerning the amount of the assessment and the due dates of that assessment may be obtained from the municipality or county levying the assessment.



1           (6) from one co-owner to another co-owner of an  
2 undivided interest in the real property;

3           (7) to a spouse or a person in the lineal line of  
4 consanguinity of the seller;

5           (8) to or from a governmental entity;

6           (9) of only a mineral interest, leasehold interest, or  
7 security interest; or

8           (10) of a real property interest in a condominium.

9           (d) If an executory contract is entered into without the  
10 seller providing the notice required by this section, the purchaser  
11 may terminate the contract for any reason not later than the earlier  
12 of:

13           (1) the seventh day after the date the purchaser  
14 receives the notice; or

15           (2) the date the transfer occurs as provided by the  
16 executory contract.

17           (e) The purchaser's right to terminate the executory  
18 contract under Subsection (d) is the purchaser's exclusive remedy  
19 for the seller's failure to provide the notice required by this  
20 section.

21           SECTION 2. Section 5.014, Property Code, as added by this  
22 Act, applies only to an executory contract that is binding on a  
23 seller and purchaser on or after January 1, 2006.

24           SECTION 3. This Act takes effect September 1, 2005.

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1 COMMITTEE AMENDMENT NO. 1

2 Amend H.B. No. 1919 as follows:

3 (2) On Page 3, Line 24, strike "September 1, 2005" and  
4 substitute "January 1, 2006."

5 Elkins