

By: Pickett, Solomons, Orr, Deshotel

H.B. No. 3502

Substitute the following for H.B. No. 3502:

By: Christian

C.S.H.B. No. 3502

A BILL TO BE ENTITLED

1 AN ACT

2 relating to acknowledgements required of a purchaser of residential
3 real property in connection with the receipt of a seller's
4 disclosure notice regarding the property.

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

6 SECTION 1. Section 5.008(b), Property Code, as amended by
7 Chapters 448 (H.B. 271), 1051 (H.B. 2118), and 1256 (H.B. 2819),
8 Acts of the 80th Legislature, Regular Session, 2007, is reenacted
9 and amended to read as follows:

10 (b) The notice must be executed and must, at a minimum, read
11 substantially similar to the following:

12 SELLER'S DISCLOSURE NOTICE

13 CONCERNING THE PROPERTY AT _____
14 (Street Address and City)

15 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE
16 OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED
17 BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS
18 OR WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS
19 NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S
20 AGENTS.

21 Seller ___ is ___ is not occupying the Property.

22 If unoccupied, how long since Seller has occupied the Property?

23 _____

24 1. The Property has the items checked below:

25 Write Yes (Y), No (N), or Unknown (U).

26	<input type="checkbox"/> Range	<input type="checkbox"/> Oven	<input type="checkbox"/> Microwave
27	<input type="checkbox"/> Dishwasher	<input type="checkbox"/> Trash Compactor	<input type="checkbox"/> Disposal
28	<input type="checkbox"/> Washer/Dryer	<input type="checkbox"/> Window	<input type="checkbox"/> Rain Gutters
29	<input type="checkbox"/> Hookups	<input type="checkbox"/> Screens	

- 1 Security System
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10 TV Antenna
- 11
- 12 Ceiling Fan(s)
- 13
- 14 Central A/C
- 15
- 16
- 17 Plumbing System
- 18
- 19 Patio/Decking
- 20 Pool
- 21
- 22 Pool Equipment
- 23
- 24
- 25 Fireplace(s) & Chimney (Woodburning)
- 26
- 27 Gas Lines (Nat./LP)
- 28
- 29
- 30 Garage: Attached Not Attached
- 31 Garage Door Opener(s): Electronic Control(s)
- 32 Water Heater: Gas Electric
- 33 Water Supply: City Well MUD Co-op
- 34 Roof Type: _____ Age: _____(approx)

35 Are you (Seller) aware of any of the above items that are not in
 36 working condition, that have known defects, or that are in need of
 37 repair? Yes No Unknown.

38 If yes, then describe. (Attach additional sheets if necessary):
 39 _____
 40 _____

41 2. Does the property have working smoke detectors installed in
 42 accordance with the smoke detector requirements of Chapter 766,
 43 Health and Safety Code? Yes No Unknown.

44 If the answer to the question above is no or unknown, explain.

1 (Attach additional sheets if necessary): _____
2 _____
3 _____

4 3. Are you (Seller) aware of any known defects/malfunctions in any
5 of the following?

6 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- | | | | |
|----|--|---|---|
| 7 | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Ceilings | <input type="checkbox"/> Floors |
| 8 | <input type="checkbox"/> Exterior Walls | <input type="checkbox"/> Doors | <input type="checkbox"/> Windows |
| 9 | <input type="checkbox"/> Roof | <input type="checkbox"/> Foundation/
Slab(s) | <input type="checkbox"/> Basement |
| 10 | | | |
| 11 | <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Driveways | <input type="checkbox"/> Sidewalks |
| 12 | <input type="checkbox"/> Plumbing/Sewers/
Septics | <input type="checkbox"/> Electrical
Systems | <input type="checkbox"/> Lighting
Fixtures |

14 Other Structural Components (Describe): _____
15 _____
16 _____

17 If the answer to any of the above is yes, explain. (Attach
18 additional sheets if necessary): _____
19 _____
20 _____

21 4. Are you (Seller) aware of any of the following conditions?

