

By: Workman

H.B. No. 3389

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

9 SELLER'S DISCLOSURE NOTICE

10 CONCERNING THE PROPERTY AT _____
11 (Street Address and City)

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

17 Seller ___ is ___ is not occupying the Property.

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

19 _____

20 1. The Property has the items checked below:

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

- | | | | | |
|----|------------------|----------------------|------------------|---------------|
| 22 | 23 | ___ Range | ___ Oven | ___ Microwave |
| 24 | ___ Dishwasher | ___ Trash Compactor | ___ Disposal | |
| 25 | ___ Washer/Dryer | ___ Window | ___ Rain Gutters | |
| 26 | ___ Hookups | ___ Screens | | |
| 27 | ___ Security | ___ Fire Detection | ___ Intercom | |
| 28 | ___ System | ___ Equipment | ___ System | |
| 29 | | ___ Smoke Detector | | |
| 30 | | ___ Smoke Detector - | | |
| 31 | | ___ Hearing Impaired | | |
| 32 | | ___ Carbon Monoxide | | |

- 1 Alarm
- 2 Emergency Escape
- 3 Ladder(s)
- 4 TV Antenna Cable TV Satellite
- 5 Ceiling Fan(s) Wiring Dish
- 6 Central A/C Attic Fan(s) Exhaust
- 7 Central Heating Fan(s)
- 8 Wall/Window
- 9 Air
- 10 Plumbing System Septic System Conditioning
- 11 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 [~~Nat./LP~~]
- 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/
Slab(s) | <input type="checkbox"/> Basement |
| 25 | | | |
| 26 | <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Driveways | <input type="checkbox"/> Sidewalks |
| 27 | <input type="checkbox"/> Plumbing/Sewers/
Septics | <input type="checkbox"/> Electrical
Systems | <input type="checkbox"/> Lighting
Fixtures |
| 28 | | | |
| 29 | <input type="checkbox"/> Other Structural Components (Describe): _____ | | |

30 _____

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

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

- | | | |
|----|---|---|
| 8 | <input type="checkbox"/> Active Termites | <input type="checkbox"/> Previous Structural |
| 9 | (includes | or Roof Repair |
| 10 | wood-destroying insects) | |
| 11 | <input type="checkbox"/> Termite or Wood Rot | <input type="checkbox"/> Hazardous or Toxic Waste |
| 12 | Damage | |
| 13 | Needing Repair | |
| 14 | <input type="checkbox"/> Previous Termite Damage | <input type="checkbox"/> Asbestos Components |
| 15 | <input type="checkbox"/> Previous Termite | <input type="checkbox"/> Urea formaldehyde |
| 16 | Treatment | Insulation |
| 17 | <input type="checkbox"/> Previous Flooding | <input type="checkbox"/> Radon Gas |
| 18 | <input type="checkbox"/> Improper Drainage | <input type="checkbox"/> Lead Based Paint |
| 19 | <input type="checkbox"/> Water Penetration | <input type="checkbox"/> Aluminum Wiring |
| 20 | <input type="checkbox"/> Located in 100-Year | <input type="checkbox"/> Previous Fires |
| 21 | Floodplain | |
| 22 | <input type="checkbox"/> Present Flood Insurance | <input type="checkbox"/> Unplatted Easements |
| 23 | Coverage | |
| 24 | <input type="checkbox"/> Landfill, Settling, Soil | <input type="checkbox"/> Subsurface |
| 25 | Movement, Fault Lines | Structure or Pits |
| 26 | | <input type="checkbox"/> Previous Use of Premises |
| 27 | | for Manufacture of |
| 28 | | Methamphetamine |

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

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

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

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

2 ___ Room additions, structural modifications, or other
3 alterations or repairs made without necessary permits or not
4 in compliance with building codes in effect at that time.

5 ___ Homeowners' Association or maintenance fees or assessments.

6 ___ Any "common area" (facilities such as pools, tennis courts,
7 walkways, or other areas) co-owned in undivided interest with
8 others.

9 ___ Any notices of violations of deed restrictions or
10 governmental ordinances affecting the condition or use of the
11 Property.

12 ___ Any lawsuits directly or indirectly affecting the Property.

13 ___ Any condition on the Property which materially affects the
14 physical health or safety of an individual.

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

17 _____

18 _____

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

28 _____
29 Date Signature of Seller

30 The undersigned purchaser hereby acknowledges receipt of the
31 foregoing notice.

32 _____
33 Date Signature of Purchaser

34 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.