

By: Callegari

H.B. No. 4043

A BILL TO BE ENTITLED

1 AN ACT
2 relating to notifications to certain purchasers of real property
3 that may be located in an area subject to a certificate of
4 convenience and necessity for water or sewer service.

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

6 SECTION 1. Section 13.257(c), Water Code, is amended to
7 read as follows:

8 (c) This section does not apply to:

9 (1) a transfer of title under any type of lien
10 foreclosure;

11 (2) a transfer of title by deed in cancellation of
12 indebtedness secured by a lien on the property conveyed;

13 (3) a transfer of title by reason of a will or probate
14 proceeding;

15 (4) a transfer of title to or from a governmental
16 entity;

17 (5) a transfer of title to property located within the
18 corporate limits of a municipality that is served by a municipally
19 owned utility;

20 (6) a transfer of title to property that receives
21 water or sewer service from a utility service provider on the date
22 the property is transferred;

23 (7) a transfer of title by a trustee in bankruptcy;

24 (8) a transfer of title by a mortgagee or beneficiary

1 under a deed of trust who acquired the property:

2 (A) at a sale conducted under a power of sale
3 conferred by a deed of trust or other contract lien;

4 (B) at a sale under a court judgment foreclosing
5 a lien; or

6 (C) by a deed in lieu of foreclosure;

7 (9) a transfer of title from one co-owner to another
8 co-owner;

9 (10) a transfer of title between spouses or to a person
10 in the lineal line of consanguinity of the transferor; or

11 (11) a transfer of a mineral interest, leasehold
12 interest, or security interest.

13 SECTION 2. The change in law made by this Act applies only
14 to a proposal to sell or convey real property made on or after the
15 effective date of this Act. A proposal to sell or convey real
16 property made before the effective date of this Act is covered by
17 the law in effect when the proposal was made, and the former law is
18 continued in effect for that purpose.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.