22 Write Yes (Y) if you are aware, write No (N) if you are not aware.

- | | | |
|----|---|--|
| 23 | <input type="checkbox"/> Active Termites
(includes
wood-destroying insects) | <input type="checkbox"/> Previous Structural
or Roof Repair |
| 24 | | |
| 25 | <input type="checkbox"/> Termite or Wood Rot Damage
Needing Repair | <input type="checkbox"/> Hazardous or Toxic Waste |
| 26 | | |
| 27 | <input type="checkbox"/> Previous Termite Damage | <input type="checkbox"/> Asbestos Components |
| 28 | <input type="checkbox"/> Previous Termite
Treatment | <input type="checkbox"/> Urea formaldehyde
Insulation |
| 29 | | |
| 30 | <input type="checkbox"/> Previous Flooding | <input type="checkbox"/> Radon Gas |
| 31 | <input type="checkbox"/> Improper Drainage | <input type="checkbox"/> Lead Based Paint |
| 32 | <input type="checkbox"/> Water Penetration | <input type="checkbox"/> Aluminum Wiring |
| 33 | <input type="checkbox"/> Located in 100-Year
Floodplain | <input type="checkbox"/> Previous Fires |
| 34 | | |
| 35 | <input type="checkbox"/> Present Flood Insurance
Coverage | <input type="checkbox"/> Unplatted Easements |
| 36 | | |
| 37 | <input type="checkbox"/> Landfill, Settling, Soil
Movement, Fault Lines | <input type="checkbox"/> Subsurface
Structure or Pits |
| 38 | | |
| 39 | | |

___ Previous Use of
Premises for
Manufacture of
Methamphetamine

1
2
3
4
5 If the answer to any of the above is yes, explain. (Attach
6 additional sheets if necessary): _____
7 _____
8 _____

9 5. Are you (Seller) aware of any item, equipment, or system in or
10 on the property that is in need of repair? ___ Yes (if you are
11 aware) ___ No (if you are not aware). If yes, explain (attach
12 additional sheets as necessary). _____

13 6. Are you (Seller) aware of any of the following?
14 Write Yes (Y) if you aware, write No (N) if you are not aware.
15 ___ Room additions, structural modifications, or other
16 alterations or repairs made without necessary permits or not
17 in compliance with building codes in effect at that time.
18 ___ Homeowners' Association or maintenance fees or assessments.
19 ___ Any "common area" (facilities such as pools, tennis courts,
20 walkways, or other areas) co-owned in undivided interest with
21 others.
22 ___ Any notices of violations of deed restrictions or
23 governmental ordinances affecting the condition or use of the
24 Property.
25 ___ Any lawsuits directly or indirectly affecting the Property.
26 ___ Any condition on the Property which materially affects the
27 physical health or safety of an individual.

28 If the answer to any of the above is yes, explain. (Attach
29 additional sheets if necessary): _____
30 _____
31 _____

32 7 [~~6~~]. If the property is located in a coastal area that is seaward
33 of the Gulf Intracoastal Waterway or within 1,000 feet of the mean
34 high tide bordering the Gulf of Mexico, the property may be subject
35 to the Open Beaches Act or the Dune Protection Act (Chapter 61 or

1 63, Natural Resources Code, respectively) and a beachfront
2 construction certificate or dune protection permit may be required
3 for repairs or improvements. Contact the local government with
4 ordinance authority over construction adjacent to public beaches
5 for more information.

6 _____
7 Date Signature of Seller

8 The undersigned purchaser hereby acknowledges receipt of the
9 foregoing notice [~~and acknowledges the property complies with the
10 smoke detector requirements of Chapter 766, Health and Safety Code,
11 or, if the property does not comply with the smoke detector
12 requirements of Chapter 766, the buyer waives the buyer's rights to
13 have smoke detectors installed in compliance with Chapter 766]~~].

14 _____
15 Date Signature of Purchaser

16 SECTION 2. The change in law made by this Act to Section
17 5.008, Property Code, applies only to a notice executed on or after
18 the effective date of this Act. A notice executed before the
19 effective date of this Act is governed by the law in effect
20 immediately before that date, and that law is continued in effect
21 for that purpose.

22 SECTION 3. This Act takes effect January 1, 2010.