

By: Workman

H.B. No. 3389

A BILL TO BE ENTITLED

AN ACT

relating to a seller's disclosure of natural or liquid propane gas on residential real property.

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

SECTION 1. Section 5.008(b), Property Code, is amended to read as follows:

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

SELLER'S DISCLOSURE NOTICE

CONCERNING THE PROPERTY AT \_\_\_\_\_  
(Street Address and City)

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

Seller \_\_\_ is \_\_\_ is not occupying the Property.

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

\_\_\_\_\_

1. The Property has the items checked below:

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

___ Range	___ Oven	___ Microwave
___ Dishwasher	___ Trash Compactor	___ Disposal
___ Washer/Dryer	___ Window	___ Rain Gutters
___ Hookups	___ Screens	
___ Security	___ Fire Detection	___ Intercom
___ System	___ Equipment	___ System
	___ Smoke Detector	
	___ Smoke Detector -	
	___ Hearing Impaired	
	___ Carbon Monoxide	

1		Alarm	
2		___ Emergency Escape	
3		Ladder(s)	
4	___ TV Antenna	___ Cable TV	___ Satellite
5		Wiring	Dish
6	___ Ceiling Fan(s)	___ Attic Fan(s)	___ Exhaust
7			Fan(s)
8	___ Central A/C	___ Central Heating	___ Wall/Window
9			Air
10			Conditioning
11	___ Plumbing System	___ Septic System	___ Public Sewer
12			System
13	___ Patio/Decking	___ Outdoor Grill	___ Fences
14	___ Pool	___ Sauna	___ Spa
15			Hot Tub
16	___ Pool Equipment	___ Pool Heater	___ Automatic Lawn
17			Sprinkler
18			System
19	___ Fireplace(s) &		___ Fireplace(s) &
20	Chimney		Chimney
21	(Woodburning)		(Mock)
22	___ Natural Gas Lines		___ Gas Fixtures
23	___ Liquid Propane Gas:	___ LP Community	___ LP on Property
24	[ <del>(Nat./LP)</del> ]	(Captive)	
25	Garage: ___ Attached	___ Not Attached	___ Carport
26	Garage Door Opener(s):	___ Electronic	___ Control(s)
27	Water Heater:	___ Gas	___ Electric
28	Water Supply: ___ City	___ Well ___ MUD	___ Co-op
29	Roof Type: _____	Age: _____	(approx)

30 Are you (Seller) aware of any of the above items that are not in  
31 working condition, that have known defects, or that are in need of  
32 repair? \_\_\_ Yes \_\_\_ No \_\_\_ Unknown.

33 If yes, then describe. (Attach additional sheets if necessary):  
34 \_\_\_\_\_  
35 \_\_\_\_\_

36 2. Does the property have working smoke detectors installed in  
37 accordance with the smoke detector requirements of Chapter 766,  
38 Health and Safety Code?\* \_\_\_ Yes \_\_\_ No \_\_\_ Unknown.

39 If the answer to the question above is no or unknown,  
40 explain. (Attach additional sheets if necessary):  
41 \_\_\_\_\_

1 \_\_\_\_\_

2           \*Chapter 766 of the Health and Safety Code requires

3 one-family or two-family dwellings to have working smoke detectors

4 installed in accordance with the requirements of the building code

5 in effect in the area in which the dwelling is located, including

6 performance, location, and power source requirements. If you do

7 not know the building code requirements in effect in your area, you

8 may check unknown above or contact your local building official for

9 more information. A buyer may require a seller to install smoke

10 detectors for the hearing impaired if: (1) the buyer or a member of

11 the buyer's family who will reside in the dwelling is hearing

12 impaired; (2) the buyer gives the seller written evidence of the

13 hearing impairment from a licensed physician; and (3) within 10

14 days after the effective date, the buyer makes a written request for

15 the seller to install smoke detectors for the hearing impaired and

16 specifies the locations for installation. The parties may agree who

17 will bear the cost of installing the smoke detectors and which brand

18 of smoke detectors to install.

19 3. Are you (Seller) aware of any known defect/malfunctions in any

20 of the following?

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

22	<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Ceilings	<input type="checkbox"/> Floors
23	<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Doors	<input type="checkbox"/> Windows
24	<input type="checkbox"/> Roof	<input type="checkbox"/> Foundation/	<input type="checkbox"/> Basement
25		Slab(s)	
26	<input type="checkbox"/> Walls/Fences	<input type="checkbox"/> Driveways	<input type="checkbox"/> Sidewalks
27	<input type="checkbox"/> Plumbing/Sewers/	<input type="checkbox"/> Electrical	<input type="checkbox"/> Lighting
28	Septics	Systems	Fixtures
29	<input type="checkbox"/> Other Structural Components (Describe): _____		

30 \_\_\_\_\_

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

4. Are you (Seller) aware of any of the following conditions? Write Yes (Y) if you are aware, write No (N) if you are not aware.

- |   |  |
|---|--|
| <input type="checkbox"/> Active Termites (includes wood-destroying insects) | <input type="checkbox"/> Previous Structural or Roof Repair                          |
| <input type="checkbox"/> Termite or Wood Rot Damage                         | <input type="checkbox"/> Hazardous or Toxic Waste                                    |
| <input type="checkbox"/> Needing Repair                                     |  |
| <input type="checkbox"/> Previous Termite Damage                            | <input type="checkbox"/> Asbestos Components   |
| <input type="checkbox"/> Previous Termite Treatment                         | <input type="checkbox"/> Urea formaldehyde Insulation                                |
| <input type="checkbox"/> Previous Flooding                                  | <input type="checkbox"/> Radon Gas   |
| <input type="checkbox"/> Improper Drainage                                  | <input type="checkbox"/> Lead Based Paint  |
| <input type="checkbox"/> Water Penetration                                  | <input type="checkbox"/> Aluminum Wiring   |
| <input type="checkbox"/> Located in 100-Year Floodplain                     | <input type="checkbox"/> Previous Fires  |
| <input type="checkbox"/> Present Flood Insurance Coverage                   | <input type="checkbox"/> Unplatted Easements   |
| <input type="checkbox"/> Landfill, Settling, Soil Movement, Fault Lines     | <input type="checkbox"/> Subsurface Structure or Pits                                |
|   | <input type="checkbox"/> Previous Use of Premises for Manufacture of Methamphetamine |

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

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

6. Are you (Seller) aware of any of the following?

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

- Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at that time.
- Homeowners' Association or maintenance fees or assessments.
- Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others.
- Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
- Any lawsuits directly or indirectly affecting the Property.
- Any condition on the Property which materially affects the physical health or safety of an individual.

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

7. If the property is located in a coastal area that is seaward of the Gulf Intracoastal Waterway or within 1,000 feet of the mean high tide bordering the Gulf of Mexico, the property may be subject to the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63, Natural Resources Code, respectively) and a beachfront construction certificate or dune protection permit may be required for repairs or improvements. Contact the local government with ordinance authority over construction adjacent to public beaches for more information.

\_\_\_\_\_  
Date Signature of Seller

The undersigned purchaser hereby acknowledges receipt of the foregoing notice.

\_\_\_\_\_  
Date Signature of Purchaser

SECTION 2. This Act applies only to a transfer of property

1 that occurs on or after the effective date of this Act. A transfer  
2 of property that occurs before the effective date of this Act is  
3 governed by the law applicable to the transfer immediately before  
4 that date, and the former law is continued in effect for that  
5 purpose. For the purposes of this section, a transfer of property  
6 occurs before the effective date of this Act if the contract binding  
7 the purchaser to purchase the property is executed before that  
8 date.

9 SECTION 3. This Act takes effect September 1, 2011.